



Ministry of Housing,  
Communities &  
Local Government

Rachel Turner  
Carter Jonas  
1 Chapel Place  
London  
W1G 0BG

Our ref: APP/K0425/W/24/3351904  
Your ref: 22/06443/FULEA

26 November 2025

Dear Rachel Turner

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78  
APPEAL MADE BY DIDO PROPERTY LIMITED  
LAND ADJACENT TO A4155 MARLOW ROAD AND WESTHORPE FARM LANE,  
MARLOW  
APPLICATION REF: 22/06443/FULEA**

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

1. I am directed by the Secretary of State to say that consideration has been given to the report of Katie McDonald MSc MRTPI, who held a public local inquiry which opened on 21 January 2025 into your client's appeal against the decision of Buckinghamshire Council to refuse your client's application for planning permission for production space and supporting buildings for screen-based media and associated services/industries. The development comprises: sound stages; workshops; office accommodation; Studio Hub; associated outdoor space such as backlots and unit bases; entrance structures and reception; security infrastructure; mobility hub; cafes; parking; bridge; incidental supporting buildings; associated infrastructure; public art; upgraded vehicular access onto Marlow Road; new cycle and pedestrian accesses; a new cultural/ educational/ recreational building; a new community building; and associated landscaping, publicly accessible recreational land and ecological and environmental enhancements/habitat creation, in accordance with application Ref. 22/06443/FULEA, dated 23 May 2022.
2. On 8 October 2024, this appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act (TCPA) 1990.

**Inspector's recommendation and summary of the decision**

3. The Inspector recommended that the appeal be allowed subject to conditions.
4. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions, except where stated, and agrees with her recommendation. He has decided

Ministry of Housing Communities & Local Government      Email: PCC@communities.gov.uk  
Laura Webster, Decision Officer  
Planning Casework Unit  
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to allow the appeal and grant planning permission. The Inspector's Report (IR) is attached. All references to paragraph numbers, unless otherwise stated, are to that report.

### **Environmental Statement**

5. In reaching this position, the Secretary of State has taken into account the Environmental Statement and Environmental Statement Addendums which were submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Having taken account of the Inspector's comments at IR5.1-5.3, the Secretary of State is satisfied that the Environmental Statement and Addendums provided comply with the above Regulations and that sufficient information has been provided for him to assess the environmental impact of the proposal.

### **Matters arising since the close of the inquiry**

6. On 12 August 2025, the former Secretary of State, Angela Rayner, wrote to the main parties to afford them an opportunity to comment on new information submitted in a representation regarding other studio developments. She further sought clarification regarding the red line boundary. Responses to the letter of 12 August 2025 and subsequent responses were recirculated to parties as set out in Annex A.
7. A list of other representations which have been received since the inquiry is at Annex A. The Secretary of State is satisfied that the issues raised do not affect his decision, and no other new issues were raised in this correspondence to warrant further investigation or necessitate additional referrals back to parties. Copies of these letters may be obtained on request to the email address at the foot of the first page of this letter.
8. The Secretary of State notes that it has been confirmed by Marlow Town Council that the evidence set out at IR12.27-12.34 was made in a personal capacity rather than being a formal representation of the Town Council.

### **Policy and statutory considerations**

9. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act (PCPA) 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
10. In this case the development plan consists of Wycombe District Local Plan (WDLP) (adopted August 2019), Delivery and Site Allocations Plan (adopted July 2013) and Buckinghamshire Minerals and Waste Local Plan (2016-2036) (adopted July 2019). The Secretary of State considers that relevant development plan policies include those set out at IR6.2-6.4.
11. Other material considerations which the Secretary of State has taken into account include those set out at IR6.7-6.8, the National Planning Policy Framework (the Framework) published on 12 December 2024 and updated on 7 February 2025, and associated planning guidance (the Guidance).
12. In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act (LBCA) 1990, the Secretary of State has paid special regard to the desirability of preserving those listed buildings potentially affected by the proposals, or their settings or any features of special architectural or historic interest which they may possess.

## *Emerging plan*

13. The emerging plan comprises the Local Plan for Buckinghamshire. The plan is at an early consultation stage which closed on 29 October 2025. Paragraph 49 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework. In the light of its early stage, the Secretary of State gives the emerging local plan very little weight.

## **Main issues**

### *Need*

14. The Secretary of State has carefully considered the Inspector's analysis of need, market demand, capacity and supply at IR15.11-15.37, and the parties' cases, including representations following the reference back process. He notes that parties do not agree on the need position (IR15.11).

15. In terms of the global market, he agrees with the Inspector's conclusions at IR15.11-15.15 that the Marlow Film Studios (MFS) ambition to attract global investment is directly aligned with the Framework and the UK Government's Industrial Strategy (IR15.14). For the reasons set out at IR15.16-15.19 the Secretary of State agrees that the UK is a leading destination for producers (IR15.17) and that MFS would contribute towards maintaining international competitiveness, given the scale, quality and overall offer of the proposal (IR15.19).

16. The Secretary of State agrees with the Inspector that it is inherently difficult to predict future demand for studio space, as it is dependent on several different factors (IR15.36). He agrees that there is uncertainty over the impact of the US Actors and Writers strikes (IR10.49), and further agrees that existing studios not choosing to implement their planning permissions does not lead to a conclusion that there is a surplus or a reduced demand, as the published reasons for those decisions do not highlight this as a specific factor (IR15.26).

17. The Secretary of State agrees for the reasons set out at IR15.21-15.24 that the case for additional investment in high-quality soundstage space can be made (IR15.23). He further agrees that this proposal would attract global investment, owing to its purpose built, high quality, Grade A studios, supplemented by its other supporting uses, in particular the Culture and Skills Academy, and its location in the West London Cluster (WLC) (IR15.36). The economic benefits of the proposal in are addressed in paragraph 36 below.

18. However, the Secretary of State does not consider that the proposal's ability to attract global investment leads directly to a conclusion that there is demonstrable unmet need. Taking into account the evidence which has been put forward, to the inquiry and in subsequent representations, and the Inspector's conclusions on existing capacity and pipeline supply (IR15.20-15.30), the Secretary of State agrees that there is existing and pipeline supply in the UK and specifically in the WLC (IR15.35). Whilst he further agrees that this is not certain, and that the global market is forecast to grow (IR15.35), overall he does not consider that the evidence justifies a finding that there is demonstrable unmet need.

## *Character and appearance of the area and the effect on the Thames Valley and Chilterns National Landscape (CNL)*

### Landscape and visual effects

19. For the reasons set out at IR15.44-15.47, the Secretary of State agrees at IR15.47 that whilst the site contains some features of quality, this is not sufficient to elevate it anywhere near a valued landscape. For the reasons set out at IR15.48-15.52, he agrees that the proposal would be a large, expansive and significant development, covering a large area, is of considerable height, and would inevitably influence the character and appearance of the area resulting in significant landscape effects within the site and immediate surroundings. He further agrees that in landscape impact terms this would be major/moderate adverse (IR15.48). He agrees that the effect on the wider Thames Floodplain Landscape Character Area would be moderately adverse, and less than significant (IR15.49) and it would not cause major harm to the receiving landscape pattern (IR15.52).
20. The Secretary of State agrees for the reasons given at IR15.53-15.57 that there would be significant visual effects caused by the proposal, affecting pedestrians, cyclists and vehicle users passing through or in proximity to the site, residential receptors and walkers on parts of the Chiltern Way on Winter Hill in the winter months, or in the CNL on the Thames Valley Slope, and in some cases this would result in a significant adverse change. However, he further agrees at IR15.56 that the area is not devoid of development, the proposal would be viewed in a wider context, the proposal would include the provision of significant landscaping, and aside from one viewpoint it would not break any skylines.
21. Overall, the Secretary of State agrees with the Inspector at IR15.64 that notwithstanding the quality of the scheme, it would still create a large, intensive and considerable change in the area, resulting in significant adverse landscape and visual effects. He considers that the harm to the character and appearance of the area carries significant weight.

### Effects on the CNL

22. It has been confirmed via the reference back exercise that the site boundary encroaches into the CNL, and that whilst the main proposed built development is within the setting of the CNL, the limited highways works proposed to the existing highway along the northern boundary of the site also encroach into the CNL. The Secretary of State has therefore considered the proposals both in terms of the setting of the CNL and the impact in the CNL itself. He has considered the Inspector's analysis at IR15.58-15.63, has taken into account his duty under section 245 (Protected Landscapes) of the Levelling Up and Regeneration Act (LURA) 2023<sup>1</sup> to seek to further the statutory purposes of the CNL, and has further considered the proposals against the guidance for relevant authorities published by DEFRA on 16 December 2024. In accordance with paragraph 189 of the Framework, the Secretary of State gives great weight to conserving and enhancing landscape and scenic beauty in National Landscapes.
23. For the reasons given at IR15.58-15.59 the Secretary of State agrees that the proposal would influence two of the special qualities of the CNL, namely the panoramic views and the network of rights of way (IR15.58), and that the height and expanse of the development, particularly in respect of plots 1-3 on the edge of the CNL, would introduce

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<sup>1</sup> Section 245 amends section 85 of the Countryside and Rights of Way Act, to create a new duty on relevant authorities

a considerable change in comparison to what can be seen currently (IR15.58). He considers that there would be a harmful impact on these special qualities.

24. The Secretary of State further agrees that some views from the CNL towards the site would be filtered, that the proposal would not be visible from all parts of the Thames Valley Slope or on the CNL (IR15.59), and that the location of MFS on the edge of Marlow would read as an extension to the town (IR15.60). The Secretary of State further agrees that the lighting from the proposal would be evident from elevated viewpoints during the hours of darkness, but with a suitable lighting scheme and the Backlot Management Plan, that the effects would be satisfactory (IR15.63).
25. Overall, the Secretary of State agrees at IR5.61 that whilst there would be an adverse effect on the setting of the CNL, it would not be significantly adverse. He further agrees that there would be no conflict with Policy DM30, which requires development in the setting to not have a significant adverse impact on the natural beauty of the CNL. He further considers there would be no conflict with Policy DM30 in respect of the small section of highway works which is within the CNL.
26. The Secretary of State agrees that whilst the scale is considerable, and much of the built form would be on the edge of the CNL, the proposal has been designed to minimise adverse impacts on the CNL, and is sensitively located adjacent to the edge of Marlow (IR15.61). He agrees with the Inspector at IR15.57 that the development is a high quality design, and considers the proposed landscaping and ecological management plans secured by conditions 29 and 43 respectively would further mitigate the impacts of the development on the surrounding landscape.
27. Overall, the Secretary of State considers that the location, design and proposed mitigation would minimise impacts from viewpoints within the CNL, and that the proposal would be in line with the policy in paragraph 189 of the Framework which states that development within the setting of the National Landscape should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas. He further considers that the limited nature of the highways works in the northern part of the site encroaching the CNL boundary would be in line with the policy in paragraph 189 of the Framework which states that the scale and extent of development within all these designated areas should be limited.
28. Based on the evidence before him, and his conclusions in paragraphs 22-27 above, the Secretary of State considers that in line with the DEFRA guidance, the proposals have sought to further the statutory purposes of the CNL by seeking to minimise impacts and avoid harm and contribute to the conservation and enhancement of the natural beauty, special qualities, and key characteristics of Protected Landscapes where possible. He considers that his duty under section 245 of the LURA 2023 to seek to further the statutory purposes of the CNL has been complied with.
29. The Secretary of State has found at paragraph 25 above that there would be an adverse effect on the setting of the CNL. He agrees that this would be in conflict with Policies CP10, DM32 and DM35 of the WDLP, but due to the quality of the scheme and the landscaping, the proposal would be in compliance with Policy CP9 of the WDLP. He further considers that the harm to the special qualities identified above at paragraph 23 would conflict with the Chilterns Management Plan (CMP). In the light of the sensitivity of

the National Landscape, and the policy in paragraph 189 of the Framework, he considers that the harm to the CNL carries great weight.

#### *Function and amenities of the surrounding area*

30. For the reasons given at IR15.66-15.70, the Secretary of State agrees that there would be an in principle policy conflict with Policy RUR4 of the WDLP but that the proposal would not adversely affect the function and amenities of the surrounding area (IR15.70). He gives limited weight to the loss of outdoor recreation.

#### *Locational sustainability and highway considerations*

31. For the reasons given at IR15.38-15.42, the Secretary of State agrees that the proposal would be in a sustainable location, offering a genuine choice of transport modes (IR15.42).

32. For the reasons given at IR15.71-15.74 and IR15.92-15.93, the Secretary of State agrees that the extent of modelling is satisfactory (IR15.74), and for the reasons given at IR15.41, IR15.75-15.86 and IR15.93, he agrees that given the provision of the Bilateral Undertaking (BU), the modal shift could be achieved such that sustainable modes of travel would be secured (IR15.93). For the reasons given at IR15.87-15.90 and IR15.93, the Secretary of State agrees that the changes proposed would provide safe conditions for all road users (IR15.93). He further agrees with the Inspector's conclusions on parking at IR15.91.

33. Overall, the Secretary of State agrees at IR15.94 that there would be no severe impact on the highway network and there would be betterments arising from the scheme, in compliance with national and local policy and guidance.

#### *Amenity of existing residents*

34. For the reasons given in IR15.95-15.97, the Secretary of State agrees that the proposal would introduce a tremendous change to the current experience of residents nearby (IR15.95). However, taking into account the proposed mitigation, he considers that whilst there would be a moderate loss of amenity and enjoyment of surroundings, a materially significant adverse effect on living conditions would not arise (IR15.97). In terms of noise impacts, for the reasons set out at IR15.98-15.102, the Secretary of State agrees that noise increases for the occupiers of Moat House would be significantly adverse and this would be contrary to Policy DM35 of the WDLP (IR15.102). The Secretary of State agrees with the Inspector at IR17.3 that the harm to the amenity of residents should be given limited weight and the harm from noise to occupants of Moat Farm should be given moderate weight.

#### *Ecology*

35. The Secretary of State has had regard to the replacement of nearby Biodiversity Net Gain (BNG) on the Little Marlow Land with off-site BNG at an unnamed location (IR15.103). For the reasons given at IR15.103-15.106 and IR17.3, he agrees there could be harm arising to skylarks if the location of the off-site BNG is some distance from the site (IR15.106), and agrees this attracts limited weight. He agrees the environmental benefits include the provision of 20% BNG (IR17.5). However, as this is all off-site, and

taking into account the uncertainty regarding compensation for the nesting of skylarks, he gives BNG provision moderate weight.

#### *Other considerations, including benefits*

36. For the reasons given at IR15.107-15.113, the Secretary of State agrees that there would be over 2,000 jobs created, and at least £249m GVA generated per annum. He further agrees that the economic benefits offered by the overall proposal and the commitments to upskill, offer jobs to local people and work with various bodies to seek job creation are considerable (IR15.111 and IR17.7). The Secretary of State further agrees that the proposal would deliver high-value film and TV content that can generate approximately £340m in production expenditure and provide between £95 million and £265 million in annual tax revenues through direct and indirect economic activity, and create a stronger WLC, thereby maintaining its international competitiveness and attractiveness to global investors (IR17.8). The Secretary of State considers that overall, the economic benefits attract very substantial weight.

#### Heritage

37. For the reasons given at IR15.114-15.119, the Secretary of State agrees that the harm to the significance of Westhorpe House (a Grade II Listed Building) and its setting would amount to less than substantial harm, at the higher end of the spectrum (IR15.119). For the reasons given at IR15.120-15.121, he agrees that the harm to the significance of the setting of Corners Cottage (Grade II) would be less than substantial and moderate on the spectrum (IR15.121). For the reasons given at IR15.122-15.123, he agrees that the harm to the character of the setting of the Little Marlow Conservation Area would be less than substantial, on the lower end of the spectrum (IR15.123). Overall, having regard to IR15.114-15.124, the Secretary of State concludes that the proposal would be contrary to Policies CP11, DM31 and RUR4 of the WDLP. In line with NPPF 212, he gives great weight to the harm to the settings of the designated heritage assets. He has carried out the heritage balance set out at paragraph 215 of the Framework at paragraph 54 below.

#### Other issues

38. For the reasons given at IR15.125, the Secretary of State agrees with the Inspector that the community building is not unnecessary. He agrees that the threat of artificial intelligence impacting production is unknown and can be given very little weight (IR15.18).

39. The Secretary of State agrees that there is no requirement in Green Belt policy to consider alternative sites (IR17.9).

40. The Secretary of State agrees that the scheme has been designed to be highly energy efficient and is seeking to target BREEAM very good or excellent rating, and that this carries limited weight (IR17.5). He further agrees that as the tree canopy cover of 27% is marginally higher than the policy requirement of 25%, it attracts limited weight (IR17.5).

41. For the reasons given at IR17.6, the Secretary of State agrees that the social benefits include the provision of 2.8ha of public open space which is of significant weight; the upgrades to the public rights of way (PRoWs) in the area are of moderate weight; the two new bus services are of significant weight; the provision of the Culture and Skills Academy and a community building are collectively of significant weight; and the

provision of a cafe, public art and off site highway improvements are collectively of significant weight.

### *Green Belt*

42. National Green Belt policy has changed since the adoption of the development plan documents, including with the introduction of policy on grey belt. However, the Secretary of State considers that in relation to the Green Belt, Policies CP8 and DM42 of the WDLP remain broadly consistent with the Framework. The Secretary of State has taken into account the Buckinghamshire Green Belt Assessment parts 1 and 2, and considers that it is generally consistent with the PPG's methodology and can be referenced for the purposes of this appeal.
43. The Secretary of State agrees that the land would not strongly contribute to purpose d) (IR15.4). The Secretary of State notes that whilst the Council and appellant agree that the land would not contribute strongly to purpose b), the Rule 6 party does not agree (IR15.5). The Secretary of State has had regard to the Council's evidence, the Green Belt Statement of Common Ground, Little Marlow's Proof of Evidence and Save Marlow's Green Belt's Statement of Common Ground. Overall, the Secretary of State agrees with the Inspector at IR15.5 that the site does not contribute strongly to purpose b).
44. The Secretary of State has considered the Inspector's analysis at IR15.6-15.8. He considers there are clear physical boundaries to contain development to the north (the A4155) and west (A404 and Marlow), but does not consider the site is clearly defined to the east and south. He agrees that this is fundamentally a settled landscape, with built form interspersed with rural uses (IR9.150) predominantly consisting of open fields and lakes (IR10.64) to the east and south (IR2.3). However, he does not agree that the site would essentially square off the existing development in the area and he considers development would result in an incongruous pattern of development (IR15.8). Unlike the Inspector, the Secretary of State therefore considers that the land does strongly contribute to purpose a) (IR15.8).
45. Given the Secretary of State's conclusions on the CNL at paragraphs 22-29 above, heritage impacts at paragraph 37 above, and the heritage test at paragraph 54 below, he considers that the application of policies in footnote 7 of the Framework would not provide a strong reason for refusing or restricting development. In light of his conclusions at paragraph 44 above and his conclusion on footnote 7 he considers that the site is not grey belt.
46. The Secretary of State has gone on to consider whether the criteria at paragraph 155(a) have been met. He agrees that developing the site would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan in Buckinghamshire, which is extensive (IR15.9). However, given his conclusion that the site is not grey belt, the Secretary of State concludes that the criteria in paragraph 155(a) are not met. As set out in paragraph 18 above, the Secretary of State has concluded that the evidence does not justify a finding that there is demonstrable unmet need. Therefore, the criterion in paragraph 155(b) is not met. As set out in paragraph 31 above, the

Secretary of State has concluded that the site is in a sustainable location. Therefore, the criterion at 155(c) is met.

47. Overall, the Secretary of State disagrees with the Inspector at IR15.43 and IR17.9. He considers that the proposal would be inappropriate development in the Green Belt and therefore Very Special Circumstances (VSCs) are required to be demonstrated.
48. Having had regard to IR9.36-9.39, IR10.26-10.35, and IR11.4-11.7, the Secretary of State considers that there would be a significant level of harm to Green Belt openness. He further considers that there would be harm to the purposes of the Green Belt as set out at paragraph 143 of the Framework; in particular to purposes a) and c), with limited harm to purpose b). He considers that harm to the Green Belt carries substantial weight. His conclusion on whether VSCs exist is set out at paragraph 55 below.

### **Planning conditions**

49. The Secretary of State had regard to the Inspector's analysis at IR16.1-16.21, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 57 of the Framework and the relevant Guidance. The Secretary of State agrees at IR16.17 that the Council's condition, 46A, should be imposed, rather than the appellant's version, 46B. This condition now appears as condition 46 in Annex B of this letter. He is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 57 of the Framework and that the conditions set out at Annex B should form part of his decision.

### **Planning obligations**

50. The Secretary of State has had regard to the Inspector's analysis at IR16.22-16.23, the planning obligation dated 4 April 2025, paragraph 58 of the Framework, the Guidance and the Community Infrastructure Levy (CIL) Regulations 2010, as amended. For the reasons given at IR16.22-16.23, he agrees with the Inspector's conclusion that the obligation complies with Regulation 122 of the CIL Regulations 2010 and the tests at paragraph 58 of the Framework. For the reasons given at IR16.24, the Secretary of State has not taken the Unilateral Undertaking dated 4 April 2025 into account in his determination of the appeal.

### **Planning balance and overall conclusion**

51. For the reasons given above, the Secretary of State considers that the appeal scheme is not in accordance with Policies CP10, CP11, DM31, DM32, DM35 and RUR4 of the development plan, and is not in accordance with the development plan overall. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in line with the development plan.
52. Weighing in favour of the proposal are the economic benefits which carry very substantial weight. The BNG; public open space; new bus services; the Culture and Skills Academy and a community building (collectively); and the cafe, public art and off-site highway improvements (collectively), each carry significant weight. The PRoW improvements carry moderate weight, and the energy efficiency and tree canopy cover each carry limited weight.
53. Weighing against the proposal is the harm to the Green Belt carrying substantial weight; the harm to the character and appearance of the area carrying significant weight; harm to the CNL and harm to designated heritage assets each carrying great weight; the harm

from noise to occupants of Moat Farm carrying moderate weight; the harm to amenity of residents, the harm to nesting skylarks and the loss of outdoor recreation each carrying limited weight; and the threat of artificial intelligence impacting production carrying very little weight.

54. In line with the heritage balance set out at paragraph 215 of the Framework, the Secretary of State has considered whether the identified 'less than substantial' harm to the significance of the designated heritage assets is outweighed by the public benefits of the proposal. Taking into the account the public benefits of the proposal as identified in this decision letter, overall the Secretary of State considers that the benefits of the appeal scheme are collectively sufficient to outbalance the identified 'less than substantial' harm to the significance of Westhorpe House, Corners Cottage and Little Marlow Conservation Area. He considers that the balancing exercise under paragraph 215 of the Framework is therefore favourable to the proposal.
55. The Secretary of State considers that in this case, the potential harm to the Green Belt through inappropriateness, harm to purposes, harm to openness, and any other harm resulting from the proposal, as identified in paragraph 53 above, is clearly outweighed by other considerations and therefore there are VSCs which would justify this development in the Green Belt.
56. Overall, in applying s.38(6) of the PCPA 2004, the Secretary of State considers that despite the conflict with the development plan, the material considerations in this case indicate that permission should be granted.

### **Formal decision**

57. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby allows your client's appeal and grants planning permission subject to the conditions set out in Annex B of this decision letter for production space and supporting buildings for screen-based media and associated services/industries. The development comprises: sound stages; workshops; office accommodation; Studio Hub; associated outdoor space such as backlots and unit bases; entrance structures and reception; security infrastructure; mobility hub; cafes; parking; bridge; incidental supporting buildings; associated infrastructure; public art; upgraded vehicular access onto Marlow Road; new cycle and pedestrian accesses; a new cultural/educational/recreational building; a new community building; and associated landscaping, publicly accessible recreational land and ecological and environmental enhancements/habitat creation, in accordance with application Ref. 22/06443/FULEA, dated 23 May 2022.
58. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the TCPA 1990.

### **Right to challenge the decision**

59. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an

application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the TCPA 1990.

60. A copy of this letter has been sent to Buckinghamshire Council, Little Marlow Parish Council and Save Marlow's Green Belt, and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

*Laura Webster*

Decision officer

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

## Annex A Schedule of representations

### General representations

Party	Date
J and S Davis	14 February 2025
Emma Reynolds MP	26 February 2025
Joy Morrissey MP	27 February 2025
Joy Morrissey MP	3 March 2025
Joy Morrissey MP	24 March 2025
B Thomas	8 April 2025
G Carter	11 April 2025
J Waterman	15 April 2025
J Hall	21 April 2025
S Kershaw	25 April 2025
S Kershaw	25 April 2025
L Sanderson	26 April 2025
Joy Morrissey MP	9 May 2025
T Polleit	19 May 2025
H Martin	23 June 2025
S Kershaw	24 July 2025
Rt Hon Lisa Nandy	6 August 2025, letter dated 5 August 2025
M Robinson	14 August 2025
B Thomas	29 August 2025
D Hampton	9 September 2025
Emma Reynolds MP	23 September 2025

### Representations received in response to the Secretary of State's letter of 12 August 2025

Party	Date
Carter Jonas on behalf of Appellant	14 August 2025
Buckinghamshire County Council	27 August 2025
Little Marlow Parish Council	29 August 2025
Carter Jonas on behalf of Appellant	1 September 2025

### Representations received in response to the Secretary of State's recirculation of reference back responses dated 5 September 2025

Party	Date
Save Marlow's Greenbelt	8 September 2025
Carter Jonas on behalf of Appellant	11 September 2025
Buckinghamshire County Council	12 September 2025

## Annex B List of conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

2. The development hereby permitted shall be carried out in accordance with the details and documents and plans attached to this decision in Annex E.
3. Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and reenacting that Order with or without modification, the land and/or building(s) shall not be used for any purpose other than use as a TV and film studio (and associated ancillary uses) and a community hall.
4. No live filming requiring an audience shall take place on the site without the prior written approval of the local planning authority. Any requests for such events shall be made in writing to and approved by the local planning authority not less than 10 working days prior to the event and the request shall include details of date(s), times, duration, measures to minimise noise and disturbance and a visitor and parking management plan. Events shall be managed in accordance with the approved details.
5. No development shall commence until a build sequence plan has been submitted to and approved by the Local Planning Authority. The build sequence plan to be submitted shall be broadly in accordance with the Build Sequence plan submitted at Appendix C of the February 2024 Environmental Statement Addendum (Feb 2024). The development shall be carried out in accordance with the approved details.
6. No development shall commence (including any works of demolition and ground works) on each relevant part of the development hereby permitted until a Construction Management Plan (Environmental and Traffic) (CETMP) has been submitted to and approved in writing by the Local Planning Authority in respect of that relevant part of the site. The CETMP shall include details of the following matters in relation to the construction for that relevant part:
  - a) Construction programme for the site
  - b) text, maps, and drawings as appropriate of the scale, timing and mitigation of all construction related aspects of the development;
  - c) construction details of all new site access points;
  - d) routing and types of vehicles;
  - e) measures to limit delivery journeys on the Strategic and Local Road Network during highway peak hours;
  - f) traffic movements (including operating times, an estimate of daily construction movements and a cumulative estimate of other approved CTMPs in respect of each individual part of the development);
  - g) traffic management (to include the co-ordination of deliveries, plant and materials and the disposal of waste to avoid undue interference with the operation of the public highway, particularly identifying sensitive times to be avoided);

- h) Measures limiting construction traffic to 50 movements between 0730 to 0930 and 1630 to 1830 prior to the completion of the proposed improvements at Westhorpe Interchange
- i) hours of construction;
- j) construction compounds and storage and dispensing of fuels, chemicals, oils and any hazardous materials (including hazardous soils) area(s) and areas for the storage of plant and materials used in constructing the development;
- k) location of parking of site operatives and visitors, loading and unloading areas;
- l) wheel and chassis cleaning mitigation to prevent mud from vehicles leaving the site during construction, and measures to monitor the same;
- m) location and specification of temporary lighting;
- n) risk management and emergency procedures;
- o) location, design, material and scale of hoarding.;
- p) a *pre-* condition survey of the Marlow Road (A4155) prior to any ground works and demolition and thereafter repeated at 12 monthly intervals and measures for carrying out any remedial works.
- q) the mitigation measures in respect of noise and disturbance during the construction phase including vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes;
- r) a scheme to minimise dust emissions arising from construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
- s) details of any proposed strategic road temporary traffic management measures on the SRN;
- t) details of drainage arrangements during the construction phase identifying how surface water run-off will be dealt with so as not to increase the risk of flooding to downstream areas because of the construction programme;
- u) protection measures for hedgerows;
- v) contact details of personnel responsible for the construction works; and
- w) a Foundation Works Risk Assessment and details of piling and/or other foundation techniques using penetrative methods, within areas that have been land filled, if necessary;

The construction of that part of the development permitted shall be carried out in accordance with the approved CETMP.

7. No development shall commence (including demolition, ground works, vegetation clearance) until 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:
  - a) Risk assessment of potentially damaging construction activities.
  - b) Identification of "biodiversity protection zones".
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (this must include Reasonable Avoidance Measures Method Statement (RAMMS)) on protected species.
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.

- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) identification of water bodies on and off site that need to be protected from pollution during the period of construction and confirmation of the measures to be put in place to protect them.
- j) Details of a sensitive lighting scheme for use during the construction phase to minimise the impacts of light spill on the waterbodies and their adjacent habitats.
- k) Proposed treatment/eradication of Japanese knotweed (*Reynoutria Jjaponica*) within the site.

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

- 8. Prior to commencement of any part of the development as shown on the approved Build Sequence Plan, a Site Waste Management Plan in respect of that part of the development shall be submitted to and approved in writing by the Local Planning Authority. This shall include principles for handling, disposing of and managing waste during construction, and confirming targets for the reuse and recycling of waste and diversion of waste from landfill for that phase of the development. Construction shall be carried out in accordance with the approved details for that part of the development.
- 9. No development shall commence on any part of the development as shown on the approved Build Sequence Plan until a detailed Energy Statement for that part of the development has been submitted to and approved in writing by the Local Planning Authority. The statement shall be in broad accordance with measures set out in Energy Statement - Document 18, prepared by AECOM, dated May 2022 and Sustainability Statement - Document 17, prepared by AECOM, dated May 2022. It shall include a robust, detailed assessment of the feasibility of measures to utilise decentralised, renewable or low-carbon sources of energy; and water efficiency measures. The development shall be constructed in accordance with the approved Energy Statement.
- 10. No development shall commence until a detailed Ecological Design Strategy (EDS) detailing mitigation, compensation and enhancement measures has been submitted to and approved in writing by the local planning authority.

The EDS shall be based on the Preliminary Ecological Design Strategy (DRAFT) (Waterman, 4th September 2023) – ref: WIE18037-127-17-1-7 and its appendices and shall include (but not necessarily be limited to) the following:

- a) Purpose and conservation objectives for the proposed works linked to requirements for identified species and for Biodiversity Net Gain calculations.
- b) Review of site potential and constraints.
- c) Detailed designs and/or working method(s) to achieve stated objectives.

- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Specification and source of materials (plants and otherwise) to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance.
- i) Details of a scheme for monitoring and remedial measures, including those for the floating vegetated raft systems.
- j) Details for disposal of any wastes arising from works.
- k) Retention and protection of existing habitats during construction.
- l) Habitat removal and reinstatement.
- m) Provision for wildlife corridors, linear features and habitat connectivity.
- n) Woodland, tree, hedgerow, shrub, wetland and wildflower planting and establishment.
- o) Proposed new landforms associated with habitat creation.
- p) Soil handling, movement and management.
- q) Creation, restoration and enhancement of semi-natural habitats.
- r) Species rescue and translocation, for reptiles
- s) Plans, designs and specifications for a floating raft system (FloraFloat® system, or equivalent) to be included on Westhorpe Lake showing a minimum of 5 rafts, each of which is a minimum of 10 metres in length. The width, shape and location of each raft to be clearly indicated along with the anchoring mechanism.
- t) Ecological aspects of the design of the crossing of Westhorpe watercourse.
- u) Plans designs and specifications of the ecological elements of the green roof and green wall, including species to be included (responding to the needs of invertebrates recorded on site) and any additional ecological features included within them.
- v) Details of the proposed bank reprofiling alongside the Westhorpe Watercourse (including details of how impacts to bankside trees are managed), marginal planting shelves and the proposed semi-natural wetland platforms/ vegetated central islands in the Westhorpe Watercourse channel (including location, extent, materials and construction method, and interaction with the proposed crossing including impacts of shading).
- w) Details of the proposed clearance of vegetative matter from the offsite watercourse to the east and installation of features to its banks to create a varied flow profile.
- x) Plans, and specifications for new wildlife features, including bat roosts structures, bird nesting features within buildings, reptile hibernacula, an artificial otter holt, barn owl boxes and insect hotels.
- y) Provision and control of access and environmental interpretation facilities, e.g. bird hides, paths, fences, bridges, stiles, gates and signs/information boards.

The EDS shall, where appropriate, be cross-referenced in other relevant details (e.g. landscape plans, detailed building design, construction environmental management plan (CEMP)), and it shall be implemented in accordance with the approved details and all features shall be retained and maintained in that manner thereafter for the life of the development.

11. No development shall commence until a Habitat Creation, Management and Monitoring Plan for the off site BNG, has been submitted to and approved in writing by the local planning authority. The plan shall include:
- a) Description and evaluation of the baseline site including soil characteristics, existing vegetation and any other constraints or features of the land which impact upon the habitats which can be created, and the way in which they can be created and managed.
  - b) Ecological trends and constraints on site that might influence creation and/or management.
  - c) Detailed plans and specifications for the retention, enhancement or creation of habitats on site. These must be produced in coordination with landscape architects and consider amenity value, views through and beyond the site. Habitats provided must ensure metric trading rules are met and must also compensate for the varied mosaic style of habitat lost. Designs should seek an informal mix of grassland, trees, scrub and some wetter areas, some slight changes in soil levels will be appropriate for aesthetic and or ecological reasons.
  - d) Detailed plans, specifications, prescriptions and timescales for initial creation or enhancement.
  - e) Aims and objectives of management, including the achievement of habitat, hedgerow and river biodiversity units.
  - f) Chosen appropriate management options for achieving aims and objectives.
  - g) Prescriptions for management actions.
  - h) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period and longer term works which are expected within the next 30 years).
  - i) Details of the body or organisation responsible for implementation of the plan.
  - j) Ongoing monitoring and remedial measures.

The Habitat Creation, Management and Monitoring Plan shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The Habitat Creation, Management and Monitoring Plan shall also set out (where the results from monitoring show that conservation aims and objectives of the Plan are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved Plan will be implemented in accordance with the approved details.

12. If the development hereby approved does not commence (or, having commenced, is suspended for more than 12 months) within 18 months from the date of the planning permission, the approved ecological measures secured through Condition 10 shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to:
- a) establish if there have been any changes in the presence and/or abundance of protected species which could be impacted by the proposals and which would not be adequately protected by the measures in place, and
  - b) identify any new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised with new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement (or recommencement) of development. Works will be carried out in accordance with the proposed new approved ecological measures and timetable.

13. No development shall commence until an updated Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) for the site has been submitted to and approved in writing by the Local Planning Authority.

The AMS shall be updated to include:

- a) the access arrangement scheme onto Marlow Road
- b) Methods of any construction related activities within root protection areas (RPA as defined in BS5837:2012) of the retained trees.
- c) Where relevant, a full specification for the construction of any roads and footways including details of the no-dig specification and extent of the areas to be constructed using a no-dig specification. Details shall include relevant sections through them.
- d) A specification for protective fencing to safeguard retained trees during clearance and construction phases.
- e) Methodology and specification for any facilitation pruning, including root pruning in accordance with BS3998:2010.
- f) Schedule of arboricultural monitoring and supervision (which includes visits by the Arboricultural consultant during installation of protective measures and structures within the RPAs of retained trees).

The development shall be implemented in accordance with the approved details.

14. No development shall commence until a detailed canopy cover implementation plan and updated tree canopy cover spreadsheet, based on the Canopy Cover update Addendum Planning Statement - Appendix 3A - Tree Canopy Cover Addendum (March 2023) has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) tree pit design informed by adjacent grey infrastructure, underground services, street lighting and drainage
- b) details of the required soil volume and how the required volume will be achieved in both hard and soft landscaped areas
- c) the locations of other underground infrastructure to demonstrate that there are no clashes.
- d) details of monitoring and supervision of the tree planting process including provision to take photographs of each tree pit/soil volume space, prior to filling with soil.
- e) details of an irrigation system, maintenance and management (of trees for at least 5 years after planting).

The development shall be carried out and completed in accordance with the approved details.

15. No development within Plots 4 or 5 shall take place until a detailed scheme for the crossing over Westthorpe Watercourse between Plots 4 and 5 has been submitted to and approved in writing by the local planning authority. The scheme shall include:
  - a) Detailed design drawings of the crossing structure;
  - b) Details of the materials to be used in the construction;
  - c) Details of measures to be taken to protect the environment adjacent to the proposed crossing, both terrestrial and aquatic;
  - d) An environmental risk assessment including details of pollution prevention measures to be employed among other measures.
  - e) Timescale for its implementation.

The crossing shall be implemented in accordance with the approved details.

16. No development shall commence within Plot 4 until a Site Investigation Report relating to Plot 4 has been submitted to and approved in writing by the local planning authority. This Site Investigation report shall provide a detailed assessment of the risk to controlled waters and natural environmental features that may be affected, including those outside Plot 4. It shall include a minimum of 3 rounds of background monitoring for Per- and polyfluoroalkyl substances completed up and down the hydraulic gradient of Plot 4, and for the avoidance of doubt, monitoring of substances which may flow into and/or out of Plot 4.
17. No development shall commence (including any works of demolition and ground works) until geotechnical submissions for that part of the site within 10m of the A404 strategic highway (in accordance with Design Manual for Roads and Bridges Standard CD622) have been submitted to and approved in writing by the Local Planning Authority (in consultation with National Highways). The development shall be carried out in accordance with the approved details and retained thereafter.
18. No development shall commence until a detailed site-wide Revised Remediation Scheme, has been submitted to and approved in writing by the local planning authority. This Revised Remediation Scheme shall be based on the Remediation Strategy ref WIE18037-100-S-2-3-2-RMS issue 2-3-2 dated October 2022 (Waterman Infrastructure & Environment Ltd), as updated by the findings of the updated Site Investigation relating to plot 4, and shall include:
  - a) A Remediation Strategy which uses the results of the Site Investigations to carry out a detailed risk assessment, provides an options appraisal, and sets out full details of the remediation measures required and how they are to be undertaken.
  - b) A Groundwater Sampling Plan to monitor groundwater prior to, during and following any groundworks to be undertaken.

- c) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in part (a) are complete and identifying requirements for monitoring of pollutant linkages, maintenance and arrangements for contingency action. This shall also include groundwater monitoring results and actions taken.

The scheme shall be implemented in accordance with the approved details.

- 19. No development shall commence until a scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes, has been submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected.

The scheme shall be implemented in accordance with the approved details prior to the occupation of any part of the development.

- 20. No development shall commence until detailed existing and proposed levels drawings of the site, demonstrating if land levels are being raised or lowered, have been submitted to and approved in writing by the Local Planning Authority. The levels should be in accordance with the illustrative design levels information shown on plan ref: 000019, submitted at Appendix 8b of the June 2023 Planning Statement Addendum, and comprise:

- a) Existing ground levels on site (spot heights) including a datum point that is located off site. Levels should be Above Ordnance Datum (AOD).
- b) The level of the road outside the site (AOD).
- c) The proposed levels on site following completion of the development (for each existing height a proposed height should be identified).
- d) The location and type of any retaining structures needed to support ground level changes.
- e) The Finished Ground Floor Level for every building that is proposed.
- f) Existing and proposed cross sections within the site taken up to the site boundaries.

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

- 21. No development shall commence until a noise management plan, incorporating a plan for the operational phase, has been submitted to and approved in writing by the Local Planning Authority which specifies the provisions to be made for the control of noise emanating from the site. Thereafter, the use shall comply with the approved scheme.

- 22. No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in

writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

- a) Hydraulic Modelling to demonstrate the impact of the proposed bridge on the watercourse
- b) Water quality assessment demonstrating that the total pollution mitigation index equals or exceeds the pollution hazard index; priority should be given to above ground SuDS components
- c) Confirmation of the road material between the bridge and plot 5 (Backlot)
- d) Details of how the bridge structure will manage surface water runoff
- e) Full construction details of all SuDS and drainage components
- f) Detailed drainage layout with pipe numbers, gradients and pipe sizes complete, together with storage volumes of all SuDS components
- g) Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus climate change storm event should be safely contained on site. Calculations must also include:
  - i. Floatation calculations based on groundwater levels encountered during winter monitoring
  - ii. Submerged outfall calculations
- h) Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites.
- i) Details of the surface water drainage system for the on-site roads, footways and cycleways

23. No development shall take place until a written scheme of investigation for an archaeological watching brief on the ground works has been submitted to and approved by the local planning authority. The archaeological watching brief should be undertaken by a professionally qualified archaeologist working to the agreed written scheme of investigation

24. No development shall commence (including demolition, ground works vegetation clearing) until planning permission has been granted for a replacement 'Volvo' bridge, which is capable of being used by pedestrians, cyclists and is DDA compliant along with associated footpaths and cycle connections.

The development hereby permitted shall not be occupied until the replacement Volvo Bridge (which is capable of being used by pedestrians, cyclists and is DDA compliant) has been provided in accordance with its agreed consents and is available for use by occupiers of the film studio and the general public.

25. No development shall commence until full details of the internal road carriageways, footways and cycleways construction specifications and drainage details have been submitted to and approved in writing by the Local Planning Authority. No buildings

shall be occupied until the internal road carriageways, footways and cycleways which provide access to it from the existing highway have been laid out and constructed with a bound surface material in accordance with the approved details and maintained thereafter.

26. Notwithstanding the submitted details, a schedule and/or samples of the external materials and finishes for the buildings in any part of the development shall be submitted to and approved in writing by the Local Planning Authority before any work to the external finish of that part of the development takes place. The development shall be carried in accordance with the approved details.
27. Notwithstanding the submitted details, a sample wall of the sound stage buildings metal profile cladding, including highlight colours, shall be constructed on site for inspection and approval in writing by the Local Planning Authority before any work to the external finish of the sound stage buildings takes place. The development shall be carried in accordance with the approved details.
28. Notwithstanding the submitted details, a schedule and/or samples of all hard surfacing materials to hard landscaped areas, footpaths, including the public rights of way and similar areas shall be submitted to and approved in writing by the Local Planning Authority before any work to the finished surfaces of the development takes place. The development shall be carried in accordance with the approved details.
29. No phase of development shall commence above ground, until a fully detailed landscaping scheme, informed by approved drawing (P20514-00-003-GIL-0100-rev 13, submitted at Appendix 10 of the March 2023 Planning Statement Addendum, as amended by the landscape plans contained within the Environmental Enhancement Strategy (Feb 2024) submitted with the February 2024 Addendum), has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall also include details of:

- a) replacement tree planting to mitigate for the removal of any trees as a consequence of the site access arrangement scheme onto Marlow Road.
- b) details of green roofs and walls
- c) a programme for implementation.

For green roofs and walls it will be necessary to detail:

- d) a plan of species to be planted
- e) sections of the roof/wall
- f) depth and type of soil
- g) details of any SuDS included
- h) future maintenance

The development shall be carried in accordance with the approved details.

30. No development shall commence above ground until a detailed lighting strategy and specification report has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be in accordance with the lighting concept/strategy set out Document 12 (dated 16 May 2022).

The strategy shall be informed by the Bat Conservation Trust/Institution of Lighting Professionals Guidance Note 08/23 – Bats and Artificial Lighting at Night and shall:

- a) identify those areas/features on site that are particularly sensitive for nocturnal species, specifically bats, and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
- c) Demonstrate that any lighting will not adversely affect highway safety
- d) include details of maximum luminance and lights to be erected, location, height, type and direction of light sources and intensity of illumination
- e) include details of the lights to be switched off/ and or dimmed at night including times.

The development shall be carried in accordance with the approved details before the first occupation of the development and thereafter retained. No external lighting other than that approved shall be installed.

31. Prior to the installation of any plant or equipment that either exhausts to or ventilates from or is located on the outside of a building, a written management plan detailing any plant including air ventilation, cooling, heating, extraction, or odour control systems for each building shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall include and reflect the outcome of written odour and noise/vibration risk assessments and also include written details relating to the maintenance requirements of the proposed plant in order to maintain its future effectiveness. The odour and noise risk assessments shall be based on published guidance - Commercial Kitchens: Control of Odour and Noise from Commercial Kitchen Exhaust Systems (by Ricardo Energy and Environment 2018).

No part of the building to which the plant relates shall come into use until the approved plant has been installed and commissioned in accordance with the approved management plan. Thereafter, it shall be retained, operated, and maintained in accordance with the approved details.

The acoustic impact of the plant, in normal peak operation, shall be minimised but in no event shall its Rating Level exceed a Background Sound Level by more than 3 dB(A) as assessed within the curtilage of any nearby residential property, educational facility, or publicly accessible area having regard to the definitions set out in British Standard BS4142: 2014 + A1: 2019.

Any mitigation required to meet this condition shall be installed prior to first use of that equipment and thereafter maintained.

32. Prior to occupation of any part of development hereby permitted, an Operational Management Plan shall be submitted to and agreed in writing by the Local Planning Authority broadly in accordance with the draft Operational Management Plan prepared and submitted by SLR Consulting dated 6 February 2024. The Operational Management Plan shall include but not limited to the following:
- a) Details of HGV routing;
  - b) Measures to manage vehicular movements during peak periods (Monday Friday AM Peak (0800-0900) and PM Peak (1700-1800));
  - c) Details of staff shift changes which seek to minimise the effect during peak operational periods of the surrounding highway network;
  - d) Signage Strategy;
  - e) Car Park Management Plan.

Each part of the development shall be operated in accordance with the approved details.

33. Prior to occupation of any part of development hereby permitted, a Site Management Plan will be submitted to and agreed in writing by the Local Planning Authority broadly in accordance with the draft Site Management Plan prepared and submitted by SLR Consulting dated 6 February 2024.

The Site Management Plan shall include but not be limited to the following:

- a) ensuring that all servicing and waste collection to/from the site is undertaken in a safe manner – achieved through the management of vehicles on the site
- b) ensuring that all servicing and waste collection does not affect the operation of the surrounding highway network – achieved through the routing strategy and using a booking system to control arrival times
- c) ensuring that all servicing and waste collection is undertaken to minimise journeys through consolidation where possible – achieve by minimising vehicle movements through maximising payloads
- d) details of parking, manoeuvring and loading/unloading areas related to the relevant parts of the development.

Each part of the development shall be operated in accordance with the approved details.

34. The development hereby permitted shall not be occupied until the means of access onto Marlow Road has been constructed in accordance with the approved plans (Conceptual Roundabout Arrangement plan (Ref: 000013 P02, 09.01.24)). The access shall be retained thereafter.

35. The development hereby permitted shall not be occupied until the visibility splays for site access on Marlow Road have been provided in accordance with the approved plans (Conceptual Roundabout Arrangement Visibility Analysis; ref: 000016; 09.01.24). The area contained within the splays shall be kept free of any obstruction exceeding 0.6 metres in height above the nearside channel level of the carriageway.
36. No part of the development hereby permitted shall be occupied until details of the cycle storage facilities for that part of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to first occupation of the building(s) or backlot to which the part relates and retained thereafter.
37. The development hereby permitted shall not be occupied until details of the surface construction and alignment of the cycling connection route running parallel with the A404 from the A4155 to Footpath MAW/16, have been submitted to and approved by the Local Planning Authority. The route shall be constructed in accordance with the approved details, and be publicly available for walking and cycling prior to the first occupation of any part of the development. Thereafter the route shall be maintained, kept open to the public and unobstructed at all times unless essential maintenance is required, for which the prior written approval of the local planning authority shall be necessary. Any requests for such closure or alteration of the route shall be made not less than 10 working days prior to the commencement of the essential maintenance works.
38. The parking, manoeuvring, and the loading and unloading of vehicles shown on the approved plans shall be carried out in accordance with the approved details and made available for use before the first occupation of the buildings or backlot to which it relates. Thereafter those areas identified for parking, manoeuvring and loading shall not be used for any other purpose.
39. No part of the development shall be occupied until a scheme for a detailed parking management strategy has been submitted to and approved in writing by the Local Planning Authority for that part of the development. The development shall be carried out in accordance with the approved scheme.
40. Prior to the occupation of the development hereby permitted, 20% of parking spaces must be provided with an electric vehicle charging point with a minimum rating of 7.4 kW 32A or higher Type 2 electric vehicle dedicated charger. The remaining parking spaces must be provided with passive installation of electric vehicle charging points which will allow for 100% provision of electric vehicle charging points in future if the need arises.

41. No development shall commence until a scheme detailing the provision of the permissive footpath, footway and cycleway links within the Development, has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details prior to first occupation of each respective part of the times unless temporary closure of the permissive footpath, footway and cycleway links is required for essential maintenance or as otherwise authorised by this condition. Any requests for such closure or alteration of the route shall be made not less than 10 working days prior to the commencement of the essential works. Any approved closure or alteration of the route shall be implemented in accordance with the approved details.

No building shall be occupied within Plot 4 until an Access Framework (as part of the Culture and Skills Academy Safeguarding Strategy) has been submitted to and approved in writing by the local planning authority setting out the principles for the closure of any permissive footpath, footway and cycleway within Plot 4 for specific events in connection with the approved educational use of the Culture and Skills Academy in combination with the other approved uses of the development.

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

42. No building/s shall be occupied until evidence that they have been constructed and perform in line with the detailed Energy Statement approved under condition 9 above has been submitted to and approved in writing the Local Planning Authority.

43. A landscape and ecological management plan (LEMP) shall be submitted to and be approved in writing by the local planning authority prior to first occupation of the development. The submitted document shall be based on the Document 8 (Landscape Management and Maintenance Plan – ref: P03). The content of the LEMP shall include:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved LEMP will be implemented in accordance with the approved details.

44. Prior any part of the development being occupied, a Verification Report for that part of the site demonstrating the completion of works set out in an approved site-wide Revised Remediation Scheme and the effectiveness of the remediation shall be submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met, together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils. The approved monitoring and maintenance programme shall be implemented.

45. Notwithstanding the details submitted, prior to first occupation of the development, full details of all screen and boundary walls, fences, gates and any other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The submitted information shall include detail of the appearance, height and location of the boundary treatment, access details and limitations where appropriate and an implementation programme. The information shall be in accordance with the Security and Fencing Plan submitted with the application (ref: MFS-PP-MP-Local Plan-0003, 20/05/22) and the Design and Security section of the Design and Access Statement (p.137-138, May 2022).

The development shall be carried out in accordance with the approved details. All means of enclosure which are part of the approved scheme shall thereafter be retained in accordance with the approved details.

46. No part of the backlot shall be brought into use until a detailed Backlot Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Backlot Management Plan shall be in accordance with the principles set out in the Backlot Management Plan dated February 2024. The plan shall include, but not be limited to, the following details:

- a. hours of operation including production set up, filming and strike;
- b. details of any external lighting including temporary lighting;
- c. mitigation for night time filming
- d. maximum heights of temporary constructions
- e. details of any noise generating plant, machinery, equipment; and,
- f. measures for managing noise associated with filming including, sound systems, kinetic special effects, and pyrotechnics and transport noise with the potential to impact on surrounding amenity;
- g. an annual review mechanism to review the approved backlot management plan and identify any additional measures required and update the approved Backlot Management Plan;
- h. details of security and screening, access and utility provision;
- i. the appointment of community liaison manager and communication procedures, to deal with any complaints or concerns raised by members of the public regarding the use of the backlot for filming.

There shall be no reversing alarms allowed on any part of the backlot between the hours of 7pm and 7am.

The Backlot Management Plan is to be reviewed and updated annually in accordance with the details as approved. The backlot shall thereafter be managed in accordance with the approved Backlot Management Plan or any subsequent approved updated Backlot Management Plan.

47. No part of the development shall be occupied until confirmation has been provided to the local planning authority that either:
  - a) All foul water network upgrades required to accommodate the additional flows from the development have been completed; or
  - b) A development and infrastructure phasing plan has been agreed with Thames Water, and implemented in full.
  
48. If, during development, contamination not previously identified is found to be present at the site then no further development within that part of the site (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.
  
49. 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 of the buildings or the completion of the part of development in which it relates, whichever is the sooner. Any trees, plants or areas of turfing or seeding which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar species, size and maturity to be approved by the Local Planning Authority.



Planning Inspectorate

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# Report to the Secretary of State

by Katie McDonald MSc MRTPI

Inspector appointed by the Secretary of State

Date 3<sup>rd</sup> July 2025

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## TOWN AND COUNTRY PLANNING ACT 1990

APPEAL BY

Dido Property Limited

AT

Land adjacent to A4155 Marlow Road and Westhorpe Farm Lane, Marlow



Inquiry opened on 21 January 2025. Site visits on 17 January, 27 January, 5 and 6 February 2025.

File Ref: APP/K0425/W/24/3351904

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**LIST OF ABBREVIATIONS**

<b>TERM</b>	<b>DEFINITION/DESCRIPTION</b>
ANPR	Automatic Number Plate Recognition
AONB	Area of Outstanding Natural Beauty (now National Landscape)
AQMA	Air Quality Management Area
AVOD	Advertising video on demand
BA	Bilateral s106 agreement
BBC	Buckinghamshire Bird Club
BBF	Buckinghamshire Business First
BFC	British Film Commission
BFI	British Film Institute
BNU	Buckinghamshire New University
CCB	Chilterns Conservation Board
CIL	Community Infrastructure Levy
CNL	Chilterns National Landscape
Council	Local Planning Authority (Buckinghamshire Council)
CPRE	Campaign to Protect Rural England
CPZ	Controlled Parking Zone
CROW	Countryside and Rights of Way Act 2000
DMRB	Design Manual for Roads and Bridges
DSAP	Delivery and Site Allocations Plan (July 2013)
EIA	Environmental Impact Assessment
EIA Regulations	The Town and Country Planning (Environmental Impact Assessment) (EIA) Regulations 2017 (as amended)
EiC	Evidence in Chief
ES	Environmental Statement
FTE	Full-time equivalent
GEA	Gross External Areas
GVA	Gross Value Added
HETV	High end television
HGV	Heavy Goods Vehicles
LDS	Local Development Strategy
LMPC	Little Marlow Parish Council
LVIA	Landscape and Visual Impact Assessment
MFS	Marlow Film Studios
MLA	Master lease agreement
MLC	Metro London Cluster
MOVA	Microprocessor Optimised Vehicle Actuation
MSIS	Mode Share Incentive Scheme
MWLP	Buckinghamshire Minerals and Waste Local Plan (2016-2036)
NH	National Highways
NL	National Landscape
NPPF	National Planning Policy Framework

NT	National Trust
OTT	Over the top
PoE	Proof of Evidence
PPG	Planning Practice Guidance
R6	Rule 6
RTS	Round table session
SAC	Special Area of Conservation
SAM	Serviceable Addressable Market
SANG	Suitable Alternative Natural Greenspace
SMG	Save Marlow's Greenbelt
SoS	Secretary of State
SPD	Supplementary Planning Document
SPG	Supplementary Planning Guidance
sqm	Square metres
SRN	Strategic Road Network
SVOD	Streaming video on demand
TAM	Total Addressable Market
TCPA	Town and Country Planning Act 1990 (as amended)
TRO	Traffic Regulation Order
UU	Unilateral s106 agreement
VSC	Very special circumstances
WDLP	Wycombe District Local Plan (August 2019)
WLC	West London Cluster
XX	Cross-examination

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**File Ref: APP/K0425/W/24/3351904**

**Land adjacent to A4155 Marlow Road and Westhorpe Farm Lane, Marlow**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Dido Property Limited against the decision of Buckinghamshire Council.
- The application Ref 22/06443/FULEA.
- The development proposed is production space and supporting buildings for screen-based media and associated services/industries. The development comprises: sound stages; workshops; office accommodation; Studio Hub; associated outdoor space such as backlots and unit bases; entrance structures and reception; security infrastructure; mobility hub; cafes; parking; bridge; incidental supporting buildings; associated infrastructure; public art; upgraded vehicular access onto Marlow Road; new cycle and pedestrian accesses; a new cultural/educational/recreational building; a new community building; and, associated landscaping, publicly accessible recreational land and ecological and environmental enhancements/habitat creation.
- The reason given for making the direction was that the appeal involves proposals for development of major importance having more than local significance, proposals which raise important or novel issues of development control and proposals for significant development in the Green Belt.

**Summary of Recommendation: The appeal be allowed subject to the conditions set out below.**

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**PROCEDURAL MATTERS**

- 1.1 The appeal was recovered for decision by the SoS by direction made under section 79 and paragraph 3 of Schedule 6 of the TCPA on 8 October 2024.
- 1.2 There are 2 R6 parties. SMG were granted R6 status on the 14 October 2024. LMPC were granted R6 status on 15 October 2024. The R6 parties presented their evidence together.
- 1.3 The proposal falls within the description of a development in column 1 of Schedule 2, 10(b) (urban development projects) of the EIA Regulations. A formal EIA Screening Opinion was not requested from the Council, with the appellant instead voluntarily undertaking an EIA and preparing an ES to accompany the planning application. A formal request for a scoping opinion was submitted on 26 July 2021<sup>1</sup>, which the Council provided on 9 November 2021<sup>2</sup>.
- 1.4 Two s106 planning obligations, a BA with the Council and appellant and a UU, were submitted in draft form, discussed at the inquiry, and subsequently finalised on 4 April 2025<sup>3</sup>. The submission of these agreements resulted in Reason for Refusal 9 relating to infrastructure requirements on the Council's Decision Notice<sup>4</sup> being regarded as resolved by the Council.
- 1.5 However, prior to finalising the agreements, there was a significant title issue with additional land at Little Marlow. This was a potential location to deliver BNG

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<sup>1</sup> CD1-228a Appendix 2.1

<sup>2</sup> CD1-228a Appendix 2.2

<sup>3</sup> ID109 and ID110

<sup>4</sup> CD3-003

and had been written into the earlier obligations. The issue has resulted in the land being no longer available for BNG. The earlier obligations formerly identified the BNG offsetting site to be either the Little Marlow Land or such other suitable site as approved by the Council. Now, it is only the latter. There is no change to the requirement to provide 20% BNG overall. This was explained in a note provided by the appellant<sup>5</sup> and I have summarised this in the appellants' case below. Both the Council and R6 parties were made aware of the changes to the obligations and asked to provide comments. The Council has raised concerns<sup>6</sup> in this respect, which I will address below. The R6 had no further comments.

- 1.6 One of the reasons for refusal (No 8) related to the site potentially prejudicing the delivery of SANG mitigation for Burnham Beeches SAC for a nearby housing allocation. There was also an objection from NE on these grounds. However, this matter was resolved prior to the inquiry opening as alternative SANG provision was agreed for the allocation on Council owned land at Spade Oak<sup>7</sup>. NE were satisfied with this arrangement<sup>8</sup>, and the Council did not defend this reason for refusal<sup>9</sup>. The appellant also removed their original offer to provide SANG on the Little Marlow Land, as referred to in the preceding paragraph, as this was no longer necessary.
- 1.7 Prior to the inquiry opening, agreement was reached with NH, and a SoCG<sup>10</sup> submitted which summarised that the implementation of the proposed improvement scheme, together with the OMP and Travel Plan, would mean that there are no adverse implications arising from the traffic associated with MFS for the SRN. NH do not raise any objection to the MFS, subject to conditions.
- 1.8 Revised PPG on the Green Belt was issued after the inquiry closed. Given the implications of this guidance on an essential part of the evidence, the main parties were asked for their comments<sup>11</sup>, which I have taken into consideration.

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<sup>5</sup> ID102

<sup>6</sup> ID103

<sup>7</sup> ID37

<sup>8</sup> ID10

<sup>9</sup> As confirmed in 4.1 CD9-40a (LPA Planning Rebuttal)

<sup>10</sup> CD7-005a

<sup>11</sup> ID99, ID100, ID101a and ID101b

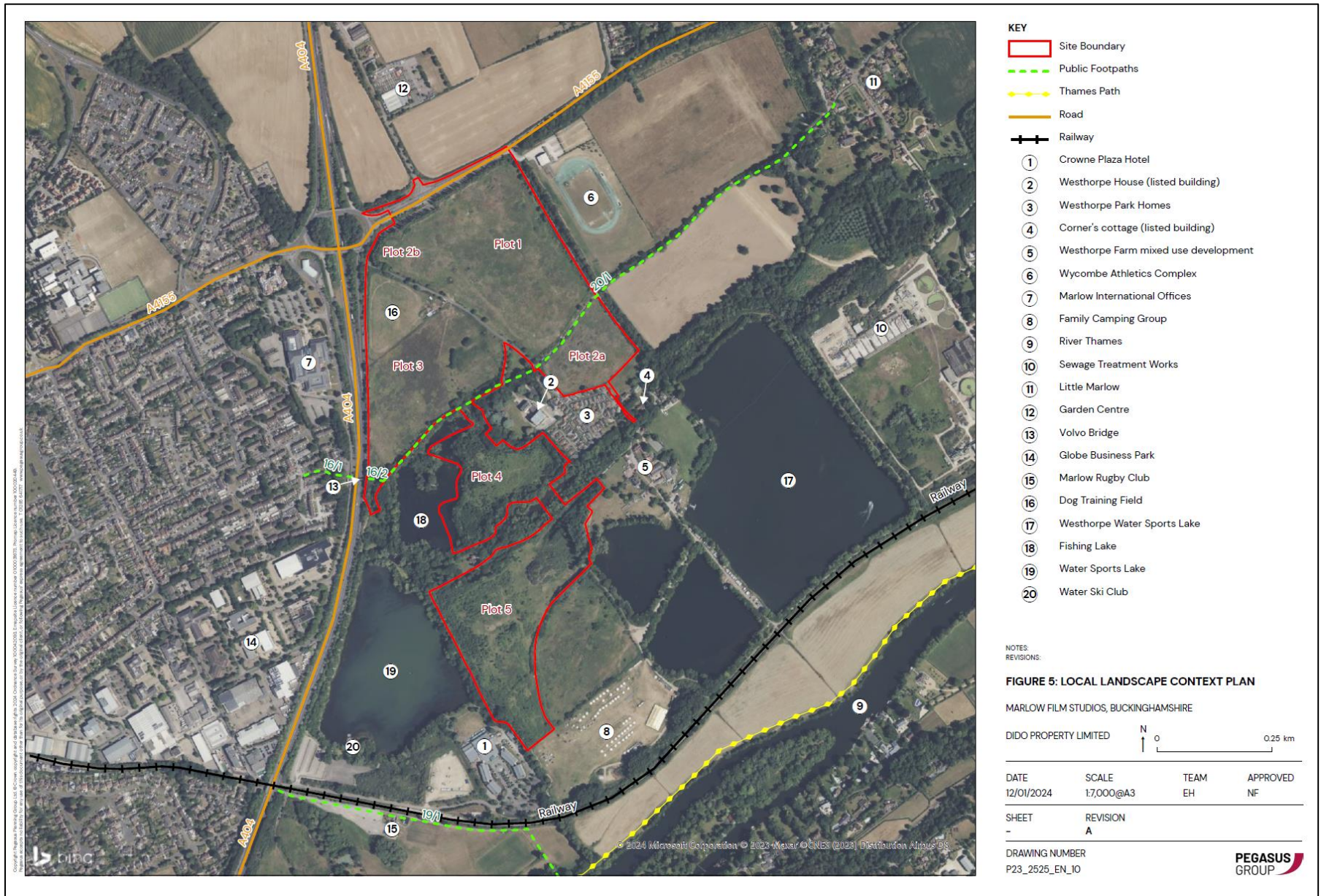


Figure 1 - CD2-106b, Figure 5 Local Landscape Context Plan

## THE SITE AND SURROUNDINGS

- 2.1 The site is located to the east of Marlow and the A404 and comprises approximately 36 hectares. It is of a gentle grade, falling approximately 8.5m from the north to south. Most of the site comprises former quarries/landfills which have been partially restored and regenerated with ruderal species in the north (plots 1, 2a, 2b and 3, see Figure 1<sup>12</sup>) and scrub and trees to the south (plots 4 and 5). Earth bunds remain along the access to Westhorpe Park and along public footpath 20/1, which runs east west across the site, linking Marlow to Little Marlow (see green dashed line on Figure 1) over the Volvo footbridge. No other part of the site has any formal public access. A mixture of native and non-native tree and shrub species are found around the edges of the plots, including a line of Lombardy poplars along the site's northern frontage, and intermittent hedgerows around the edges.
- 2.2 The site is free from buildings, except for small timber shelters associated with a dog training field in plot 3. Views of larger buildings outside of the site are possible from within the site, for example the settlement of Marlow to the west. There are glimpsed views of the Crowne Plaza hotel to the south and Westhorpe Park and Westhorpe House between plots 1, 2 and 3 and plots 4 and 5.
- 2.3 A series of lakes created by historic gravel workings lie to the south of plots 1-3, west and east of plots 4 and 5. The lakes, which lie mostly outside the site, provide a variety of recreational activities, including fishing, open-water swimming, kayaking/paddle-boarding, water-skiing and jet-skiing. There are also several informal recreational routes around the lakes and on plots 4 and 5.
- 2.4 An unnamed private road passes through the site, linking homes at Westhorpe Park and Westhorpe House with the main access on Marlow Road (A4155). Westhorpe Farm Lane, which is immediately to the east, is a private access road. A railway line passes to the south of the site, and beyond this lies the River Thames.
- 2.5 South of the Thames is the steep, wooded scarp slope of Winter Hill, which has open access areas managed by the NT. There is a network of PRowWs on Winter Hill including the Chiltern Way. There are publicly accessible viewpoints on Winter Hill which afford panoramic views over Marlow and the Thames floodplain towards the CNL.
- 2.6 Beyond Westhorpe Farm Lane to the east is an athletics track, and then flat areas of pasture fields, and rectilinear lakes left by former gravel workings and some additional areas of historic landfill, along with a large sewage treatment plant. Little Marlow is approximately 630 metres from the eastern boundary of the site. To the north, beyond the A4155, is a garden centre and the gently sloping valley side that forms part of the CNL.

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<sup>12</sup> Taken from CD2-106b

- 2.7 The northern part of the site has views towards the neighbouring road network and the CNL, and Winter Hill to the south. The southern parts of the site (plots 4 and 5) are more enclosed by existing vegetation but afford glimpsed views to Winter Hill to the south.

## RELEVANT BACKGROUND AND PLANNING HISTORY

- 3.1 The site is situated on the former parkland historically associated with and in the setting of Westhorpe House, a Grade II listed building, immediately outside the site boundaries but effectively surrounded by it on 3 sides.
- 3.2 From the 1960s to the 1990s, the site and surrounding land was mined for sand and gravel and backfilled with waste or left to form lakes. There is still an extant permission for this use covering some of the site and nearby land.

## THE PROPOSAL

- 4.1 Full planning permission is sought for a screen-based media development, that would include production space and supporting buildings for associated services and industries. The proposal would provide around 168,718 sqm GEA of new floorspace across 6 plots (plot 2 is split into plots 2a and 2b), which together comprise the site. The development is concentrated in the northern part of the site. Plots 1 and 3 provide the main production spaces for sound stages, workshops, offices, unit bases and small backlots. Plot 1 is the reception point, contains 9 sound stages, studio hub, and access from the A4155 with a new roundabout. Plot 1 also includes the Mobility Hub, which is the main cycle storage facility, including showers, changing rooms and lockers.
- 4.2 Plot 2a (to the south) would include offices, workshops, and a secondary MSCP. Plot 2b would comprise workshop space and the main MSCP. Plot 4 would be publicly accessible on a permissive basis, providing open recreational space, and the new Culture and Skills building, together with nature conservation improvements. Plot 5 would be the main backlot, which would allow for the temporary construction of sets and associated outside filming. It would also be one of the main on-site areas for BNG.
- 4.3 The scheme would provide (see Figure 2 - CD8-001, below):
- i. 18 sound stages / studios
  - ii. 19 workshops and offices
  - iii. Car parking: 1117 spaces including 2 x MSCP
  - iv. Principal backlot
  - v. 'Internal' backlot (within the main site) and 3 x unit bases
  - vi. Entrance Square consisting of cafes, reception, offices, mobility hub, shower and changing rooms, bike storage, creche, health and fitness rooms and security office
  - vii. Studio hub with exhibition and event atrium, screening rooms, rooms for educational purposes/ working space, bars and café
  - viii. Skills and Culture Academy, consisting of flexible function spaces and a café. This building could be opened to the public for events.
  - ix. Recreational space with permissive path, enabling use by the public.
  - x. Community building consisting of a flexible space for functions.

- xi. Bridge, linking Plots 4 and 5 to access the principal backlot.
  - xii. Construction of a roundabout and related works to the A4155 highway at the access point.
- 4.4 Sound stages would have flat roofs supporting green roofs and/or solar panels, and would extend up to 22m above ground level, metal clad, and of 9 different designs. Some would contain living walls, mainly those facing the A404. Offices and workshops would be up to 15m tall and would comprise a mixture of pitched and flat roofs, in a variety of designs using metal cladding, timber, pre-cast concrete and glazing. Car parks would be up to 20m high, clad in a metal to create a 3D geometric pattern, providing 20% electric vehicle charging provision. The Studio Hub would contrast with the rectilinear designs of most buildings, being a contemporary curved structure with large glass panels. The Culture and Skills Academy would feature glazed curtain walling, timber cladding and steep, tiled, pitched roofs. The community building would be a simpler and smaller building, timber clad with a pitched roof.
- 4.5 A planning application (24/07177/FUL) has been submitted to the Council for a new footbridge, that would replace the existing 'Volvo' footbridge over the A404. This will enable access for all to cross the A404 safely, as the existing bridge provides stepped access only. The application was undetermined by the Council when the inquiry closed.
- 4.6 Off-site works would comprise various highways and footpath upgrades. These include the PRow running east west by increasing the width of the path to enable cyclists and pedestrians to share the space safely, resurfacing the existing path to ensure pedestrians and cyclists can comfortably make use of the route, and providing low-level lighting<sup>13</sup>. There would also be changes to the Westhorpe Roundabout, including signalised crossing points for pedestrians and cyclists, tactile paving at various crossing points in Marlow and the signalisation of the zebra crossing on the A4155, close to Bobmore Lane.

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<sup>13</sup> As detailed in the Framework Travel Plan (CD2-105x)



Figure 2 - CD8-001 Site Masterplan, page 47

## SOUND STAGES



*Figure 3 - CD8-001 Soundstage façade facing sensitive views, page 57*



*Figure 4 - CD8-001 Soundstage façade facing internal streets, page 57*



*Figure 6 - CD8-001 workshop and offices, centre facing outwards, page 60*



*Figure 5 - CD8-001 workshop and offices, centre internal, page 60*



*Figure 8 - CD8-001 workshop and offices, perimeter facing sensitive views, page 62*



*Figure 7 - CD8-001 workshop and offices, perimeter facing internal streets, page 62*



Figure 9 - CD8-001 Backlot principal illustration page 65



Figure 10 - CD8-001 Studio Hub image page 69



Figure 12 - CD8-001 Skills and Cultural Centre page 75



Figure 11 - CD8-001 Northern Entrance to site page 75

## THE ENVIRONMENTAL STATEMENT

5.1 An Environmental Statement (ES)<sup>14</sup> accompanied the original planning application. ES addendums were also submitted. The first ES addendum<sup>15</sup> was submitted in March 2023, a second ES addendum<sup>16</sup> was submitted in June 2023, a third<sup>17</sup> in September 2023 and a fourth<sup>18</sup> in February 2024.

5.2 The final ES Addendum considered amendments made to the scheme following the May 2022 submission, and subsequent March 2023 ES

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<sup>14</sup> CD1-224 – CD1-228

<sup>15</sup> CD2-015 – CD2-034

<sup>16</sup> CD2-059 – CD2-069

<sup>17</sup> CD2-084 – CD2-086

<sup>18</sup> CD2-100 – CD2-113

Addendum, June 2023 Statement of Conformity and September 2023 Statement of Conformity, together form the ES (as amended), in relation to the site access junction, crossing between plots 4 and 5, landscaping and public art. The February 2024 ES Addendum was structured such that the technical chapters were presented within ES Volume 1<sup>19</sup>. The LVIA was replaced to take account of additional assessment work that was undertaken since the March 2023 ES Addendum and is provided as Appendix E of the February 2024 ES Addendum.

- 5.3 Together the ES and ES Addendums report the likely significant effects of the proposal. I am satisfied that these documents meet the requirements of the EIA Regulations (as amended), and I have taken them into account in my consideration of the appeal.

## PLANNING LAW, POLICY AND GUIDANCE

### *The Development Plan*

- 6.1 The relevant Development Plan for Buckinghamshire Council comprises:
- WDLP (August 2019)<sup>20</sup>
  - DSAP (July 2013)<sup>21</sup>
  - MWLP (2016-2036)<sup>22</sup>
- 6.2 The key WDLP policies are:
- *Policy CP1 – Sustainable Development*  
The overarching policy of the plan, seeking to ensure the plan delivers the vision and objectives, thereby delivering sustainable development. It requires all development to contribute towards the principles for the main places in the District.
  - *Policy CP2 – Overall Spatial Strategy*  
Confirms that the Council will, through the allocations and policies in the Plan, meet as much of the District's need for housing and employment land, whilst protecting areas where development should be restricted (including attaching great weight to conserving the landscape and scenic beauty of the CNL when considering allocating sites in the CNL, and not allocating sites that constitute "major development" in the CNL, and protecting the Green Belt by only releasing land from the Green Belt where there are exceptional circumstances for doing so.
  - *Policy CP3 – Settlement Strategy*  
The policy seeks to ensure that development is not proposed in areas where development should be restricted such as CNL, Green Belt and areas at risk of flooding, or in places without the facilities and services to support it. The district is split into 6 tiers, with High Wycombe being the focus for development as

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<sup>19</sup> CD1-224 – CD1-228

<sup>20</sup> CD4-001

<sup>21</sup> CD4-002

<sup>22</sup> CD4-003

Tier 1. Marlow is Tier 2 (Market Towns and other major settlements), with development restricted in areas outside the settlements, to that which is appropriate in rural areas.

- *Policy CP5 – Delivering Land for Business*  
The policy seeks to address the needs of the local economy by safeguarding strategic and local employment areas from non-business development, as well as encouraging and facilitating ongoing regeneration and redevelopment for economic purposes, encouraging a range of development proposals for employment on new and existing employment areas that deliver B use classes or similar. The supporting text details that fostering economic growth is a key objective of the Plan. It states that the District, and particularly the southern half, is well located and connected to secure further economic development. However, it has only a limited supply of flat land, making it important for the Council to make the most of employment opportunities.
- *Policy CP6 – Securing Vibrant and High Quality Town Centres*  
The policy seeks to enhance town centres and improve the public realm in Marlow through the implementation of key development sites and through the provision of improved links to Globe Park.
- *Policy CP7 – Delivering the infrastructure to support growth*  
The policy sets out the key infrastructure requirements necessary to support growth, including transport, social and environmental.
- *Policy CP8 – Protecting the Green Belt*  
The policy seeks to protect the Green Belt from inappropriate development.
- *Policy CP9 – Sense of Place*  
The policy seeks to deliver a high quality sense of place through conserving the natural and historic environment and implementing measures for their enhancement. It requires development to achieve high quality design which contributes positively to making places better for people and takes the opportunities available for improving the character and quality of an area and the way it functions. It also seeks to direct development to areas of lower environmental value, optimising the use of previously developed land and density of development to make best use of land whilst respecting the distinctive character of the area.
- *Policy CP10 – Green infrastructure and the natural environment*  
This policy seeks to promote the conservation and enhancement of the natural environment and green infrastructure through conserving, protecting and enhancing the CNL and other natural environmental assets of local, national and international importance, by protecting them from harmful development, working with the Chilterns NL Board to improve the management of the CNL and taking a landscape character based approach to considering proposals. It also seeks to

ensure a net gain in biodiversity, and work with local natural environment partnerships to protect and enhance green infrastructure network.

- ***Policy CP11 – Historic Environment***  
The policy seeks to promote the conservation and enhancement of the historic environment through conserving and where possible enhancing the setting, significance, special interest, character and appearance of designated and non-designated heritage assets and historic landscapes.
- ***Policy CP12 – Climate Change***  
The policy promotes mitigation and adaptation to climate change through minimising the need to travel by directing development to locations with better services and facilities, or where they are capable of being improved, integrating blue and green infrastructure, and supporting the integration of renewable technologies into commercial developments.
- ***Policy RUR4 – Little Marlow Lakes Country Park***  
This policy allocates the Little Marlow Lakes Country Park for outdoor recreation. It details that any development within the Country Park should provide for environmental improvements, including the provision of publicly accessible open space, ecological and biodiversity enhancements, and contribute to the continued development and long term management of the Country Park. Planning permission will not be granted for development within the Country Park that has an adverse effect upon the amenities or setting of the River Thames, watercourses, lakes, wet woodlands, adjoining conservation areas, or listed buildings, or which prejudices the function of the area for the purposes of a Country Park. Any development will be required to provide safe, convenient and direct access to Marlow and Bourne End for pedestrians, cyclists, and disabled users. Any development close to an existing waterbody or other wetland feature should protect and enhance that feature's ecological value, biodiversity, and its natural setting within the Country Park.
- ***Policy BE2 – Hollands Farm***  
This is a housing allocation, which as part of the development seeks to ensure the recreational impact of new residents upon Burnham Beeches SAC is mitigated.
- ***Policy DM20 – Matters to be Determined in Accordance with the NPPF***  
The policy sets out that contaminated land, development which raises pollution issues, advertisement, telecommunications and listed building consents will be determined in accordance with the NPPF.
- ***Policy DM30 – The Chilterns Area of Outstanding Natural Beauty***  
The policy details that development within the CNL will conserve, and where possible enhance, the natural beauty of the CNL. It requires development to be appropriate to the

economic and social wellbeing of the local communities within the CNL, or to promote the understanding or enjoyment of the CNL; deliver the highest quality design which respects the natural beauty and built heritage of the Chilterns and enhances the sense of place and local character. Development in the setting of the CNL must not have a significant adverse impact on the natural beauty of the CNL.

- ***Policy DM31 – Development affecting the Historic Environment***  
All development is required to conserve and, where possible, enhance the historic environment. Great weight will be given to the conservation of a designated asset's significance, its setting, and other character features or positive elements of special interest. Where development would lead to less than substantial harm to the significance of a designated heritage asset, consent will be refused unless this harm is outweighed by the public benefits of the proposal, including securing its optimum viable use.
- ***Policy DM32 – Landscape Character and Settlement Patterns***  
Development is required to protect and reinforce the positive key characteristics of the receiving landscape and existing settlement patterns. Development is required to evidence a thorough understanding of the landscape and demonstrate a positive response to its attributes, taking account of existing landscape character appraisals and design guidance, tranquillity and darkness, views and vistas, both from and towards the skyline.
- ***Policy DM33 – Managing Carbon Emissions: Transport and Energy Generation***  
This policy requires that development is located to provide safe, direct and convenient access to jobs, services and facilities via sustainable transport modes; safe and convenient access to the local highway network for all modes, appropriate access for servicing; makes provision for alternative vehicle types and fuels; includes measures to reduce reliance on single occupancy car trips and to increase the use of sustainable transport modes; provides for parking sufficient to meet the needs of future occupants and to ensure there is no significant adverse impact from overspill parking; ensures that any material adverse impacts on existing and forecast traffic conditions are mitigated; and integrates renewable technologies into developments.
- ***Policy DM34 – Delivering Green Infrastructure and Biodiversity in Development***  
The policy requires all new development to protect and enhance both biodiversity and green infrastructure networks both on and off site.
- ***Policy DM35 – Placemaking and design quality***  
The policy requires all development to improve the character and the areas and the way it functions, creating positive and attractive buildings and spaces, provide a robust and legible

structure of public realm and private spaces, preventing a significant adverse impact on the amenities of neighbouring land and property.

- *Policy DM38 – Water Quality and Supply*  
The policy sets out the approach to address the impact of development on water resources.
- *Policy DM39 – Managing flood risk and sustainable drainage systems*  
The policy sets out the sequential approach to avoid and manage flood risk in proposed developments, including a requirement for development to incorporate sustainable drainage systems.
- *Policy DM42 – Managing development in the Green Belt*  
The policy sets out exceptions to inappropriate development, such as that which accords with a Neighbourhood Plan, or those which the NPPF regards as not inappropriate.

6.3 The relevant DSAP are:

- *Policy DM1 – Presumption in Favour of Sustainable Development*  
The policy details that proposals that accord with the policies in the DSAP will be approved without delay, unless material considerations indicate otherwise.
- *Policy DM2 – Transport Requirements of Development Sites*  
The policy sets out various requirements for major developments and aims to tackle transport related challenges, which include minimising their impact on the existing highway network, surrounding areas and the environment, while ensuring that they contribute to changing travel behaviour through the provision of a range of travel choices.
- *Policy DM6 – Mixed-Use Development*  
The policy sets out requirements for mixed use developments, to ensure that they deliver comprehensive developments, and ensuring that any B class uses are secured by a legal agreement.
- *Policy DM11 – Green Networks and Infrastructure*  
The policy seeks to ensure that the Green Infrastructure Network is be conserved and enhanced, paying special attention to the conservation and enhancement of biodiversity, recreation and non-motorised access. It requires that developments contribute towards the improvement of the Green Infrastructure Network, delivery of Corridor Opportunity Areas and improvement of Biodiversity Opportunity Areas. All development proposing new green spaces or green links should be provided in a way that retains, reinforces or creates links within and to the Green Infrastructure Network to promote recreation, biodiversity and non-motorised access.

- ***Policy DM13 – Conservation and Enhancement of Sites, Habitats and Species of Biodiversity and Geodiversity Importance***  
The policy seeks to ensure that proposals that would harm directly or indirectly other designated sites of nature conservation or geological interest or protected species would only be permitted where there is no suitable alternative site for the proposed development, the impact can be mitigated or compensated to achieve a net overall gain in biodiversity or geodiversity, and it has been clearly demonstrated that the benefits of the development outweigh the harm to the biodiversity or geological conservation interests.
- ***Policy DM14 – Biodiversity in Development***  
All development proposals should be designed to maximise biodiversity by conserving, enhancing or extending existing resources or creating new areas or features.
- ***Policy DM16 Open Space in New Development***  
This policy seeks to ensure that new development makes provision for public open space, with developments over 5,000 sqm required to provide strategic open space through the CIL.
- ***Policy DM19 – Infrastructure and Delivery***  
This policy sets out that where development will create a need to provide additional or improved infrastructure, amenities or facilities, developers will be expected to make such provision directly, including through planning obligations and/or through financial contributions to the CIL.

6.4 MWLP policies relevant are:

- ***Policy 1 – Safeguarding Mineral Resources***  
This policy states that proposals for development within Mineral Safeguarding Areas, other than which constitutes exempt development, must demonstrate that: prior extraction of the mineral resource is practicable and environmentally feasible and does not harm the viability of the proposed development; or the mineral concerned is not of any value or potential value; or the proposed development is of a temporary nature and can be completed with the site restored to a condition that does not inhibit extraction within the timescale that the mineral is likely to be needed; or there is an overriding need for the development. The policy also requires the submission of a Mineral Assessment.
- ***Policy 10 – Waste Prevention and Minimisation in New Development***  
Proposals for new development should support the efficient use and recovery of resources throughout the life of the development including construction and operation and/or occupation through: design principles and construction methods that minimise the use of primary minerals and encourage the use of building materials made from recycled and alternative materials; construction and demolition methods that minimise

waste production, maximise the re-use and recovery of materials (as far as practicable) on-site and minimise off-site disposal; and design and layout that complements sustainable waste management by providing appropriate storage and segregation facilities. It also requires that proposals for major development should identify measures to support implementation of the waste hierarchy.

- *Policy 25 – Delivering high quality restoration and aftercare*  
The after-use of a site will be determined in relation to the land-use context and surrounding environmental character (including wider ecological networks) and should take account of landowner interests and the requirements of the local community. Schemes should include objectives that will contribute towards biodiversity gains, enhancement of the local environment and amenity, climate change mitigation and adaptation and benefits for the local community.
- *Policy 26 – Safeguarding of Minerals Development and Waste Management Infrastructure*  
Proposals for other forms of development within a site safeguarded for minerals or waste development will be permitted where it can be demonstrated that: the site is no longer required to support the delivery of the adopted provision rate and/or to maintain landbanks or an alternative site could be provided that would be as appropriate for the use as the safeguarded location without significant interruption to operations and (for waste management) can service the existing catchment area; or there is no longer a need for the facility in either the vicinity or the wider area as appropriate.

### **The National Planning Policy Framework**

6.5 Chapters and paragraphs of relevance to this appeal are:

- 2. Achieving sustainable development

8. Achieving sustainable development means that the planning system has 3 overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):  
a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.

b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future

needs and support communities' health, social and cultural well-being; and

c) **an environmental objective** – to protect and enhance our natural, built and historic environment, including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

- 6. Building a strong, competitive economy

85. Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.

86. Planning policies should: a) set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to the national industrial strategy<sup>23</sup>;

87. Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for: a) clusters or networks of ... creative ... industries; and for new, expanded or upgraded facilities and infrastructure that are needed to support the growth of these industries.

- 9. Promoting sustainable transport

110. The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and

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<sup>23</sup> CD6-024 Invest 2035: The UK's Modern Industrial Strategy identifies priority sectors for growth and support as: advanced manufacturing; clean energy industries; **creative industries**; defence industries; digital and technology businesses; financial services; life sciences; and professional and business services.

this should be taken into account in both plan-making and decision-making.

115. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location.
- b) safe and suitable access to the site can be achieved for all users.
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.

116. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

117. Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use.
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport.
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards.
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations”.

- 12. Achieving well-designed places
- 13. Protecting Green Belt land

155. provides that the development of homes, commercial and other development in the Green Belt should not be regarded as inappropriate where (a) it would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the relevant plan area; (b) there is a demonstrable unmet need for the type of development proposed; (c) the development would be in a sustainable location; and (d) it meets what are termed the ‘Golden Rules’.

156 confirms that the ‘Golden Rules’ apply only to “major development involving the provision of housing”. Therefore, only criteria (a)-(c) fall to be considered.

“Grey belt” is defined in the NPPF glossary as land in the Green Belt that does not strongly contribute to any of purposes (a), (b), or (d) in NPPF 143 but excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) applies.

- 16. Conserving and enhancing the historic environment
  - 207. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
  - 208. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal
  - 215. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

## **National Planning Policy Guidance**

- 6.6 The Green Belt guidance is of relevance to this appeal in the assessment of whether the proposal is grey belt land.

## **Supplementary Planning Documents/Guidance**

6.7 These are:

- Little Marlow Gravel Pits SPG (March 2002)<sup>24</sup>
- Air Quality SPD (March 2020)<sup>25</sup>
- Canopy Cover SPD (March 2020)<sup>26</sup>
- Planning Obligations SPD (March 2020)<sup>27</sup>
- Wycombe District Development Brief for Hollands Farm, Bourne End and Wooburn (BE2) SPD (August 2021)<sup>28</sup>
- Buckinghamshire Council Biodiversity Net Gain SPD (July 2022)<sup>29</sup>

## **Other Material Considerations**

6.8 Other documents which are material to this appeal are:

- Chilterns AONB Management Plan (2019-2024)<sup>30</sup>
- Development affecting the Setting of the Chilterns AONB (Chilterns Conservation Board Position Statement (June 2011)<sup>31</sup>
- Local Transport Plan: Buckinghamshire Local Transport Plan 4 (April 2016)<sup>32</sup>
- Buckinghamshire Council – Highways Development Management Guidance 2018<sup>33</sup>
- Wycombe District Landscape Character Assessment 2011 (LCA 26.1 Thames Floodplain)<sup>34</sup>
- Buckinghamshire Business First, Local Skills Improvement Plan (2023)<sup>35</sup>
- The Buckingham Economy 2024<sup>36</sup>
- Buckinghamshire Local Skills Report 2022<sup>37</sup>
- Government Green Paper October 2024: The UK's Modern Industrial Strategy<sup>38</sup>
- Buckinghamshire Green Belt Assessment (2016)<sup>39</sup>

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<sup>24</sup> CD5-001

<sup>25</sup> CD5-002

<sup>26</sup> CD5-003

<sup>27</sup> CD5-004

<sup>28</sup> CD5-005

<sup>29</sup> CD5-006

<sup>30</sup> CD5-007

<sup>31</sup> CD5-008

<sup>32</sup> CD5-009

<sup>33</sup> CD5-010

<sup>34</sup> CD5-012

<sup>35</sup> CD5-014

<sup>36</sup> CD5-015

<sup>37</sup> CD5-016

<sup>38</sup> CD6-024

<sup>39</sup> CD9-041

- Buckinghamshire Green Belt Part Two – Individual Site Assessment (Sept 2017)<sup>40</sup>

### **AGREED MATTERS<sup>41</sup>**

- 7.1 All 3 main parties agree that the proposal would be inappropriate development in the Green Belt, if it does not comply with Paragraph 155 of the NPPF.
- 7.2 Both the Council and appellant agree that the provision of purpose-built studios of this scale is a significant economic opportunity given the scale of ambition the Government is now advancing in respect of the TV / Film sector. The proposal represents a significant investment in one of Buckinghamshire's key economic sectors and supports the delivery of the aims and ambitions of national and local economic strategies. The R6 parties also agree that the provision of purpose-built studios of this scale is an economic opportunity.
- 7.3 The Council and appellant agree<sup>42</sup> in terms of need that:
- i. The Government and the Council places significant weight on the need to support economic growth and productivity in the right locations.
  - ii. Successive Governments have recognised the importance of the creative industries and that there are policies in place to facilitate the growth of those industries, particularly where they are part of an established network, sector and/or cluster.
  - iii. The site sits towards the edge of, but within, an established, productive and globally competitive film and HETV production cluster. It is agreed that the ongoing success of this cluster is of strategic economic importance both locally and nationally.
  - iv. Whilst there are policies to address the needs of the local economy and economic growth in the area there are no specific policies in either the WDLP or the DSAP that reference the creative industries or seek to make provision for new development to support those industries. In effect, the Plan is neutral in this regard.
  - v. The October 2024 Green Paper builds on the previous Government support for the creative industries and provides the strongest possible evidence of the UK Government's intention to drive the Creative Industries sector forward and to enable those industries to deliver the state-of-the-art facilities that MFS would deliver.
  - vi. The demand, and competition, for film and production capacity is global and that the Scheme, if delivered, could deliver significant socio-economic benefits, which align with local, regional and national economic growth strategies.
  - vii. The proposed facilities, including the cultural and skills academy would help to address the skill shortage in the sector.

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<sup>40</sup> CD9-042

<sup>41</sup> See CD7-001 to CD7-008 for Statements of Common Ground

<sup>42</sup> CD7-003

- 7.4 The Council and appellant agree that the proposal would deliver the following benefits:
- i. The provision of access to 2.8 ha of open space on proposed Plot 4 for the recreational uses.
  - ii. The provision of highway and sustainable travel infrastructure to the extent that it provides a wider public benefit beyond scheme mitigation, including on and off-site walk/cycle improvements and the provision of 2 buses including 1 that will provide a link between High Wycombe and Maidenhead and a connection to the Elizabeth line.
  - iii. The provision of two new buildings for education and community use:
    - a. A 147 sqm (GEA) new community building in Plot 2a for use by residents.
    - b. A 979 sqm (GEA) cultural, educational, and recreational building in Plot 4. This building is proposed to be a multi-use building, which will be utilised for educational purposes during the day and community environmental and recreational uses at other times. It will also provide a hub for occasional community cultural events in connection with the recreational use of Plot 4.
- 7.5 MFS is to achieve an on/off Site biodiversity net gain which achieves the current national requirement of 10% (not applicable to this Scheme), and the scheme's own voluntary target of +20% net gain. The habitat provided will be covered by a 30-year conservation covenant and meet the standards of the statutory framework. The delivery of 20% BNG, which exceeds the current policy requirement, would attract significant weight.
- ii. Public use provisions
- 7.6 The Council's Committee Report<sup>43</sup> assessed the effect of the proposal on the setting of the nearby heritage assets. These are Westhorpe House (Grade II Listed), Corners Cottage (Grade II Listed) and Little Marlow Conservation Area. The Council concluded that the impact of the proposals on the significance of the setting of Westhorpe House would be less than substantial (high); and for Corners Cottage and Little Marlow Conservation Area, this would be less than substantial but of a lower magnitude and Westhorpe House. The SoCG<sup>44</sup> details that the heritage harm, which is less than substantial of varying levels within that spectrum, would be outweighed by the public benefits, applying paragraph 215 of the NPPF. A heritage assessment is carried out below, using evidence from both the Council's Committee Report and the appellant's Statement of Heritage Significance<sup>45</sup>.
- 7.7 For highways matters, it is agreed between the Council and appellant:
- i. that the calculation of trip generation for both the Managed and Unmanaged Scenarios is agreed and the vehicular and other mode trips calculated are correct for the scenarios of 60% modal share and 84.2% modal share by car driver assessed.

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<sup>43</sup> CD3-002 – Section 13 (pages 93-99)

<sup>44</sup> CD7-001

<sup>45</sup> CD1-256

- ii. it is agreed that the revised VISSIM model provides a robust assessment tool for considering the implications of traffic associated with the Film Studios at the proposed site access roundabout and Westhorpe Interchange within the limits of model extents.
  - iii. there is no severe residual impact on the highway network around the Film Studios except for the A4155 at Westhorpe Interchange and to the west of this junction into Marlow.
  - iv. All the proposed improvements are agreed with the exception of those at Westhorpe Interchange and Volvo Bridge.
  - v. It is agreed that a Vision led approach has been taken to the assessment of the transport demand of the Film Studios.
- 7.8 The Council and appellant agree<sup>46</sup> that the noise survey locations (detailed in Appendix D) measured existing noise levels and are representative of the future façade incident noise levels. The measured sound levels presented in Table 11.9 of the ES represent the typical noise levels measured during the unattended measurements at Location U.1 – U.4. They agree that the noise effects from proposed development can be subject to suitably worded conditions and planning obligations to address all of the noise concerns, with the exception of traffic noise from use of the access road on residential amenity.
- 7.9 The proposals would not give rise to significant impacts on protected species or habitats that cannot be mitigated through the imposition of planning conditions, and there would be no licensing requirements. This is outlined in the Ecology and Biodiversity SoCG<sup>47</sup>. The impacts of Plot 5 (the backlot) on the Marlow Gravel Pits Biological Notification Site, primarily notified for bird interest, have been assessed and it is concluded that during operation direct and indirect impacts upon bird populations would not be significant. The effects on Westhorpe Watercourse are sufficiently compensated by the scheme.
- 7.10 Subject to the commitment to fund CPZ surveys in Marlow and if necessary, a CPZ scheme in the BA agreement, the Council and appellant agree that there will not be an unacceptable effect on offsite, on-street parking<sup>48</sup>.
- 7.11 It is agreed that the sequential test is passed, and the exceptions test is not required. Buckinghamshire Council, as Lead Local Flood Authority has no objection to the proposals, subject to the imposition of a relevant planning conditions, and there is no flood related statutory objections. No statutory concerns are raised in relation to foul water, subject to the imposition of relevant conditions.
- 7.12 The Council's Archaeologist raises no objection to the proposal, subject to planning conditions. The Council raises no objection to impact from light, construction noise and disruption and overlooking, nor any objections on

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<sup>46</sup> CD7-007

<sup>47</sup> CD7-006 and ID111

<sup>48</sup> CD7-009 para.1.4 p.1 (PDF p.2) and confirmed in ID97 LPA Closing para. 111

grounds of air quality, even taking account of the AQMA in Marlow, all subject to the imposition of conditions.

- 7.13 The R6 do not resist the appeal on grounds relating to heritage; ecology and biodiversity; air quality; and archaeology.

## **MATTERS OF DISAGREEMENT**

- 8.1 The main areas of disagreement are whether the proposal would be inappropriate development, having specific regard to NPPF paragraph 155, and if the proposal would meet the requirements of this. Specifically, whether:
- i. the site would be grey belt land,
  - ii. there would be a demonstrable unmet need, and
  - iii. the site would be in a sustainable location.
- 8.2 Additionally, the effect of the proposal on the function and amenities of the Little Marlow Country Park, with reference to Policy RUR4 of the WDLP is contested, along with the effect on the character and appearance of the area, including the setting of the CNL.
- 8.3 The effect of the proposal on the surrounding road network, whether the proposal would support active and sustainable modes of travel, particularly walking and cycling, and the effect of the proposal on the safety of pedestrians, cyclists and drivers is also contested, as is the effect of the proposal on the living conditions of existing residents.

## **THE CASE FOR DIDO PROPERTY LIMITED**

### ***Introduction***

- 9.1 This is a truly special and game changing proposal, and if planning permission is granted, it would be transformative for the British Film and TV sector by:
- i. Providing the best studio facility in the UK.
  - ii. Providing a brand-new studio in an optimum location.
  - iii. Providing a significant additional amount of new premium floorspace.
  - iv. Providing a massive economic boost by investing close to £1 billion.
  - v. Providing a massive economic boost by creating approximately 4,000 direct and indirect jobs.
  - vi. Showing the world that introduction of “grey belt” is a meaningful policy change that allows Green Belt land to be used productively and properly if 3 key purposes of the Green Belt are not strongly harmed.
  - vii. Providing a new leading training and skills academy to grow the future UK crew base and be a centre of excellence.
  - viii. Showing the world that we are open for business by providing the best for the best.
- 9.2 MFS has the full support of the Government’s growth agenda, which recognises the creative industry as a priority sector. There is a demonstrable need for the scheme if the UK is going to achieve the objective of growth by increasing its share of the global market for film and

- HETV production. The site is on grey belt land in a sustainable location on the edge of Marlow. The scheme would therefore not be “inappropriate” development in the Green Belt.
- 9.3 The site is not the subject of any local or national landscape designation, and the appellant’s landscape evidence has demonstrated that the effects on openness, landscape character and visual effects would be largely localised to the site itself and the immediate surroundings.
- 9.4 The scheme would not give rise to any severe impacts on the highway network, or unacceptable impacts on highway safety. On the contrary, improvements arising from the scheme would result in a significant betterment on the existing position by addressing a road traffic accident risk. The bus services and cycling/pedestrian upgrades would give rise to a genuine choice of transport modes for visitors. Safety issues arising from HGVs reversing on the site would be easily managed, and the Council’s highway-related reasons for refusal have been comprehensively rebutted.
- 9.5 The concerns of the Council and the R6 Parties about impacts on residential amenity, including through noise, impacts on outlook, and lighting have similarly been addressed.
- 9.6 For the reasons below, the appellant’s primary case is that the proposal accords with the development plan, and no material considerations would justify a departure from the plan.
- 9.7 In the alternative, the appellant submits that the employment policies of the development plan are out-of-date, providing little or no support for the creative industries despite the crucial WLC, and policy RUR4 is out-of-date in allocating the wholly undeliverable “Little Marlow Lakes Country Park”.
- 9.8 On either basis, the Council’s reasons for refusal are unwarranted. They were unjustified when the scheme was refused but have been rendered even more unsupportable by the new NPPF.
- 9.9 Any objective and reasonable planning balance, following the most up to date expression of Government planning policy in the NPPF should produce a balancing exercise in favour of permission being granted.

### ***The approach of the main parties***

#### *The Council*

- 9.10 The appellant considers that the Council:
- i. has demonstrated no meaningful attempt to embrace economic growth in this district. It pays nothing more than lip service to the growth agenda of this government and has failed to grapple with the concept of a forward-looking economy which remains open and competitive.
  - ii. Has been obstructive throughout its consideration of the application.
  - iii. Resiled from its October 2023 resolution which indicated that the Members felt only 2 issues remained to be resolved and by implication they could and would be resolved by May 2024. The

imposition of 9 reasons of refusal represented a complete U-turn by the Council.

- iv. Is also failing to produce an up-to-date development plan.
- 9.11 The cornerstone of the planning system is the development plan. This Council is doing nothing to get a new plan in place. The LDS is now 3 years old and there is a non-existent commitment to a new up to date plan.
- 9.12 The Council has a parlous Housing Land Supply position, huge gaps in its development plan, for example dealing with economic development, and has no policies expressly dealing with creative industries, and yet it is doing nothing to address these fundamental problems within its area.
- 9.13 The only way to get anything through the planning system in Buckinghamshire in 2025 is by planning applications and appeals being made by developers.

#### *The Rule 6 parties*

- 9.14 The R6 parties represent one point of view of some local residents in opposing the proposal. The level of support for this project has been greater in terms of both letters written in relation to the application and by attendance at this inquiry.
- 9.15 Their commitment to “saving Marlow’s Green Belt” is nothing more than a slogan. Despite including submissions about the loss of Green Belt, harm to the character and appearance of the area, and visual effects and overbearing impacts in their closing submissions, they chose not to call any Landscape or Green Belt evidence, nor ask any questions of the appellant’s relevant witness.
- 9.16 Similarly, their amenity evidence includes extensive concerns about parking and traffic impacts, and yet they did not attend for the appellant’s highway evidence. It is not reasonable to make submissions on these matters without putting any questions to the relevant witnesses, even if their own witness has covered them. No weight can fairly be attributed to these submissions in these circumstances.
- 9.17 Their case has been haphazard and illogical. They advocate that the proposal should be refused and yet offer no professional evidence of any kind on the planning balance. They took a perverse approach in calling a witness solely to talk about a site many miles away in Pinewood. This is irrelevant to the matters relating to this proposal and this site. The views of the R6 witnesses can only have weight if proper planning arguments, are made; and their case has been characterised by planning arguments not supported by any professional evidence. Their views can only carry limited, if any, weight in the planning balance.

#### ***Whether the development is inappropriate development in the Green Belt***

- 9.18 The site is in the Green Belt. Under both NPPF and Policy DM42 of the WDLP, inappropriate development in the Green Belt will only be permitted in VSCs i.e., where the harm to the Green Belt, and any other harm, is

- clearly outweighed by other considerations. Any harm caused to the Green Belt is to be given substantial weight.
- 9.19 Prior to December 2024, policy dictated that the scheme was inappropriate development. However, the revised NPPF heralds the most significant relaxation in the restrictions placed on development in the Green Belt since WW2. The scheme no longer constitutes inappropriate development in the Green Belt, because it would comply paragraph 155 of the NPPF.
- 9.20 NPPF 155 is detailed above, as is the grey belt definition. There are 2 points of some significance about this definition, in comparison with the draft version that was consulted upon. First, contrary to the consultation version, purpose (c) (to assist in safeguarding the countryside from encroachment) is omitted from this list. Therefore, a site could contribute “strongly” to that purpose and still be “grey belt”. Second, the consultation draft had a different proposed definition of grey belt, which required there to be no more than a “limited” contribution to any of the purposes. As a matter of policy interpretation, there is a material difference between “limited” to “not strong”. The omission of purpose (c) and the change from “limited” to “not strong” is a signal that the Government is even more eager to change the previous Green Belt policy than was envisaged in the consultation draft. We consider that it is easier to demonstrate that a site does not perform “strongly” against 3 purposes, when compared to demonstrating that a site makes only a “limited” contribution to all purposes.
- 9.21 To assess whether the site contributes “strongly” to any of the 3 purposes, the appellant relies on the Council’s own Green Belt studies<sup>49</sup>, as well as the evidence of its planning and landscape witnesses, the updates to the PPG and the additional notes submitted by the witnesses<sup>50</sup>. It is of note that the Local Plan refers to the Arup studies as “a very detailed and very thorough review of Green Belt across the whole county”<sup>51</sup>.
- 9.22 This runs counter to the attempt by the Council to belittle or diminish the quality of the studies by painting them as “high level” assessments or claiming that they lack the benefit of detailed evidence<sup>52</sup>. The studies assess a wide range of different sites across a large area and are more objective than simply looking at one site in isolation.
- 9.23 The Council’s Green Belt assessment was carried out in 2 parts. In Part 1 (2016)<sup>53</sup>, the assessment identified parcels of land as “general areas” and scored them 0 – 5 against the first 4 purposes for including land in the Green Belt. A score of 0 = “does not meet purpose”, 1 = “meets purpose weakly”, 2 = “meets purpose relatively weakly”, 3 = “meets purpose”, 4 = “meets purpose relatively strongly” and 5 = “meets purpose strongly”. Parcels were also given an “overall summary”. The report explains<sup>54</sup> that

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<sup>49</sup> CD9-41 and CD9-42

<sup>50</sup> ID101a and ID1010b

<sup>51</sup> CD4-001 Foreword, penultimate paragraph

<sup>52</sup> ID97, LPA Closing para. 20

<sup>53</sup> CD9-41

<sup>54</sup> CD9-41 4.4.4 (p.49)

- any area scoring 4 or 5 against the criteria of one or more purpose was judged to be meeting the purposes “strongly” overall. An area scoring 3 against any purpose was judged to be “medium” overall. Other areas scoring only 1 or 2 against the purposes were judged to be “weakly” performing overall.
- 9.24 A finding in the report of a contribution that is below “strong” is highly material to an assessment of whether land is “grey belt” for NPPF purposes. Given the grey belt definition, it is the report’s scores of 1-5 against individual purposes which matter, rather than the “overall” summary. The Council’s focus on whether the GB studies recommended release of the site from the Green Belt is irrelevant. Green Belt release is a different question to whether some land is performing “strongly” against the purposes.
- 9.25 In the first study, the site falls within General Area (GA) 60. This area scored 3 against purpose (a), 5 against purpose (b), 2 against purpose (c) and 0 against purpose (d). Because of the methodology, the score of 5 against a single purpose led to the overall scoring of “strong”. However, GA60 included a large land parcel between Marlow and Bourne End, such that, if developed, there would be a merging of settlements, hence the score of 5 in this regard. However, MFS would only occupy a small portion of GA60.
- 9.26 In Part 2 of the Green Belt Assessment (2017)<sup>55</sup>, a parcel comprising the northern part of site (i.e., plots 1, 2 and 3, excluding plots 4 and 5) was assessed<sup>56</sup>. It is notable that plots 1, 2 and 3 are where the main built form of the scheme is proposed.
- 9.27 The assessment deployed the same methodology of scoring a parcel 0-5 against the first four purposes, and then giving an overall score. Parcel BL0001 scored 3 against purposes (a), (b) and (c), and 0 against purpose (d). It therefore scored “moderately” overall. Although the parcel was not taken forward for Green Belt release, the important point for present purposes is that the parcel neither scored “strongly” (5) nor even “relatively strongly” (4) against any purpose.
- 9.28 Based on the PPG, the Council now accept that the site would not contribute strongly to purpose b) and maintains that the only purpose it would contribute towards strongly would be purpose a). It is common ground<sup>57</sup> that the site does not contribute to purpose (d): “to preserve the setting and special character of historic towns” and that the development would not “fundamentally undermine the function of the Green Belt across the area of the plan as a whole”, for the purposes of NPPF 155. Thus, the remaining disagreement lies with purpose a, and criteria b and c of NPPF 155.

*Purpose (a): “to check the unrestricted sprawl of large built-up areas”*

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<sup>55</sup> CD9-42

<sup>56</sup> CD9-42 p. 1-6: BL0001

<sup>57</sup> CD7-002 3.3

- 9.29 The Part 1 Study adopts a simple definition of “sprawl” as “*the outward spread of a large built-up area at its periphery in an untidy or irregular way*”<sup>58</sup>. A key issue when considering sprawl will be the strength of the new boundaries once the proposed development is in place. In other words, if development into the Green Belt would have good definable boundaries, this reduces the element of “sprawl”. The importance of boundaries is also inherent in the use of the word “unrestricted” in purpose (a).
- 9.30 The development would maintain clear boundaries to the north (A4155), east (Westhorpe Farm Lane, hedgerow, and clear conifer belt) and south (railway line), all clear definable boundaries with recognisable physical features. If you look on a map and see these boundaries, and look at what they contain, they would square off an area with a lot of built form already (Westhorpe House, Westhorpe Park homes, Crowne Plaza, Westhorpe Farm mixed used development), together with historic landfills, all influenced by noise and light. Beyond those boundaries, to the east, south and north, the land is distinctly more open and rural.
- 9.31 Therefore, the site does not contribute to this purpose at all, let alone contributing “strongly”. Even on the Council’s own assessments, the score for the whole of GA 60 and the smaller Part 2 parcel is only 3/5 (moderate).

*NPPF 155 Criterion (b) – demonstrable unmet need*

- 9.32 There is a “demonstrable unmet need” for film and HETV studios. This is addressed below.

*NPPF 155 Criterion (c) – sustainable location*

- 9.33 The development would be “in a sustainable location”. This is addressed below.

*Conclusion on inappropriate development*

- 9.34 The scheme meets criteria (a)-(c) in NPPF 155. Thus, the proposal is not inappropriate development in the Green Belt. Indeed, this proposal falls utterly within exactly what the Government envisaged in creating the new category of Grey Belt land.
- 9.35 There is no further or separate requirement to demonstrate the absence of “alternative sites” outside the Green Belt for the proposed development. It follows that the scheme would comply with policy DM42 of the Local Plan and the NPPF.

***Effect on openness and purposes of the Green Belt***

- 9.36 If the Inspector or SoS finds that the proposal would be inappropriate development, then the harm to the Green Belt must be considered.

*Openness*

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<sup>58</sup> CD9-41 p.50 4.4.8

- 9.37 The appellant's planning and landscape witnesses have given evidence in respect of the impacts of the scheme on the openness of the Green Belt, from a spatial and visual perspective<sup>59</sup>. With a scheme of this inherent nature and scale, the scheme would result in significant harm in both spatial and visual terms. However, both aspects will be largely limited to the site and land immediately adjacent to it.
- 9.38 Additionally, while the site is largely free from built form, it is influenced by built form and urban activity from lighting and noise. The Council's Part 2 Assessment found that "*the sporadic development in GA60 results in an overall semi-urban character*", with a "*clear sense of proximity to Marlow and the associated road network*"<sup>60</sup>.
- 9.39 There would be limited harm to openness in a visual sense from long distance views of the site.

### *Purposes*

- 9.40 Purpose (a) – as set out above, by virtue of existing landscape features, the definitive and well-established eastern boundary, and adjacent land uses, the development will not create "unrestricted sprawl" (score 0/5).
- 9.41 Purpose (b) – due to adjacent land uses and the remaining extent of physical separation between the settlements, the site performs only weakly against this function (score 1/5).
- 9.42 Purpose (c) – the development will result in some encroachment into the countryside, but – as noted above – with definable barriers against further encroachment (score 2/5). It is relevant to note that the Council's GB study Part 2 scores the parcel 3/5<sup>61</sup>, and highlights the nearby urban influences and resulting "semi-urban character".
- 9.43 Purpose (d) – no conflict (score 0/5).
- 9.44 Purpose (e) – based on the specific site requirements for a development of this nature and scale, it would be inappropriate/unfeasible in an urban location – no conflict (score 0/5). The Council's approach of seeking to disaggregate the development of the site is unsustainable. The scheme needs a site of circa 36 hectares. The Council's planning witness accepted that they were not aware of any urban location which could accommodate a site of this scale, or even anything approaching it. The "critical mass" of the site is the subject of evidence by the appellant's economic benefits witnesses. They explained the economies of scale involved in a film studios of this magnitude (enabling multiple productions to be proceeding at once). Even assuming disaggregation, the Council has done nothing to demonstrate alternative sites.

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<sup>59</sup> CD8/004b 5.17-5.20 and CD8-011b 8.29-8.40, along with ID101a and ID101b

<sup>60</sup> Albeit the study (CD9-42, p.3) also notes that the parcel is "absent any apparent built form" and "the existing character of the land is largely rural and open, divorced from Marlow by the bypass".

<sup>61</sup> CD9-42, p.3

- 9.45 Overall, for a scheme of this nature, it is inevitable that there will be significant impacts on the openness of the Green Belt. However, it is remarkable in this case that the conflict with the Green Belt purposes is relatively limited.

#### **Policy RUR4**

- 9.46 Policy RUR4 of the Local Plan allocates an area of 329 hectares (including the site) for “outdoor recreation”. The scheme is not an “outdoor recreation” use. However, this approach is oversimplistic. Moreover, to the extent that there is any conflict with Policy RUR4, the appellant invites the Inspector and SoS to afford significantly reduced weight to such conflict on the basis that Policy RUR4 is undeliverable and out-of-date.
- 9.47 Little Marlow Lakes Country Park has been no more than an aspiration for decades. The Council’s Cabinet report dated October 2022<sup>62</sup> acknowledges that the proposal for a Country Park goes back to the 1960s. In October 2022, the Cabinet resolved not to pursue formal designation for the whole Policy RUR4 area, but instead to explore options for formal designation of land within the Council’s ownership.
- 9.48 To date, no actual formal designation has ever taken place, on any part of the Policy RUR4 area, although the Council has recently resolved to proceed with the formal designation of a Country Park on the Council-owned land at Spade Oak Lane<sup>63</sup>. The Council in October 2022 also resolved in the vaguest terms to “*retain a commitment to the wider Country Park as and when circumstances and resources permitted*”. This commitment is hollow and undeliverable.
- 9.49 The reality is that there was never any ability to deliver the Country Park as a whole (rather than simply designating Council-owned land), because the Council did not have control of large swathes of the allocated land. It still only owns around 17% of the allocated area, or put another way, it has no control over 83% of the land and no power to influence or determine what goes on in terms of use of that land, the extent of public access and the future intentions of the owners of that land.
- 9.50 The Cabinet report in October 2022 candidly acknowledged this and admitted that “*the steps required to proceed [with a whole site Country Park] will involve negotiations with existing landowners, most of whom will expect some form of compensation in return for their agreement. Even then, there can be no guarantee that the landowners will agree, at which point the project may be deemed undeliverable*”<sup>64</sup>. The project/allocation can be deemed undeliverable here and now.
- 9.51 Conflict with Policy RUR4 could only be given significant weight if the consequence of granting permission was to prevent a realistic and

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<sup>62</sup> CD8-011c 2.1

<sup>63</sup> CD9-32 The Cabinet’s decision prompted the Council to withdraw Reason for Refusal 8. The “call-in” of that decision failed, with the Select Committee endorsing the Council’s officer recommendation to take no further action and implement the Cabinet’s 2 January 2025 decision (ID37).

<sup>64</sup> CD8-011c 2.8

deliverable option of a whole site Country Park designation. Given that this is an undeliverable aspiration, no such consequence arises.

9.52 Para. 2.13 of the October 2022 Report notes that “*the Local Plan does not purport to make the Site a Country Park*”, and then states that “*developers would ... be able to argue that the policy should be accorded reduced weight as it was conceived on the understanding that the site was a Country Park*”. The report goes on to say: “*however, Counsel’s view is such arguments would be given little weight given the long-standing allocation of the site for outdoor recreation and, moreover, any such developer would also have to address the Green Belt issue*”. This is a very curious passage, for several reasons:

- i. First, it misrepresents the reason why “developers” may contend the policy is out-of-date. It is not because the plan was conceived on the understanding that the site was a country park. It is instead because the plan was based on the future delivery of an area-wide country park being viable and deliverable (when it plainly is not).
- ii. Second, the report sets out the substance, but does not disclose the legal advice, and this amounts to a clear waiver of privilege. The Council has, however, not disclosed the legal advice, and so the Inspector can place no weight on that advice having not seen it.
- iii. Third, the advice is wrong in any event. The allocation of the site for outdoor recreation has nothing to do with, and cannot cause, the deliverability of the “country park”. The Green Belt issue is also irrelevant, as the land is now “grey belt”.

9.53 It is furthermore the case that, as the appellant’s landscape witness explained<sup>65</sup>, the site is despoiled land (with potential contamination issues arising from the former landfill use and poor restoration) which is currently significantly impacted by noise and disturbance from the A404. This renders the land less desirable from a recreational perspective.

9.54 The scheme presents an opportunity to enhance the experience of the wider Policy RUR4 land for recreational users, through improved connectivity and public access by foot and cycle, thereby delivering on criterion 5 of policy RUR4. Far from frustrating the realistic delivery of recreational benefits, the scheme can be seen as facilitating and enabling them through a properly viable and deliverable development.

9.55 The on-site “recreational offer”<sup>66</sup> comprises:

- i. The public right of way would be widened to 6m<sup>67</sup> to enable cyclists and pedestrians to use it, with low level lighting to be produced throughout to improve safety, and with landscape enhancements.
- ii. Publicly accessible recreational space located in front of the Culture and Skills Academy building, hosting a network of permissive recreational paths.

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<sup>65</sup> CD8-004b section 7

<sup>66</sup> CD8-001 5.21 p.80

<sup>67</sup> ID110 S106, p.4, definition of “Bridleway Works”

- iii. The Culture and Skills Academy, with dedicated hours of opening to the public for events, educational and cultural programmes, to operate as an anchor for the recreational space.
  - iv. Green enhancements to the landscape to restore the experience immediately north of Westhorpe House.
  - v. A community building, that would act as a flexible space for use by the wider community.
  - vi. Enhanced waterfront landscape.
  - vii. The Studio Hub, that would provide a window to the film studios and bring interest into the PRow, hosting temporary public events.
  - viii. A café at the eastern end of the site would be publicly accessible to users of the PRow and encourage greater use.
- 9.56 In addition to the on-site provision are the proposed off-site sustainable transport upgrades (i.e. at Westhorpe Interchange and Volvo Bridge) to facilitate greater pedestrian and cycle access to/from the site.
- 9.57 The R6 parties expressed concern<sup>68</sup> about the removal of PRow by the scheme. However, there is only one formal PRow that passes through the site, and it will not be removed, but enhanced. The existing PROWs leading to the site would also be enhanced.
- 9.58 The permissive routes to which the R6 refer would be retained (and in the case of those around the proposed Culture and Skills Academy, incorporated into and improved as part of the scheme)<sup>69</sup>. Whilst the appellant does not dispute the existence of these permissive paths, we make 2 points: (1) they are not currently PROWs and it is not for this inquiry to adjudicate on the extant DMMO applications; (2) more importantly, the permissive routes will be retained and improved, not lost as alleged by the R6. The concerns are therefore wholly misplaced.
- 9.59 The Council and R6 Parties' cases<sup>70</sup> rely upon the comment in the WDLP<sup>71</sup> that the RUR4 area is already used for recreation and is already meeting the principal purpose of a Country Park. While that is true, the scheme would not change this, and in fact would enhance the recreational experience. In any case, the mere existence of a PRow across the site, and some informal permissive routes and recreational uses, does not make the site a "Country Park" in any sense. On that approach, most of the country would become a "Country Park".
- 9.60 The appellant contends that the concept of an area-wide country park spanning across the designation (as opposed to there being one PRow and a few permissive paths) is undeliverable. Indeed, the Council's planning witness accepted that "*any policy needs to be deliverable over the plan period in order to be given weight*".

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<sup>68</sup> CD13-200, section 10. See also the Rule 6 Closing at paras. 17-23 (ID96)

<sup>69</sup> CD8-001 p.80 (on site) and p.121 (the wider existing informal routes being retained)

<sup>70</sup> ID2 24 and ID3 10

<sup>71</sup> CD4-001 5.5.23, p.224

- 9.61 Accordingly, the policy is “out-of-date” and any conflict with it should be afforded limited weight. Notwithstanding this, the primary case is that the scheme presents the best available and deliverable opportunity to enhance the recreational experience of the RUR4 area more widely.

### ***The need and economic benefits case***

#### *National planning policy*

- 9.62 Having regard to chapter 6 of the NPPF, as detailed above, the strength of the WLC is the film industry, and policy is injuncting us to build this strength to meet future challenges. It is not disputed that Britain is among the global leaders in the film industry. We need to capitalise on the WLC having a high level of productivity and enable it to realise further potential for growth.
- 9.63 The task is to be positively proactive rather than reacting only when it is too late, having regard to the national industrial strategy, Invest 2035: The UK’s Modern Industrial Strategy. The NPPF requires particular regard to be paid to “*facilitating development to meet the needs of a modern economy*”, which plainly includes the creative industries.
- 9.64 The unparalleled creative industry cluster is the WLC. NPPF 87a requires “*making provision for clusters ... of ... creative ... industries and for new, expanded or upgraded facilities and infrastructure that are needed to support the growth of these industries*”. This can only mean – in planning decision-making – granting planning permission. The question of need is not determined by what is required to meet the existing UK share of the global film and TV market, but rather what is needed “*to support the growth*” of that share.
- 9.65 This is very important for considering the need evidence in this case.
- 9.66 It is also important for how to interpret the requirement in NPPF para. 155(b) that there be a “*demonstrable unmet need*” for the type of development proposed. The Council’s interpretation that this is referring to an existing or current need<sup>72</sup>, rather than any future need, is wholly unsustainable in the context of NPPF paras. 86 and 87, which speak of the imperative to be “*proactive*” in encouraging growth, and of making provision for facilities that are “*needed to support the growth*” of the creative industries. It is also unsustainable when one looks at footnote 56 of the NPPF, which indicates that a demonstrable unmet need in the housing context is where a five-year supply projected forwards is not identified.
- 9.67 Put another way, it would be wholly illogical for the Government to fix the question of need to the existing position, if it wishes to fulfil the obvious growth ambitions in NPPF paras. 85-87. Instead, the question asked by NPPF para. 155(b) is whether – in order to achieve the UK’s ambition to grow the UK’s market share of the global market for film and TV production – a need for MFS can be demonstrated.

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<sup>72</sup> ID97 LPA Closing para. 33

- 9.68 As an aside, it is nonsensical for the Council to suggest<sup>73</sup>, that proposals seeking to meet ‘future’ need, rather than existing need, should be “*pursued through the development plan process*”. First, NPPF paras. 85 and 87 apply to both “*planning policies and decisions*”. Second, the Council’s suggestion to meet future unmet need through the development plan process does not sit well with the Council’s own record in plan-making.
- 9.69 The Council’s suggestion<sup>74</sup> that these revised paragraphs 85-87 of the NPPF should be “*understood in the context of the document as a whole*” is a misplaced attempt to diminish the significance of these paragraphs in this Government’s economic strategy.

### *National Industrial strategy*

- 9.70 As referred to above, the NPPF explicitly requires regard to be had to Invest 2035: The UK’s Modern Industrial Strategy<sup>75</sup> (October 2024).
- 9.71 In the Foreword, the Chancellor of the Exchequer confirms that “*growth is the number one mission of this government*”, and the new Industrial Strategy is central to that mission. The Foreword also speaks of “*rapid change in the global economy*” and says it is time for governments to “*roll up their sleeves and shape markets rather than step back in the face of these challenges*”. This again is seeking an ambitious, pro-active approach, which is the key context through which to assess the need for and benefits of the scheme.
- 9.72 The Industrial Strategy has a 10-year timescale and seeks to “*not repeat the mistakes of the past*”, which in the film industry is typified by the situation in the mid-2010s when the rising demand for studio space resulted in as many as 23 blockbusters in 2015-2017 going elsewhere than the UK<sup>76</sup>. One of the “*barriers to investment*” identified by the Industrial Strategy<sup>77</sup> is identified as “*planning*”. In the section headed “*Creating a Pro-Business Environment*”, it states “*an effective planning system is a fundamental enabler for business investment in our growth-driving sectors*”, and “*at the national and regional level, planning constraints hold back growth*”.
- 9.73 One of the Government’s “*priority sectors for growth and support*”<sup>78</sup>, otherwise referred to as a “*growth-driving sector*” is the “*creative industries*”. The Industrial Strategy<sup>79</sup> states that:

*“The UK’s creative industries are world-leading, showcasing the best of its creativity and culture to the world. According to UN Trade and Development, the UK is the third largest creative services exporter*

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<sup>73</sup> ID97 LPA Closing para. 33

<sup>74</sup> ID97 LPA Closing para. 3

<sup>75</sup> CD6-024

<sup>76</sup> CD8-007 para. 4.9

<sup>77</sup> CD6-024 Foreword, p.2

<sup>78</sup> NPPF footnote 43

<sup>79</sup> CD6-024, p.22

*behind the US and Ireland, worth \$87 billion in 2022. ... The UK is a global centre for screen production, with £4.23 billion in production spend in 2023, of which 78% was from inward investment<sup>80</sup>. According to the Creative Industries Policy and Evidence Centre, the creative industries accounted for 67% of the UK's digital exports in 2021.*

*The sector is expected to grow worldwide, creating further growth opportunities. The sector is highly innovative, attracting significant inward investment and producing goods and services that are world renowned. PwC estimates that the global Entertainment and Media sector will grow to \$3.4 trillion by 2028. Half of global trade is expected to be digital by 2050.*

*To enable growth in the sector, the Government will leverage UK creative industries' global comparative advantages by unlocking private investment, boosting exports, and developing its highly skilled workforce. The Government needs to ensure that the UK sector remains globally competitive as a home for world class talent while maximising access to important markets to tour and collaborate. The sector plays an important role in driving growth across regions and nations, through creative clusters and corridors across the country that spread opportunity and prosperity in communities, as well as driving growth by enhancing access to skills, spillovers, and knowledge sharing."*

- 9.74 National policy in both the NPPF and the industrial strategy are in the strongest possible terms endorsing the need for growth of the creative industries sector as an economic priority. The new national policy and strategy is a step change, and such a policy would only be so stated if the Government identifies a need for new film studio development. There would be no purpose to such a policy in the absence of a demonstrable need. The position in Government policy is therefore predicated on the existence of such a need.
- 9.75 The national industrial strategy is also reflected in a speech by the Chancellor on 29 January 2025, in which she vowed to "*go further and faster to kickstart economic growth*"<sup>81</sup>, as well as in the announcement made by the Chancellor on 16 February 2025<sup>82</sup> that "*film studios are to receive business rates relief over the next nine years as the government rolls out a reduction in business rates bills – to help drive growth and deliver the Plan for Change*". The Chancellor stated in her speech that "*we will continue to build the [film and TV] sector into a global beacon of home grown success, creating more jobs, more investment*". The Deputy CEO of the BFI added that "*our film and TV industries continue to be a powerful and vital growth industry*". The Chair of BAFTA said, "*it is vital that the UK remains competitive as a prospect for inward investment*".

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<sup>80</sup> Note: we now have the more recent BFI figures for 2024 (ID87), i.e. £5.56 bn production spend, of which 84% was from inward investment.

<sup>81</sup> ID90

<sup>82</sup> ID93

- 9.76 Although the Council have sought to describe the national industrial strategy as “*inchoate*” on account of it being a Green Paper, and alleged that the question of “*need*” is deferred to a later stage, there is no evidence for this and it runs contrary to other statements referred to above. It is inconceivable that the Government would have identified the various “*priority sectors for growth*” without it being a clear objective to grow these industries. The Council’s attempt to belittle the significance of the Government’s national industrial strategy and ignore multiple clear statements of intent by this Government, is consistent with their general approach of rejecting the direction of travel and support in national policy.
- 9.77 The case of the Council and the R6 on need is diametrically opposed to the Government’s recent and resounding expression of national policy in the industrial strategy and the NPPF. It is illuminating that the R6 have spent most of their closing submissions on need but without referencing either NPPF paras. 85-87 or the National Industrial Strategy. Both the Council and the R6, implicitly launch a direct challenge to the correctness of the Government’s policy position. They effectively argue that the Government’s planning policy and industrial strategy was “out of date” at the point of adoption in December 2024 and October 2024 respectively. That is not a tenable position.

#### *Local Industrial Strategy*

- 9.78 The Council’s case is also contrary to its own local strategy for economic growth. There is a local priority to support long-term economic growth for Buckinghamshire through investment in its key growth sectors<sup>83</sup>. Buckinghamshire identify 4 growing “*super strength*” national and internationally significant clusters, including the “*creative and digital industry*”. In their consultation response on the new NPPF, the Council suggested it would be helpful to recognise “*potential for support for film and media*”. The Council’s own report<sup>84</sup> notes that the future success of the film and TV sector is linked to the continuing growth of the WLC<sup>85</sup>.

#### *The Council and R6 need case*

- 9.79 The Council’s position as to the lack of need for the scheme is premised on 2 points<sup>86</sup>:
- i. The existing pipeline of studio space will be sufficient to meet demand at least in the medium term because there are extant unimplemented consents for comparable scale studio development.
  - ii. There is continuing uncertainty over future market demand.
- 9.80 Similarly, the R6 case<sup>87</sup> is that:

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<sup>83</sup> CD8-007 para. 3.4

<sup>84</sup> CD5-016 Buckinghamshire Local Skills Report 2022

<sup>85</sup> See also CD8-007 para. 3.8, Table 4, which sets out the Buckinghamshire Local Industrial Strategy (2019), the Buckinghamshire LEP Economic Recovery Plan (2020) and the Strategic Vision for Buckinghamshire (2021), all of which support MFS.

<sup>86</sup> Council’s Statement of Case, para. 8.5

<sup>87</sup> CD13-001 section 7

- i. There is no “clear or pressing need” for the scheme due to an “oversupply for substitutable studio capacity”.
- ii. There is no evidence that the scheme would result in an increase in UK film and HETV production activity.
- iii. The WLC has “no significant advantages” over the wider London and Southeast Cluster.
- iv. The extent to which the education and training program would reduce the shortage of workers within the film and HETV production industry will not be significant due to its small scale.

9.81 It is notable that the appellant has called 5 witnesses of unquestionable expertise on matters pertaining to the film industry and economic benefits. By contrast, the Council has relied on the evidence of their planning witness, and the R6 need evidence is articulated by a local resident who has no relevant expertise regarding the film industry. Thus, the appellant rebuts these positions with the following:

(1) A history of global growth

- 9.82 The value of the global entertainment and media sector has grown from \$2.39 trillion in 2019 to \$2.83 trillion in 2024<sup>88</sup>. The global revenue in the film and television market specifically expanded during the same time by \$74 billion (9.1%) to reach \$882 billion in 2023<sup>89</sup>, notwithstanding the fact that the global cinema market was still in a period of long-term recovery from the pandemic.
- 9.83 This increase has been driven by the rapid rise of the global OTT video market (which includes SVOD services and TVOD services. This market grew at an average annual rate of 21.6% between 2019 and 2023, more than doubling in size (£131 billion to £285 billion) over the period.
- 9.84 These global revenues provide the base for spending on the production of film and television content, which is of most relevance to the assessment of the demand for studio space. The global spend on film and television content has grown from \$148 billion in 2015 to \$243 billion in 2023<sup>90</sup>.
- 9.85 This pattern of growth is also reflected in the global content spend of the six largest providers, which enjoy roughly half of the market between them (from \$90.7 billion in 2020 to \$125.8 billion in 2024<sup>91</sup>).
- 9.86 It is further reflected in the growth of subscribers to SVOD services. The leading global SVOD service, Netflix, has grown from 36 million subscribers in 2013 to 273 million subscribers in early 2024<sup>92</sup>, enjoying massive growth in operating revenue and income<sup>93</sup>. Indeed, global SVOD revenue has increased from \$17 billion in 2016 to \$107 billion in 2023<sup>94</sup>.

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<sup>88</sup> CD8-005 para. 56

<sup>89</sup> CD8-005 para. 59

<sup>90</sup> CD8-005 para. 63

<sup>91</sup> CD8-005 para. 67

<sup>92</sup> CD8-005 Figure 2, p.12. It is even higher by the end of 2024.

<sup>93</sup> DC PoE Table 9 p.13

<sup>94</sup> DC PoE Table 11, p.14

## (2) Current global addressable market

- 9.87 As the appellant's need witness DC explained<sup>95</sup>, global spending on film and television production represents the key "addressable" market that generate the downstream demand for film and television studio space globally and in the UK. However, when considering that demand, it is spending by global media companies, notably the SVOD services, that underpins demand and provides the basis for ongoing growth.
- 9.88 It is spending on original film and TV content that is most likely, albeit not exclusively, to generate demand for studio stage space<sup>96</sup>. The top 6 spenders are estimated to have spent \$62.5 billion on original content in 2024. Once one adds Apple and YouTube, the appellant's need witness DC concludes that "*the global addressable market, that is the market for the production of original film and television content that can be made anywhere in the world, is currently worth at least \$70 billion, or £55 billion*"<sup>97</sup>.

## (3) A forecast of global growth

- 9.89 The past and present record of growth is not forecast to stop. It is no surprise to see the creative industries identified as a priority growth area in the UK, when one considers the evidence of global growth forecasts presented in the work of the appellant's need witness DC, namely:
- i. A nearly \$3 trillion total revenue for the global entertainment and media sector in 2024 is expected to grow at a compound annual growth rate of 3.9%, reaching \$3.42 trillion by 2028<sup>98</sup>.
  - ii. Strong growth in the OTT video market (underpinned by growth in SVOD services) combined with the continued recovery and growth of the global cinema market will likely allow the global film and television market to expand by over 25% or \$187 billion between 2023 and 2029 (3.8% annual growth rate)<sup>99</sup>.
  - iii. There is a consensus among forecasters that revenue growth in the OTT market will average at approximately 4% per annum in real terms to 2028<sup>100</sup>.
  - iv. Assuming content spending grows at the same rate as market revenue (i.e. 4%), spending on original content is likely to reach just under £70 billion by 2030. This would add £15 billion in annual spending to the global market by 2030. Even if spending on original content grew at half the rate of market revenue (i.e. 2%), then £55 billion in annual spending on original content would reach £62 billion in real terms by 2030, adding £7 billion to the market.
  - v. Across all SVOD services, globally, the subscriber base is likely to expand by 22.8% between 2023 and 2029, adding 332 million new

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<sup>95</sup> CD8-005 para. 64

<sup>96</sup> CD8-005 para. 69

<sup>97</sup> CD8-005 para. 72.

<sup>98</sup> CD8-005 para. 56

<sup>99</sup> CD8-005 para. 60

<sup>100</sup> CD8-005 para. 87

subscribers to the current base of 1.458 billion subscribers<sup>101</sup> (the growth rate is even higher for the US-based English language SVOD services that drive demand for UK studio space).

(4) UK – past record of growth

- 9.90 The globalisation of film and television production away from Southern California has seen the UK become a major player in the global market. With an internationally recognised and long established history of film production, coupled with the English language and the introduction of tax incentives (Film Tax Relief in 2007, HETV Tax Relief and Animation Tax Relief in 2013, and Children’s Television Tax Relief in 2015), inward investment in film and television production in the UK (at an annual average rate of 19% between 2015 and 2023) significantly outpaced the global rate of growth in content spend (at 6%)<sup>102</sup>. The tax regime is itself a clear expression of Government policy to support and grow the industry, quite apart from the NPPF and national industrial strategy.
- 9.91 While filming days in LA declined at an annual average rate of 9.5% between 2018 and 2023, spending on film and HETV production in the UK rose at an annual average rate of 3.5% during the same period.
- 9.92 Between 2004 and 2013, film and HETV production spend in the UK totalled £9.8 billion. In 2014-2023, it reached £35.8 billion, or 3.6 times the prior decade. Over the last decade, spending on film and HETV production has more than doubled<sup>103</sup>.

(5) The UK’s current position in the addressable market

- 9.93 The appellant’s need witness AN explained in EiC that “*it is difficult to underestimate how strong the UK is, as one of the most important film-making hubs in the world*”.
- 9.94 The appellant’s need witness DC notes that the theatrical-release film market offers the best evidence of the UK’s leadership, with analysis indicating that, in relation to production of theatrical release films distributed in 2022 or 2023, the UK was second only to LA<sup>104</sup>.
- 9.95 The UK was also named by Netflix as “*our most important production hub outside North America*” and that they have a “*long-term commitment to Britain’s creative sector*”<sup>105</sup>.
- 9.96 Film and HETV production spend in the UK hit a peak of £7.1 billion in 2022, before the film and TV production sector experienced labour disruptions in 2023 due to the Hollywood actors’ and writers’ strikes. This led to lower levels of production in the UK in 2023 (£4.23 billion).

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<sup>101</sup> CD8-005 para. 77

<sup>102</sup> CD8-005 para. 109

<sup>103</sup> CD8-005 para. 184

<sup>104</sup> CD8-005 paras. 167-168

<sup>105</sup> CD8-005 para. 176

- 9.97 However, production bounced back in 2024, with the BFI<sup>106</sup> recording film and HETV production spend in the UK at £5.6 billion, a 31% increase on 2023 and ahead of the 2019 pre-Covid production spend. HETV production reached almost £3.4 billion, an increase of 20% on 2023 and the third highest annual spend since the tax relief was introduced in 2013.
- 9.98 It was surprising for the Council and R6<sup>107</sup> to question the “bounce-back” when 2024 is the third highest year ever for film and HETV production spending in the UK. The appellant’s need witness AN’s assessment is that the sector is “*thriving on every front*”.
- 9.99 The BFI Chief Executive, Ben Roberts, said on 6 February 2025: “*the UK’s film and TV industries continue to be a powerhouse for creativity, investment, and jobs. After a disrupted 2023, including the impact of US strikes, production spend rebounded to £5.6 billion ... demonstrating the UK’s strength as a world-leading destination for filmmaking*”<sup>108</sup>.
- 9.100 The Council, in a note submitted 13 February 2025<sup>109</sup>, attempted to suggest that the BFI’s latest statistical release harms the appellant’s case because the figure is below that which had previously been projected, and further reduces the projection of future production spend in the UK by Knight Frank<sup>110</sup>. However, this contention has been comprehensively rebutted by the appellant in the note dated 14 February 2025<sup>111</sup>, for 4 key reasons:
- i. The latest BFI figures for production spend in 2024 are provisional and could increase as more information becomes known. The BFI press release states: “*as more budget information becomes available for some productions made last year it is possible that inward investment spend will reach the highest level over the past five years*”. Past releases have consistently been increased subsequently.
  - ii. A proportion of the production spending in 2024 will have been recorded in 2023 due to the accounting method.
  - iii. The overall figure for 2024 was dragged down by a disproportionately weak domestic film and HETV production segment.
  - iv. The forecast of demand for stage space presented by Knight Frank assumes no allowance for the UK increasing their share of the global market. Instead, it assumes that the UK market will grow at the same rate as the overall market. As explained below, a big part of the appellant’s need witness DC’s evidence is to highlight the anticipated increase in global market share.
- 9.101 With these points factored in, the appellant’s need witness DC confirmed his expectation that the Knight Frank projection would be exceeded,

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<sup>106</sup> ID87

<sup>107</sup> And LSH, who misleadingly describe the performance in 2024 as “poor” – see p.2 of CD9-02

<sup>108</sup> ID87

<sup>109</sup> ID89

<sup>110</sup> CD8-006b Knight Frank: UK Film Studio Market Report

<sup>111</sup> ID94

thereby undermining the Council's position. The Council's case also fails to take any account of the undisputed quality of the offer by MFS, and what it can achieve as a catalyst for attracting a bigger share of the global market to the UK.

- 9.102 Trade-press reports indicate that the UK is poised for a “bumper 2025” in terms of film and television production<sup>112</sup>. The appellant's need witness SW's evidence, from her direct experience as a film and TV producer on the ground right now, contacting UK studios, indicates considerable difficulty in securing studio space in 2025. They explained they had been approached by 6 producers to find UK studio space since December 2024, and that over the 2 weeks prior to their evidence, they had been contacting all the Grade A and larger Grade B stages in the WLC and wider south-east, finding them to be over-subscribed already (whether due to major leases or prior bookings via the “pencil” system), with no reliable availability beyond March. She considers that the pre-strike “scramble” for stage space is “coming back”, with the potential collapse of the pipeline a “real worry”.
- 9.103 The suggestion of the Council and the R6 Parties of ample slack in existing capacity is simply not consistent with the real-world evidence.

(6) Opportunities for the UK in future

- 9.104 After noting the UK's strength as a world-leading destination on current figures, the BFI Chief Executive also considered the future: *“At the same time, we know these figures don't tell the whole story. ... what happens next will be critical. Continued investment in skills and infrastructure, alongside strong government support is essential to ensuring the UK remains a magnet for international productions while strengthening our independent sector for the future”*<sup>113</sup>.
- 9.105 Adrian Wootton OBE, Chief Executive of the BFC, similarly stated that 2024 was a “transitional year”. *“Looking forward, we're cautiously optimistic. The British Film Commission is experiencing the highest level of inward investment production enquiries for many years. ... The UK remains well-placed to see a competitive share of the global production spend and all signs are that we'll see strong growth in film and HETV in the coming months”*<sup>114</sup>.
- 9.106 Similarly, the industry itself is committed to future production in the UK. As Ben King, Senior Director of Public Policy at Netflix, told the Culture, Media, and Sport Select Committee in May 2024<sup>115</sup>, *“we've put down very deep roots here and we are certainly committed for the long term. ... the attractiveness of UK content and the UK as a global destination for production is every bit as strong as it has ever been. ... My message to policymakers today would be to think hard about the industry that we want*

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<sup>112</sup> CD8-005 para. 187

<sup>113</sup> ID87

<sup>114</sup> ID87

<sup>115</sup> CD13-32, p.3

*to have in 10 years' time not just the one we have today and in particular we need to keep a very keen eye on other markets to ensure that we retain our competitive edge".*

- 9.107 Optimism for the UK's future is also recognised by the Council's own need consultants LSH. In their update report dated December 2024, they state<sup>116</sup> *"[d]espite the uncertainty, we are optimistic about the prospects for a recovery in 2025 with anecdotal feedback from most studios reporting strong bookings well in advance. We are also very positive about the prospects for the UK to increase their share of global production spend as US productions corporate increasingly look to offshore production activity"*.
- 9.108 The KF report also identified that *"Without increased investment and infrastructure aligned with industry needs, the UK risks losing its competitive edge on the global content production landscape"*<sup>117</sup>.
- 9.109 Chiming with LSH being "very positive", the appellant's need witness DC's opinion is that<sup>118</sup>:
- i. The increasing global nature and contestability of the film and television production market is positive for the UK going forward. It means that the UK can compete for the estimated growth from £55 billion to £70 billion in annual global spending on original film and television production by 2030.
  - ii. In other words, the addressable market in which the UK can compete is 7 to 10 times larger than the peak level of film and HETV production (£7.1 billion) recorded in the UK in 2022.
  - iii. The UK could position itself to compete for a reasonable share of the forecast £7-15 billion growth in global spending on original film and TV production by 2030.
  - iv. The UK is well placed to compete for such a share, on account of a range of factors – financial incentives, the exchange rate, competitive wages, the English language, regulatory advantages, pro-active skills development environment and commitment to addressing the forecast labour market shortages<sup>119</sup>.
  - v. Any suggestion of long-term detrimental impacts to the UK from the shocks of 2023, in the light of 2024 figures, needs to be treated with real scepticism, most particularly in a content in which the new Labour Government has doubled down on commitments to supporting the screen sector as a key plank of growth in its developing Industrial Strategy.
- 9.110 This position was echoed by the appellant's need witness AN, who explained that US producers will be looking to the UK in future years to see what the "landing ground" might be. A bigger market share for the UK is waiting to be realised.

## (7) Supply - existing

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<sup>116</sup> CD9-02 p.3

<sup>117</sup> CD8-006c

<sup>118</sup> CD8-005 paras. 117-119.

<sup>119</sup> CD8-005 sections 4.2-4.3.

- 9.111 Against the backdrop set out above of demand forecasts, it is necessary to consider the existing supply, followed by the pipeline of potential future supply. The total stock of UK stage space is 7.55m sq. ft. Of that, 5.63m sq. ft. is in London, the Southeast and East, i.e. 74%<sup>120</sup>.
- 9.112 The appellant's need witnesses have all spoken of the importance of high-quality studio space for attracting a greater share of global market demand, and particularly the top budget productions. In addition, the scheme is accepted by all at the inquiry to be "*best in class*" if approved. As the appellant's need witness MD explained, it makes sense to segment the existing supply accordingly. If one only looks at the purpose-built Grade A studios with premium support facilities, the existing stock decreases dramatically from 7.55m sq. ft to 2.79m sq. ft, which comprises 7 studio complexes: Pinewood, Shepperton, Warner Bros. Leavesden, Shinfield, Sky Elstree, Eastbrook Dagenham, and Belfast Harbour Studios<sup>121</sup>.
- 9.113 In relation to this list<sup>122</sup> as follows:
- i. Pinewood is under a single lease to Disney until 2029.
  - ii. Shepperton is fully let to Netflix and Amazon until at least 2029.
  - iii. Warner Bros Leavesden is owner occupied by Warner Bros Discovery, and space rarely becomes available for 3rd party productions.
  - iv. Sky Elstree is owner occupied by Comcast (i.e. Sky, NBC Universal etc), and they prioritise their own productions. It is not a like-for-like competitor for a multi-let studio.
  - v. Belfast Harbour is a significant geographical outlier, developed by a Trust Port to deliver regeneration. The private sector would have been unlikely to make the financials work to deliver it. It is not a true competitor to the other studios in the WLC.
- 9.114 Accordingly, the appellant's need witness MD concluded "one could make a strong case that the true competing supply amount at present is actually only 717,800 sq. ft, which comes from Shinfield and Eastbrook Studios"<sup>123</sup>. The latter has only just reached practical completion and gives rise to speculation over whether production companies will commit to going to Dagenham (on the other side of London to the WLC)<sup>124</sup>.
- 9.115 There is also evidence that that the nature of demand and the requirements of studio space are changing. Productions filmed in the coming years will have different requirements in terms of the types of space compared with productions filmed in previous years. There are also other considerations, around aging stock and tightening Minimum Energy Efficiency Standards regulations that will impact the amount of current stock that is fit for purpose in the future<sup>125</sup>.

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<sup>120</sup> CD8-006 para. 4.6.

<sup>121</sup> CD8-006 para. 4.7

<sup>122</sup> CD8-006 para. 4.11-12

<sup>123</sup> CD8-006 para. 4.13

<sup>124</sup> CD8-006 para. 4.23

<sup>125</sup> CD8-006a-b 2.5.28

9.116 Overall, the appellant's need witness AN considered that the pool of what isn't already "tied up" is "quite limited". The Council's blunt approach of simply pointing to the quantity of existing supply, divorced from any assessment of location, quality and market appraisal, is not tenable.

(8) Supply - pipeline

9.117 The appellant's need witness MD considers the potential Grade A pipeline in their evidence<sup>126</sup>. They include a table of sites which collectively amount to 4,648,500 sq. ft, which – superficially – sounds like a significant amount that will come forward and remove any need for MFS. However, on the appellant's need witness MD closer examination, almost all these sites are (a) lacking planning consent, (b) are not being taken forward, for reasons unrelated to market demand, (c) are already "spoken for" by future owner-occupiers, or (d) represent a significantly different offer to Marlow outside of the WLC. They explained that there is significant doubt over much of this coming forward, but not because of any lack of demand. They also noted that even if delivered, few would match the quality of MFS.

9.118 If one looks only at sites with planning permission or under construction, the figures reduce to 2.9 million sq. ft for the UK, and just 1.2 million sq. ft for the WLC, which consists of Pinewood (approved), Warner Bros. Leavesden (approved), Wycombe (approved) and Bray (under construction)<sup>127</sup>. Of these:

- i. Bray will not be offered to the market as it is owned by Amazon Studios.
- ii. Warner Bros. Leavesden is similarly owner-occupied.
- iii. Wycombe has had a change of ownership structure and is being promoted for a higher-value data centre.
- iv. The future of Pinewood is also uncertain<sup>128</sup>, but as the appellant's need witness MD explained at the inquiry, this is not on account of an objective lack of market demand for new studio space. Instead, they are consulting upon the option of a more valuable data centre development and would not consider studio space expansion without a pre-commitment from Disney.

9.119 The appellant's need witness MD also notes the appraisal of Knight Frank, which assesses a realistic pipeline of 1.3 million sq. ft<sup>129</sup>. They conclude that "*the total conceivable future supply of stage space in the wider London area which would be for general consumption i.e. with planning permission, not owner occupied, or already spoken for by a tenant and would be offered out to the market, could be as low as 1.07m sq. ft – this would effectively be Pinewood and Sunset Studios, of which only Pinewood is in the WLC*" (and, as highlighted previously, Pinewood are assessing a possible pivot toward data centres).

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<sup>126</sup> CD8-006 para. 4.15 onwards.

<sup>127</sup> CD8-006 para. 4.47

<sup>128</sup> ID81

<sup>129</sup> CD8-006b paras. 3.3.15-17.

9.120 Overall, the appellant again contests the Council's approach of counting the pipeline supply and saying there is enough without MFS. This ignores the critical context of quality, location, and other scheme-specific evidence which raises questions (unrelated to market demand) about some of the pipeline schemes.

(9) Matching supply to demand

9.121 As the appellant's need witness DC has said:

- i. An additional 1.1 million sq. ft. of studio stage floorspace (as per the reasonable potential pipeline of supply identified by Knight Frank and the appellant's need witness MD) would allow the UK to add £1 billion in annual spending on film and HETV production, which would only represent a 1.7% share of the current global addressable market (£55 billion) and 1.4-1.5% of the projected 2030 market size (£62 billion to £70 billion). He considers this to be an entirely feasible gain in market share<sup>130</sup>.
- ii. If one adds the 472,000 sq. ft. at MFS into this supply pipeline, this increases the figure from £1 billion in annual spend to £1.4 billion, which amounts to only 2-2.5% of the global addressable market (£55 billion to £70 billion). Again, this is "also entirely feasible, given the UK's history of growth in film and HETV production and its financial and non-financial competitiveness"<sup>131</sup>.
- iii. Put another way, the UK currently holds 12-13% market share. Increasing the UK's market share by only 2% would bring over £1.1 billion in production spend to the UK and practically fill a pipeline of 1.3 million sq. ft. A 3% increase would bring £1.65 billion in spend to the UK, fill the pipeline and leave enough production activity leftover for MFS.

9.122 The appellant's need witness DC was criticised by the R6 for not identifying the precise "segment" or quantum of the global addressable demand that might be obtained by the UK (at one point called the "serviceable addressable market" (SAM)). But such an exercise would be impossible. As they explained, their evidence is not suggesting that the UK will capture all the global addressable demand. Instead, they can afford to be a lot less ambitious. They assessed that it would be reasonable to expect that the UK will increase their global share of the market by enough in order for there to be a demonstrable need for MFS.

9.123 Assuming an annual production spend at MFS of £400m, this represents under 1% of the £55 billion in the global addressable market. Under 1% is "certainly feasible", for the numerous reasons given by the appellant's need witnesses to support the candidacy of the UK for a greater global market share. This, of course, is comfortably within a realistic ambition for growth of this priority sector in the national industrial strategy.

9.124 Put another way, if the global addressable market increases from the current figure of £55 billion to the 2030 projection of £62-70 billion, that is

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<sup>130</sup> CD8-005 para. 198-199

<sup>131</sup> CD8-005 para. 199

an increase of £7-15 billion, which – at the lower range – is equivalent to 14 MFS<sup>132</sup>. Even if a substantial amount of the global addressable market would not come to the UK (and/or would not come to MFS), that is irrelevant to the point the appellant’s need witness DC is making about the amount of flexibility in the growth forecasts to accommodate a need for MFS.

- 9.125 Crucially, as the appellant’s need witness DC and other witnesses repeatedly explained, creating supply is a big part of stimulating demand and attracting more market share to the UK, especially when the new supply is top quality stage space like MFS would be, and especially when the UK is so attractive for other reasons already (crew quality, financial incentives, language etc).
- 9.126 As the appellant’s need witness AN stated, “we cannot be complacent”, and we need to be thinking about what we want the film industry to look like in 10 years, echoing the remarks of Netflix’s Mr King in May 2024<sup>133</sup>.
- 9.127 The Council has sought to place heavy reliance on what was said by Adrian Wootton in March 2024 that the BFC “*are not now in a process of trying to stimulate any new studio development in particular, above and beyond what has already been announced*”<sup>134</sup>. However, as the appellant’s need witness AN pointed out, what he is referring to as “*announced*” is everything either under construction or “*in planning*”, which plainly included MFS. Furthermore, this statement is now nearly a year old, which is a long time in the fast-moving film sector.
- 9.128 Additionally, even the Council’s evidence<sup>135</sup> details that demand for studio soundstage space is not expected to decrease in the coming years, but market factors suggest that the current growth rate of physical production space will level off, and the growth that does occur may be centred in particular cities and only for specific types of production facilities (i.e., purpose-built vs. conversions). Additionally, whilst the report projects that anticipated demand in London is estimated to be met with the projected supply through 2025, it also states that it is expected that demand for purpose-built facilities will continue to remain high across all 4<sup>136</sup> markets and, therefore, the case for additional investment in high-quality soundstage space can be made for all in-scope locations<sup>137</sup>.

#### (10) Skills shortage

- 9.129 A recurrent theme of objection to the appellant’s case was evidence of a skills shortage in the UK as being an impediment to any future growth of the UK’s film and TV industry. However, this is not a sound argument for several reasons:

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<sup>132</sup> R6P XX of DC

<sup>133</sup> CD13-32, p.3.

<sup>134</sup> CD13-10, p.36 Q261

<sup>135</sup> CD9-03 pg. 5

<sup>136</sup> Los Angeles, New York, London and Vancouver

<sup>137</sup> CD9-03 pg. 9

- i. The skills shortage in the sector is widely known and is the subject of significant attention in national and local policy and programmes. At a national level, consistently with the BFI's 2023 report titled "A Sustainable Future for Skills"<sup>138</sup>, the Government has released a Creative Industries Sector Plan highlighting their commitment to growing the sector by providing a creative education for every child in England, to foster creative and technical skills in the existing workforce and next generation<sup>139</sup>.
- ii. At a local level, there is the Buckinghamshire Local Skills Improvement Plan (August 2023)<sup>140</sup> and the Buckinghamshire Local Skills Report (January 2022)<sup>141</sup>, the Buckinghamshire Local Industrial Strategy (2019)<sup>142</sup>, Buckinghamshire LEP Economic Recovery Plan (2020)<sup>143</sup> and Strategic Vision for Buckinghamshire (2021)<sup>144</sup>, all of which expressly support skills growth in the local priority clusters, including the creative industries, through employment creation, training, and investment in skills.
- iii. A major driver in solving the skills shortage is to develop new stage space, especially grade A space, so that those seeking new employment in this industry can see that there are jobs for them at the end of any training or further education in the creative sector.
- iv. The WLC is best placed to address the skills shortage, given the existing established ecosystem. The area already benefits from the National Film and Television School in Beaconsfield, Buckingham New University, and the Buckinghamshire College Group (with a new campus in High Wycombe).
- v. Setting it apart from any other film studio in the UK, MFS will provide an 11,700 sq. ft Culture and Skills Academy, which will play a unique and leading role in skills and workforce development. It will deliver<sup>145</sup>:
  - Sixty new training places per year (for 10 years) with measures to be put in place to try and draw 40 of these trainees from local postcodes, with a 40% or better weighting for BIPOC/Inclusivity candidates.
  - A bursary fund to promote broader access to training courses, at £105,000 per annum for 10 years.
  - A skills oversight board, made up of senior managers, relevant experts, and members of the community to monitor and report on outcomes such as: selection and recruitment process, workplace culture (including discriminatory behaviour), accessibility of routes, quality of training, safety, and security.

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<sup>138</sup> CD8-007 para. 3.18

<sup>139</sup> CD8-007 para 3.48

<sup>140</sup> CD5-014 (CD8-007 para. 3.2)

<sup>141</sup> CD5-016 (CD8-007 3.4 & 3.12)

<sup>142</sup> ID104

<sup>143</sup> ID106

<sup>144</sup> CD8-007 p.16, Table 4

<sup>145</sup> CD8-007 para 4.2

- A visit to the studios for 650 children at Marlow schools per year, enabling every child at a school in Marlow to visit the studios at least once.
  - The employment of a skills coordinator to oversee the implementation and operation of the training and education programmes proposed.
  - Involvement on a regular basis with the Buckinghamshire Skills Advisory Panel.
- vi. The strength of the offer is reflected in the many supporters who came to give evidence, which included representatives from some of the local education institutions, local employment support charities, and young people interested in a job in the creative sector.
  - vii. MFS would not be built overnight, and neither will the skills shortage be solved overnight. The growth of the film sector in the UK is a long-term economic objective, with stage space increasing over time alongside the skills shortage being addressed.
  - viii. Up-skilling to provide sufficient jobs for MFS is not an unrealistic objective. There are 155,490 FTEs in the Metro London Region alone<sup>146</sup>, and so an additional 2,000 employees at MFS represents a modest 1.5% increase on this figure.
  - ix. The sector has achieved a significant up-skilling before, during the significant increase in the industry over the past decade. It can continue to do so, with this track record. The appellant's witness AN expressed her own confidence in the ability to "crew up", from her unrivalled expertise in the film industry. Similarly, Mr Wootton for the BFC, speaking in March 2024, was "cautiously optimistic" about initiatives to address the skills shortage<sup>147</sup>.
  - x. Ultimately, there is also a need to recognise the proper remit of the planning system. The SoS can grant planning permission for new stage space, as a driver to stimulate the desired growth of the sector. It is a matter for other local and national measures to address the skills shortage. The planning system is not a cure for all ills, but rather plays an important role in the overall agenda.

#### (11) West London Cluster

- 9.130 Each of the appellant's need witnesses, from their different perspectives and expertise, explained the central importance of the WLC in the market, as being the predominant location for major film and HETV production in the UK. The benefits of industrial clustering from an economic perspective include productivity, innovation, and growth, and it is therefore no surprise that the UK Government has recognised the importance of clusters. The appellant's need witness MD described the WLC as "the epicentre", and that conversations with investors in the US are "much easier" when talking about pursuing a production in the WLC as opposed to elsewhere.
- 9.131 The WLC's global significance and international recognition is rooted in: (1) existing world class studio facilities already; (2) an established ecosystem

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<sup>146</sup> CD8-007 Table 5, p.20

<sup>147</sup> CD13-10, p.37

combining heritage with modern production capabilities; (3) a reputation making it an already preferred destination for major international projects and independent filmmakers; (4) access to the best crew; (5) access to the necessary supply chain and satellite supporting industries; (6) access to Heathrow Airport<sup>148</sup>. The appellant's need witness AN stated that overseas investors and producers are drawn to the WLC and will be reluctant to go elsewhere because it is about simplicity and the lowest risk.

- 9.132 It therefore lacks commercial common sense for a major new Grade A studio like the scheme to be located anywhere else in the UK. The site is an obvious location in which to meet the demonstrable need for new studio space if the UK is going to succeed in their ambition to grow its share of the global market.

(12) Why Marlow?

- 9.133 Taking all the evidence above, the appellant considers that there is a demonstrable need for MFS, from both a quantitative and qualitative perspective.
- 9.134 In the case of quantity, the need witnesses have comprehensively proven that more stage space will be needed to capture even a modest additional amount of the global addressable market for film and TV production spend, notwithstanding the existing pipeline.
- 9.135 As for quality, there is no challenge from either the Council or the R6 to the appellant's contention that MFS would be "best in class". There is no doubt that the world-class design is entirely different from what has been seen elsewhere. The witnesses have all attested to the need for a top-quality facility to attract the best new business to the UK, by turning the heads of the top film producers in the world and making them want to come to the UK instead of going elsewhere. This is the epitome of the "*strong, competitive economy*" desired by the NPPF, because a high-quality studio will drive a race to the top, as other studios identify the need to up their game to compete. If the opportunity presented by MFS is not taken up, then other countries will develop their own Grade A studios and that chance to grasp a bigger market share for the UK will be lost. The appellant's need witness AN detailed how MFS is a "*new model studio development designed from the ground up to meet the needs of the future industry that will be unique in combining a bespoke training academy with on-the-set training for new entrants*"<sup>149</sup>.
- 9.136 In simple terms, the approach of the Council in simply totting up total stage space and looking at production spend is wholly inadequate and ignores the transformative role that MFS can play in a qualitative sense, by catalysing a bigger slice of the global market.

(13) Displacement / additionality

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<sup>148</sup> CD8-007 paras. 3.27-3.29

<sup>149</sup> CD8-009 2.14

- 9.137 The whole point of MFS is to attract a new and bigger share of the global addressable market. It is, by definition, additional to the existing market share in the UK. Thus, if the appellant is right about there being a demonstrable need, then the benefit of MFS is additional rather than displacing the existing share.
- 9.138 Accordingly, while some film and TV production might go to MFS instead of going to other Grade A studios in the UK, those other studios would still be attracting alternative productions as part of the UK's share. Some studio space at present comprises re-purposed industrial buildings, sometimes temporary. Therefore, even assuming a degree of displacement, those temporary spaces would likely be changed back to other beneficial industrial uses for which there is need (e.g. data centres, logistics).

(14) Economic benefits

- 9.139 The suite of economic benefits arising from the scheme is comprehensive<sup>150</sup>:
- i. While the nature of the development means that job creation can only be expressed as a range, the appellant's witness EE confirmed that the scheme would create around 2,060 direct FTE jobs (equivalent to 2,300 direct jobs). Applying a conservative 25% displacement figure<sup>151</sup>, this amounts to 1,545 FTE (1,725) net direct jobs.
  - ii. Applying the multiplier effect<sup>152</sup>, the studios would also support around 1,545 FTE (1,725) indirect and induced jobs, through expanded supply chains and worker incomes giving rise to benefits to other sectors which are indirectly supported by the activity at MFS.
  - iii. The direct activity at MFS would deliver around £200 million in direct GVA per year (i.e. the measure of the value generated by any unit engaged in the production of goods and services), or indirect GVA of £265 million per year.
  - iv. The direct activity at MFS would also result in tax revenues of around £65 million per year, increasing to £80 million when considering net additional tax receipts.
  - v. In terms of production spend, the significant scale of MFS is entirely deliberate to maximise productivity. As explained<sup>153</sup>, the 18-stage facility can bring disproportionate benefits when compared with an 8-stage facility. It can support the production of 2 major feature films at once, while further supporting another film in the preparation or post-production stage (or alternatively 3 HETV shows). The evidence of Knight Frank points to the lack of larger production spaces, i.e. studios greater than 100,000 sq. ft make up only 17% of the total supply. This flexibility at MFS is a huge advantage and attraction to the market. The studios would be capable of supporting an average

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<sup>150</sup> CD8-007 para. 1.16 Summary Table

<sup>151</sup> CD8-007 paras. 2.22 to 2.28

<sup>152</sup> CD8-007 paras. 2.29 to 2.40

<sup>153</sup> CD8-007 Table 7 p.28

production of 3 major feature films or 4 HETV shows per year<sup>154</sup>. This amounts to production expenditure of between £255m and £600m every year. As noted above, this represents a small percentage of the forecast growth in global production expenditure by 2030 (£7-15 billion) and is therefore readily obtainable by the UK if MFS is permitted. Since it will be competing for that global share, the production spend benefit is additional to the UK economy.

- vi. The employment and skills opportunities arising from the scheme, in particular the Culture and Skills Academy.
- vii. Supply-chain opportunities for the supply chain firms in and around the WLC, given the large chain involved in film production. There would be a particular focus on maximising local benefits<sup>155</sup>.
- viii. Construction phase benefits: an average of 2,170 construction jobs over the 44-month construction period.

9.140 The Council has accepted that these benefits should be given significant weight<sup>156</sup>. The appellant submits that these economic benefits should be given substantial weight<sup>157</sup>.

#### *Conclusion on need and economic benefits*

9.141 To be not inappropriate development in the Green Belt, the appellant must show a “*demonstrable unmet need*” (NPPF para. 155(b)). The NPPF asks what is needed to “*proactively*” “*support the growth*” of the creative industries in the UK, not what is needed in the short or medium term to meet existing needs (NPPF, para. 87(a)). That means asking what is needed to support growth of the UK’s share of the global addressable market for film and HETV production, which is forecast to grow significantly in the coming years. Once calibrated in that way, the existing and pipeline supply is manifestly insufficient to meet the need to support that growth.

9.142 It is about the difference between being “good enough” and being “excellent”. The appellant’s need witness MD said that granting permission for MFS would be sending a “clear message to the rest of the world” and put the UK on the “front foot”.

9.143 The insufficiency of the existing supply and pipeline to accommodate growth in the UK’s market share is true both quantitatively and qualitatively. On either case, there is a clear and demonstrable need for MFS, as a Grade A new studio to attract more of the global market to the UK, and thereby deliver on the UK Government’s objectives in both the NPPF and the national industrial strategy. The appellant’s need witnesses have collectively established the exciting and unmissable opportunity arising from this scheme as a major game-changer for the local and national economy.

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<sup>154</sup> CD8-007 para 2.41

<sup>155</sup> CD8-007 paras. 4.4-4.6

<sup>156</sup> CD7-001 para. 5.7

<sup>157</sup> Ibid

- 9.144 By contrast, the Council and the R6 have taken an approach of pessimism, with no ambition or understanding of the economic and film-making potential of the scheme. Notably they were entirely unable to provide evidence from the wider film sector opposing MFS. One would expect the other major studios to be opposing the scheme with all their might if there was a perceived over-supply of studio space.

### **Landscape and visual impacts**

#### *Methodology*

- 9.145 GLVIA3<sup>158</sup> states that *“in all cases there is a need for the judgements that are made to be reasonable and based on clear and transparent methods so that the reasoning applied at different stages can be traced and examined by others”*.
- 9.146 The methodology of the appellant’s appraisal of landscape and visual effects accords with GLVIA3 and TGN 02/21<sup>159</sup>, and is fully justified and explained<sup>160</sup>. The Council’s landscape witness took no issue with the appellant’s landscape witness’ methodology.
- 9.147 By contrast, the Council’s landscape witness has not provided a full LVIA in accordance with GLVIA3 and does not provide a full assessment of landscape value of the site and its context in accordance with TGN 02/21. Their judgments have also changed over time: see for example how the April 2022 response<sup>161</sup> – “major” harm to the character and setting of the CNL – has now become “major/moderate” negative on the Thames Floodplain east of Marlow, moderate negative harm to the Thames valley Slope LCA, moderate harm to Winter Hill, with no assessment for the Great Marlow Rolling Farmland<sup>162</sup>. They also accepted that, as an “oversight”, they had omitted to consider whether the site was a “valued landscape” before the exchange of a draft Landscape SoCG.

#### *The Character of the Thames Valley in the Locality of the Appeal Site*

- 9.148 The starting point in defining the character of the site is to look at the published assessments<sup>163</sup>. Four main character areas define the character of the site and its setting. Three of them have published assessments<sup>164</sup>: the Thames Floodplain (LCA 26.1) (which includes the site); the Thames Valley Slope (LCA 21.1); Winter Hill (LCA 9C). The last one, Settlements, in particular Marlow, does not form part of an assessment but has a very significant influence upon the character of the locality of the site.
- 9.149 Each of these character areas has its own distinct landscape characteristics, with differing levels of sensitivity to the proposed

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<sup>158</sup> CD6-003 para. 2.24

<sup>159</sup> CD6-004

<sup>160</sup> CD8-004c Appendices B-F

<sup>161</sup> CD3-013

<sup>162</sup> CD9-07B Table D1, page 12

<sup>163</sup> CD6-003 GLVIA3 para. 5.12

<sup>164</sup> The location of these areas is shown on Plate A.1 at p.A.5 of CD8-004c. Extracts from the published character assessments are set out in CD8-004c Appendix A at pages A-4 to A-7.

- development. The areas comprise part of the overall Thames Valley Landscape and influence each other to varying degrees.
- 9.150 The Thames Floodplain<sup>165</sup> occupies the valley floor between Marlow and Bourne End. It has a low lying, flat landform. It has some arable and pastoral fields, but also “*a busy character*”, with “*suburban edges of settlement and road infrastructure, as well as gappy hedgerows in places, [which] reduce the distinctiveness of character*”. The area contains the Crowne Plaza hotel, A404 and A4155, Hillier Garden centre, Emmett’s Farm commercial and industrial area, the athletics track, the sewage treatment works, Westhorpe House and Park, plus the influence of Marlow and other, smaller settlements. The assessment identifies “*moderate strength of character*”. This is fundamentally a settled landscape, with built form interspersed with rural uses.
- 9.151 The Thames Valley Slope<sup>166</sup> comprises the gently sloping valley side, with fields of arable cultivation, pasture, and rough grazing. The assessment notes that the “*busy A404 and A4155 cross the area*”, and the “*edges of Marlow contribute a suburban character*”. Overall, the area has “*moderate strength of character*”, and this is despite being in the CNL.
- 9.152 Winter Hill<sup>167</sup> lies to the south of the Thames, approximately 650 metres from the site at its closest point. Of relevance is the “*dramatic tree-cloaked scarp slope*”, which provides “*spectacular long-distance views north across the Thames valley to the distant Chiltern Hills*”. Most of the character area is oriented towards the north-west, towards Marlow<sup>168</sup>.
- 9.153 Marlow is not described in a character assessment, but the site is right on the edge of it, divided only by the A404. The town influences the western end of the Thames Floodplain, but also to some extent the southern edge of the Thames Valley Slope. It is also part of the panorama from Winter Hill.
- 9.154 Overall, the appellant’s landscape witness<sup>169</sup> could see why the “*busy character*” judgement had been reached about the Thames Floodplain, given the number of built elements, in marked contrast to the Thames Valley Slope, which is largely free of development. The eastern edge of Marlow includes a large area of commercial development (i.e. buildings of a similar scale to those proposed on the site), together with the busy 4-lane A404. The Council’s landscape witness accepted that the site could not be described as “*picturesque*”.

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<sup>165</sup> CD8-004b p.43-44

<sup>166</sup> CD8-004b p.44-45

<sup>167</sup> JS PoE p.45

<sup>168</sup> CD8-004b para. 4.32

<sup>169</sup> XiC, by reference to photo view P3 in Appendix 13 to the Pegasus LVIAA (CD2-106zs) and drawing MFS-051 in CD8-004d-f (existing view from viewpoint 3) (see also CD2-106k).

### *The Character of the Site*

- 9.155 As well as looking at the wider character of the area, it is important to focus on the site itself, as this is where the direct change will occur. The characteristics of the site are agreed<sup>170</sup>:
- i. “*Poorly restored*”<sup>171</sup> landfill, with earth bunds remaining, non-native tree and shrub planting (including Lombardy poplars along the A4155), and intermittent hedgerows.
  - ii. Views of larger buildings (Marlow International, Crowne Plaza), and nearby presence of Westhorpe Park and Westhorpe House (with the modern extension).
  - iii. Partially enclosed, with glimpses of the wider countryside to the north and south. When on site, it is the site and the immediate context that is most evident.
  - iv. Noise from the A404 and A4155, plus the railway, the access road across the site, and Westhorpe Farm Lane. The Council’s landscape witness agreed that “tranquil” is not a word they would apply to the site.
  - v. Footpath 20/1 crosses the site, but no other part of the site has formal PRoW.
  - vi. The site is not part of a designated Dark Skies area<sup>172</sup> and has urban influences on the levels of light due to lighting from Marlow, the A4155 and A404/A4155 junction.
- 9.156 The appellant’s landscape witness discussed why the landfill restoration was an “*important aspect of the character of the site*”:
- i. They referred to the DAS<sup>173</sup>, which shows a “hummocky and very irregular surface, with poor drainage and hollows”. They described how the undulating uneven surface is particularly apparent on site, due to the low gradient of the waste surface, which has then undergone differential treatment over time to create hummocks and hollows, due to the landfill containing putrescible, rotting organic waste. Good practice of steeper gradients in restoration had not been followed.
  - ii. This means the site is “not easily managed”, and tree planting is unsuitable due to the shallow depth of restoration materials, between 20-60cm deep with no cap, containing some topsoil but also sand, gravel, chalk, concrete, bricks, tarmac, wood, plastic, and fabric: see Minerals Assessment by Waterman (2022)<sup>174</sup>. This results in “very poor quality, thin material”.
  - iii. In relation to contamination, the Waterman contaminated land report in 2022<sup>175</sup> shows that plots 1 and 2b contain asbestos, heavy metals, VOCs, small amounts of gas, all of which are manageable but

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<sup>170</sup> CD7-004 paras. 1-14.

<sup>171</sup> The Council’s landscape witness XX.

<sup>172</sup> See CD8-004c Appendix A, p.A-10, Plate A.III.

<sup>173</sup> CD1-231 fig 3.119 (p.75), fig 5.109 (p.81)

<sup>174</sup> CD1-244

<sup>175</sup> CD2-26a

“require a careful strategy”. Settlement will occur for decades after completion of landfill operations.

### *Landscape value*

- 9.157 Determining the sensitivity of a landscape to change requires an appraisal of the value of the landscape. NPPF para. 187(a) requires planning decisions to enhance the natural and local environment by “*protecting and enhancing valued landscapes*”. Whether the site is a “valued landscape” is a key point of dispute between the landscape witnesses.
- 9.158 GLVIA details that “a review of the existing landscape designations is usually the starting point in understanding landscape value”<sup>176</sup>. It is common ground<sup>177</sup> that the site is not within a landscape or landscape-related designation. The CNL is located immediately to the north of the site, and this is clearly a valued landscape, but the appellant’s landscape witness emphasised the need to focus on the value of the site itself, albeit in context.
- 9.159 Landscape value is to be determined under TGN 02/21<sup>178</sup>. This defines<sup>179</sup> a “*valued landscape*” as “*an area identified as having sufficient landscape qualities to elevate it above other more everyday landscapes*”. Thus, the landscape needs to be better than the average. The Council’s landscape witness disagreed there was a need to show something out-of-the-ordinary, which indicates they have taken an overly relaxed approach which does not accord with the guidance. Importantly, a conclusion that a landscape is not “valued” for NPPF / TGN 02/21 purposes is not a conclusion that the landscape is lacking in any value<sup>180</sup>.
- 9.160 The appellant’s assessment of landscape value against the relevant criteria<sup>181</sup> results in a conclusion of “*generally low value of the site*” due to its poor condition (including poorly restored landfill), low natural heritage value, relatively low cultural heritage value, low recreational value (one PRoW), generally poor scenic quality (albeit with some partial views out of the site), and low sense of tranquillity/remoteness (noise and light effects). However, our witness elevates the value of the site to “community” value overall due to the proximity of the CNL and the partial intervisibility with that designation through the functional aspect of landscape value. This can be contrasted with “national” value for the CNL and “local authority” value for Winter Hill<sup>182</sup>.
- 9.161 Therefore, while the CNL and Winter Hill are “valued landscapes” for NPPF para. 187(a) purposes, the appeal site, the Thames Floodplain and Marlow

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<sup>176</sup> CD6-003, para. 5.19

<sup>177</sup> CD7-004 para. 15

<sup>178</sup> CD6-004

<sup>179</sup> CD6-004 p.42

<sup>180</sup> CD6-004 p.42

<sup>181</sup> CD8-004c Table E-1, p.D-1 (PDF p.68)

<sup>182</sup> Due to its recreational value, conditions, associations, scenic qualities and visual links with the Chilterns.

are not. The Council's assertion of the site being a "valued landscape" should be rejected:

- i. First, despite having been involved in assessing the scheme since the early stages of the application, the Council did not assert that the site was a "valued landscape" in any of consultation responses<sup>183</sup>. Such an assertion was not contained in either the October 2023 or May 2024 officer reports to the Strategic Sites Committee. It did not feature in the reasons for refusal, or even form part of the Council's case in their Statement of Case. It was only when prompted by the appellant in the exchange of a draft Landscape SoCG that the Council's witness apparently turned their mind for the first time to the question of "valued landscape". They admitted in XX that this was an "oversight".
- ii. Second, the conclusion is overblown. They conclude that the "existing landscape, of which the site is an integral part"<sup>184</sup>, has "moderate to high" value, i.e. just one notch down from the very highest value. Indeed, in the same paragraph of evidence, they find the site to have "high value when considering its relationship to adjacent landscapes, particularly the adjoining CNL". Elsewhere<sup>185</sup> they claim that "the site itself is part of a highly valued landscape". The error is to blend the site in with Winter Hill and the CNL, rather than identify the evident differences in landscape value between the site (and the Floodplain more generally) and the more valued areas to the north and south.
- iii. Third, their analysis is flawed. In finding that the site has a "distinctive landscape with high scenic qualities"<sup>186</sup>, they talk about water bodies but nothing about the site itself. They refer to "significant conservation/natural heritage interests" but without giving any examples or indication of what they are referring to. They claim the site is "rich in recreational activity" but appear to be referring to areas outside the site. Indeed, they were vague in oral evidence concerning what the precise area they consider to be "valued landscape". They strangely suggested that the sewerage treatment works, and the athletics track to the east of the site would both fall within their "valued landscape".
- iv. They claim that the poor condition of the site is due to poor landscape management<sup>187</sup>, but that significantly underplays the issues. The poor restoration makes a return to intact pasture and recreational use inappropriate.
- v. They place some weight on the site being "part of a wider area which is subject to the CNL boundary review"<sup>188</sup>. Weight is also given to this in the Council's closing<sup>189</sup>. NE's letter of 29 May 2024<sup>190</sup> states

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<sup>183</sup> CD3-013 August 2022 and CD3-014 April 2023

<sup>184</sup> CD9-07A para. 2.32

<sup>185</sup> CD9-07A para. 7.9

<sup>186</sup> CD9-07A para. 2.25

<sup>187</sup> CD9-007A para. 2.30

<sup>188</sup> CD9-007A para. 2.28

<sup>189</sup> ID97

<sup>190</sup> CD9-030

that the proposed development is located “partly within / within an area which NE has assessed as meeting the criterion for designation as an Area of Outstanding Natural Beauty (known as a Proposed Boundary Extension Area) and may be included within a boundary variation to the CNL”. However:

- NE have provided no details at all for this assessment.
- No Natural Beauty Report has been published.
- The letter refers to the development being either “within” or “partly within”, and therefore there is no clarity as to the apparent boundaries of any proposed extension.
- The letter is clear that the site “may” (not will) be included in a proposed variation.
- The letter also states that “this assessment process does not confer any additional planning protection”.
- NE explicitly find that “the Chilterns” is a “valued landscape” for NPPF purposes and omit any suggestion that the site itself is one.
- The boundary review process is a long process and there is no certainty as to what will be proposed in the first place, and any proposed extension would be the subject of objections at a formal public inquiry and require confirmation by the SoS.
- For these reasons, the appellant considers that little or no weight can be attached to NE’s suggestion that at least part of the site has been assessed as meeting the criterion.
- The appellant’s Natural Beauty Assessment<sup>191</sup> concludes that “the site and its context has very little evidence of meeting any of the Natural Beauty Criteria, and this area is therefore not suitable for designation as a NL”.

### *Assessment of Landscape Effects*

#### Sensitivity

9.162 The appellant’s landscape witness has assessed<sup>192</sup> the “sensitivity” of the landscape receptors in and around the site by combining the “value” of the receptors with their “susceptibility” to the proposals. A summary of their judgements is set out in evidence<sup>193</sup>.

9.163 “Sensitivity” refers to the ability of a receptor to accommodate the proposed development “*without undue consequences for the maintenance of the baseline situation*”<sup>194</sup>. This definition is important in 2 ways:

- i. It means that parts of the landscape which are already influenced by large scale built form, lighting and noise are less susceptible to the proposals (e.g. the Thames Floodplain in the vicinity of Marlow, including the appeal site).

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<sup>191</sup> CD8-004c Appendix H

<sup>192</sup> CD8-004c Appendix A, section A2.6

<sup>193</sup> JS Appendix E, Table E-2 on p.D-3 to p.D-5

<sup>194</sup> CD6-003 p.88, para. 5.40

- ii. It also means that the site itself is most susceptible to the change proposed, since this is the location where direct changes will occur. Changes elsewhere will be indirect and largely visual – and if those landscapes already have some visibility of settlement and large-scale built form, then even the most valued landscapes, such as the CNL or Winter Hill, must have lower susceptibility.

9.164 Their judgment of sensitivity accordingly varies:

- i. The character of the site is of medium sensitivity (community value, high/medium susceptibility).
- ii. The sensitivity of the Thames Floodplain reduces outside of the site (as there are no direct effects on this landscape, only visual changes to a landscape that is already influenced visually to some extent by existing development).
- iii. The sensitivity of character areas in the CNL is medium, due to high value but low susceptibility (since there are no direct changes, and they already have views of similar development and busy roads in the vicinity of the appeal site).
- iv. Similarly, the Winter Hill character areas are of medium/low sensitivity.

9.165 The question of whether the assessment of sensitivity changes depending on whether you are in or outside of the site is one of the crucial differences between the landscape witnesses.

9.166 Contrary to the appellant's methodological approach, the Council's judgments on sensitivity do not clearly set out how sensitivity has been defined by combining susceptibility and value. For example:

- i. The Council's witness states<sup>195</sup> that "the Thames Floodplain LCA as a whole is moderately to highly sensitive to the type of development proposed (high in the CNL)". We cannot understand how susceptibility does not reduce as one gets further away from the site.
- ii. The Council's witness finding that the CNL and Winter Hill have "high sensitivity"<sup>196</sup> again suggests that their assessment of the susceptibility of the CNL and Winter Hill has not been reduced to reflect the fact that there would be no direct changes to these character areas. It is tantamount to claiming that these areas have the same susceptibility as Plot 1 on the site. This could be acceptable if you did not already have built form, traffic, light and noise influencing the site. Indirect effects on the CNL and Winter Hill will arise, but it is hard to see how these areas can be at the highest level of sensitivity, notwithstanding their value.

9.167 This consideration of sensitivity is important because this drives the difference in views between the witnesses.

#### Magnitude of landscape change

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<sup>195</sup> CD9-07A para. 5.8

<sup>196</sup> CD9-07A para. 5.10

- 9.168 In accordance with GLVIA3, the appellant's landscape witness assesses the magnitude of effects on landscape receptors by assessing the scale, geographical extent, and the duration of the effects<sup>197</sup>. As per GLVIA3<sup>198</sup>, it is necessary to assess:
- i. Which elements will be lost, and the proportion of the total extent that this represents (which highlights the particular importance of direct changes, since these would result in comprehensive change to an area).
  - ii. The degree to which the aesthetic and perceptual aspects of the landscape are altered (i.e. areas which are already influenced by built form, lighting and noise would experience less change to aesthetic and perceptual aspects because of new built development).
  - iii. Whether there is a change to the key characteristics of the landscape.
- 9.169 The only direct changes affect the Thames Floodplain, and in particular the site and its immediate context. Other areas are already influenced (most visually, but also by noise) by existing settlements and other development. Therefore, a substantial/medium magnitude of effect for the character of the site itself, with this reducing to "slight" for (a) the Thames Floodplain outside of the immediate site context, (b) the Thames Valley Slope character area, and (c) the Winter Hill character area.
- 9.170 The Council's approach is again different:
- i. They assess a high magnitude of change for the site and its "context", which they define as extending eastwards all the way to Bourne End<sup>199</sup>. Therefore, they see no difference between direct changes on the site itself, and indirect changes elsewhere towards Bourne End.
  - ii. Their evidence states that it would be perceived as an expansion of the existing business parks at the eastern edge of Marlow<sup>200</sup> (rather than "insertion of new"), but that important existing aesthetic and perceptual context has not been factored into the judgements of magnitude of effect on the Thames Floodplain receptor.

#### Judgement on landscape effects

- 9.171 The overall judgements<sup>201</sup> on the landscape effects are as follows:
- i. Major/moderate negative and significant effects upon the landscape character of the site and its immediate context.
  - ii. Less than significant effects outside of the immediate vicinity of the appeal site, within the Thames Floodplain.
  - iii. Moderate/Minor and less than significant effects on the Thames Valley Slope LCA within the Chilterns NL.

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<sup>197</sup> CD8-004c Appendix A section A.2.7, and summary table E3 in Appendix E, p.D-6.

<sup>198</sup> CD6-003, para. 5.49

<sup>199</sup> CD9-07A para. 5.6

<sup>200</sup> CD9-07A para. 5.5

<sup>201</sup> CD8-004b/c page 53 and Appendix E, p.D-10, Table E4

- iv. Moderate/Minor and less than significant effects on the Winter Hill LCA.

9.172 It is important to note that the development would be focused upon the part of the Thames Floodplain that is already influenced by large-scale built form, traffic noise and lighting<sup>202</sup>. Other landscapes such as the CNL and Winter Hill would experience little or no *direct* changes, and these landscapes already have views over large scale built form on the edge of Marlow. They are already affected to some extent by traffic and settlement. The site has a “busy character” and is right next to Marlow, with clear intervisibility between Winter Hill and the CNL being preserved. The overall balance and composition of the Thames Valley would therefore remain the same with the development in place.

#### *Effects on the National Landscape and its setting*

- 9.173 The setting of the CNL is defined as the area outside of the designation where a development might have an effect on the natural beauty and special qualities of the NL<sup>203</sup>.
- 9.174 Policy DM30 of the WDLP<sup>204</sup> distinguishes between development “*within*” the CNL (part 1), and development in the “*setting*” (part 3). As to the latter, the policy requirement is not to resist any adverse impact on the natural beauty of the CNL arising from development in the setting. It is only to avoid a “**significant adverse impact**”<sup>205</sup>.
- 9.175 There would be no significant effects on the landscape character areas within the CNL. The appellant’s witness assessed<sup>206</sup> the potential for effects on the natural beauty of the designation, by considering the potential effects on the special qualities of the designation (e.g. tranquillity, wildness, cultural heritage). Consistently with policy DM30, a significant adverse effect is avoided, and consistently with NPPF para. 189, the development in the setting of the NL has been “*sensitively located and designed to avoid or minimise adverse impacts*”.
- 9.176 Although the Council has identified moderate and significant effects on the Thames Valley Slope CA within the CNL, they have not assessed the effects on natural beauty or special qualities of the designation. Indeed, they conceded under XX that of the 13 special qualities of the NL listed in the Chilterns AONB Management Plan<sup>207</sup>, only 2 would be affected.

#### *Visual effects*

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<sup>202</sup> Consistent with the Council’s evidence CD9-07A para. 5.5, i.e. the judgement of the development being an “extension” to what is already there, as opposed to something entirely new.

<sup>203</sup> CD5-008 – Chiltern Conservation Board’s Position paper on “development affecting the setting of the Chilterns AONB”, para. 4.

<sup>204</sup> CD4-001, p.263

<sup>205</sup> CD4-001 See also para. 6.110 of the supporting text, final sentence: “demonstrably” harm, again indicating a high threshold.

<sup>206</sup> CD8-004b p.76-77.

<sup>207</sup> CD5-007

- 9.177 Given the nature and scale, the scheme will inevitably be visible from a distance. There are 2 zones of theoretical visibility (“ZTV”) provided<sup>208</sup>, depending on whether the temporary backlot is included or excluded. These are “theoretical” and “worst case scenario” ZTVs since: (1) a maximum vegetation height of up to 10m is assumed (whereas many tree groups and woodlands extend over 20m high); (2) the model excludes lower hedgerows and smaller tree groups, (3) all existing built form is shown at a maximum height of 9 metres; (4) all proposed planting is excluded.
- 9.178 The appellant’s evidence identifies a range of key viewpoints<sup>209</sup>, including for residential receptors and for recreational users. Photomontages give an impression of the anticipated views of the scheme in context, and there is much agreement in relation to visual effects. However, there are 3 key viewpoints where there is disagreement:
- i. Viewpoint 9<sup>210</sup> - this is a view for walkers on a footpath in the CNL, and the receptors have high sensitivity. The magnitude of effect is identified as “slight”, noting the guidance in GLVIA3<sup>211</sup> that there needs to be an assessment of the degree of contrast between existing and proposed, and the integration of new features. In both existing and proposed, the existing commercial buildings form a key characteristic in the middle ground, and the proposals would extend the amount of commercial buildings visible in the middle ground, with buildings of a similar scale and character. There would be no change to the foreground (within the CNL), and clear continued visibility to Winter Hill, forming the skyline. Therefore, overall, a moderate negative effect and less than significant.
  - ii. Viewpoint 3<sup>212</sup> - again, view for walkers on an CNL footpath. Magnitude, again, slight. Commercial buildings are already visible behind the site, and Marlow extends across the valley in the middle distance. The proposals would extend the amount of visible commercial building, but these would appear on the Thames Floodplain where existing development, including Marlow, is already located. There would be no change to the CNL in the foreground, and clear visibility to Winter Hill in the skyline. Again, a moderate negative effect, but less than significant.
  - iii. Viewpoint S<sup>213</sup> - this viewpoint is from the open access area in the valued landscape of Winter Hill, which therefore warrants high sensitivity. The magnitude of effect is again “slight”. The proposal would clearly be visible, but it would be seen in the context of other built form on the Thames Floodplain and Marlow, which forms the background to the site. The CNL remains clearly visible. There would

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<sup>208</sup> CD8-004d, JS Drawings 1, MFS2 and MFS3.

<sup>209</sup> CD8-004d, MFS4.

<sup>210</sup> CD8-004f, MFS57 (existing) and MFS58 (proposed). Note, visualisation is free from haze, but the site visit indicated the existing buildings are very hazy.

<sup>211</sup> CD6-003, para. 6.39

<sup>212</sup> CD8-004f, MFS51 (existing) and MFS52 (proposed). Note, visualisation is free from haze, but the site visit indicated the existing buildings are very hazy.

<sup>213</sup> CD2-106zk

be no change to the foreground, and the eastern end of the Thames Floodplain is also untouched. Therefore, a moderate negative effect, less than significant.

- 9.179 The appellant accepts that the scheme would inevitably result in some significant visual effects. However, the significant effects would be mainly focused upon the site and its immediate context<sup>214</sup>. Unlike the landscape effects, it is accepted that there would be some significant visual effects further from the site. However<sup>215</sup>:
- i. These are valued viewpoints, and therefore even a slight magnitude of change can result in a significant effect.
  - ii. Views from Winter Hill and the CNL footpaths “*tend to be panoramic, and the proposed buildings are therefore viewed within a wider context which includes settlements and other development on the Thames Floodplain*”.
  - iii. “*In all of these panoramic views, there remains clear intervisibility between the CNL and Winter Hill, such that the overall character and composition of the Thames Valley is still clearly perceived*”.
  - iv. Finally, “*these views are usually part of a sequential experience which includes views towards Marlow and other development on the Thames Floodplain*”.
- 9.180 Accordingly<sup>216</sup>, the visual effects would not significantly affect the experience of:
- i. Relative remoteness and tranquillity in the CNL, but with views towards settlement and development in the busy Thames Floodplain.
  - ii. Relative remoteness and tranquillity on Winter Hill and the Chiltern Way, but with views over settlement, roads, and other development on the Thames Floodplain.
  - iii. The distinctive pattern of landscape character areas within the Thames Valley, which would continue to have the same overall balance and composition (i.e. a mix of settlement, urban fringe, and rural uses on the floodplain, with the prominent wooded scarp of Winter Hill and clear intervisibility with the Chilterns).

#### *Conclusion on landscape and visual impacts*

- 9.181 Therefore, in summary:
- i. The development would not change the overall composition and character of the wider Thames Valley, including the landscape character areas on Winter Hill, the Thames Floodplain, and the landscape character areas within the CNL.
  - ii. The harm to the Thames Valley and the setting of the CNL alleged is overstated.
  - iii. First, the scheme would not “obscure” views between the Thames Valley and the CNL, nor would it “break the continuity” of an “open rural landscape” between them<sup>217</sup>, nor would it have significant

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<sup>214</sup> CD8-004b paras. 4.172-176

<sup>215</sup> CD8-004b para. 4.174

<sup>216</sup> CD8-004b para. 4.176

<sup>217</sup> CD8-004b para. 8.25-8.32

effects upon either the Natural Beauty or the Special Qualities of the NL.

- iv. Second, the associated landscape spaces and PRow improvements do not change the “fundamental character of the countryside amenity that is currently enjoyed” and are entirely consistent with the various forms of development encouraged by the Little Marlow Pits SPG<sup>218</sup>.
- v. That said, the appellant is candid about the scheme’s landscape and visual impacts, and accepts that these are to be weighed fairly and properly in the planning balance.
- vi. In relation to specific policies mentioned in RfR3<sup>219</sup>:
  - **Policy CP9** – full compliance. The proposal would “*conserve the natural and historic environment*”, achieve a “*high quality design*”<sup>220</sup> and improve the character and quality of the area, and is situated in an “*area of lower environmental value*” (i.e. in grey belt, non-valued landscape, outside the CNL<sup>221</sup>). Although it is not PDL, the reality is that the scheme would utilise poorly restored former landfill, which is an efficient use of land. The density of the development has been optimised to make “*best use of land whilst respecting the distinctive character of the area*” (i.e. by densely locating the development on former landfill outside the CNL, adjoining Marlow, and major roads).
  - **Policy CP10** – overall compliance. While there would be an adverse effect on the setting of the CNL, there would be no direct effects on the CNL itself, and the scheme would not significantly affect the character, Natural Beauty, and Special Qualities of the designation. The scheme will also deliver BNG and protect and enhance green infrastructure by protecting designated sites.
  - **Policy DM30** – full compliance. As noted above, the policy test is whether development within the setting of the NL would have a “significant adverse effect” on the natural beauty of the NL. The scheme would not.
  - **Policy DM32** – largely complies. There is some significant landscape and visual harm, but it is localised to a site of poor condition and generally low scenic quality, and the scheme would also provide new open space, community facilities and BNG. The settlement pattern is preserved because the scheme is effectively an extension to Marlow. The scheme exhibits a strong understanding of the relevant character appraisals, in terms of both location and layout, taking account of landscape features, tranquillity and darkness (see

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<sup>218</sup> CD8-004b para. 8.33-8.36

<sup>219</sup> CD8-004b para. 8.37-8.67

<sup>220</sup> The Council’s landscape witness accepted in XX that there was no design reason for refusal, and his concerns related to the effects of the scheme in principle, rather than making detailed criticisms of the design, layout, landscaping etc.

<sup>221</sup> Notably: in Wycombe District, 71% is CNL and 48% is Green Belt (CD4-001, p.xiv). In Buckinghamshire, 27% is CNL and 32% is Green Belt (CD8-004b para 3.43)

below on noise and lighting impacts), taking account of views and vistas. Harm is not entirely avoided, but it is minimised for a scheme of this kind. The scheme would not cause coalescence of settlements.

- **Policy DM35** – largely complies. Although the scheme would result in localised significant harm to landscape character and views, the proposal is high quality and would create an attractive place. The scheme would respond positively to the elements listed at point (2) and complies with the relevant requirements of point (3) for successful placemaking. The scheme would provide significant green infrastructure.

## **Highways and transport**

### *Effect of the proposal on the surrounding road network*

#### Congestion

- 9.182 As noted in previous appeal decisions<sup>222</sup>, “severe” is the “*highest threshold in the Framework and matters of driver inconvenience caused by increases in queuing and delay are unlikely in themselves to constitute severe impacts unless they are ‘very great’ and can be attributed solely to the appeal scheme*”.
- 9.183 The Council’s remaining concern regarding congestion is limited to<sup>223</sup>:
- A criticism that the VISSIM model should have been extended further west to consider the implications of traffic associated with the MFS on the A4155 between the crossing adjacent to Bobmore Lane and Marlow Town Centre.
  - A criticism of how achievable the 60:40 modal split will be, including the effectiveness of the Travel Plan<sup>224</sup> and the Operational Management Plan (OMP).
- 9.184 Because of these 2 points, the Council has been unable to rule out a “*severe cumulative residual impact on the A4155 when the mitigation measures including the OMP, Travel Plan and the proposed improvement scheme at Westhorpe Interchange have been implemented*”<sup>225</sup>.
- 9.185 It is important to recognise that the Council is not itself identifying evidence of a severe impact, but rather challenging the adequacy of the modelling undertaken by the appellant. The Council has agreed with the appellant that, “*within the limits of model extents*”, “*the model provides a robust assessment tool for considering the implications of traffic associated with MFS at the proposed site access roundabout and Westhorpe Interchange*”<sup>226</sup>.

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<sup>222</sup> CD8-010 para. 4.101-104

<sup>223</sup> CD7-009 para. 1.10

<sup>224</sup> CD2-105x

<sup>225</sup> CD7-009 para. 1.10

<sup>226</sup> CD7-009 para. 1.6

- 9.186 As explained in the evidence of the appellant's highways witness<sup>227</sup>:
- i. There is an existing problem at Westhorpe Interchange in weekday peak periods, especially within the AM peak hour, namely queuing on the off-slip roads being close to backing up onto the A404 mainline for short periods.
  - ii. This will only be exacerbated by future increases in traffic levels, irrespective of the scheme. These future increases would result in a serious road safety risk, i.e. stationary vehicles backed up on the A404 mainline, queuing to exit off a slip road, being struck by vehicles travelling at 70mph.
  - iii. The Council fully appreciated this problem but withdrew a proposed improvement scheme in January 2023 as it proved unfeasible due to the inability to secure agreement with NH<sup>228</sup>.
  - iv. Through assessment work, it has been identified that the existing issues at Westhorpe Interchange are limited to the weekday peak periods, especially within the AM peak hour. From around 0820 to 0840, observations have shown that there is blocking back onto the junction from the Little Marlow Road exit (i.e. the exit from Westhorpe Interchange into Marlow).
  - v. The main factor causing this existing issue is use of a pedestrian crossing on Little Marlow Road, adjacent to the junction with Bobmore Lane, by children attending Great Marlow School.
  - vi. As part of the scheme, the appellant will fix this existing issue by replacing the existing Zebra crossing at Bobmore Lane with a signalised Toucan crossing with a MOVA control system.
  - vii. The VISSIM modelling in October and November 2024 was revised to assess the implications of this improvement of the crossing at Bobmore Lane, alongside the other improvements at Westhorpe Interchange itself to signalise and widen the approaches.
  - viii. NH has accepted that *"the agreed modelling identified that without mitigation there would be an increased risk of queuing on the A404 off-slip roads blocking back onto the A404 mainline in both the with and without proposed development scenarios. The proposed improvement scheme would mitigate this significant road safety risk by enabling the effective management of queuing on the A404 off-slip roads"*<sup>229</sup>.
  - ix. The modelling results are summarised<sup>230</sup>, and the Council accepted that these modelling results did not themselves indicate any severe impact, leaving only the minor point about the extent of the model. They indicate minor increases in traffic on local roads which is not unusual when grade-separated junctions like the Westhorpe Interchange are placed under traffic signal control. In any event, the benefits of the improvement scheme outweigh any such minor increases.

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<sup>227</sup> CD8-010 section 4

<sup>228</sup> XX of the Council's highways witness

<sup>229</sup> CD7-005a

<sup>230</sup> CD8-010 paras. 4.23-4.115

- 9.187 The Council's remaining concern about the extent of the model can be taken shortly<sup>231</sup>:
- i. The concern arises only during the AM peak from the proposed improvement at Bobmore Lane, i.e. by the removal of an existing constraint on westbound traffic movements along Little Marlow Road (A4155) from Westhorpe Interchange towards Marlow Town Centre.
  - ii. During that AM peak hour, there would be fewer than 20 vehicles travelling from MFS westbound along Little Marlow Road (A4155). As such, these levels of traffic would have no material impact on the operation of the relevant junctions in Marlow Town Centre beyond the model extents.
  - iii. In any event, all junctions have already been the subject of individual junction capacity assessment models. The level of westbound traffic included in those individual models is higher than that identified in the VISSIM model. It therefore presents a worst case. On the results obtained from the individual modelling, there is no material impact at these junctions from traffic associated with MFS<sup>232</sup>.
  - iv. The obvious implication is that there is no need to extend the geographical ambit of the modelling into Marlow Town Centre, because it can be confirmed on the existing evidence that there could not be a severe impact arising from the scheme.
- 9.188 The only other matter relating to congestion is the Council's suggestion that the modal shift to 60% single occupancy vehicle usage is unrealistic, and therefore the congestion will be greater than has been assessed. The Council therefore argue that, for the purposes of NPPF 116, the "managed" scenario is not a "reasonable future scenario".
- 9.189 This is flawed for 3 reasons.
- i. First, the traffic modelling has modelled both a "managed" and an "unmanaged" scenario. The former assumes the achievement of the 60:40 modal split, but the latter does not. The "unmanaged" scenario is a "predict and provide" assessment with no account taken of any modal shift. Accordingly, the traffic modelling has not assumed the achievement of the proposed modal split. Based on the modelling results<sup>233</sup>, there will be no severe residual highway impacts on the network, even in the unmanaged scenario.
  - ii. Second, in any event, the "managed" scenario, based on the modal split of 60:40 to be achieved by the Travel Plan (and if utilised the OMP), is realistic<sup>234</sup>:
    - To achieve the proposed target of 60%, 40% of non-car usage is required. This comprises the 15.8% of non-car trips from the census data for journeys to work in the area, plus an additional 24.2%.
    - With only a modest assumption of car, the modal shift can be achieved by an 8% change in public transport usage and a

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<sup>231</sup> CD8-010A para. 3.38-3.47

<sup>232</sup> CD8-010A para. 3.47 and CD8-010 paras. 9.9-9.18.

<sup>233</sup> CD8-010 section 4

<sup>234</sup> CD8-010A paras. 4.20-62

1.5% change in walking/cycling. Even without car sharing, the percentage changes are only 16.7% and 7.5%.

- These numbers are all readily achievable given the significant improvements to accessibility by public transport, and for pedestrians and cyclists.

9.190 The evidence relating to other studios is consistent with the view as to the 60:40 split being achievable. A theme of the Council's case has been to undermine the modal shift target by reliance upon the other studios, but one needs to bear in mind that every studio will be different depending on (a) the scheme, (b) the location, in terms of existing accessibility to non-car modes, (c) the timing of the surveys, and (d) the measures proposed to support a modal shift. With those factors in mind, the appellant would caution against over-reliance upon other studios, recognising that MFS is unashamedly ambitious and progressive when it comes to sustainable modes of transport, heralding a new era of high quality and sustainable film studios in the industry.

9.191 The whole scheme is prepared in accordance with the "vision and validate" philosophy rather than the former "predict and provide" school of thought. NH fully recognised this, considering both the Travel Plan and the OMP. The Council's approach, by contrast, has been firmly "predict and provide", with no account taken of the Travel Plan or the OMP, or the vision-led approach in the NPPF. We note that:

- i. The monitoring results for Pinewood were based on a limited survey, and only of permanent office staff, and at a time when the results will have been significantly affected by COVID. In any event, Pinewood is next to a much smaller settlement than Marlow, and with a train station that is much further away.
- ii. Elstree is an example of how the provision of alternative modes of transport can achieve impressive levels of non-car usage.
- iii. Shepperton has issues in terms of site accessibility for non-car modes (limited frequency buses and sub-standard foot and cycleways). Even with this, a worst case on car sharing would result in 64% car driving if the modal shift of 10% in the Travel Plan is achieved.
- iv. The local highway authority for Warner Brothers Leavesden have accepted a modal target of 62% for single occupancy vehicles, which is essentially the same as for MFS.

9.192 The appellant should not be criticised for seeking an ambitious Travel Plan with a significant suite of improvements to encourage sustainable means of travel. Unlike all the other studios set out above, the appellant is the only one to sign up to an OMP (limiting peak period traffic to specified levels) and BA obligations requiring improvement if the modal split is not achieved. The full extent of measures is set out in the Framework Travel Plan<sup>235</sup>, and includes a comprehensive set of ways that would achieve the modal split.

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<sup>235</sup> CD2-105x

- 9.193 Collectively, there would be no “severe” impact on the highway network. The reality is that the site is in a remarkably good location, right off the SRN. The improvement scheme for the Westhorpe Interchange will deliver a much-needed betterment on the existing situation overall.

### *Safety*

- 9.194 The only remaining safety concern relates to whether “*the existing Departure from Standards on the A4155 westbound approach to Westhorpe Interchange needs to be fully addressed*”<sup>236</sup>.
- 9.195 This very limited matter can again be taken shortly. The Council’s concern<sup>237</sup> appears to be about vehicles accelerating towards the Westhorpe Interchange from the east to “beat the light”. However, as detailed in evidence<sup>238</sup>:
- i. The current layout at Westhorpe Interchange has been in place for many years and features several Departures from Standard.
  - ii. There have been no reported accidents at the approach to this junction.
  - iii. As this indicates, a Departure from Standards is not necessarily an issue, and the key question is always whether the Departure would give rise to a road safety problem.
  - iv. As the DMRB confirms<sup>239</sup> “location constraints are often the dominating factor when designing improvements to existing junctions. This is the case on the A4155 westbound approach, where removal of the Departure is not possible.
  - v. Improvement, however, is possible, and that is what is proposed. It is agreed that the proposed position is an improvement over the existing position.
  - vi. As part of the proposed development, 3 of the approaches (including the westbound approach) would be placed under traffic signal control, which will reduce vehicular speeds onto the roundabout.
  - vii. Critically, the proposed site access roundabout will reduce speeds of westbound traffic on the A4155 into the Westhorpe Interchange. The traffic is currently a multi-lane approach where traffic speeds are derestricted. The new roundabout will be a physical impediment which will force reductions in speed.
  - viii. The new roundabout and the reduced speeds will allow consideration of a reduction of speed limits through a TRO.
  - ix. The Road Safety Audit commissioned by NH did not consider this Departure from Standards to be a road safety problem.
  - x. Addressing this Departure would also create more serious issues including the potential for “side swipe” accidents, since it is difficult to safely accommodate vehicles within each lane given the proximity of the approach to the A404 southbound on-slip road.

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<sup>236</sup> CD7-009 para. 1.10

<sup>237</sup> CD9-04A paras. 5.61-5.69

<sup>238</sup> CD8-010A para. 3.5

<sup>239</sup> Quoted in CD9-04A para. 5.61

- 9.196 To reiterate, the improvement scheme overall will address a serious road safety risk that will occur in the future even without MFS in place, i.e. the scheme will result in a positive betterment on the existing position in terms of road safety.

#### *Parking*

- 9.197 The quantum of on-site parking proposed on the site is agreed and will meet the demands of those visitors who drive to the site.
- 9.198 This issue is linked to the question of the modal share. Given the appellant's 60:40 modal share in the Travel Plan, together with the OMP (if required) to help achieve this, the on-site parking will be adequate. As noted above, if the modal share is not achieved, the BA contains provisions to improve the situation.
- 9.199 The reality is that visitors to MFS would know in advance that parking is restricted and that they need to be "booked in" to reserve a parking space, which would be limited to those who need one (e.g. because they are carrying significant equipment with them). Those persons in single occupancy vehicles will comprise most visitors, i.e. 60% in the modal split. For others where there is no such need, they will not be booked in for a parking space and will therefore know that they need to make alternative arrangements, either by car share or public transport (utilising, for example, the new bus services for accessing the site).
- 9.200 In the unlikely event that, notwithstanding all of this, off-site parking on local streets becomes an issue, detailed provisions are found in the BA to regulate this.

#### *Whether the proposal would support active and sustainable modes of travel, particularly walking and cycling.*

- 9.201 It is important to recognise that NPPF paragraph 110 does not require any specific modal split, or an impossibly high proportion of people using sustainable modes. The scheme needs to "limit" the need to travel and offer a "genuine choice" of modes. The paragraph also accepts that some sites might not currently be sustainable but can be made so.

#### *Bus*

- 9.202 The scheme would provide new public bus services (i.e. accessible to all, not just those visiting the site) linking the site to Bourne End and Marlow, as well as to both High Wycombe (with regular trains to and from London Marylebone) and Maidenhead (from which the Elizabeth Line to / from London can be accessed). This is agreed with the Council to be a benefit attracting significant weight<sup>240</sup>. It is undoubtedly a major feature in the overall package supporting the proposed modal shift and the sustainability of the scheme. It will support a wider modal shift among the local population, not just among those going to/from the film studios.

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<sup>240</sup> CD9-40A p.17

- 9.203 One only needs to read the effusive praise of the scheme by Carousel<sup>241</sup>, the company who will operate the bus services, to realise what a game-changing offer this is. It is clear from that evidence that the bus will be “prioritised” and a “genuine” choice, as opposed to the offer being tokenistic. For those visitors not able to secure a parking space or unable to afford a car, the bus will be a wholly reasonable and attractive alternative.

#### Train

- 9.204 Marlow benefits from a train station which is walking distance from the site. Although the service to/from Maidenhead is limited, it remains a relevant feature supporting the overall sustainability of the location.
- 9.205 The proposed bus services provide connections to both the Elizabeth Line at Maidenhead and the train services at High Wycombe and, as acknowledged by the Council’s Bus Service Improvement Plan, having a good interchange between bus and train services encourages the use of bus services<sup>242</sup>.

#### Walking and cycling

- 9.206 The majority of Marlow, a significant town with a wide range of services and facilities, is within a 15-minute walking distance of the site, and the whole of the town is within cycling distance<sup>243</sup>.
- 9.207 There is no doubt that the Westhorpe Interchange is not presently an attractive proposition for pedestrians and cyclists, and the Volvo Bridge is not DDA-compliant and can only be used by cyclists able and willing to carry their bikes up and down the stairs on either side. This is why the appellant will improve both routes.
- 9.208 In relation to the Westhorpe Interchange, the details of the improvements are set out in evidence<sup>244</sup>, which include widening the cycling and pedestrian route, and protection from the embankment. The adequacy of the design of the pedestrian and cycle facilities are a point of dispute between the Council and appellant, albeit they are agreed by NH. The key issue depends on whether it is adequate for the pedestrian / cycling route across the interchange to be a 3m wide shared route rather than a segregated route. The appellant’s highways witness considers that its short section, limited numbers of pedestrians and cyclists<sup>245</sup>, which also accord with the Council’s final consultation response on the application, a shared route is acceptable. The reality is that on-site physical constraints preclude anything else.

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<sup>241</sup> CD8-010 Appendix 12

<sup>242</sup> CD8-010 para 6.13

<sup>243</sup> CD8-010 para. 5.2 and Fig ID5

<sup>244</sup> CD8-010 section 5 (5.26) and Appendix 7

<sup>245</sup> CD8-010A para. 4.5-11

- 9.209 As to the Volvo Bridge replacement, the Council considers that it would be neither safe, suitable nor attractive to use<sup>246</sup>. However, the Council accepted that, overall, it would be an improvement on the existing position by reason of it being DDA-compliant. Additionally, while it increases the walking distance, most reasonable people would understand that they were walking a little bit further so that everyone was able to use it. The future vegetation proposed finds a balance between protecting residents from visual impacts and overlooking issues, and the lighting is a matter that could be agreed in due course.
- 9.210 There would also be significant cycling and pedestrian improvements on the site itself, in addition to the east of the site and between the A404 and Marlow (including the town centre to the west).
- 9.211 Overall, the appeal site is in a sustainable location for the purposes of NPPF para. 155(c), and complies with all relevant policies for sustainable transport. In short, the scheme will provide a “genuine choice” as to non-car modes. There can therefore be every expectation that the modal shift in the Travel Plan can be achieved.

#### *Internal site layout - safety*

- 9.212 Reason for refusal 6 is predicated on the surprising suggestion that the appellant’s world-leading architects and master-planners, who drew upon expertise in film studio development, would design a scheme that jeopardised the safety of those working or visiting the scheme during operation. As became clear during oral evidence, the Council’s case for this reason for refusal reduced to solely a concern about HGVs reversing on 4 cul de sacs in the north-eastern corner of the scheme<sup>247</sup>.
- 9.213 This concern is entirely unwarranted. The HGV numbers would be low, and the site will be a highly regulated and managed environment. The risks associated with such manoeuvres will be “easily managed” by those with relevant expertise.
- 9.214 In any event, a Site Management Plan<sup>248</sup> would be secured by planning condition, which can regulate such matters via the use of banksmen, temporary road closures etc. The film studios would operate in line with HSE good practice guidance to ensure that no conflicts occur.

#### **Residential amenity**

##### *Traffic impacts*

- 9.215 The traffic impacts on residents were not a matter of concern for the Council<sup>249</sup>. Although they did feature as an issue for the R6, their amenity witness accepted that she did not have any evidence to contradict that of

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<sup>246</sup> CD7-009 para. 1.10

<sup>247</sup> CD9-04A p.98, Fig 22

<sup>248</sup> CD2-105r – draft Site Management Plan

<sup>249</sup> CD7-009 para. 1.10.

the appellant<sup>250</sup>. Furthermore, the R6 did not attend, let alone ask questions, during the highways evidence at the inquiry. They can accordingly be taken to have accepted it.

### *Outlook/visual impacts*

- 9.216 We have assessed<sup>251</sup> the visual effects on residents in accordance with GLVIA3. The affected dwellings (c.56 single storey park homes and 31 new apartments at Westhorpe House, and a small number of two-storey buildings set further back) are enclosed by a 3m high wall and/or planting. The nearest buildings to Westhorpe Park would be in Plot 2a, around 25m away. These buildings are generally 1 and 2 storeys high on the southern edge, deliberately designed and located to minimise impacts on outlook. Further mitigation would be provided by the proposed landscape buffer planting at the edge of Plot 2a, plus the footpath 20/1 corridor<sup>252</sup>. The overall assessment is a moderate effect, becoming moderate/minor (not significant) by year 15 (due to the new planting, expected to reach 7.5m by year 15).
- 9.217 The Council identifies a moderate adverse and significant effect<sup>253</sup>. However, elsewhere<sup>254</sup>, they acknowledge that “*views may be limited from windows and gardens*”, identifying instead that it is the views from the street and driveway into the site which “*appear to offer views towards the site and proposed development*”. However, the receptors on these roads are of lower sensitivity. The R6’s amenity witness also accepted that there would be some landscape and ecological buffering between the proposed access road and the buildings.
- 9.218 The R6’s amenity witness also accepted that there would be no sense of “enclosure” of Westhorpe Park in terms of “built form”, given the woodland retained to the south, the retained and augmented planting to the west (with the new area of public access recreational space), the retained trees to the north of Westhorpe House, the 3m wall and 25m separation from the buildings on plot 2a<sup>255</sup>.

### *Light impacts*

- 9.219 Light impacts from Marlow and the nearby main roads on the site. The appellant’s landscape witness includes the CPRE Dark Skies Map, which indicates that almost all the site is in the third highest (of 9) bands depicting levels of light<sup>256</sup>. The residents are in the fourth highest banding, thereby proving the extent of light spillage from Marlow.

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<sup>250</sup> CD8-010 Section 12 CD8-010A section 6

<sup>251</sup> CD8-004c Appendix A, p.A-26-27.

<sup>252</sup> CD8-001 p.118.

<sup>253</sup> CD9-07B

<sup>254</sup> CD9-07B para. 4.4

<sup>255</sup> See e.g. CD8-001 p.118, and CD2-111d (which shows that the plot 2a buildings nearest to Westhorpe Park will have a roof height at 7m, lower than a 2-storey building). See also CD8-001 p.119-120 (section I-I at fig 7.242).

<sup>256</sup> CD8-004c Appendix A, p. A-10, Plate A.III

9.220 The appellant's noise, vibration and lighting witness<sup>257</sup> draws on AECOM's comprehensive external lighting strategy<sup>258</sup> and the light pollution analysis report by Waldrams<sup>259</sup> to conclude that, with the implementation of measures detailed in the strategy, there will be no "*significant adverse impacts*" resulting from the lighting of the development. The night-time site visit and nightscape assessment<sup>260</sup> reinforced those earlier submitted reports, in demonstrating the existing visible lighting from Marlow (in particular Marlow International and the Fire Station) and the screening effect that would arise from the scheme buildings.

#### *Noise impacts*

9.221 The agreed policy test<sup>261</sup> provides that all development should avoid "*significant adverse impacts on the amenities of neighbouring land and property*" (emphasis added). Accordingly, a degree of adverse effects can be tolerated, provided it is not "significant". A "significant observed adverse effect" in traffic noise levels is an increase in over 5dB<sup>262</sup>.

9.222 The Noise SoCG<sup>263</sup> records agreement that:

- i. The design has responded to the proximity of nearby residential buildings (c.27 metres between the closest residents and the nearest building) by locating the sound stages towards the centre of the site, screened by uses which generate lower levels of noise.
- ii. The soundstage buildings themselves have been designed to be acoustically robust to prevent both noise ingress into the building and noise egress to both nearby sensitive receptors and other noise sensitive uses, such as soundstages and offices.
- iii. Fixed mechanical plant will be selected to be inherently quiet but where suitably quiet plant cannot be procured, noise control measures in the form of acoustic screens and attenuators can be incorporated to demonstrate that this shall not have a negative impact upon amenity.
- iv. The backlot area is located in the centre of plot 5, at a distance from the nearest sensitive receptors of 60m to Moat House to the north, 130m from the Crowne Plaza Hotel to the southwest, and 290m to residential properties at Westhorpe Park Homes to the north west, incorporating earth bunds to provide screening from noise generating activities.
- v. A backlot management plan and a noise management plan will be secured to protect residents in the vicinity.
- vi. Construction noise impacts will be controlled by a construction and environmental management plan, secured by condition, which will include controls over construction time periods, plant to be used, and the adoption of low noise and vibration techniques.

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<sup>257</sup> During the noise roundtable and in CD8-002 paras. 5.10-5.13 CD8-002a paras. 3.8-3.14

<sup>258</sup> CD1-241

<sup>259</sup> CD1-252

<sup>260</sup> CD8-002a Appendices B and C

<sup>261</sup> CD7-007, para.2.1.2-3, Policy DM35, para. 3(g).

<sup>262</sup> CD8-002 p.13-14, Table 3.3

<sup>263</sup> CD7-007

- vii. All noise concerns relating to the development, except for a single matter in dispute, can be addressed through suitably worded conditions and the BA.
- 9.223 The matter in dispute concerns the “*the disturbance from traffic noise from use of the access road on residential amenity*”. The appellant produced a further assessment<sup>264</sup> which assesses the noise impacts from traffic using the access road.
- 9.224 Figure 7 of this assessment shows the existing baseline noise levels plus internal access roads and on-site noise sources (i.e. backlot, fixed and mobile plant and workshop noise), and Figure 8 shows the contribution from internal access roads and on-site noise sources compared to the existing baseline. This demonstrates that the contribution of noise from the scheme results in a maximum increase of 2.9 dB (at Moat House, receptor F)<sup>265</sup>, with several receptors seeing a reduction in noise levels because of the scheme buildings shielding the existing background noise from the A404 and A4155. This key context of existing background noise was recognised by all parties.
- 9.225 If one isolates the averaged noise level effect of the internal access roads on their own (as per the Council’s concern), i.e. without noise from fixed and mobile plant, and backlot etc, then this is at the highest 0.3 dB above the baseline noise levels<sup>266</sup>. Most receptors are predicted to benefit from the scheme through shielding from the A404 provided by the proposed buildings<sup>267</sup>.
- 9.226 It is not appropriate to be consider individual vehicle movement events or hours, when considering the impacts on traffic noise<sup>268</sup>. Notwithstanding this, the appellant’s witness produced an hourly assessment<sup>269</sup> using predicted traffic flows, “*which shows that there are no hours of the day at any location where traffic noise levels are above the background noise*”. The vehicle movements anticipated down by the Westhorpe Park homes are not significant enough to generate significant noise impacts. Individual noise events can be more subjective, and that local residents already expect to hear vehicles coming in and out of the park homes site, whether they be refuse vehicles, delivery vehicles, buses, HGVs. This evidence of hourly assessment entirely meets the R6’s concerns about “intermittent” noise. There is simply nothing to indicate anything approaching a “significant” adverse noise impact.
- 9.227 Notably, contrary to the R6 claim, there would not be 1,400 vehicle movements only a few metres from homes at Westhorpe Park. The 1,400 vehicles would be using the access road through the site to the southern

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<sup>264</sup> CD7-007 Appendix E

<sup>265</sup> CD7-007 Appendix E, p.7, Table 4, Column F

<sup>266</sup> CD8-002 para. 4.3 and CD7-007 Appendix E, p.7, Table 4, Column G

<sup>267</sup> The appellant’s witness clarified in the roundtable that the noise assessment assumes open windows (i.e. worst case scenario), which means that the prefabricated nature of the park home structures is irrelevant.

<sup>268</sup> CD8-002 para. 4.8 and CD8-002a para. 2.8-9

<sup>269</sup> CD8-002a Appendix A

multi-storey car park, which is many more than a “few metres” from Westhorpe Park.

- 9.228 Users of the public footpath would experience some noise impacts, but they are “transient receptors” who have lower sensitivity than residents in their homes.
- 9.229 Finally, in respect of the backlot, the approach to managing such impacts is envisaged in the process for approving a backlot management plan. Furthermore, noises from the backlot<sup>270</sup> are not expected to reach Westhorpe Park homes in any event.

### *Conclusion*

- 9.230 The amenity of the residents will inevitably be affected by the development. But, when one considers the scale and size of the proposal, this impact will fall on a remarkably small amount of people and only really in relation to a tiny element of the significant matters that collectively constitute residential amenity, like air quality, privacy, amenity space, etc.
- 9.231 The impacts will be mitigated and controlled as much as is reasonably possible through conditions and section 106 obligations and would not result in any unacceptable outcomes. In any event, the Council only attributes “moderate” weight to that harm<sup>271</sup>.

### **Other matters**

- 9.232 The ecological impact was covered comprehensively in the Ecology Roundtable session, supported by the evidence. In relation to flooding and sewerage concerns, these matters are capable of resolution via suitably worded planning conditions<sup>272</sup>.
- 9.233 The appellant strongly refuses the speculative and one-sided allegations<sup>273</sup> of harm to existing businesses of Marlow. The reality is that many local businesses support the scheme as bringing potential new customers to Marlow.
- 9.234 The hostility towards the proposed Community Building from the Rule 6 Parties<sup>274</sup> is regrettable. This proposal arose from the appellant’s community consultations as part of working up the final design of the scheme – it has been explicitly requested by those responding to the consultation and can be of real benefit.

### *BNG, Little Marlow Land and the Planning Obligations*

- 9.235 Owing to the later changes to the obligation, as detailed above, the 20% BNG would now be provided at an agreed receptor site. Whilst the Council argue that the benefits of the BNG proximate to the site would be greater

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<sup>270</sup> CD7-007 Appendix E, p.13-14, Figures 7-8

<sup>271</sup> CD9-40A p.17

<sup>272</sup> CD3-002, section 18 (conclusions at 18.24-25).

<sup>273</sup> CD13-200 section 9.

<sup>274</sup> CD13-200 section 11.

- than those at an unknown location, the exact location of the BNG land is not necessarily material to its value, so long as the units can be provided.
- 9.236 There is a commitment to provide at least 20% across each Unit type, which remains double the net gain that would be secured should the scheme be assessed under the current BNG policy, a policy which it is not required to meet. Moreover, the S106 also provides a fail-safe mechanism of an offsetting contribution should the gains not be achieved as first envisaged. Therefore, the commitment to >20% net gain remains a substantial benefit.
- 9.237 Ultimately, if the Council considers any future scheme presented to be inadequate, it can provide evidence to support that assertion, and the appellant would be required to re-consider. The Council, as before, retains the ability in the BA to approve whatever is proposed by the appellant.
- 9.238 The Council point out that significantly more than 20% BNG could have been obtained on the Little Marlow Land. Whatever the merit of this position, the key point is what is legally secured, which has always been and continues to be +20% BNG. That is the percentage that is used for the purposes of attributing weight, and anything above that would be speculative and unsecured.
- 9.239 Additionally, in terms of other matters the Council raises in relation to the removal of the Little Marlow Land:
- i. there will remain pedestrian and cycle access to the east of the site linking Marlow and Bourne End, with upgrades both on and off site.
  - ii. There is no impediment to the recreational use of the footpath across the southern boundary of the Little Marlow Land. New public car parking, new habitats, improved pedestrian and cycle connections and an increase in publicly accessible land would continue to be offered on the site itself, and all of these conform with the objectives of policy RUR4.

### ***Planning balance***

- 9.240 The nature of the planning balance will be determined by whether the Inspector or SoS considers that the scheme would constitute “inappropriate development” in the Green Belt.
- 9.241 The R6 do not put forward a planning balance. This is therefore a matter between the Council and the appellant.
- 9.242 If the Inspector or SoS agrees with the appellant that the scheme would not be “inappropriate”, then the “VSC” test does not apply, and the appellant does not need to show that the harms are “clearly outweighed” by other considerations. The scheme would comply with policy DM42.
- 9.243 If the Inspector considers that the scheme is “inappropriate” development in the Green Belt, then “substantial weight” is to be given to the Green Belt harm (including to “definitional harm” by reason of inappropriateness), and the VSC test applies. Even so, the appellant considers that the harms would be “clearly outweighed” by the benefits.

- 9.244 On the harm side, there is only the harm to Green Belt openness, limited conflict with Green Belt purposes, the “definitional” harm (only applicable, if the proposal is inappropriate development), and then there is the localised character and appearance impacts and any limited weight given to any identified conflict with Policy RUR4.
- 9.245 On the benefits side, the case is overwhelmingly strong. Substantial weight is to be given to meeting the identified need for new studio space and the economic benefits. Added to this are the significant social benefits – new public open space, cycle and pedestrian upgrades, the new bus services, the congestion / safety improvements at Westhorpe Interchange, the Culture and Skills Academy and the Community Building. Finally, there are the significant environmental benefits, principally the 20% BNG and ecological improvements.
- 9.246 The Council’s planning witness agreed that the VSC test does not contain any express requirement to show that there are no alternative sites for the development outside of the Green Belt. In any event, the appellant has prepared such an assessment. The locational advantages of the site, and the “critical mass” and economies of scale for the scheme, have been fully aired above.
- 9.247 In either case – whether not inappropriate or VSC – the appellant argues that, applying section 38(6) of the 2004 Act, the proposal complies policy DM42 and with the development plan taken as a whole<sup>275</sup>.
- 9.248 Insofar as there are any other material considerations not picked up already through assessing the scheme against the development plan, they only serve to reinforce the case in favour of granting permission.
- 9.249 In the alternative, insofar as the Inspector or SoS regards the scheme as conflicting with the development plan, for example due to conflict with policy RUR4, we argue that, for the purposes of NPPF para. 11(d), the “most important” policies are out-of-date, thus triggering an appraisal against both limbs of para. 11(d), each of which is passed by the scheme.
- 9.250 The argument that the “most important” policies are “out of date” is twofold:
- i. First, WDLP fails to “make provision” for the matters set out in NPPF paras. 85-87 regarding support for the creative industries. While the Council argued WDLP does do this by reliance on the generic employment policies in CP2 and CP5, this is not a credible position to take. The NPPF requirements are more specific than this. If the Council takes this approach in their long awaited and significantly delayed new local plan<sup>276</sup>, the policies will not be found sound. The Council also relied in vain on local strategies which are not development plan policy. Ironically, the Council also emphasised the support they have given for Pinewood’s expansion, despite them having fully resisted that expansion by refusing planning permission

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<sup>275</sup> CD8-011b

<sup>276</sup> See ID88

in May 2013. It was only the SoS who granted permission for that expansion<sup>277</sup>.

- ii. Second, policy RUR4 is “out-of-date” on account of the country park aspiration for the whole area of land being undeliverable due to the Council having insufficient land interests.

- 9.251 Applying NPPF para. 11(d)(i), there are no “footnote 7” policies in the NPPF that provide a “strong reason” to refuse planning permission. Most significantly, the scheme is either not inappropriate development in the Green Belt, or alternatively benefits from “VSC”. The Green Belt policies therefore provide no such “strong reason” for refusal.
- 9.252 Applying NPPF para. 11(d)(ii) is merely a formality. If the scheme is either not inappropriate development or supported by “VSC”, it would follow as a matter of course that the “tilted balance” would weigh heavily in favour of granting permission.
- 9.253 Refusing permission for this scheme would “send a very strange message” given all the Government’s recent emphasis on driving the growth of the creative sector. It would be a “missed opportunity” to capture a bigger share of the global market for film and high-end TV production, on a site which is sustainable and in the grey belt. The case in favour of the scheme is compelling.

### **Conclusion**

- 9.254 Courage is needed to make the right decisions in life. Courage and bravery are needed in all walks of life but never more than now in planning. The planning system has become frozen because the now institutional response is to negatively and repeatedly say no.
- 9.255 The young and the optimistic are those who suffer repeatedly with loss of housing, loss of employment opportunities and loss of hope. Play your part in giving hope, activating hope, and allowing hope.
- 9.256 This proposal is so special, so unique, so transformative and so enriching it really should be allowed.
- 9.257 If permission is refused it will take many years to find, develop and get a planning permission for another site. All the benefits will be lost for many years if not for ever. In contrast a permission will allow the most incredible series of benefits which will be transformative for the county, the region, and the country. Therefore, we urge you to recommend the grant of consent and ensure that:
- i. Many thousands and their families will benefit from the employment, construction and skills they will learn and enhance on the site.
  - ii. Many thousands will come to MFS to make films and TV which create dreams.
  - iii. Many thousands will benefit from a town and county that will be enriched both culturally and financially by having a jewel in the crown

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<sup>277</sup> CD10-07

in its midst creating excellence in a wonderful environment in the most incredible development.

- iv. Many thousands will visit Marlow to see how special this development is.

9.258 Therefore, for the reasons set out above, the appellant invites the Inspector to recommend that the SoS allows the appeal.

## **THE CASE FOR BUCKINGHAMSHIRE COUNCIL**

### ***Introduction***

- 10.1 The appellant has failed to demonstrate VSCs necessary to justify inappropriate development in the Green Belt. The other main issues encompass other, freestanding reasons why planning permission should not be granted and/or feed into the overall Green Belt balance.
- 10.2 The appellant has not demonstrated that the site falls within the NPPF's definition of "grey belt". They have also failed to prove a demonstrable need for the type of development proposed or that the development would be in a sustainable location, and so the proposed development must be regarded as inappropriate development in the Green Belt. Thus, the Council consider that for the proposal to be permitted, it must satisfy the VSC test.
- 10.3 The changes to the NPPF, both in relation to Green Belt and economic policy in paras.85-87 NPPF, must be understood in the context of the document, as a whole. There has been no change to the 3 overarching objectives of sustainable development nor any change to the recognition that those objectives are interdependent and should be pursued in a mutually supportive way.
- 10.4 The requirement to achieve the objectives of sustainable development is further underscored by the text added to paragraph 11(d)(ii), which confirms that even where the tilted balance applies: development should be directed to sustainable locations and secure well-designed places, both of which are applicable. Further, there has been no lessening of the weight to be given to harm to the Green Belt where development is inappropriate, and the new economic policies sit within the context of Green Belt policy which is an overarching approach. In that context, the VSC test must be applied correctly, and substantial weight must be given to the Green Belt harm.
- 10.5 Whilst the VSC test requires a qualitative rather than a quantitative assessment and it is not necessary for each consideration relied upon in support of Green Belt development to be "very special" of itself<sup>278</sup>, the Court of Appeal has stated that the threshold set by the test is higher still

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<sup>278</sup> Wychavon District v SSCLG [2008] EWCA Civ 692 - The decision maker must have regard to the "real importance of the Green Belt" and there is no requirement for a particular "mathematical" exercise – R (Sefton MBC) v SSCHLG [2021] EWHC 1082 (Admin).

- than the “exceptional circumstances” test for Green Belt release through the development plan process<sup>279</sup>.
- 10.6 That is a deliberate policy. The fundamental aim of Green Belt is to prevent urban sprawl “by keeping land permanently open”. Imposing a very high bar before inappropriate development is permitted in the Green Belt is key to ensuring permanence. Whilst the recent changes to national policy have expanded the categories of “appropriate development” in the interests of delivering necessary growth, there has been no lessening of the policy of protection against inappropriate development.
- 10.7 The Council strongly supports the Government’s growth agenda and has recognised and sought to make provision for both the expansion and modernisation of the creative industries which are clustered in its area. It is strongly supportive when it is proposed in the right location and has granted permission for the significant expansion onto Green Belt land at Pinewood Studios<sup>280</sup>. On land released from the Green Belt and allocated through the WDLP<sup>281</sup>, it also sought to encourage the development of Wycombe Film Studios<sup>282</sup>. The Council recognises the need to ensure that the UK’s world leading economic sectors, including the creative industries, can adapt and grow<sup>283</sup>. That is in the interests of both the national and the local economy.
- 10.8 The appellant relies on several local policy and strategy documents promoting film and TV, including the Buckinghamshire Local Industrial Strategy 2019, the Buckinghamshire LEP Strategic Economic Plan (2016 – 2031), the Buckinghamshire Economic Recovery Plan – 2020 and the Strategic Vision for Buckinghamshire (2021). These strategies reflect the Council’s ambitions as a corporate entity and chime with the amendments to the NPPF to support the creative and digital sector, the recognition of the sector’s international importance and value, and its role in driving growth. The Council were ahead of the curve in their recognition of the role and importance of clusters in producing these documents.
- 10.9 However, in this case, the appellant has failed to demonstrate that the substantial Green Belt harm, and other harms, are clearly outweighed by the benefits. The development is not in accordance with the WDLP. Whilst the appellant sought to claim that the WDLP should be regarded as “out of date”, in the absence of VSC, the NPPF provides a strong reason for refusing planning permission.

***Whether the proposal would be inappropriate development in the Green Belt***

- 10.10 The development would be inappropriate development in the Green Belt. To find that it is appropriate development, the appellant would have to

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<sup>279</sup> R (Luton Borough Council) v Central Bedfordshire [2015] EWCA Civ 537 per Sales LJ at para.54 and Compton Parish Council v Guildford Borough Council [2019] EWHC 3242 (Admin) at para.70.

<sup>280</sup> 21 sound stages comprising 600,000 sqft

<sup>281</sup> CD4-001 Wycombe Air Park, High Wycombe allocated under policy HW15

<sup>282</sup> 7 sound stages of 176,000 sqft

<sup>283</sup> As encouraged by the NPPF Section 6 and CD6-022 Invest 2035: The UK’s Modern Industrial Society

demonstrate that, in accordance with 155 NPPF, it is 'grey belt', there is a demonstrable need for the type of development proposed and it is in a sustainable location having regard to 110 and 115 NPPF<sup>284</sup>.

*NPPF 155(a): The site is not 'grey belt'*

- 10.11 While the Council's planning witness accepted that the introduction of 'grey belt' means a less restrictive approach is to be taken to those areas of land which fall within the definition, clearly the intention of the government is only to release those parts of the Green Belt that are not contributing strongly.
- 10.12 The Council does not consider that the site meets the grey belt definition given the strength of its contribution to the meeting of Green Belt purpose (a). However, the Council's planning witness accepts that the site would not strongly contribute to purpose (b) or (d)<sup>285</sup>.

*The site strongly contributes to purpose (a)*

- 10.13 In 2016, Part 1 of the Buckinghamshire Green Belt Assessment<sup>286</sup> concluded that GA60 of which the site forms part, performed strongly against the Green Belt purposes overall. The study noted that: "*General Areas 60 and 67, located between Bourne End / Wooburn and Marlow, are identified as meeting the NPPF purposes strongly, specifically as a result of its role in preventing coalescence between Bourne End / Wooburn and Marlow (Purpose 2). The west of the General Areas also check the outward sprawl of the identified large built-up area of Marlow (Purpose 1), and the General Areas as a whole meet Purpose 3*"<sup>287</sup>. The part of GA60 within which the site falls was not recommended for release or for further consideration at stage 2<sup>288</sup>.
- 10.14 Furthermore, in 2017, the Part 2 individual site assessment<sup>289</sup>, considered parcel BL0001, corresponding to plots 1, 2 and 3 of the site. This concluded that the area performed moderately against the 5 purposes and that the "*site is not capable of removal from GB and is not otherwise developable*". The study also concluded that, even were the A404 removed from the Green Belt as well as parcel BL0001, "*it would still not be a rational extension to Marlow as it would remain divorced from the town by the bypass. Rather it would be a clear example of unplanned sprawl*"<sup>290</sup>.
- 10.15 The Part 1 study was conducted before both the definition of 'grey belt' and the words "*strongly contribute*" were proposed and included in the NPPF, and it cannot be assumed that the word "*strongly*" has the same meaning in the assessment as in the revised NPPF.

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<sup>284</sup> It is agreed that the development would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan and that 155(d) is not applicable.

<sup>285</sup> ID100

<sup>286</sup> CD9-041

<sup>287</sup> CD9-041 pp.137-138 (PDF pp.142-143)

<sup>288</sup> CD9-041 (PDF p.107)

<sup>289</sup> CD9-042

<sup>290</sup> CD9-042 p.3 (PDF p.8)

- 10.16 Similarly, the absence of the word “*strongly*” in relation to parcel BL0001 in the Part 2 Assessment does not mean that the assessors would have considered this parcel to be grey belt. Indeed, the assessment recognises the importance of the parcel in avoiding unplanned sprawl (which is consistent with its Part 1 findings that the western edge of General Area 60 played a greater role in checking the outward sprawl of Marlow). The appellant’s planning witness accepted that “strongly” is not a single point on a scale, but rather a category which allows for a range of different levels of contribution beyond “weak”.
- 10.17 The site strongly contributes to purpose (a) through its role in checking the unrestricted sprawl of Marlow. The A404, combined with the land on the site, provides a strong and robust Green Belt boundary to the edge of Marlow. The development would result in an incongruous form of development extending beyond that well defined boundary into the Green Belt. The principal urban influences on the site are aural/traffic rather than built form and do not lessen the incongruity.
- 10.18 The urban sprawl beyond Marlow’s well-defined Green Belt boundary across the extent of the site would be perceived and evident from many vantage points both within the site and further afield – as demonstrated in the photomontages for Viewpoints 3<sup>291</sup>, P5<sup>292</sup>, 8<sup>293</sup>, 9<sup>294</sup>, and Q<sup>295</sup>.
- 10.19 The corollary of this assessment is that the site’s contribution to this purpose does not meet the PPG criteria for ‘Moderate’ or ‘Weak or None’. The site does not include features that weaken the site’s contribution to purpose (a) to any significant degree. There are no strong physical features to the east or south that would effectively restrict or contain development. Westhorpe Farm Lane to the east is barely perceptible. The railway line to the south is outside the site and some distance away and would be a particularly weak boundary. Neither these feature nor any others are such that new development would not result in an incongruous pattern of development, nor would they contain it. Any urbanising influences associated with the site’s adjacency to Marlow and the A404 are not such that the site’s contribution to purpose (a) is weakened.
- 10.20 As above, this conclusion is consistent with the narrative in the Part 2 assessment. In terms of the score given to the site’s contribution to this purpose (3/5), this is based on the justification that the A404 provides a strong boundary and thereby checks sprawl so that the connected site performs this role less strongly. However, it is the Green Belt land coincident with the strong urban boundary which acts together with that feature to create the strong Green Belt boundary in restricting sprawl. That is also the logic of ARUP’s narrative which indicates that development beyond the A404 would appear as unplanned sprawl even if the A404 were released from the Green Belt.

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<sup>291</sup> CD2-106k

<sup>292</sup> CD2-106z

<sup>293</sup> CD2-108e

<sup>294</sup> CD2-108e

<sup>295</sup> CD2-106zi

- 10.21 The site strongly contributes to Green Belt purpose (a) and the proposed development conflicts with and significantly harms this purpose.

*NPPF 155(b): No demonstrable unmet need*

- 10.22 There is also no demonstrable unmet need for the type of development proposed, as detailed below. NPPF 155(b) requires the demonstration of a current unmet need (“there is a demonstrable unmet need”), rather than a mere aspiration or ambition. That is a high threshold, set to avoid use by speculative proposals or those where the justification lacks certainty. Those are properly pursued through the development plan process.
- 10.23 The appellant’s claim that NPPF 85-87 (87(a) in particular) mean that need for development supporting the creative industries is to be taken as read and therefore “demonstrable need” is established automatically for any development falling within NPPF 87, is obviously wrong. The focus of NPPF 87 is on making provision where it is needed in specific locations to support growth. In turn, that makes it material to consider what the need is for those particular sectors and the extent of need (including the extent to which that need could be satisfied by development in the pipeline). NPPF 87 does not identify a demonstrable need for any given development.
- 10.24 Further, NPPF 155(b) does not say that development which supports the industries referred to in NPPF 87(a) satisfies the requirement to show demonstrable need. Had the Government intended such an approach, it would have made that clear, as it has with the explicit inclusion of five year housing land supply in footnote 56. It is noteworthy that even for housing, need is not assumed, but must be demonstrated.

*NPPF 155(c) Not in a sustainable location*

- 10.25 The development would also not be in a sustainable location, with reference to NPPF 110 and 115, as detailed below. In summary, this is because of its location on the wrong side of the A404, the difficulties in accommodating pedestrian and cycling access and the need to rely on access to the site by car.

***The effect of the proposal on the openness and purposes of the Green Belt***

- 10.26 The proposal would have a very substantial harmful effect on openness and would conflict with four of five of the Green Belt purposes. As set out above, the proposal would conflict with purpose (a) resulting in significant harm, and moderately conflicts with purpose (b). It would also conflict with purposes (c) and (e).
- 10.27 Significant harm would be caused as a result of the conflict with purpose (c) – assisting in safeguarding the countryside from encroachment. Even taking into account all the proposed mitigation measures in the form of building design and screen planting, the proposed development would result in a significant scale of urbanising development that would encroach into open countryside, notwithstanding the semi-urban influences to which it is subject. The existing character of the site, which is largely rural and open, and separated from the well-defined edge of Marlow, will be

- significantly undermined. This encroachment can be perceived from clearly defined views of the site from Winter Hill and Bloom Hill in the CNL, as well as from the Volvo footbridge, the public right of way which traverses the site, the A404 and Marlow Road A4155<sup>296</sup>. The activity generated in the Green Belt and the associated vehicular traffic would further contribute to the sense of encroachment.
- 10.28 The proposed development would also considerably harm Green Belt purpose (e). While it is accepted that available non-Green Belt sites of a size to accommodate the proposals as advanced would be limited within the catchment selected by the appellant, the Alternative Sites Assessment<sup>297</sup> appears to have been tailored to support the case for the proposals and is dependent on acceptance of the “need” and “critical mass” arguments. These have not been proven and the lack of alternative non-Green Belt (and now grey belt sites) has not been clearly demonstrated.
- 10.29 Concerns were raised in the Committee Report<sup>298</sup> regarding the scope of the Alternative Sites Assessment. Had it been tailored to a smaller site and over a wider catchment it would likely have generated more potential sites, and the Council considers that the lack of alternative non-Green Belt sites has not been clearly demonstrated. There is no evidence before the inquiry as to how this site was selected by the appellant for redevelopment as a film studio. The appellant’s master planner indicated that the proposals were designed to the site that was available. Therefore, the fact that the site is 36ha should not be a key determinant of whether the appellant has sufficiently demonstrated that any need for the development cannot be satisfied on other, non-Green Belt land. Any need could be accommodated in different ways, for example on smaller sites and in urban areas.
- 10.30 The Council’s consultants reviewing the economic case found that critical mass can be a benefit to the industry at a cluster level rather than at site level<sup>299</sup>. As stated in their update report<sup>300</sup>, *“we acknowledge the benefits of critical mass but remain of the opinion that there is not a material difference in terms of wider economic and production industry benefits between either one large facility or a collection of smaller studios within a locality. We doubt that any single production occupier has a specific requirement for this quantum”*.
- 10.31 While Grade A studios may be bigger to support tent pole<sup>301</sup> film and HETV productions, larger studios already exist and are not fully utilised. In the context of development on a Green Belt site allocated for outdoor recreation, a key consideration in the VSC balance is whether the claimed need can be met other than through the proposed development. Given the

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<sup>296</sup> See e.g. CD2-106k, u, x, z, zd, zi, zk, zm, zn

<sup>297</sup> CD2-046a

<sup>298</sup> CD3-002

<sup>299</sup> CD9-01

<sup>300</sup> CD9-02

<sup>301</sup> This is normally a blockbuster film that would support (hold up) the financial performance of the studios.

- evidence before the inquiry of underutilisation and the pipeline supply, the Alternative Sites Assessment did not support the proposals. There is therefore a conflict with purpose (e) and this purpose is harmed to a considerable extent.
- 10.32 As to the effect on openness, the proposed development would cause very significant harm, both spatially and visually. That impact does not involve an aesthetic judgment, but is simply a question of whether the Green Belt appears more built up than it was before. The spatial and visual effects on openness can include not just built form, but also general activity in the Green Belt.
- 10.33 The site is largely rural and open. It is free from buildings, except for a number of small timber shelters associated with the dog training field in part of Plot 3. Its boundary to the east (Westhorpe Farm Lane) is relatively weak and to the south there is no clearly defined boundary at all. This may be compared with the present strong boundary to Marlow provided by the A404.
- 10.34 Plots 1, 2 and 3, comprising over 22ha, would be entirely developed with a dense grid of industrial scale buildings. There would also be development on Plots 4 and 5 including regular and repeated use of the backlot on Plot 5 for the erection of temporary, potentially substantial structures including some over 15 metres in height. The permanence of the Green Belt would be lost.
- 10.35 The impact of the development on visual openness, and the perception of high-density industrial scale development extending out into the countryside, would be clear from several vantage points, both adjacent to the site and further away. In the proximity of the site these include the Volvo footbridge, along Marlow Road at the northern boundary of the site, and the public right of way. Further away, there would be views of the site from Winter Hill, where the development would be seen in the setting of the CNL, and from Bloom Wood north of the site within the CNL, where the development would be in front of the scarp slope to the south of the River Thames corridor.

*Conclusion on Main issue (a)*

- 10.36 The site is not grey belt given its strong contribution to Green Belt purpose (a). Nor can the development be considered appropriate in the Green Belt due to the lack of a demonstrable need for the type of development proposed and the failure to locate it in a sustainable location. Harm would therefore be caused to the Green Belt by definition, with significant harm to Green Belt purposes (a) and (c), considerable harm to Green Belt purpose (e) and moderate harm to purpose (b). There would be very significant spatial and visual harm to the openness of the Green Belt. The development conflicts with the spatial strategy of the WLP Policies CP8, DM42 and RUR4.

***The effect of the proposal on the function and amenities of the surrounding area, with specific reference to Policy RUR4 of the WLP***

- 10.37 The RUR4 area is already meeting the principal statutory purpose of a Country Park. It currently accommodates a variety of leisure uses, on both Council-owned and privately-owned land, which include walking and enjoying nature along public and permissive paths as well as publicly accessible private activities including fishing, water sports, open-water swimming, camping and other outdoor activities<sup>302</sup>. The R6's amenity witness explained that walking routes around plot 4 are heavily used.
- 10.38 As set out in the Little Marlow Gravel Pits SPG<sup>303</sup>, delivery of the Country Park requires working with developers to bring it forward in the context of the existing policy framework and guidance. The masterplan vision, as set out in the SPG, "*in essence... envisages only a limited amount of change, with a large amount of the area devoted to quiet enjoyment and low intensity uses*". Wycombe District Council resolved to designate the land covered by policy RUR4 formally as a Country Park in 2017. While this designation was not completed, the Council agreed to retain a commitment to the whole of the Country Park area, with the initial phase of delivery covering land in the Council's ownership. This approach does not rule out the future expansion of the designation to cover the whole of the area.
- 10.39 There is no basis for saying that the policy is out-of-date because the allocated area has not been formally designated and might not be in the future. The appellant's argument to the contrary ignores the fact that RUR4 is not predicated on formal designation and the spatial element of the policy, which restricts development to particular uses within the area it covers, remains valid regardless of any such formal designation. The policy allocates land for a particular use – leisure and recreation – it is not a site allocation which presupposes a particular development. It continues to serve a purpose in restricting the uses which can take place on both privately-owned and Council land, uses which have been promoted through the Council's efforts to identify and implement SANG in the Spade Oak area and make provision for recreation on that SANG.
- 10.40 It is common ground that RUR4 allocates the area it covers for outdoor recreation use. The proposed use of the site as a film studio is not an outdoor recreation use and the proposal is therefore clearly contrary to Policy RUR4. Even with mitigation, the industrial nature and large scale of development is such that it will significantly prejudice the function of the allocated Country Park as a whole. It would occupy nearly 10% of the allocated area near Marlow, directly adjacent to the CNL and within its setting. It would disconnect the Country Park from Marlow. Pedestrians accessing the Country Park from Marlow would first have to traverse the film studio site, eliminating the existing open countryside character and adding to the separation between the settlement and recreation area.
- 10.41 The Council acknowledges that the proposal would enable the delivery of some of the aims of Policy RUR4 including connectivity. These are benefits which are given appropriate weight in the planning balance. However, even

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<sup>302</sup> CD9-07a Appendix A Figure A3 (PDF p.41)

<sup>303</sup> CD5-001

considering such improvements, the development would conflict with the overall purpose of the policy, to limit development to outdoor sport and recreation, which preserves the openness of the Green Belt and furthers the purposes of the Country Park.

- 10.42 By its failure to restrict the use of the site to the allocated use of outdoor recreation, the proposed development undermines the spatial strategy of the WDLP and does not represent sustainable development as defined by Policy CP1. Thus, there is conflict with CP1, CP2 and RUR4 and the Little Marlow Gravel Pits SPG.

### ***The need for the proposal***

- 10.43 The appellant has failed to prove that a demonstrable need exists for the development. It was formulated at a time when the “Streaming Wars” were at their peak and production expenditure in the UK reached £6.9 billion (2022) supported by the wide range of stage space available across the UK<sup>304</sup>. Over the past 5 years, studio space has increased significantly faster than production spend and a considerable amount of new studio space was added to the market in 2021 and 2022<sup>305</sup>. There is no shortage of available sound stage at the moment, even on the appellant’s case it is likely that the existing and pipeline supply of sound stage space will be sufficient to meet the projected demand over the next 5 years and there remains significant uncertainty regarding whether the core South East market will be undersupplied in the future<sup>306</sup>. The appellant’s witness AN accepted that neither the BFI nor the BFC has identified any likely deficiency in soundstage space going forward in the UK generally, the Metro London Cluster or the WLC. Even the BFC, as the promotional national agency for the industry, has stated that it has no concerns about studio capacity and is not itself seeking to stimulate any new studio development<sup>307</sup>. Indeed, existing sound stage space is operating at just 42.6% capacity<sup>308</sup>. As a matter of fact, there was £7.06 billion of production spend on UK stage space in 2022; a level which on current forecasts is unlikely to be seen again until after 2029. The appellant’s evidence forecast is that £7 billion production spend will not be exceeded until at least 2028<sup>309</sup>. There exists a very substantial pipeline supply of Grade A and other studio space to facilitate growth and increased market share without the need for the proposals.

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<sup>304</sup> CD8-006c Knight Frank UK Film Studio Market Report, (Davis PoE Appendix para.2.5.1 p.29 (PDF p.76))

<sup>305</sup> CD8-006c Knight Frank UK Film Studio Market Report, (Davis PoE Appendix para.2.5.7 and figure above, p.30 (PDF p.77))

<sup>306</sup> CD9-02 p.5 (PDF p.6).

<sup>307</sup> CD13-010 PDF p.28 - Oral Evidence of Adrian Wootton BFI Commissioner to Culture, Media and Sport Committee.

<sup>308</sup> CD8-006c Knight Frank UK Film Studio Market Report, (Davis PoE Appendix, 2.5.26 p.32 - Current utilisation rate £1bn of production spend per 712,000 sqft compared to 2020/21 utilisation rate of £1bn production spend per 1.67M sqft = 42.6%)

<sup>309</sup> CD8-05 165

- 10.44 Prior to the opening of this inquiry, the available figures for film and HETV spend in 2024<sup>310</sup> showed a production spend of £4.7 billion with an expectation of a full year production spend of £6.27 billion<sup>311</sup>. The full statistics for 2024<sup>312</sup>, released on 6 February 2025, show a significant shortfall against that expectation, with the final published figures indicating a production spend of just £5.6 billion for 2024. Ben Roberts, BFI Chief Executive, states “*we know these figures don’t tell the whole story. The 22% drop in domestic HETV spend is a reminder that many in the industry are feeling the pressure, and what happens next will be critical*” and Adrian Wootton OBE, Chief Executive of the BFC, details “*we’re cautiously optimistic*” and “*we’re still waiting for the market to settle to reach a ‘new normal’*”. The appellant’s witness DC stated that the 2024 figures would show a significant bounce back from 2023 to at least £6 billion, but this has not been borne out. The experience of the past 2 years, reinforces the advice<sup>313</sup> to the Council that all historical forecast models for future demand are invalidated until a new stabilised trend in production spend is re-established. It cannot be claimed that the film industry is in a period of continuous or rapid growth.
- 10.45 On the appellant’s own case, the existing capacity of the UK’s stage space can support a production spend of £8.9 billion<sup>314</sup>. That is without any of the existing consented pipeline supply being built. Existing studio space is heavily underutilised; Knight Frank’s data corroborates the prediction by Deloitte of capacity utilisation in the short-term of just 50% of the stage space in London and the Southeast<sup>315</sup>.
- 10.46 The amount of floorspace per £1 billion production spend has significantly increased since 2020-2021<sup>316</sup>, demonstrating that existing floorspace is capable of being used more effectively than is presently the case, and that there is surplus space with regard to the current level of production<sup>317</sup>.
- 10.47 Whilst the appellant has presented various forecasts of demand for stage space over time, it is inherently difficult to forecast future studio demand<sup>318</sup>. For example, the appellant’s forecasts for 2024, undertaken in June 2022<sup>319</sup>, were 77% higher than the spend of £6.2 billion predicted for 2024 based on the BFI 2024 Q1-Q3 spend<sup>320</sup>. Those forecasts are even further removed from the actual figures for 2024<sup>321</sup>.
- 10.48 Similarly, the Knight Frank forecast horizon to 2029, which was based on a BFI 2024 Q1-Q3 spend of £4.7 billion on film & HETV and extrapolating

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<sup>310</sup> To Q3 of 2024

<sup>311</sup> CD8-006c Knight Frank UK Film Studio Market Report, (Davis PoE Appendix, 2.5.41 p.34)

<sup>312</sup> ID87

<sup>313</sup> CD9-02

<sup>314</sup> CD8-006c Knight Frank UK Film Studio Market Report, (Davis PoE Appendix 2.5.27 p.32)

<sup>315</sup> CD9-03 p.15

<sup>316</sup> CD8-006c Knight Frank UK Film Studio Market Report, (Davis PoE Appendix 2.5.26 p.32)

<sup>317</sup> For example at Shinfield, Davis XX, Inquiry Day 10 AM.

<sup>318</sup> CD9-02 pp.2-3 (PDF pp.3-4).

<sup>319</sup> CD8-005 161 which forecast £8.5bn of production spend in 2025

<sup>320</sup> CD8-005 164

<sup>321</sup> ID87

this for the whole of 2024, gave a baseline of £7.06 billion for projecting demand from 2024 onwards<sup>322</sup>. If the actual baseline of £5.6 billion is inserted into Knight Frank's forward demand projections, the forecast spend in 2029 would be lower – proportionately £7.04 billion and not close to their £9.3 billion. Importantly, if the Knight Frank approach were adopted, whether one applies their predicted 2024 baseline or the actual baseline for 2024, the UK has sufficient studio capacity to accommodate growth for the foreseeable future, even without any pipeline<sup>323</sup>. The calculations relied on in the appellant's note<sup>324</sup> do not materially advance the appellant's case. They still indicate that existing studio space has capacity to support £8.9 billion of production spend and therefore is capable of supporting significant growth (see paras.12-13) without any additional studio space coming forward from the pipeline supply. There is ample scope both to accommodate growth and to support the capture of increased market share without the need for the proposed development.

- 10.49 Forecasts remain particularly difficult at this point in time given the major US production corporates changed focus from growth to profitability and uncertainty as to whether the Actors and Writers Strikes in the US<sup>325</sup> were the principal cause for the reduction in production spend or are masking an underlying reduction, but certainly the final figures for 2024 do not indicate a return to levels of growth which give rise to any cause for concern in respect to the quantum of stage space.
- 10.50 On the appellant's own forecast, the recently constructed and pipeline, well placed supply in the Metro London Cluster (MLC) of 2.095 million sqft of stage space<sup>326</sup> (1.3 million sqft in the WLC) can deliver some 83 sound stages if required and as accepted by witness MD is capable by itself of attracting between £2.5 billion and £3 billion of additional production spend (depending on the spend per sqft ratio applied)<sup>327</sup>. This takes no account of pipeline supply outside the MLC and no account of any pipeline Grade B supply. Part of the Grade A supply is it at 2 of the UK's existing world class studios, and save for Leavesden, there is nothing to indicate that it would not be available to the market generally as opposed to occupied under an MLA; and the evidence is that there is existing available capacity at the 2 newest facilities Shinfield and Eastbrook. Therefore, the supply is plainly adequate in both quantitative and qualitative terms.

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<sup>322</sup> CD8-006c Knight Frank UK Film Studio Market Report, (Davis PoE Appendix 2.5.82 p.40 (PDF p.87) and graph above

<sup>323</sup> ID89

<sup>324</sup> ID94

<sup>325</sup> May to November 2023.

<sup>326</sup> CD8-006a 4.15 p.19 Table Pinewood 600,000sqft, Leavesden 308,000sqft, Sunset Studios 470,000sqft, Shinfield 466,200sqft and Eastbrook 251,600sqft –

<sup>327</sup> The peak utilisation rate was 712,000sqft per £1bn of production spend. The average (inflation adjusted) over the period 2016-2019 was 836,000sqft. Applying these to the recently opened and pipeline supply of 2.095Msqft provides the range £2.5bn to £3.5bn.

- 10.51 Along with greater utilisation of the existing stage space the capacity is more than capable of meeting Knight Frank’s forecast demand until 2029 and accommodating an increase in market share<sup>328</sup>.
- 10.52 The appellant’s witness<sup>329</sup> approach was to look at the ‘addressable market’ and compare that with the expenditure which the pipeline supply and proposal would be capable of supporting. However, this does not demonstrate a need for the development, nor a development of its size. The analysis assumes that demand would simply follow supply, given the available spend in the total addressable market. This is in contrast with what is known to be happening elsewhere in the WLC, where the evidence indicates insufficient market certainty or demand to bring pipeline supply forward or utilise existing space – including that of Grade A quality – more intensively. The pipeline supply would be capable of competing for any increase in the share of the addressable market that the UK is capable of attracting, and it was no part of the appellant’s case<sup>330</sup> that the pipeline supply was any less likely to come forward than the proposed development, were the demand there.
- 10.53 Knight Frank’s forecast demand for the WLC excludes existing and pipeline supply in parts of London and the South East which do not fall within its claimed boundaries<sup>331</sup>. The WLC has no formal status (the BFI identifies the focus as being a wider MLC) and its boundaries have expanded as new facilities are provided, for example, Shinfield. It reflects where demand has been met in the South East over time as opposed to being a reliable indicator of where demand needs to be met now. The appellant’s need witness DC confirmed that the UK competes for its market share in film and HETV on a national basis, and other studios across the 7 established studio clusters in the UK are all capable of contributing to the increased market share he advocates for<sup>332</sup>. The appellant’s need witness MD also confirmed that it is no part of their case that studios and new studio stage space outside the WLC are unviable, and refers to a broader area of London and the South East, and Greater London<sup>333</sup>.
- 10.54 None of this is to deny that that there is a cluster, that the weighting of the cluster is to the west of London or that the site falls within any reasonable definition of the cluster. However, it is not alone in that context and there is a more advanced pipeline of supply of greater quantum than the appellant chooses to acknowledge which is capable of meeting the forecastable demand in both quantitative and qualitative terms whilst supporting the aspirations for increased UK market share. This is also without any further potential sites for stage space development which might be identified by a more rigorous Alternative Sites Assessment, as discussed above.

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<sup>328</sup> CD8-006c Knight Frank UK Film Studio Market Report, (Davis PoE Appendix 3.4.13 p.60)

<sup>329</sup> Chodorowicz

<sup>330</sup> Evans

<sup>331</sup> CD8-006c Knight Frank UK Film Studio Market Report, (Davis PoE Appendix p 45-46)

<sup>332</sup> Including those Chodorowicz has advised – Shinfield, Denham, Crown Works and Sunderland.

See also CD8-009 Nevill PoE 3.8.35 (PDF p.14)

<sup>333</sup> CD8-006ab Davis PoE 4.4 and 4.6 pp.17-18.

- 10.55 In that context, it is relevant that Grade B studios, temporary sound stages and other lower grade space cannot be characterised as incapable of offering good quality space or unfit for 21st Century production as a generality<sup>334</sup>. As has occurred at Longcross and Shepperton, it is possible to invest in existing studios to bring them up to what appears to be Grade A level<sup>335</sup>. Within the cluster, both Grade A and Grade B studios (and other spaces) operate in tandem to provide space of all sizes and budgets, as an ecosystem of production space.
- 10.56 The evidence of the actual market provides a sense-check to the appellant's need case. Due to a combination of concerns about demand, competing supply overhang and construction inflation, very few new pipeline developments have commenced since 2022<sup>336</sup>. The Council's experience reflects this with progress on the Pinewood expansion on hold<sup>337</sup> and the Wycombe Studios proposals being abandoned<sup>338</sup>. The appellant's need witness MD emphasised that a prudent landowner would seek other more profitable uses to increase the value of the land – but that would also apply to the site. The evidence does not demonstrate a need, but rather supports the absence of sufficient market demand for additional studio space, whether Grade A or otherwise. The appellant's economic benefits witness accepted that Pinewood and Wycombe were relevant pipeline supply that would be available were their interest in the market bringing them forward. While the appellant's need witness AM described Grade A studio space as being in high demand in early 2025, 2 out of 8 studios could give her a pencil (which even for those lower down in the list, could still result in securing studio space). However, she declined to put down a pencil in any event because of a lack of clarity as to where the producer and financier would determine the film should be made. She also accepted that Grade B stage space would be fit for purpose and would not be unsafe or unsatisfactory for crew.
- 10.57 Rather than the supply of sound stage space, the more pressing issue appears to be a skills shortage (the existence of which is common ground among all the need witnesses before the inquiry). To ensure the sustainable growth of the film production industry, it is important that the growth in crew numbers is in balance with levels of production space. The appellant refers to an additional 21,000 crew required to meet forecast demand for 2025 alone, and it is not in dispute that many thousands would be needed to support the anticipated growth and market share capture in the future<sup>339</sup>. It is not possible to train the necessary specialist workforce as quickly as studios can be built<sup>340</sup>, and there is a need for balance between studio supply and the crew to service that supply. There is no evidence that the skilled crew necessary to support the appellant's ambitious growth forecasts would be available in the timescales assumed.

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<sup>334</sup> For example, at Longcross where Netflix have an MLA, and temporary space at Bray and Shinfield

<sup>335</sup> CD13-032 Q377 Benjamin King answer (PDF p.20)

<sup>336</sup> CD9-02 LSH Update Report Section 3.2

<sup>337</sup> ID81

<sup>338</sup> CD9-50A Estates Strategy Cabinet report 2 January 2025

<sup>339</sup> CD8-006ab Davis PoE 5.6 pp.26-27.

<sup>340</sup> CD13-010 Q262 Answer of Adrian Wootton (PDF p.37).

- 10.58 In conclusion on need, notwithstanding the considerable amount of evidence it has decided to call, the appellant has not been able to prove that a demonstrable need exists for this proposal. This means that the proposed development cannot be considered appropriate development on grey belt. It also significantly undermines the VSC case.

***The effect of the proposal on the character and appearance of the area, including the setting of the Thames Valley and Chilterns National Landscape***

- 10.59 The development would cause significant harm to landscape character and visual amenity beyond the site and its immediate context. It would fail to satisfy the recreational policy objectives of Policy RUR4, would not achieve a sense of place that improves the character and quality of the local area as required by Policies CP9 and DM35, would not conserve, protect and enhance the CNL including by avoiding or minimising harm in its setting as sought by policies CP10, DM30 and NPPF paras.187a and 189, and would not protect and reinforce the positive key characteristics of the receiving landscape pattern as sought by Policy DM32 and NPPF 135.
- 10.60 There is a significant degree of concordance between the parties' experts in terms of their assessment of harm to landscape character and visual amenity. It is agreed that the tables in the Council's landscape witness' Rebuttal PoE are a fair representation of both sides' positions on those effects<sup>341</sup>. Where there is a difference, the difference is typically no more than one rung in in terms of the level of harm identified. Both parties find a material degree of harm to both landscape character and visual amenity.
- 10.61 To the extent that there is any challenge to the Council's evidence in terms of approach, the Council's landscape witness adopted the original ES LVIA methodology<sup>342</sup> in assessing the impact of the proposals and their narrative explains the differences in judgments reached both by ES LVIA, the updated LVIA Addendum<sup>343</sup> and the appellant's landscape witness. The characterisation of some moderate effects as significant and others as not significant fully accords with GLVIA3, which in any event is not a "formulaic recipe", and is an approach that was taken by the appellant<sup>344</sup>.

***Landscape character***

- 10.62 Three character areas are relevant to the landscape character of the Site, LCA 26.1 Thames Floodplain, LCA 21.1 Thames Valley Slope and Character Area 9c Winter Hill<sup>345</sup>.
- 10.63 The site is in LCA 26.1 Thames Floodplain which in part extends into the CNL adjoining the site. On the ground, there are no hard boundaries between the CNL and the area within LCA 26.1 which is outside the CNL. The LCA has a moderate strength of character and intactness, with several visual sensitivities, including views across open expanses of water, valley

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<sup>341</sup> CD9-07b Tables D1 and D2, pp.12-15

<sup>342</sup> CD1-227j (dated May 2022)

<sup>343</sup> CD2-106 (dated February 2024)

<sup>344</sup> CD8-004c Appendices, B.2.10 p.B-10 (PDF p.53).

<sup>345</sup> See CD8-004c Appendices, Plate A.I p.A-5 (PDF p.10).

sides and the higher land. The Landscape Character guidelines advise conserving open views along the Thames and Valley sides as well as the openness between Marlow and Bourne End and avoiding vertical development along the floodplain which would have a harmful impact on the low-lying character of the area<sup>346</sup>. There is visibility from this LCA to the edges of Marlow which is an element in this landscape, and fulfils a function in the character of the LCA by contrasting with the countryside.

- 10.64 While Marlow, the surrounding road network and lighting have an influence on the landscape character of the site, and it might be said to have an urban edge character, development on the site would add to built form in the valley and reinforce that urban fringe to the detriment of the open rural character of fields and lakes<sup>347</sup>. The urban influences of Marlow on the site and its context are also counterbalanced by more natural and rural features such as the treelined A404, which softens the character. Tree planting is very well-established within Marlow itself and the wider urban area is quite broken up through intermittent trees amongst buildings. The combination of trees at the edge of Marlow and the A404 gives a green edge and results in Marlow being well-integrated in the landscape.
- 10.65 LCA 21.1 adjoins LCA 26.1 to the north and is slightly more elevated land to the floodplain. It is in the CNL and is mixed agricultural land with hedgerows and trees throughout and some larger woodland blocks on the upper slopes. It adjoins the urban edge of Marlow and is cut by the A404 and A4155. Of particular interest is the network of footpaths in this area and the open, sloping landscape that allows long views across the Thames Valley. Away from the roads it has a rural and peaceful character. Its sensitive elements include woodlands and recreational habitat for walkers, open and expansive views across the Thames and views from the Thames footpath back up the slope. Open farmed slopes between the settlements provide separation. Its character is also of a moderate strength. The Landscape Character guidelines advise the conservation of open expansive views from higher land and the sensitive siting of new development, retaining undeveloped farmland between settlements and avoiding infilling<sup>348</sup>. In terms of the impact of Marlow, the edges of the settlement are described as filtering into the landscape<sup>349</sup>.
- 10.66 The guidance on these LCAs also interfaces with the management plan for the CNL which emphasises the special qualities of the CNL as including panoramic views, rights of way and ancient routeways, and the overriding principle of conserving and enhancing the attributes of the area<sup>350</sup>.
- 10.67 At a national level, NCA 110 includes key characteristics echoed in the National Landscape management plan and in the local LCA, including references to the chalk plateau, enclosed views, mixture of arable and

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<sup>346</sup> CD5-012 pp.169-170, 174-175 (PDF pp.49, 55, 57 and 61-62)

<sup>347</sup> Recognised by Appeal Decision, CD10-02 paras.36 and 38 p.8 (PDF p.10).

<sup>348</sup> CD5-012 pp.138-145 (PDF pp.5-14).

<sup>349</sup> CD5-012 p.142 (PDF p.10).

<sup>350</sup> CD5-007 pp.10-11.

- woodland and the distinctive river Thames flood plain, major transport routes and extensive rights of way and access to the countryside<sup>351</sup>.
- 10.68 In terms of the character south of the river, Character area 9c Winter Hill is identified as settled wooded chalk knolls with a steeper scarp slope, woodland and grassland overlooking the Thames Valley across the Thames into the CNL<sup>352</sup>. Its key characteristics include rolling undulating land form, open chalk grassland and extensive areas of woodland. Views from the wooded areas outwards are intermittent, with more continuous views in the grassland areas. It is sensitive to any development which would lessen the dramatic contrast between this landscape, and the flat, open floodplain to the north. The LCA<sup>353</sup> describes the Winter Hill landscape area as forming *“a dramatic steeply sloping boundary with the Thames floodplain in the north of the borough and is a prominent landscape feature in the wider landscape around the Marlow area ... The community of Winter Hill enjoy spectacular long distance views north across the Thames valley to the distant Chiltern Hills.”*
- 10.69 The LCAs to the north and south of the site are highly relevant to the assessment of the effects of development on the site. They borrow heavily from each other as there is a high degree of intervisibility between them. That intervisibility forms a large part of the character and amenity to the public of the area.
- 10.70 In terms of the use and condition of the site, it has been restored after mineral extraction and landfilling operations over a number of years. Although that restoration has not been carried out well, the appearance of the site has much in common with the surrounding countryside, in contrast with the urban area Marlow to the west. The neglect of the site since its restoration has compounded this, but there are straightforward measures which could be taken to restore the site for open field, agricultural or informal recreational use<sup>354</sup>. The site lies in an area which has well-established recreational uses which have informed and link with the Policy RUR4 allocation as a Country Park and are illustrated on Figure 13 below, to which the appellant agrees is an accurate representation. As well as the PRoW which crosses the site, there is also footpath access to the Thames Path across the railway line.

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<sup>351</sup> CD6-008 pp.7 and 8.

<sup>352</sup> CD6-007 pp.103-107, 110.

<sup>353</sup> CD6-007 3.9.36

<sup>354</sup> CD9-07a, Appendix A (PDF p.40)



Figure 13 - CD-07a, Appendix A3

### *Landscape value*

- 10.71 There is a difference between the Council and appellant as to the value of the site in landscape terms, which informs the judgment as to the sensitivity of the site, that in turn informs the significance of the landscape effects. However, both conclude that the proposal would result in Major/Moderate negative landscape effects on the site and its immediate context within the Thames Floodplain LCA 26.1. The difference in relation to value bears on whether the site falls within a valued landscape thereby engaging the protection of NPPF 187(a), as contended for by the Council.
- 10.72 The Council's landscape witness ascribed the same value to the site throughout consideration of the development, but only considered whether the site fell within the definition of valued landscape when the matters were raised in discussions on the Landscape SoCG. This was an oversight, but that does not detract from the structured assessment and conclusion that the site is part of a valued landscape.
- 10.73 In any event, the position of the parties on value is reasonably aligned – the difference relates predominantly to whether the site as part of a wider valued landscape tips into the threshold of para.187a NPPF.
- 10.74 In terms of approach, value must be judged at the scale at which the landscape is enjoyed. In considering value, it is *“important to consider not only the site itself and its features/elements/characteristics/qualities, but also their relationship with, and the role they play within, the site’s context”*<sup>355</sup>. It is common ground that the site can be appreciated as part of

<sup>355</sup> CD6-003 p.12 (PDF p.16).

a wider landscape in views from Winter Hill, and the scope of that landscape and appreciation will vary according to perspective. The site can be experienced to the north, east and south, and there is interdependence between the site and the areas from which it is experienced. Bearing that in mind, the site falls within a valued landscape which comprises the mosaic of fields, lakes and hedges to the east of Marlow, south of the A4155 and north of Winter Hill. Its value is enhanced by its proximity to Winter Hill and the CNL because it is an integral part of the wider landscape.

- 10.75 By contrast, the appellant's approach is to consider the site on its own, because this is where the direct effects of development will occur. This conflicts with the guidance in TGN 02/21<sup>356</sup>. Determining the value of a landscape is separate and necessary prior to considering the effects of development: the extent of a landscape will not be determined by a particular red line boundary of an application or plot selected for development, but by the physical and visual features of that landscape. A non-exhaustive list of factors to be considered is set out in the guidance<sup>357</sup>. The relative importance of those factors in determining value will vary from case to case and if other factors indicate value, poor condition per se should not be determinative of status.
- 10.76 The landscape of which the site forms an integral part now constitutes a series of lakes and fields fringed with trees, hedges and scrub. Open water bodies are somewhat rare within the wider landscape, giving rise to a distinctive landscape with highly scenic qualities<sup>358</sup>. There is a mosaic of habitats with significant conservation and natural heritage interests and the landscape is rich in recreational activity including walking, birdwatching, fishing and water sports<sup>359</sup>. The site and its immediate landscape have a historic connection and association with Westhorpe House and other nearby designated heritage assets. This landscape also has important physical and visual connections with the CNL to the north and Winter Hill to the south<sup>360</sup>, and contributes significant physical separation between the built up areas of Marlow and Little Marlow/Bourne End. It also contributes an open countryside setting to the CNL to the north<sup>361</sup>.
- 10.77 It is material that the site is part of a wider area subject to the CNL Boundary Review, and NE has confirmed that this area has met the criteria for inclusion in the CNL<sup>362</sup>. This is a strong indication that the landscape containing the site is of a sufficiently high quality to be considered a valued landscape in its present use and condition.

### *Landscape effects*

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<sup>356</sup> CD6-004

<sup>357</sup> CD6-004 Table 1 pp.7-11 (PDF pp.11-15).

<sup>358</sup> CD9-07A 2.25 p.12

<sup>359</sup> CD9-07A

<sup>360</sup> CD8-004c para. A2.5 (last para) p.A12

<sup>361</sup> CD9-07A para.2.27 p.12-13

<sup>362</sup> CD9-30

- 10.78 The development would extend urban development across the valley floor, appearing as an expansion of Marlow, with the scale and grain of an industrial estate and increasing the sense of urbanisation in the Thames Valley floor. It would erode the physical and visual connectivity between the CNL and the adjacent Thames Valley, resulting in significant moderate adverse effects on the landscape character of the CNL and the landscape character of Winter Hill. It is agreed that the proposed development would have a major/moderate adverse impact on the landscape character of the site itself<sup>363</sup>.
- 10.79 The appellant claims that there would be no significant landscape effects beyond the site and its immediate context. This is founded principally on the contention that, because the landscape of the Thames Valley is a settled one, making it more settled cannot result in significant effects because there is no change to the “*overall composition*” of the landscape. However, this does not properly reflect the role which the site plays in the wider, sensitive landscape or the effects of settlement as they read within the landscape. The Council’s position is that there would be a significant change in the overall composition – evidenced, for example, at viewpoint P5 below.

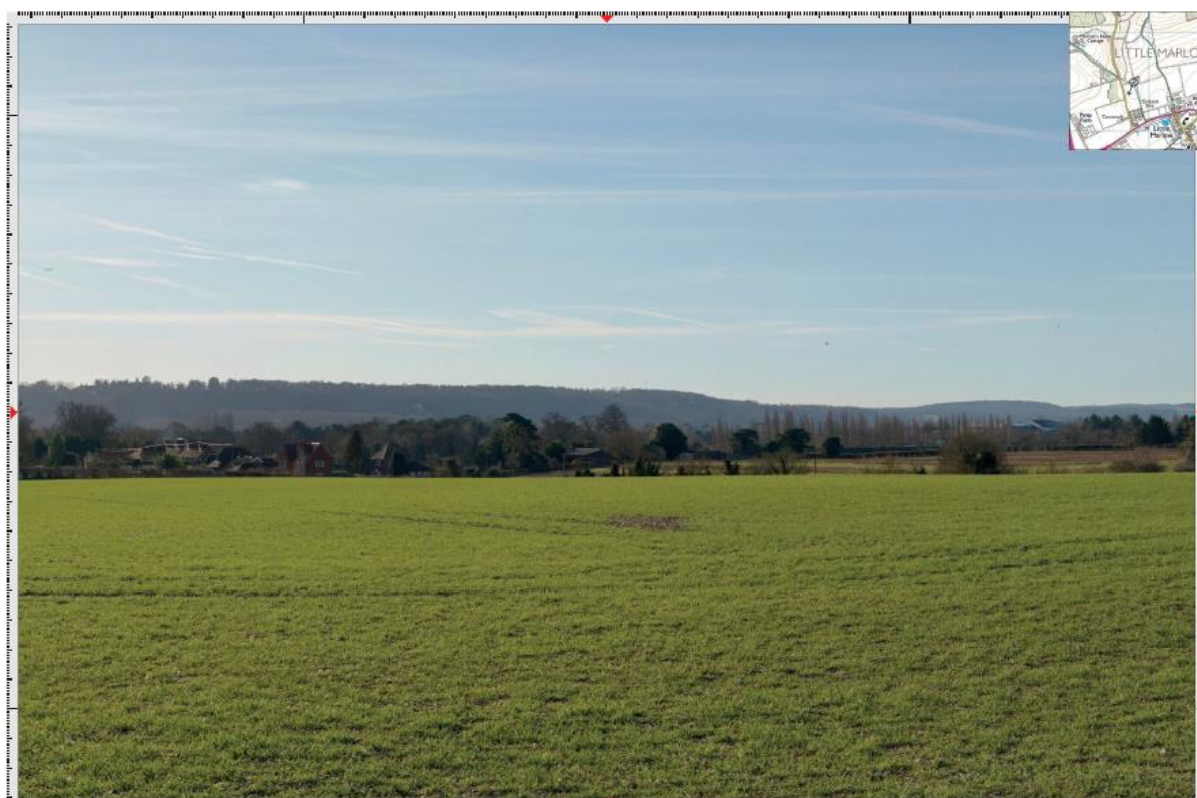


Figure 14 - CD2-106zg Viewpoint P5 existing

<sup>363</sup> CD9-07b Table D1 p.12.



Figure 15 - CD2-106zg Viewpoint P5 proposed view - fully rendered photomontage

- 10.80 The appellant's assessment also fails to consider the type of development proposed – very large sheds. These are not reflected in either the LCA within which the site sits or the adjoining LCAs. Urban edge influences from Marlow such as employment sites at Globe Business Park and Marlow International are not comparable in terms of the type of development proposed having regard to the scale, form and intensity. The appellant unduly elevates the influence of Marlow in reducing the magnitude of the effect of the development on the landscape character outside the site. This fails to recognise that Marlow is very clearly set to one side of the A404 with the countryside on the other side, and the proposal would result in a significant change of perception with the development crossing over the A404 into the adjacent countryside.
- 10.81 By contrast, the focussing of development on plots 1, 2 and 3 with more limited development in Plots 4 and 5 brings it closer to the CNL, and the choice to clad the MSCP in lighter coloured materials and to face its wide elevation to the CNL also means that it will read very differently in character terms to the edge of Marlow<sup>364</sup>.
- 10.82 The development would also prevent characteristic views into the CNL from Footpath 20/1 and the footbridge over the A404, and mean that the edge of Marlow would do more than “filter” beyond the A404. It would enclose and prevent views out across the Thames Floodplain and into the

<sup>364</sup> CD8-004f Viewpoint 9 p.10.

CNL<sup>365</sup> and introduce a sense of enclosure along the southern boundary of the National Landscape<sup>366</sup>.

### *Visual effects*

- 10.83 It is common ground that there are sensitive views from, to and across site, particularly views into or across the site from the CNL to the north and Winter Hill to the south.
- 10.84 In the immediate vicinity of the site, the incongruous dense industrial development will be visible from the PRoW which traverses the site east-west<sup>367</sup>, the access road to Westhorpe House and Westhorpe Park, and the A404 and A4155 / Westhorpe Interchange at the northern edge of the site. Recreational users on the PRoW crossing the site will experience a major-moderate adverse effect as they approach the proposed development and a clearer view is obtained of the large sheds<sup>368</sup>.
- 10.85 The development would also appear close to the residential properties at Westhorpe House and Westhorpe Park and will be a significant change to the visual amenity they currently experience. Residential receptors in the Westhorpe Park Homes, who live in small, prefabricated properties with very small gardens, will experience visual effects beyond their homes and gardens, on the access road and on the surrounding permissive paths and informal access land which they currently make significant amenity and recreational use of. The effect on residential receptors will be moderate adverse and significant.
- 10.86 The development will also be highly visible from PRoW in the CNL. There are regular views of the site throughout the adjoining part of the CNL, from a variety of PRoW. At closer quarters, the development would be highly visible, where its dense industrial character will appear incongruous in the countryside, breaking the visual and physical continuity between the CNL and the adjacent Thames Valley. For example, in viewpoint 9 which has Winter Hill as a backdrop and the roads and Marlow are largely hidden from view, the tall, bulky, extensive industrial development will substantially extend urban industrial development across the middle-ground of the view and separate the foreground (CNL) from the background (Winter Hill)<sup>369</sup>. The MSCP will be particularly visible with its lighter colour and long elevation facing the CNL. Similarly in viewpoint 3, which is a wide, open view extending across the Thames Valley to Winter Hill, the scheme spreads widely across the middle ground, with its dense, urban character extending Marlow into the countryside<sup>370</sup>. The result of this is a major adverse significant visual effect for recreational receptors in the CNL in the vicinity of the site.

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<sup>365</sup> CD2-106x and CD2-106z

<sup>366</sup> CD2-106k.

<sup>367</sup> Viewpoint N CD2-106zf and Viewpoint O C2-106zh

<sup>368</sup> Viewpoint N CD2-106zf.

<sup>369</sup> CD2-106zn

<sup>370</sup> CD2-106k

10.87 In relation to Winter Hill, the long-ranging views northwards across the Thames Floodplain and into the CNL are an essential part of its landscape character and visual amenity. From the PRow and open access land, where the viewing receptors are of high sensitivity, there are intermittent views of the Thames Valley floor and the site with the CNL as a backdrop. Where these views open, they are often dramatic and clearly valued including a designated viewpoint<sup>371</sup>. The development would introduce an extensive area of dense buildings with an industrial character across a number of the views, presenting a more intrusive, urbanised edge to Marlow and introducing a degree of separation from the Thames floodplain landscape in the foreground and the CNL beyond. For example, a moderate adverse and significant effect occurs for receptors at Viewpoint R<sup>372</sup> where the scheme extends across a significant part of the view and has a different, more industrial character to the town of Marlow in the background. Major adverse effects occur for receptors at Viewpoints P3 and S<sup>373</sup> which are on the Chiltern Way, where the existing view is mostly of fields, trees and lakes, with the fine grain of Marlow beyond, the CNL in the background and the River Thames as a feature in the foreground. The scheme would appear in this landscape as a dense area of buildings with an extensive urbanising and intrusive effect, separating the Thames Floodplain from the CNL.

#### *Harm to the National Landscape*

- 10.88 It is common ground that the proposed development is in the setting of the CNL as defined in the Chilterns Conservation Board Position Statement<sup>374</sup>. The recent amendment to s.85 of the CROW extends the duty to conserve natural beauty to development not just in the National Landscape, but also in its setting, and seeks also to enhance natural beauty.
- 10.89 Given the harms to landscape character and visual amenity identified above, the development would cause harm to the CNL and lessen its natural beauty by reason of the impact of harmful development within its setting. The views into and out of the CNL are significant considerations in terms of understanding its natural beauty and how its setting contributes to that, and so logically must be relevant to assessing whether there is indirect harm to the CNL.
- 10.90 There are regular views of the site throughout this part of the CNL, from a variety of PRows<sup>375</sup>. At close quarters, the development would be highly visible, where its dense industrial character of substantial height and scale will appear incongruous, breaking the visual continuity between the CNL and the Thames Valley. This would result in a major adverse effect. Whilst within the CNL, the visual effects would reduce as the viewer takes in the wider landscape, significant effects would extend well into the CNL,

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<sup>371</sup> Kennett Proof CD9-07A paras.6.22-6.39 pp.27-31

<sup>372</sup> Kennett XIC, Inquiry Day 3 AM; CD2-106zj. See also Kennett Proof of Evidence Appendix B Figure B2 (PDF p.45).

<sup>373</sup> Kennett XIC, Inquiry Day 3 AM; CD2-106zk and CD2106-zs.

<sup>374</sup> CD5-008 para.4 p.2

<sup>375</sup> CD9-07A 6.8 – 6.19 pp.25-27

becoming not significant only with greater distance towards Flackwell Heath. The development would harm the special qualities of the CNL, including panoramic views and the experience of those enjoying the network of footpaths from which the character and beauty of the CNL can be appreciated as part of its special qualities. It is common ground that in views from the CNL, the condition of the site is not perceptible and nor are the ruderal species, and the negative aspects of landscape character identified in the LCAs do not impair or adversely affect those views and the experience along the footpaths which are part of the special qualities of the CNL.

- 10.91 The mitigation measures proposed cannot materially lessen the effects which are a product of the scale/height and dense layout of the proposal and where it sits in the landscape. The Council's principal concern in landscape terms is the scale and form of the development and its concentration in the northern part of the site where it has greater impact on the CNL. This is a scheme which has been driven by the concept of a dense, intensive development with a resulting form and scale which simply cannot be satisfactorily mitigated by the quality of the design of the buildings themselves. It will impose itself on the landscape rather than integrate into it.
- 10.92 By reason of the harm to the character and quality of the area and the CNL, the proposed development conflicts with Local Plan policies CP9, CP10, RUR4, DM30, DM32, DM35 and Delivery and Site Allocations Plan Policy DM11. It is also contrary to the guidance in paragraphs 135, 187 and 189 NPPF.

### ***Active and sustainable modes of travel***

- 10.93 The appellant has failed to show that the development can be accommodated in the surrounding road network without severe impacts. Whilst there is no dispute over the trip generation associated with the proposal, there remains a dispute as to whether the assessment of the impacts of the development should be undertaken by reference to the "unmanaged" or "managed" trip rates. The Council's view is that the appellant's use of managed trip rates (which assume and rely on a 60% modal share for cars) is not a reasonable future scenario as identified in para.116 NPPF, particularly given the context of the site and the nature of the proposed use and its users. To the extent that the appellant relies on the support of NH as set out in the SoCG<sup>376</sup>, its focus is the A404. The modelling shows that there is an improvement in the queuing on the A404 slips in both the managed and unmanaged scenarios<sup>377</sup>. The significance of the improvement is not sensitive to the appellant's OMP<sup>378</sup> and Framework Travel Plan<sup>379</sup>. Therefore NH's lack of concern should have no bearing on the judgement whether, having regard to the highway network

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<sup>376</sup> CD7-005a

<sup>377</sup> CD8-10 Dix Proof of Evidence, pp.29-30 (PDF pp.30-31).

<sup>378</sup> CD2-095

<sup>379</sup> CD2-088

- as a whole including the A4155, there is a severe residual cumulative impact.
- 10.94 The Council is committed to the vision-led approach advocated by the NPPF, but the outcomes inherent in such an approach need to be achievable. The NPPF glossary definition for the vision-led approach confirms that any vision must set outcomes to achieve well-designed, sustainable and popular places. Any solutions must therefore deliver on the outcomes set in the vision. A vision-led approach is not a licence to circumvent the need for a robust and realistic Transport Assessment. It is also not a licence to avoid making contingent provisions for improvements to highway accessibility should validation of the vision ultimately show that these are necessary.
- 10.95 The appellant relied on DfT Circular 1/22<sup>380</sup>, which provides that where development has not been identified in an emerging development plan, developers should demonstrate that the development would be in an area of high accessibility by sustainable transport modes. That is a high bar which it is common ground the site does not currently meet. The appellant's vision – which appears to boil down to its proposed 60% car driver mode share and cap on maximum levels of peak period traffic – is completely reliant on it making the site highly accessible by sustainable transport modes to ensure that mode share is delivered. That has not been demonstrated.
- 10.96 The achievability of any vision must have regard not just to the site, but also to its relevant context, including here the A404 and the A4155. That context includes the A404, a very significant barrier between Marlow and the site for non-car modes, and a challenging environment for pedestrians and cyclists at Westhorpe Interchange. The Westhorpe Interchange is described in the appellant's Walking, Cycling and Horse-Riding Assessment Report<sup>381</sup>, as "*unfavourable*" for pedestrians and "*likely unpleasant*" for cyclists. Active travel trips in the vicinity of the site are currently very low and would need to increase significantly, including at the Westhorpe Interchange, for the appellant's proposed mode share to be realised. Even with the Appellant's proposed changes to Westhorpe Interchange, the environment will remain noisy, dominated by high speed traffic and quite enclosed. Walking distances from local facilities to various parts of the site indicate that from most facilities walk time is over 20 minutes regardless of where in the site the destination is, and in some cases considerably longer. The same applies to the walk time from Marlow railway station<sup>382</sup>.
- 10.97 The vision must also consider the particular use to which a proposed development will be put, who will use it and how. In the present case there is time sensitivity in arriving at the site given the need for production staff, crew and creatives to arrive in accordance with a daily filming schedule.

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<sup>380</sup> CD8-010 Table ID3.3

<sup>381</sup> CD2-105t

<sup>382</sup> CD9-04a Appendix D (PDF pp.132-133)

The specialist workforce may be travelling to a number of different film studios on different days in any given week, and some (for example, camera crew) will be bringing equipment with them which will require them to drive to the site. The appellant's need witness MD stated that film studios have more car parking than the typical industrial site because "*the way that the sector typically behaves is to drive*".

- 10.98 The appellant has not undertaken any analysis of the proportion of staff which will need to drive to the site, but in the context of an industry with a driving culture, the alternative means of transport to the site will need to be exemplary and exceptional for the 60% target to work. None of the mode share examples relied on in the appellant's evidence<sup>383</sup> show that a 60% single occupancy vehicle target has been achieved at a film studios. The closest at 67.5% is at Elstree (census data not Elstree Studios specific data), which is at the end of the high street in the centre of Borehamwood, 850m from Elstree and Borehamwood Station with southbound trains to London St Pancras every 10 minutes and regular northbound trains to St Albans, Luton and Bedford. It is not comparable to the site in terms either of its current or future accessibility<sup>384</sup>.
- 10.99 Furthermore, in seeking to demonstrate the possible ways in which the 60% target could be achieved, the appellant relied on an option which assumes a significant proportion of car sharing as opposed to active travel<sup>385</sup>. This approach is not consistent with the prioritisation of non-car modes in the NPPF 115.
- 10.100 In this context, the measures relied on by the appellant to encourage active and sustainable travel are not of the exemplary and exceptional nature needed to encourage this significant and highly ambitious mode share:
- i. A new Volvo footbridge is necessary to make the development acceptable to provide a second crossing point for cyclists and those with mobility impairments over the A404. This must therefore be secured by way of a Grampian condition so that it is in place before the operational phase of the development commences. The design of the new bridge, while DDA compliant, will extend the crossing distance by 200m on each side of the bridge. The setting of the bridge remains poorly overlooked and it will not be well lit, again reducing the perception of safety and attractiveness.
  - ii. Any bus service serving the site and Marlow will need to use the A4155 and the Westhorpe Interchange roundabout, which experience significant peak hour congestion, lessening the attractiveness of taking the bus. It is also not an option for those who must travel to the site with heavy or bulky equipment.
  - iii. The design of the new cycling and walking facilities at Westhorpe Interchange fails to comply with the best practice guidance in LTN 1/20<sup>386</sup>. That includes the 5 guiding principles of coherence,

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<sup>383</sup> CD8-010A

<sup>384</sup> CD9-04a 4.9 to 4.16 pp.33-35

<sup>385</sup> CD8-010A 4.20-4.30, pp.21-23 (PDF pp.23-25).

<sup>386</sup> CD6-010.

directness, comfort, attractiveness and safety<sup>387</sup>. As a basic principle, cyclists should be separated from pedestrians, with an overall minimum width for the cycleway and footway of 4.2m (compared to the 3m proposed by the appellant). That width is important to ensure the attractiveness and perceived safety of the route and to avoid collisions with other users. Given the roundabout is a high-speed, intimidating environment, there is an even greater need for the routes across it for vulnerable users to be perceived to be safe. While this guidance is not mandatory, where the objective and vision for development proposals relies on optimising walking and cycling, the more that the design of cycling and walking infrastructure reflects best practice guidance, the more likely it is that this vision will be achieved. The route is convoluted and fragmented, requiring pedestrians and cyclists to stop and undertake 3 if not 4 crossings of major roads. It also does not align with desire lines to and from local facilities in Marlow, including the railway station.

### ***The impact on the road network***

- 10.101 The appellant carried out further modelling before the inquiry. The model was extended to include the Bobmore Lane pedestrian crossing with its proposed signalisation, but none of the junctions further to the west of that crossing. Whilst the Council accepts the need for a balanced approach to the consideration of impacts, that requires as an essential first step, a full and proper understanding of both the impacts as well as the benefits.
- 10.102 Whilst the scope of the highway network assessment is agreed (with the exception of the VISSIM model, and there is agreement that there is no severe residual impact on the highway network around the film studios<sup>388</sup>, the revised model does not assess the implications of changing the crossing on conditions in the centre of Marlow which the appellant acknowledges are a constraint<sup>389</sup>. The appellant's own Supplementary Transport Assessment identified that those junctions, which include A4155 Chapel Street / B482 Dean Street / A4155 Marlow Road Junction and A4155 Marlow Road / High Street / A4155 West Street Mini-Roundabout, can be impacted by queuing which extends back from downstream junctions during peak periods meaning that they do not always operate as standalone junctions<sup>390</sup>. In surveys conducted in July 2023, there was continuous queueing in both peak hours of over 46 vehicles (around a 230m queue) from the Chapel Street junction while the modelled queue was 1 vehicle<sup>391</sup>.
- 10.103 Notwithstanding the recognition of interactions between these junctions and the identification of significant observed queues, they have only been modelled as individual junctions and those models have not been calibrated. There are junctions in Marlow town centre and the High Street

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<sup>387</sup> CD6-010 Table 2.1.2 p.8 (PDF p.9).

<sup>388</sup> CD7-009

<sup>389</sup> CD2-105 4.18 p.24

<sup>390</sup> CD2-085a 5.119-5.134 pp.60-64 (PDF pp.60-70)

<sup>391</sup> CD3-010 pp.23, 38 and 43-44

area including the 2 mini-roundabouts where there will occasionally be longer queues than those represented in the model. That significantly undermines the reliability and usefulness of the model in judging the severity of any effects of additional traffic, as it does not give a full understanding of interactions between junctions.

- 10.104 Extension of the new model towards Marlow town centre was also necessary in a context where the only changes in the new modelling were to introduce signalisation at the crossing at Bobmore Lane and MOVA at Westhorpe Interchange, and the prior modelling showed severe impacts: in the “do nothing world”, extensive queueing to the model extent<sup>392</sup>. Even in the 2034 managed scenario, the previous model showed queueing all the way from within Marlow across the Westhorpe Interchange on the A4155<sup>393</sup>. The failure to model the interactions between the town centre junctions and those closer to the site means that it is not possible to understand what has happened to the previously modelled queueing and what the real world effect of signal control at Bobmore Lane will be on those junctions.
- 10.105 Overall, the proposed development would not achieve safe, secure and suitable high quality access by all modes of travel for all people, the design of footway elements and the nature of the proposed use is such that for many users active and sustainable modes of transport is not sufficiently attractive or practical to achieve the dramatic reduction in travel to the site by private car which the appellant’s “managed” scenario relies on.
- 10.106 It therefore fails to comply with NPPF paras.110 and 115. For this reason and the failure to include junctions in the model which have interactions with other junctions known to be affected by the traffic from the proposed development in the morning peak, the appellant’s evidence fails to show that the development can be accommodated without severe residual cumulative impacts on the road network in breach of NPPF para.116.

### ***The effect on the safety of highway users***

#### ***Non-compliance of the eastern arm of the Westhorpe Interchange with DMRB design standards***

- 10.107 It is common ground that the proposed redesign of the eastern arm (westbound approach) of the Westhorpe Interchange is not compliant with the relevant DMRB design standards in relation to deflection and junction geometry. That arm of the junction is subject to the most significant design changes. The appellant accepted that physically and as a matter of land ownership, it would be possible to provide an entry radius which did comply.

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<sup>392</sup> CD9-10 Figure 3.2 p.4.

<sup>393</sup> CD9-08 Figure 2.3 p.9.

- 10.108 Whilst there is an existing departure from standards, there will be significant additional traffic on this arm of the roundabout – 487 vehicles in the PM peak – which would be directly attributable to the development and would potentially approach and travel through the roundabout at increased speeds as a result of the insufficient deflection which the re-design provides. DMRB<sup>394</sup> provides at para.3.21 that “[*entry path radius*] is the most important determinant of safety at roundabouts because it governs the speed of vehicles through the junction and whether drivers are likely to give way to circulating vehicles”<sup>395</sup>. In the case of the redesigned junction, the entry path radius is 169.6m compared to the required standard of 100m, a significant deviation. While a high friction surface could be provided, that is not sufficient to prevent incidents.
- 10.109 The introduction of signals at Westhorpe Interchange does not resolve the issue. Drivers will likely race to beat the new signal controls where they are green. The A4155 westbound movement is the movement which is most likely to be held at a red junction when signalised, in order to avoid queueing on the A404 slip roads. The failure to re-design this arm of the roundabout to accord with relevant standards causes an unnecessary increase in the risk of conflict between users of the roundabout resulting in an unacceptable impact on highway safety in conflict with NPPF 116.

#### *Site layout and servicing*

- 10.110 The site layout is not safe and suitable for its intended purpose and will lead to increased chances of conflict between drivers, cyclists and pedestrians accessing and moving around the site which could and should have been designed out.
- 10.111 It is common ground that whether spaces in a development are publicly owned or not, or accessible to members of the public, they should be safe and be designed to be safe. Safe operation is a necessary and integral part of the design of a scheme and minimises the risk of accidents as a result of human error in the operation of premises. There is an even greater need to ensure a safe environment and the perception of safety where developers are seeking to encourage and optimise non-car modes and there is an emphasis in the site layout on active streetscapes.
- 10.112 The design leads to instances where vehicles will be required to reverse over extended distances, in some instances around a bend, all where movements by vulnerable road users are to be encouraged, having regard to the ambitious mode shift targets. The reversing manoeuvre is the one which poses the greatest risk to other users of the space. On average, there are likely to be around 120-160 HGV movements per day. The number of HGVs accessing the cul-de-sacs in the development will vary significantly depending on what is happening on the site on any given day, and depending on production requirements could be focussed on a particular access route to the studios. This element of the site design is unnecessarily detrimental to the safety and convenience of users of the site

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<sup>394</sup> CD6-009

<sup>395</sup> CD9-04a 5.63 p.57.

and the Site Management Plan does not adequately mitigate for the poor highways design.

- 10.113 For these reasons, the proposed development is detrimental to highway safety and convenience. It is therefore contrary to adopted highways policies and national and local design criteria applicable to the development, in particular NPPF 110, 115, 116 and 117, Local Plan Policy DM33, Buckinghamshire Council Local Transport Plan 4<sup>396</sup> and the Buckinghamshire Council Highways Development Management Guidance<sup>397</sup>.

***The effect of the proposal on the living conditions of existing residents***

- 10.114 The development would have a significant negative impact on the amenity of residents of the 31 apartments at Westhorpe House and 55 dwellings at Westhorpe Park Homes, in terms of their outlook and the noise and disturbance associated with increased traffic movements (including delays and blockages impacting residents' ability to access their homes), in conflict with Policy DM35 of the Local Plan. It also fails to comply with the requirement in 189 NPPF to ensure that new development is appropriate for its location taking into account the potential sensitivity of the site. The existing residential community is particularly vulnerable as their sole access is proposed also to serve the studios.
- 10.115 As evident from the many written and oral submissions made to the inquiry by those living adjacent to the site, there is a significant degree of concern regarding the impact of the proposed development on their amenity. The proposal would transform their outlook and experience from open rural fields with scattered hedgerows and trees to a dense grid of industrial, overbearing large scale buildings in very close proximity. From those of the Westhorpe Park Homes not immediately adjacent to the kitchen garden wall dividing them from the site, it is currently possible to see over the wall and appreciate the open vista beyond. It would take 15 years for the trees planted as part of the proposed development to screen the buildings. The impact would be experienced from residential properties and gardens and on existing paths in the locality which have considerable amenity value for residents, as well as on the access route. The character of the access road to the homes will be transformed from a lightly used rural access to a busy service road with 1,374 vehicles per day, resulting in queuing, congestion and delays in vehicle access and egress causing inconvenience to local residents. From the perspective of local residents, they will feel surrounded by the proposed development.
- 10.116 With regard to noise and disturbance, the policy context also includes the PPG on Noise which emphasises the subjective nature of noise, and the fact that there is therefore no simple relationship between noise levels and the impact on those affected. Context is crucial, including how the noise from any new noise making source relates to the existing sound

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<sup>396</sup> CD5-009.

<sup>397</sup> CD5-010.

environment, as well whether noise is intermittent or continuous<sup>398</sup>. The Noise Policy Statement for England emphasises that there is no fixed amount for SOAEL, which will be different for different noise sources, different receptors and at different times<sup>399</sup>. DMRB guidance on noise and vibration in the context of environmental assessment highlights the difference in experience of vehicles further away from a road, where they will be perceived as steady state noise from a road and a more proximate noise in which the noise of individual vehicles can be distinguished (and is therefore more intermittent in quality)<sup>400</sup>.

- 10.117 While road noise from the A404 and A4155 is experienced in the vicinity of the site, it is relatively quiet in the immediate vicinity of the Westhorpe Park Homes. The Park Homes are individual prefabricated dwellings and lightweight structures with very small gardens and limited outdoor space, leading to a certain vulnerability associated with the physical nature of those homes. The people who live in the Park Homes are generally elderly, and again may be considered vulnerable to a degree. They benefit greatly from the open environment around them, including the PRow which crosses the site – which will also be influenced by noise from the internal access roads.
- 10.118 Given the existing conditions of the site and the current experience of local residents, and the scale of activity associated with the proposed development, the introduction of a new noise source within 50m of homes, will have a significant impact on residents. There will be an increase of between 5 and 10dB along the access road to the southern car park. At times, when there is a greater concentration of traffic (including HGVs) this noise will, in the Council's view, cross into the SOAEL category (bearing in mind that an increase in 10dB involves a doubling of loudness). The inability to predict the noise and its intermittency – which will include door slamming, beeping and revving – as well as the fact it is unwanted – will increase the psychological impact for those living adjacent to the site. The noise would be in the nearfield, more readily noticeable, and therefore of a greater impact than the current road noise. The noise experience will be materially different to the current hum of background road noise which is constant and reasonably distant – traffic noise from the proposed development will be more intermittent and closer.
- 10.119 The size of the site means that current traffic movements in the vicinity of Westhorpe House and Westhorpe Park Homes are relatively infrequent, particularly by comparison with the number of traffic movements which would occur near the site. While the appellant's modelling shows an overall reduction in average noise, this to some extent masks the fact that there would be a reduction in steady state noise but an increase in the intermittent, more disturbing noise. There would also be some vehicle movements going into the evening. At this time, the perceived impact will be more significant, when background noise is lower.

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<sup>398</sup> PPG on Noise, Paragraph: 006 Reference ID: 30-006-20190722

<sup>399</sup> CD6-014 para.2.22 p.9.

<sup>400</sup> CD6-016 para.2.1 p.2/1 (PDF p.8).

10.120 There would be a significant change to the setting of the residential properties, and that the residential experience would be very different to what it is now. In that context, it is unreasonable for the appellant to ascribe no weight at all to the change to residents' amenity. It is a harmful effect that must be weighed in the planning balance.

### **Scheme Benefits**

10.121 The Council accepts that there are a number of benefits which weigh in favour of the grant of planning permission for the appeal proposals, including economic benefits, social benefits and the biodiversity net gain offer.

10.122 The appellant has failed to demonstrate a need for the proposed development or that it cannot be accommodated elsewhere on a different, non-Green Belt site. The need evidence relied on by the appellant, especially in the light of the most recent BFI inward investment figures, demonstrates that the existing supply and pipeline is more than sufficient to serve the current need and forecast growth. It is therefore legitimate to give no weight to need. As to the lack of alternative sites, this is not a separate benefit<sup>401</sup>. Even if the appellant had demonstrated that it had carried out a sufficiently rigorous ASA, it should not attract weight as a separate benefit to need or economic growth<sup>402</sup>. In the Green Belt context, because any inappropriate development in the Green Belt must be justified, the failure to carry out an adequate ASA bears on the ability to demonstrate VSC.

10.123 However, as the contribution of the proposed development to the film and TV industry is potentially significant, and recognising the importance placed on growth of this sector, economic growth as a benefit is afforded significant weight in the planning balance. That reflects the Council's recognition of the focus that the government places on the film industry and gives due weight to the importance of the sector and the potential benefit that the studios could bring.

10.124 In terms of the other benefits:

- i. Public open space is given moderate weight. There will be public access to 2.8ha of open space on Plot 4 and the "lakeside path will be enhanced"<sup>403</sup>. The weight to be given to this benefit is moderated by the fact that there is already a permissive lakeside path and that public access facilitated by an improved path will provide some mitigation for the loss of and impact on other land within the RUR4 policy area.
- ii. Upgrades to PRow and offsite footpaths and cycle paths, including via the Westhorpe Interchange are given moderate weight in the planning balance. Although, additional concerns are raised below. While they have some wider public benefit, they are required

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<sup>401</sup> CD8-011abc 8.241 p.58.

<sup>402</sup> The Appellant's reliance on *Tesco v Dundee*, which relates to the sequential test for retail, is irrelevant in this context where the onus is on the Appellant to demonstrate that it has exhausted all relevant non-Green Belt options.

<sup>403</sup> CD1-231 DAS p.150

mitigation and are substandard in the sense of failing to comply with the best practice guidance in LTN 1/20. Included within this is the proposed Volvo footbridge which is necessary to make the development acceptable in highways terms, will increase the crossing distance from 70m to 400m and even with the proposed enhancements is not overlooked, screened by vegetation and only benefits from limited lighting. It also includes the enhancement of existing PRow that cross the site through improved surfacing and lighting which would have an urbanising effect on the existing character.

- iii. The bus services are required mitigation, but attract significant weight as a benefit, recognising their wider benefit to the public.
- iv. The Cultural and Skills Academy<sup>404</sup>, recreational land and community building attract limited weight as there is no evidence to demonstrate what specific need the provision of these facilities might address nor any specific local community support for them.
- v. The proposed tree canopy cover of 27% attracts neutral weight as it is marginally higher than the policy requirement of 25%, and tree losses would occur as well, at the new site access roundabout and on part of the frontage with the A4155 Marlow Road, which will have a significant effect on views in and out of the site.
- vi. There is no weight to be attributed to SANG as a benefit as the appellant is no longer offering or providing any.
- vii. On energy efficiency/BREEAM, this attracts neutral weight as it is necessary mitigation for an impact on climate change of minor adverse significance that would otherwise be caused by the proposed development.

10.125 Two other benefits are no longer relied upon. These are the proposed 60:40 mode share. It is agreed that this is not a benefit of the development, as it is a requirement of the proposed sustainable transport strategy to limit traffic impacts and achieve sustainable access. It is also agreed that the design quality is not a benefit, given the significant harm to landscape character, visual amenity and residential amenity that will nonetheless be caused by this very large, dense and imposing development.

#### *BNG, Little Marlow Land and the Planning obligations*

10.126 BNG of 20% was considered to attract significant weight, and habitats improvements are not counted as a separate benefit as this is part of the BNG calculation. However, late changes to the BNG being in an alternative, unknown site, means that the proximity benefits are lost. This would lose the benefits which come from compensating habitat close to where other habitat is lost. Where habitat compensation is local, it enables the species which used the habitat to not be displaced too far from their original home or foraging site.

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<sup>404</sup> The benefits of the education provision which would be provided are considered in the weighting accorded to the economic benefits. This weighting applies to any wider community use of the building.

- 10.127 There is also a concern that the Council would be losing the possibility of securing a part of the Little Marlow Lakes Country Park RUR4 policy area, which would have the connectivity and larger critical mass benefits which come from larger areas of nature conservation, as opposed to smaller fragmented sites.
- 10.128 The scale of BNG which could have been achieved on the Little Marlow site was shown to be: 58% for Habitats area, 28.9% for Hedgerow, and 80.43% for Rivers. This is far greater than 20% and this greater potential is lost. The Little Marlow site also has other benefits which could not be achieved elsewhere, including:
- i. direct compensation for skylark and other wildlife which would be displaced from the development site
  - ii. the benefits which come from aggregating ecologically valuable habitats which opens suitability to species which need larger sites.
  - iii. the benefit of having habitats connected which enables more mobile species to move across the landscape.
  - iv. the human health and well-being benefits accrued by having more nature where people spend time, which would be what would be hoped for in the Country Park area.
- 10.129 Without clarity of where an offset site would be delivered, its size, its proximity and the potential to deliver different units (habitat, hedgerow and river units are required), it is not possible to say whether the BNG offer is comparable. However, given the lack of other possible locations in the Little Marlow Lakes Country Park area, it is highly unlikely that the offer would be as good not least because there is a loss of multi-functional and connectivity benefits. The loss of these proximity benefits reduces the weight attributable to BNG gain.
- 10.130 The Little Marlow Land footway/cycleway link is no longer to be provided and no alternative is to be secured. This is a particularly significant reduction in site accessibility by active travel modes and will further erode the appellant's ability to achieve their acknowledged already ambitious mode share targets. There would be an anticipated 297 active travel movements per day generated on the A4155 E<sup>405</sup> (accounting for 15% mode share), i.e. through the site and along the 5m wide Little Marlow Land footway/cycleway link. The question is what happens to these? Improvements to the existing PRow that runs along the southern boundary to the Little Marlow Land, or improvements within the public highway are fleetingly referred to, but there is no mechanism to deliver this. The suitability of these alternative routes and the extent and achievability of any necessary improvements, if indeed achievable to an acceptable level, have not been considered. It is further noted that the existing PRow would need to remain semi natural in appearance as this would be part of the Council's proposed SANG circular walk.

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<sup>405</sup> CD2-105t Appendix L Table 2.3

- 10.131 The evidence<sup>406</sup> identified more demand to the east by active travel than the Volvo footbridge. The removal of the link, whilst already constrained due to being hidden behind a hedge and disjointed, results in pedestrians and cyclists needing to use a longer section of narrow footway/cycleway immediately adjacent to the A4155, which at this point is subject to the national speed limit. It is an intimidating environment.
- 10.132 The Council considers improvements to PRow upgrades and offsite footpaths would be reduced as a result of this link not being secured. More significantly, the loss of provision for this important connection to the east and Bourne End station adds to the Council's doubt that the required mode shift can be achieved and further erodes the credibility of making the site sustainable.
- 10.133 There would also be no "new and improved paths with planting" running north / south in the middle of the Little Marlow Land. Any 'improvements' to recreational facilities will be significantly reduced. Footpath and cycle connections will lack consistency and accessibility, while publicly accessible open space will be reduced to a level little different to that which presently exists. The 'country park' experience of those using the footpaths/cycleways to travel east-west will be dramatically reduced, leaving no choice but to use a busy roadside section. The shift in balance away from objectives under RUR4 towards greater landscape harm will be significant.
- 10.134 The reference to "or other land" in the defined term for Agreed Receptor Site was negotiated and agreed within the context of the Appellant's detailed planning application submissions (see above) committing to the delivery of at least 20% biodiversity net gain on the Little Marlow Land, and was only included in order to provide the Appellant with a mechanism to allow for alternative BNG provision (subject to the approval of the Council) in the event unforeseen or unfortunate events rendered the impossibility of delivering the BNG on the Little Marlow Land. It is concerning that the ink has not even reached the paper and the promises are falling away.
- 10.135 Whilst changes can be agreed to ensure that a BA is in place to secure the aspects of essential mitigation, it is the Council's conclusion that these 'last minute' changes significantly reduce the weight to be accorded to the relevant benefits of the scheme.

### ***Planning balance***

- 10.136 The development is inappropriate development in the Green Belt. As such, it is necessary to demonstrate that there are VSC which show that the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. It is not a finely balanced decision: the benefits of the scheme set out above are not sufficient to outweigh all the harms outlined other, as well as the definitional harm to the Green Belt.

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<sup>406</sup> CD2-105t Appendix L

- 10.137 The benefits do not outweigh the considerable harms and the proposed development is contrary to the development plan, taken as a whole, and does not represent sustainable development in accordance with the NPPF.
- 10.138 It is only if the development is not inappropriate that the appellant's argument that the development plan is out of date would have any material bearing in the planning balance. Even in that situation, it is flawed and should be rejected. The only policies which the appellant now claims are out of date are RUR4 and the alleged lack of support in the Local Plan for creative industries. RUR4 does not depend on the formal designation of the Little Marlow Lakes Country Park for its validity. Similarly, the planning policy environment in Buckinghamshire is already highly supportive of development to support the creative industries where it occurs in appropriate and sustainable locations and is not inconsistent with the NPPF.
- 10.139 The most important policies for the determination of the application are:
- i. Green belt: CP2, CP8, DM42
  - ii. Little Marlow Lakes Country Park: CP1, CP2, RUR4
  - iii. Landscape: CP9, CP10, DM30, DM32, DM35
  - iv. Transport and sustainable access: CP1, DM33
  - v. Protection of residential amenity: CP9, DM35
- 10.140 It is necessary to consider these policies together and reach a judgment as to whether this "basket" of most important policies is out of date as a whole. The fact that one or more policies might be out-of-date (which is disputed in any event) is not determinative of whether the basket of policies is out of date as a whole<sup>407</sup>. In the present case, the most important policies, taken as a whole, are up to date as they are consistent with the NPPF and enable the Council's spatial strategy to be applied to economic development.
- 10.141 The test of whether a policy is out of date for the purposes of decision-taking is a substantive rather than procedural one and involves consideration of the consistency of that policy with the extant NPPF. Therefore the fact that a new Local Plan may not be in place for a number of years is irrelevant to the question of whether the most important policies for the determination of the application are out of date. The reference to a lack of a five year housing land supply is similarly irrelevant as no residential development is proposed.

### **Conclusion**

- 10.142 The Council invites the Inspector to recommend that the appeal is dismissed.

## **THE CASE FOR LITTLE MARLOW PARISH COUNCIL AND SAVE MARLOW'S GREENBELT**

### **Introduction**

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<sup>407</sup> *Wavendon Properties v SSHCLG & Milton Keynes Council* [2019] EWHC 1524 (Admin) at para.58.

- 11.1 The R6 party considers that the Inspector should recommend the appeal is dismissed. There are numerous harms not outweighed by benefits. The appellant has failed to demonstrate the VSC that would be required to release this Green Belt land for development. Specifically, the proposal would result in substantial harms to the Green Belt and other harms, including harms arising from the conflict with policy RUR4 and severe impacts on residential amenity.
- 11.2 The proposals do not come close to mitigating these residential amenity harms, let alone being considered as benefits. Furthermore, the appellant's need case is unconvincing, methodologically flawed and unsupported by evidence. Thus, the suggested benefits linked to a supposed need for an additional Grade A studio do not outweigh the harms.
- 11.3 We do not conduct a planning balance, but submit that when this is undertaken, the balance lies firmly in favour of refusal.

### **Harms to Residential Amenity**

#### *Loss of Green Belt land*

- 11.4 The R6 endorses the Council's case on the Green Belt. The R6 amenity witness commented on the importance of preserving this portion of the Green Belt from any further intrusion from the noise and built form of the nearby town and maintaining the calm and tranquillity of this part of the Green Belt, that is in constant use for outdoor recreation.
- 11.5 The R6 amenity witness refuted the contentions made by the appellant's planning witness<sup>408</sup> where he states that the area is part of the urban fringe, a despoiled landscape and capable of taking further built development because of Westhorpe House's allocation for a small number of residential units. It defies logic to claim that the repurposing of an existing listed building for a small residential development creates a precedent for the development of a large-scale film studio. They are completely different.
- 11.6 Additional written evidence was provided in response to the PPG Green Belt chapter. The R6 consider that the Council's Green Belt assessment<sup>409</sup> of parcel GA 60's performance against Green Belt criteria is of sufficient granularity and robustness to support the principles set out in the PPG, and there are no grounds to identifying additional GA 60 sub areas requiring a separate assessment. GA 60 was found to strongly contribute to the purposes of the Green Belt, and the PPG provides no grounds to assess the site separately due to the relevant local circumstances, and historical use for extraction and landfill. Therefore, the site is not grey belt.
- 11.7 The R6 consider that the proposal would also undermine the remaining Green Belt within the GA 60 assessment area, and there would also be significant spatial and visual harm to the openness of the Green Belt.

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<sup>408</sup> Paragraph 8.35 – CD8-011b

<sup>409</sup> CD9-042

### *Little Marlow Country Park*

- 11.8 The Little Marlow Lakes Country Park occupies an area of 329 ha west of Bourne End, bounded by the A404, A4155, and the River Thames. It includes several former gravel pits which have been restored as lakes and meadows. Policy RUR4 of the WDLP allocates the Country Park for outdoor recreation.
- 11.9 Contrary to the appellant's efforts to portray this area as a "despoiled and denuded area of former landfill with limited natural value"<sup>410</sup>, the area's natural and recreational value is thanks to, not in spite of, its past as a quarry site.
- 11.10 The R6 amenity and Council planning witnesses both described the extensive recreational uses that take place in the Country Park, namely, fishing, open water swimming, paddle boarding, camping, walking and birdwatching. None of these uses were disputed by the appellant. Indeed, these recreational uses exist because of and are enhanced by the site's former use for quarrying. The lakes, which are fundamental to the recreational value of the Country Park, came about as part of the restoration of the site and would not exist had it not been for the site's former use as gravel pits. Therefore, the very attributes that the appellant claims diminish the site's value are actually those from which its recreational and natural value is derived.
- 11.11 The extensive use of the site for walking along official PRowS, informal and permissive paths is also not in dispute. The appellant's planning witness agreed during XX that the map at Appendix D of the R6's amenity witness' PoE<sup>411</sup> correctly depicts the extent of the routes that people use to walk across the site. The R6's amenity witness explained that the routes around Plot 4 are heavily used, and dog walkers frequently make use of routes 1 and 4.
- 11.12 Faced with the extent of the uncontested evidence of the ongoing recreational uses at the site, the appellant's contention that "*there would be no loss of outdoor recreational space or Country Park, because neither presently exists on the Appeal Site (outside of the PRow)*" is incorrect and contradicts the appellant's planning witness' confirmation in XX.
- 11.13 The proposals would cause residents to lose their currently unrestricted access to Plot 4 and the rights of way they currently enjoy there. The loss of this recreational land will have a particularly severe impact on the residents of Westhorpe Park Homes ("WPH") who use this green space to walk their dogs and take exercise. The loss of this recreational land is further compounded by the fact that many of these residents are elderly and suffer with mobility issues which make it difficult for them to access green space away from their homes. In EiC, R6's amenity witness emphasised the difficulties that vulnerable residents would face in

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<sup>410</sup> Paragraph 8.131 – CD8-011b

<sup>411</sup> CD13-200

accessing open green spaces during the times that plot 4 is closed off for events and backlot filming.

- 11.14 The inquiry heard from several interested parties on this matter. A WPH resident expressed her concerns about the detrimental impact the scheme would have on the elderly and vulnerable residents of the 56 low-cost homes that would be most affected by the proposal and who use the site for their daily social and physical activity. Another WPH resident of some 24 years, told the inquiry how he and others affectionately refer to WPH as “care home lite”, with some residents sadly suffering from cancer and heart conditions but whose proximity to the Country Park means they can nonetheless enjoy a peaceful walk in nature without having to stray too far from home.
- 11.15 Faced with the extent of this evidence on the recreational uses that take place in the Country Park and the part that encompasses the site, there can be no doubt that the Country Park is already fulfilling the purposes and functions of its allocation for outdoor recreation under Policy RUR4.
- 11.16 The appellant’s attempt to diminish and downplay the loss of this land for recreational use by focussing on a lack of formal designation is irrelevant. As pointed out by both the R6 amenity and Council planning witnesses, Policy RUR4 is a land use policy whose validity is in no way contingent on formal designation as a Country Park. Policy RUR4 is already doing everything it was intended to do i.e., provide an allocated area for outdoor recreation, limit development to that which does not prejudice the function of the area for the purposes of a Country Park and offset the impacts of proposed housing growth at Bourne End and Burnham Beeches SAC.
- 11.17 The development of approximately 168,718 sqm of production space and supporting buildings for a film studio is patently not a recreational use, nor does it facilitate the function of the area for the purposes of a Country Park. It follows that the proposal would be in clear conflict with this policy; a conflict that would have severe consequences for local residential amenity, particularly those living at WPH.

#### *Loss of existing public rights of way*

- 11.18 The R6 Party is concerned about the loss of public footpaths that crisscross the site and the impacts that this would have on local. Currently, there is an extensive network of circular routes of varying length, well used by the public.
- 11.19 The R6 amenity witness explained that, upon gathering records testifying that members of the public have been accessing the land around Roach Lake (partially included in plot 4) for decades, formal applications for the recognition of 4 footpaths in the Definitive Map and Statement (“DMS”) by way of a Definitive Map Modification Order (“DMMO”) were lodged with the Council.
- 11.20 The DMS is a legal record which must be produced by each Highway Authority and which shows every right of way that is recorded in the area. It is conclusive evidence that, at the relevant date, there was a public right as

shown on the map<sup>412</sup> but the fact that a route has not yet been included in the DMS does not mean that it is not a highway<sup>413</sup>.

- 11.21 The Council is still processing these applications and, as such, the existence of these footpaths is not yet recorded on the DMS. However, the DMMO process by which a footpath is added to the Definitive Map and Statement merely records the existence of the footpath. It does not create it. Instead, a highway (including a footpath) is created under common law where there is an intention to dedicate or by 20 years' of use pursuant to s.31 of the Highways Act 1981.
- 11.22 The appellant's advocate's questions to the R6 amenity witness on this point were premised on a legally incorrect approach to the creation vs. the confirmation of highways. It was put to the witness that as the public rights of way were not presently recorded on the DMS, they could not be lost or removed by the scheme. However, given that the DMS merely records but does not create a footpath, that approach is clearly incorrect as a matter of law.
- 11.23 Plainly, it is not for the Inspector to adjudicate on a live DMMO application. However, the Inspector will have seen and walked the footpaths that are the subject of the DMMO application on her site visit and can have regard to the fact that the local community has applied to the Council for those paths to be added to the DMS based on over 20 years of use. There is no evidence before the inquiry to suggest that this application should be refused and therefore, the R6 amenity witness' concerns about the harms to residential amenity that would arise through the loss of these footpaths are valid and should be included in the harms considered as part of the planning balance.
- 11.24 Given the obvious link between footpaths and recreational use, the loss of these footpaths would also conflict with Policy RUR4 by prejudicing the function of the area for the purposes of a Country Park.

*Visual effects and overbearing impact on the residents of WPH*

- 11.25 The closest WPH residents would be 24m from the closest workshop buildings<sup>414</sup>, and this would be 12.45m at its highest point. The R6 amenity witness expressed her concerns on the overbearing impact that would have on the residents of WPH.
- 11.26 The Council's landscape witness use of the word "standoff" to describe the proximity of the scheme's closest buildings with WPH is particularly apt, even accounting for the intervening 3m high wall. In EiC, the appellant's landscape witness remarked that the visual impact on the residents would reduce as the mitigation planting establishes itself but that it would take as long as 15 years for the proposed mitigation tree planting intended to screen the 12.45m workshop building to reach 7.5m.

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<sup>412</sup> Section 56 of the Wildlife and Countryside Act 1981

<sup>413</sup> Which includes footpaths

<sup>414</sup> CD2-111d

- 11.27 The R6 amenity witness raised concerns about the limited impact of that planting given the comparable height of the closest studio building and the significant length of time that WPH residents would have to wait before feeling any benefit. The Inspector is entitled to attach weight to this evidence and come to a view on whether mitigation tree planting that would only reach approximately 7.5m by year 15 would suffice to mitigate any overbearing impact of an adjacent 12.45m building on the WPH residents.

#### *Noise and light pollution*

- 11.28 The R6's concerns about the impact that noise from the proposals would have on residential amenity are set out at paras 6.1 – 6.4 of the R6 amenity witness' PoE<sup>415</sup> and were elaborated during the noise RTS.
- 11.29 The 56 WPH are situated only a stone's throw from the site. They are prefabricated buildings of light-weight construction. They are poorly insulated which makes them extremely vulnerable to noise, even with windows closed. However, as the poorly insulated nature of the buildings means they are intolerable to live in in hot weather, residents are obliged to keep their windows open in the warmer months, rendering them particularly vulnerable to noise.
- 11.30 While presently, the residents of WPH enjoy tranquil surroundings, including a quiet internal access road which is large enough for their cars, deliveries and visitors, the scheme would result in an additional 1,400 vehicles a day sharing the residents' sole access to their homes. This will have a severe noise impact on residents facing such high volumes of traffic only a few metres from their homes.
- 11.31 There is simply no comparing the introduction of a new intermittent noise source generated by approximately 1,400 cars and beeping manoeuvring HGVs in immediate proximity to the WPH residents and a steady background hum from the more distant A404. As the R6 amenity witness pointed out in the noise RTS, there is a distinct difference between living with intermittent noise that cannot be anticipated and a constant drone in the background.
- 11.32 During the noise RTS, the appellant's noise witness acknowledged the difference between steady state and intermittent noise. However, he pointed out that the current, subjective baseline for the site includes intermittent passing events from vehicles accessing WPH, including refuse and delivery vehicles and some HGVs. This statement betrays a lack of nuance in the appellant's case. Just as the appellant's planning witness alighted on the limited residential development of the nearby listed building as a precedent justifying the development of a film studio, the appellant's noise witness' attempt to justify the introduction of noise from approximately 1,400 vehicles by relying on the limited traffic movements associated with the 56 prefabricated homes is not a credible approach.

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<sup>415</sup> CD13-200

- 11.33 The appellant's failure to consider the impact of noise from the proposal in its full context was further illustrated by appellant's noise witness' comment that transient receptors walking the footpaths would be less sensitive to noise generated by the film studio. However, this observation indicates a worrying oversight of the evidence presented by the R6's amenity witness, and WPH residents, on the people who tend to use the footpaths. They are not "transient receptors" briefly crossing the site as they make their way elsewhere, but WPH residents and other residents who live in the immediate vicinity of the site and limit their physical activity to this area. Indeed, the inquiry had already heard a great deal of evidence on this matter from the R6's amenity witness and interested parties before the RTS.
- 11.34 The appellant's noise witness' failure to appreciate who in fact benefits from the footpaths he maintains host "transient receptors" calls into question the accuracy of the appellant's noise conclusions and, in particular, their observation that the proposals would not lead to a "significant adverse impact" on residential amenity<sup>416</sup>.
- 11.35 The appellant's noise witness further maintains that residential amenity would be improved because the film studio buildings would reduce exposure to noise levels by creating a "shielding effect" from the A404<sup>417</sup>. We do not agree. The appellant's position on this point ignores that those buildings will create their own noise from vehicles movements and the construction of sets. As pointed out by the R6's amenity witness during the RTS, these noises are of a very different character to the distant hum of traffic noise currently experienced on site. Furthermore, even if the presence of the new buildings would exert some shielding effect from the A404, this would only serve to accentuate and increase the significance of the closer intermittent noise sources introduced by the scheme.
- 11.36 The R6 Party maintains and reiterates its concerns on the significant adverse impact of backlot filming, set construction and deconstruction on the closest affected residents. The appellant's noise witness stressed the importance of having a quiet environment for backlot filming, however, backlot filming would require the construction and deconstruction of sets that would generate a significant amount of noise for residents. Therefore, whilst filming itself would require a quiet environment, filming will only constitute a small part of the activity that will take place on the backlot. It must also be remembered that, unless the appellant's intention is to only allow silent films on the backlot, the filming itself will generate noise, particularly if special effects such as pyrotechnics and stunts involving vehicles are involved.
- 11.37 In conclusion on noise impacts, the proposals would clearly have a "significant adverse impact" on residential amenity. Local residents, especially those at WPH whose poorly insulated homes make them more vulnerable to noise than most, would be faced with intermittent erratic noise

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<sup>416</sup> Para 198 of the NPPF and policy DM35 of the WDLP

<sup>417</sup> CD8-002 4.05

from 1,400 vehicles a day, the construction and deconstruction of sets and backlot filming. The scheme would therefore fail to meet the requirements of paragraph 198 of the NPPF according to which new development should be appropriate for its location and avoid noise giving rise to significant adverse impacts on health and quality of life.

- 11.38 The R6 Party maintains and repeats its objection on the adverse impacts of light pollution on residential amenity and does not consider that these can be adequately mitigated, especially during nighttime backlot filming. Appendix A of the R6's amenity witness' PoE contains photos from other nearby Bray and Pinewood Studios which clearly demonstrate the extent of the glare that would be experienced by residents during backlot filming.

#### *Concerns raised during the ecology RTS*

- 11.39 The R6's amenity witness' notes that Buckinghamshire Bird Club recorded plots 1-5 support over 70 species of breeding birds<sup>418</sup>. This highlights concerns about the adverse impact of noise and light generated from the proposals on local wildlife.
- 11.40 These concerns were echoed and amplified by the interested participants during the ecology RTS. The R6 Party endorses their comments, particularly those of Mrs West which highlight the importance of recognising the interconnectedness of habitats between Spade Oak Lake and Roach Lake, the site and the wider Country Park. The R6 Party also endorses Mrs West's remarks that any backlot management plan would need to include sufficiently detailed provisions for managing and mitigating the impact of backlot filming and set construction/deconstruction on the species that live and breed in that area.

#### *Traffic congestion and parking overspill*

- 11.41 The R6 Party adopts the Council's position that the development is not suitably accessible to non-car modes of travel and detrimental to highway safety and convenience. The inquiry heard further evidence on these matters from the R6's amenity witness in relation to the site and its surroundings, and from the R6's living conditions witness who recounted her experience living near Pinewood Studios. Whilst recognising that the R6 Party did not produce technical highways evidence of its own or XX the appellant's highways witness, the R6's amenity witness was tested under XX.

#### *Conclusions on residential amenity*

- 11.42 The scheme would result in a severe cumulative impact on residential amenity from loss of Green Belt land and land allocated for recreational use under policy RUR4, noise and light pollution, the overbearing visual impact of the scheme, traffic congestion and parking overspill. It is neither accurate nor fair for the appellant's noise witness to characterise the R6 Party's position as a "zero tolerance approach" to any impact on the

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<sup>418</sup> CD13-200 5.3-5.5 and CD1-228zl 5.4

residents of WPH<sup>419</sup>. This is not any ordinary scheme and these are not ordinary residents but a particularly vulnerable local community with the misfortune to live just metres away from a development proposal that would severely reduce their quality of life.

- 11.43 Given the particular vulnerability of the WPH residents due to the fabric of their homes and the fact that some are elderly and suffering from mobility and other health conditions, the appellant's planning witness' omission of harm to residential amenity from the planning balance is unjustified. The PoE details that "the amenity of the nearest neighbours will change (this is almost always true when planning permission is granted)" but "this change will not lead to an unacceptable material impact on residents' amenity"<sup>420</sup>. However, this approach does not work in the context of this proposal and the residents who would be impacted by it, and demonstrates a serious lack of sensitivity and regard for the particular vulnerability of the WPH residents.

### **Need**

- 11.44 There is a distinct lack of methodological rigour, inconsistency, unproven speculation and unconvincing attempts to portray a market that is divorced from the reality of what the evidence demonstrates.
- 11.45 The appellant's need case presented the following arguments:
- i. The UK screen industry's position in a global context supports the appellant's need case (appellant's need witness - AN).
  - ii. The global addressable market for film and TV content production remains robust, with the UK standing to attract even higher levels of production spending if it can offer sufficient studio space (appellant's need witness - DC).
  - iii. The continuing success of the UK's high budget film and HETV industry is dependent on new build Grade A studios, such as the appeal proposal, being located in the WLC (appellant's need witness - MD).
  - iv. Current studio capacity is not enough to reach the current and projected demands of the UK film industry due to a lack of quality, custom built Grade A studios (appellant's need witness - SW).

#### *The UK screen industry's position in a global context*

- 11.46 The R6 witness accepts that the UK is a leading destination for producers. 23% of international feature film and HETV productions (by value) released in 2022 were produced in the UK<sup>421</sup> and inward investment typically accounts for over 80% of UK production expenditure<sup>422</sup>.

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<sup>419</sup> CD8-002 5.05

<sup>420</sup> CD8-011b 8.198

<sup>421</sup> CD13-031

<sup>422</sup> CD13-001 page 25

- 11.47 However, the appellant's witness AN acknowledged that the BFI and the BFC had not forecast any deficiencies in studio space. Having been taken to a comment by Adrian Wootton of the BFC to the Parliamentary Inquiry<sup>423</sup> in March 2024 where he stated "*we are not now in a process of trying to stimulate any new studio development in particular, above and beyond what has already been announced – because we want to see how that stage space (...) matches the demand as it comes through*", witness AN agreed that this demonstrates that the BFC has been keen to see how the additional stage space 'beds in' in respect of demand. Indeed, Mr Wootton could not have been clearer in his position that lack of stage space is categorically not an issue for the UK film and HETV industry: "*we have increased studio space by nearly 40% in the nations and regions over the last three years (...) so the one thing I am not worried about in that sense is studio capacity. We have the studio capacity to meet demand*"<sup>424</sup>.
- 11.48 The appellant's witness AN confirmed that the target market is the English language segment of the international market, and that even if the UK theoretically had "*all the space in the world*" to accommodate a never-ending stream of business, not all of it would come to the UK because "*a huge part of it is going to stay domestically in America and there are other competing territories*".
- 11.49 The appellant's witness AN said that the size of that global market is "*a demonstration of what we could gain*". The extent of the global market that the UK could gain, in addition to the market it is already successfully servicing and can continue to service with existing and pipeline studio space is a crucial issue. Demonstration of an additional need for Grade A studio space, and particularly, MFS, depends on the answer to this question, as does the question of the economic benefits that would accrue from the scheme.
- 11.50 The appellant's witness AN clearly has extensive experience from her former role at the BFI. She confirmed that this involved discussing the needs of the international industry with people interested in filming in the UK and strategically identifying potential target markets for the UK. She acknowledged that part of that exercise involved an evaluation of how much studio space would be required by people interested in shooting in the UK. As such, the appellant's witness AN admitted that the decision maker would need to have a grasp on the specific market segment that MFS is hoping to attract, what that looks like in production expenditure, and how much studio space would be required to accommodate it.
- 11.51 The appellant's witness AN also agreed that an investor considering investing in a studio development in the UK will primarily be driven by whether they will get a return on their investment, and whether there is additional business that could come to the UK because of that investment that cannot currently be catered for. The appellant's witness AN agreed that an investor would not take the risk without that level of certainty.

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<sup>423</sup> CD13-010 page 36

<sup>424</sup> CD13-010 page 28

- 11.52 When asked about the meaning of their comment during EiC that MFS would appeal to people who are looking for a studio that is “*nice to be in*”, the appellant’s witness AN agreed that displacing people from studios that are less nice to be in is not something that supports an assertion of unmet need for additional studio space. Put differently, displacing productions from studios that might be less “*nice to be in*”, does not create additional business for the UK or additional jobs in this sector. All it does is displace business that is already being catered for in the UK from one studio to another.
- 11.53 Nothing that the appellant’s witness AN produced indicated a quantitative or qualitative need in the UK for additional Grade A quality studio space. Neither the BFI nor the BFC highlighted any such need. Instead, Mr Wooton of the BFC’s evidence to the Parliamentary Inquiry<sup>425</sup> pointed in quite the opposite direction. This is problematic given the crucial difference between something that would be a nice add on in a speculatively perfect world and a pressing and demonstrable case for an unmet need. The need case falls squarely within the former bracket.
- 11.54 We agree with the appellant’s witness AN that the decision maker will need to know the share of the international English-speaking market that the UK could potentially capture if it had additional Grade A space, and how much additional Grade A studio space would be required for it to do so. Such evidence is important to potential investors and to the consideration of the need for MFS.

*The global addressable market for film and TV content production*

- 11.55 The appellant’s witness DC’s evidence focussed on the economic need for additional film and TV studio facilities in the UK, specifically for MFS<sup>426</sup>, and the segment of the international market that the UK is currently unable to serve due to lack of space<sup>427</sup>. The appellant’s witness DC discussed the elements of the market that were driving growth across the global film and TV market i.e., the OTT video market which, as they pointed out in EiC, is “*the most important to assessing growth at this inquiry*”. Production expenditure on original film and TV content is the main element generating demand for studio stage space<sup>428</sup>.
- 11.56 The appellant’s witness DC relied on Ampere Analysis demonstrating the estimated global spend on the production or acquisition of audiovisual content in 2024<sup>429</sup>. However, Ampere documentation submitted alongside the R6’s need evidence provided a more nuanced and analytical view of trends in the global OTT market<sup>430</sup>. This report and accompanying graph from July 2024 demonstrate decline or stagnation in production spend from

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<sup>425</sup>

<sup>426</sup> CD8-005 41

<sup>427</sup> CD8-005 61

<sup>428</sup> CD8-005 69

<sup>429</sup> CD8-005 62

<sup>430</sup> CD13-024

all the main platforms, expect for Netflix and Amazon whose production spend increased sharply in Q1 2024.

11.57 The appellant's witness DC had not produced any evidence of his own on quarter-to-quarter commissioning patterns to contradict the decline in production spending documented in Ampere's July 2024 report. All that the appellant's witness DC had to rely on for his optimistic growth predictions are unproven long-term forecasts based on hopeful speculation.

11.58 None of the recent statistics on decline in production spending on original film and TV content in the OTT market support the appellant's witness DC's case for "tremendous" and "ongoing growth" driving demand for additional UK studio space. Instead, the only 2 platforms experiencing demonstrable growth in production spend, Netflix and Amazon, have ample UK studio space now and for the foreseeable future. To illustrate the point, the inquiry's attention is drawn to Benjamin King's<sup>431</sup> comments to the Parliamentary Inquiry<sup>432</sup>:

*"I think the decision to take long-term leases at Shepperton and Longcross, which was made a few years ago now when we originally made the decision to double down on our production and investment commitment in the UK, was, much as Gidon says, about creating surety in terms of supply and access to infrastructure. The decision to take those leases specifically was to some extent dictated by what was available on the market at the time, but certainly we have been very pleased with both those sites (...) We feel across those two sites, and in addition to everything we do on location across the nations and regions in the UK, we are very well supplied in terms of infrastructure needs at the moment."*

11.59 Furthermore, the "top spenders" on Ampere's graph are already catered for in terms of studio space:

- i. Netflix and Amazon have MLAs at Shepperton for at least 10 years.
- ii. Amazon also has its own studios at Bray.
- iii. Disney, which started to turn a profit in 2024, has a MLA with Pinewood until 2029.

11.60 There is no evidence suggesting that production companies not currently tied into MLAs are struggling to find space. See for example, Mitchell Simmons<sup>433</sup> comments to the Parliamentary Inquiry<sup>434</sup>:

*"From our perspective, if you were to speak to our real estate folks they would simply say, 'Look, we always find somewhere to produce in the UK when we want to and we are happy with the bountiful, good-quality studio spaces that we find.'"*

11.61 Furthermore, of the major producers, only Sony, Paramount and Apple TV+ are entirely dependent on independent studios. As a result, any

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<sup>431</sup> Director of Public Policy, UK and Ireland, Netflix

<sup>432</sup> CD13-032 page 20

<sup>433</sup> Vice-President, Public Policy and Government Affairs, EMEA, Paramount

<sup>434</sup> CD13-032 page 20

increased supply of equivalent large-scale, purpose-built and high quality studios in London and the South East studios would result in strong competition for the relatively small number of major productions that come to the UK each year. The extent to which MFS would differentiate itself and secure a market share sufficient to achieve a viable utilisation rate is questionable<sup>435</sup>.

- 11.62 The appellant's witness DC's reliance on the OTT industry to support the appellant's need case is further undermined by current market trends. Table 7<sup>436</sup> demonstrates that in the case of Disney, Comcast and Amazon, spend on acquired content (i.e. content for which studio space is not required) outpaced spending on original productions. There was marginally more spend on original content at Netflix (8.5 v 8.3 \$ billions) and quite a bit more on original spend than on acquired in the cases of Paramount and Warner Brothers.
- 11.63 The R6's need evidence detail that the increase in focus on acquired content reflects market consolidation as streamers prioritise profitability over growth and make a strategic push to achieve economies of scale and reduce market competition<sup>437</sup>. Similarly, streamers are increasingly focussed on strengthening their market positions through focus on non-English language speaking markets and the acquisition of sports rights<sup>438</sup>. Neither of these growing trends were disputed by the appellant's witness DC during XX. Put simply, none of these trends support witness DC's assessment of the need for UK studio space.
- 11.64 The appellant's witness DC attempted to get around this unhelpful fact by arguing in XX that although platforms are focussing more and more on unscripted genres and sports, this is to strengthen their financial position and give them confidence to invest in original content. Notably, the appellant's witness DC did not produce any evidence supporting his speculative assessment of how the market is evolving.
- 11.65 Additionally, technology drives innovation in film and TV production, reducing the costs and resources required to create original content. Artificial Intelligence (AI) is poised to continue this trend. Concerns about AI's potential impact were a primary cause of the recent Hollywood strikes. Writers feared that AI would play a greater role in scriptwriting, whilst actors worried that AI representations of their image and voice would reduce demand for their services.
- 11.66 The R6 party questioned the key difference between the TAM and SAM. The R6's need witness<sup>439</sup> defines these markets, the TAM representing the overall market opportunity, whilst the SAM is the portion of the TAM that a company can realistically target and serve. The SAM for UK studios is English language scripted content.

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<sup>435</sup> CD13-001 4.8-4.9

<sup>436</sup> CD8-005

<sup>437</sup> CD13-001 3.4e

<sup>438</sup> CD13-001 3.4b

<sup>439</sup> CD13-040 fn 4

- 11.67 The R6 party consider that this is a key distinction, because it is the SAM, i.e. the segment of the global, high end English language speaking market that MFS can realistically target and serve.
- 11.68 The appellant's witness DC confirmed that his extent of market segmentation was to estimate £55bn in production spend for the global film and HETV market; a market that, as he acknowledged in XX encompasses all content genres, all languages and all budget levels. In other words, the appellant's witness DC's evidence is focussed on the TAM, not the SAM. Most of the production expenditure comprised in the £55bn is completely irrelevant and unattainable for MFS. The appellant's witness DC agreed that there are segments within that £55bn that the UK would be more competitive at obtaining – such as English language production – but admitted that he had not quantified them.
- 11.69 The appellant's witness DC acknowledged the importance of considering the SAM but made no attempt at quantifying it. That is a fatal methodological flaw in the appellant's need evidence that taints their whole approach to need.
- 11.70 The failure to quantify the SAM for MFS underscores the speculative and unproven nature of the appellant's need case. They are commending a case for urgent unmet need with no quantification of what that represents in terms of additional production spend and studio space. As such, there is no justification for their claims that they require approximately 168,718 sqm in the Green Belt and in an area allocated for recreational uses under Policy RUR4.
- 11.71 The appellant's witness DC's argument that the serviceable market for MFS is approximately under 1% of the £55bn spend annual spend on film and TV production is no answer. All that tells us is what, in a perfect world, MFS could theoretically cater for with 168,718 sqm. However, this 'build it and they will come' approach is just a capacity point. It fails to consider where there is actually a need for that additional capacity. Just because you build a studio that could cater for under 1% of global production spend does not mean you necessarily will, particularly given the current market circumstances.
- 11.72 In terms of market forecasts, the appellant's witness DC forecasts global growth in film and television production spending at 2-4%<sup>440</sup>. The R6 need witness agrees with and adopts this growth estimate in his calculations<sup>441</sup>. This forecast for growth enables a calculation of how much stage space would be required in the UK to service a greater share of US expenditure and accommodate overall growth trends in the market. However, it is noticeable and indicative of the appellant's flawed approach that, as conceded by witness DC, 2-4% growth is anticipated across the entirety of the global market (all genres, languages and budgets). Again, that 2-4% represents the TAM not the SAM.

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<sup>440</sup> DC8-005 215

<sup>441</sup> CD13-040 3.4

- 11.73 The R6 need witness<sup>442</sup> aligned himself (with only a slight divergence<sup>443</sup>) with Knight Frank's<sup>444</sup> estimate, and considers that every £1 million of production spend requires 850sqft of production space. To produce a forecast for required stage space using the 2-4% global growth estimate, it was necessary to define a baseline of production spend in 2024. The R6 need witness aligned himself with the appellant's range and, taking the average of the appellant's estimates (£6.2bn for AN and DC, and £7.06bn for MD) arrived at £6.5bn. These figures produced a forecast of demand for UK studio space demonstrating that, based on current and pipeline supply of studio space, existing studio space would comfortably support the appellant's witness DC's higher growth forecast for years to come. Therefore, even on the appellant's own figures and methodology, there is no pressing need for additional studio space.
- 11.74 This conclusion has been reinforced by the new BFI figures<sup>445</sup>. Whilst the updated figures demonstrate that feature film expenditure has not grown in real terms but returned to historic levels, HETV expenditure has continued to decline from the highs seen in the Peak TV period of 2020-2022. Not only does this reinforce the point that streamers' business models have evolved, but it also raises considerable doubts about MFS's ability to increase the UK's share of feature film blockbusters. Based on these more recent figures, it is reasonable to anticipate that HETV spending will now grow at a more modest rate and from a lower base.
- 11.75 We endorse the Council's planning witness<sup>446</sup> note and his observations that that the BFI's report of £5.6bn spend on film and HETV in 2024 comes in significantly lower than Knight Frank's<sup>447</sup> baseline figure for production spend. Starting from a lower baseline of £5.6bn has an obvious and significant knock-on effect for Knight Frank and witness DC's growth estimates. As pointed out by the Council planning witness<sup>448</sup>, taking Knight Frank's approach and projecting future demand from the lower baseline shows that the UK has more than sufficient existing studio capacity to accommodate growth beyond 2029.
- 11.76 In any event, witness DC's estimate that 2024 expenditure is likely to be £6.6bn due to delays in BFI reporting is closely aligned with the figure of £6.5bn used in the R6's need witness forecast model. This demonstrates that the UK has sufficient existing studio capacity to accommodate growth<sup>449</sup>.
- 11.77 Witness DC argues in response that a "*simple quantitative comparison of total stage supply and demand at any point in time would fail to take into*

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<sup>442</sup> CD13-040 3.4

<sup>443</sup> Knight Frank estimates approximately 836,000 sq ft for every £1 billion of production (CD8-006 Appendix 3.4.3)

<sup>444</sup> CD8-006 Appendix – Knight Frank Report 3.4.3

<sup>445</sup> ID87

<sup>446</sup> ID89

<sup>447</sup> CD8-006 Appendix – Knight Frank Report 3.4.3

<sup>448</sup> ID87 10

<sup>449</sup> CD13-040

*account the importance of the quality of stage supply in both accommodating ongoing demand, and more importantly stimulating additional demand and enabling gains in global market share*<sup>450</sup>. However, the appellant's intention to build a beautiful studio building in Marlow cannot and will not change market dynamics. As was fairly and correctly conceded by the appellant's witness AN, creating a building that is "nice to be in" merely creates displacement from other buildings that are less nice to be in. It does not add anything, and it certainly cannot alter global market dynamics. For the appellant to suggest otherwise is, frankly, magical thinking faced with the reality of the market dynamics.

- 11.78 The BFI's updated 2024 figures clearly do not show a "*return to incredibly strong growth*"<sup>451</sup>. Growth for 2023-2024 was always expected as the market catches up from the impact of the strikes. A more useful and reliable indication of the market can be gleaned from comparing 2024 with pre-strike years. This exercise clearly demonstrates that growth is nowhere near the levels seen during the 'streaming boom'. In other words, HETV expenditure has continued to decline from the highs of the Peak TV period. At its core, the appellant's witness DC<sup>452</sup> merely repeats his aspirations and expectations for the UK gaining additional market share that, as has already been demonstrated in the TAM v SAM debate, merely amount to wishful speculation.

*The continuing success of the UK's high budget film and HETV industry is dependent on new build Grade A studios, being located in the WLC*

- 11.79 The speculative and unproven nature of the appellant's need case was further demonstrated by the appellant's witness MD's evidence:
- i. Agreement that Grade B studios are not unviable or incapable of offering good quality space fit for 21st century productions. This is of course illustrated by Netflix's use of Grade B studio, Longcross.
  - ii. Agreement that the WLC has expanded over time as studios have developed.
  - iii. Acknowledgement that in 2024, the new, purpose-built Grade A studio at Shinfield was not operating at full capacity. This clearly demonstrates that space is available to accommodate the needs of production companies in search of Grade A studio space. If the appellant's depiction of a pressurised under-supplied market were true, Shinfield would be operating at full capacity and turning people away. The fact that it is not tells us a lot about the current state of the market. It also demonstrates that new Grade A studios do not automatically generate demand in a market where there are many other factors at play.
  - iv. Recognition that some MLAs allow for subletting. It follows that studios such as Pinewood or Shepperton are not automatically closed to production companies not tied into an MLA.

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<sup>450</sup> ID94 3

<sup>451</sup> ID94 3

<sup>452</sup> ID94

- v. A concession that his claim that the majority of potential crew live in and around the WLC is not backed up by any ONS data.
- vi. Agreement that BECTU only compensates for lengthy travel between the production base (i.e. the studio) and other locations (e.g. on location filming), but not between a person's home and their production base.
- vii. Agreement that people with significant knowledge and experience in the industry have been content to invest in Grade A studios not located in the WLC e.g. Shadowbox for Shinfield (Reading), MBS and Hackman Capital (the world's largest studio management company) for Eastbrook (Dagenham). It follows that location in the WLC is clearly not a deal-breaker for experienced industry insiders.
- viii. Witness MD observed in EiC that people who have experience in the film industry are better placed to succeed than financial investors. However, when we compared the people and companies behind Shinfield and Eastbrook with MFS, only one person had a link to the film industry amongst the directors of Dido Property Ltd (the appellant). However, the appellant's witness MD was not aware of this director having any experience of running a film studio. In terms of the other directors behind Dido Property Ltd, one is a consultant for global commercial real estate service, and the other has no experience of operating a film studio. This is an interesting observation in the light of the appellant's witness MD's emphasis in EiC of the importance of the distinction between "*people who are in the film industry or financial investors looking to turn the land*". On the appellant's own evidence, the very people who are supposedly important to the successful establishment and operation of a film studio are nowhere to be seen in respect of this proposal.
- ix. Pinewood Studios are considering development options for the site, including the eventual construction of a data centre<sup>453</sup>, because "*the reduction in global content production, combined with rising construction costs and business rates, triggered a review of our existing planning consent and we believe the revised proposals provide a credible alternative.*" This aligns with Andrew Smith<sup>454</sup> for Pinewood's commitment at the Parliamentary Inquiry<sup>455</sup> to take a very cautious approach to development because they wanted to see where the demand was going.
- x. Pinewood has the backing of Aermont Capital, houses productions by top industry players such as Disney, Netflix and Amazon and as a renowned studio of some decades, is indisputably run and operated by industry insiders. The only logical conclusion that can be drawn from Pinewood's decision to reconsider its development options for the site instead of building out its permitted expansion is that the current and projected supply meets the demand for studio space. If the appellant's need case were true, a studio of Pinewood's calibre would not hesitate to capitalise on the considerable opportunities

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<sup>453</sup> ID81

<sup>454</sup> Andrew M Smith OBE DL, Corporate Affairs Director, Pinewood Group

<sup>455</sup> CD13-010 page 28

canvassed by the appellant at this inquiry. Indeed, witness MD agreed in XX that those at Pinewood are well informed of the short- and long-term prospects of the market.

- xi. Additionally, Sunset Studio, which is backed by the world's largest alternative asset manager, Blackstone, has also paused construction. Any investor observing the current trends at studios backed by reputable and informed actors would naturally hesitate to invest in a new studio. It is therefore notable and unsurprising that the only concrete evidence any potential investor interest in MFS is a letter<sup>456</sup> by the company that one of the appellant's consults for, CBRE, that merely records CBRE's "*understand[ing] that initial interest has been shown by international investors*" and that they were "*informed by Dido that a number of approaches have already been made to them from known global capital sources*". There is no evidence of these approaches. All we have to go on is CBRE's understanding based on second hand information from Dido that approaches have been made.
- xii. The appellant's witness MD made countless vague references to information that he was apparently not at liberty to disclose during XX.

11.80 Nothing in the appellant's witness MD's evidence points to a credible and evidence-based conclusion of quantitative and/or qualitative deficiencies in existing studio supply. Furthermore, contrary to the appellant's witness MD's heavy reliance on location in the WLC, the evidence clearly demonstrates that location in the WLC is not make or break for the Grade A studio market.

*Current studio capacity is not enough to reach the current and projected demands of the UK film industry due to a lack of quality, custom built Grade A studios*

11.81 Given the appellant's witness MD's observations<sup>457</sup> that any studio currently operating at 60-65% capacity is doing well<sup>458</sup> and the availability of space at the new, Grade A Shinfield Studios, it is difficult to ascertain how any production currently looking to shoot in the UK would struggle to find space. The appellant's witness SW also highlighted the extent to which crew shortages, as opposed to lack of space, is a significant constraint facing production companies.

### **Economic Benefits**

11.82 The appellant's ability to prove its case on the economic benefits that would accrue from the scheme is entirely contingent on its need case. The failure to make out its unsubstantiated and speculative need case renders it impossible to have any confidence in its ability to deliver its proposed economic benefits. Put simply, a studio for which there is no need will not

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<sup>456</sup> CD8-011 Appendix C

<sup>457</sup> XX by SBKC

<sup>458</sup> See also the expectation that capacity will average 50% in 2025 from the Deloitte report at CD9-03.

- operate at the capacity required to generate the number of jobs suggested. Nor will it generate the GVA suggested by the appellant.
- 11.83 The economic benefits witness' removed their 'Method 2' during XX and commended use of her lower figure of 2,060 FTE in 'Method 1'<sup>459</sup>. In respect of 'Method 1', there is a reliance on outdated reports from other film studios that are divorced from the reality of present-day market dynamics<sup>460</sup>. In any event, as the appellant's economic benefits witness acknowledged, the floorspace merely sets a limit to the number of employees, it does not determine it.
- 11.84 The appellant's evidence derived a soundstage employment density figure of 64 from the Shepperton Studios 2018 Economic Impact Report<sup>461</sup>. This was 'sense checked' against reports from other studios, namely, a 2024 Gillette report<sup>462</sup> based on 2013 figures from Pinewood, a Warner Brothers report<sup>463</sup> based on estimates from productions that took place at the studio between 2019-2021 and a Pinewood report<sup>464</sup> from 2022.
- 11.85 The employment calculations assumed 85% capacity<sup>465</sup> but these figures all derive from production activity that took place at the height of the streaming bubble when the market circumstances were very different to present day circumstances, with a high volume of original film and HETV production across streaming platforms. The appellant's economic benefits witness agreed that we can assume that occupancy rates at those studios were high at the time of the reports relied on. However, this did not account for changes in occupancy rates since 2013-2022 to the present day. Instead, their calculations "*would implicitly assume a similar average occupancy rate*".
- 11.86 This casts doubt on the reliability of the employment density calculations. They are based on market dynamics and occupancy rates that are likely to have been higher than today<sup>466</sup>, which estimates anywhere between 50%-65% for current occupancy rates. This is a stark divergence from 85% capacity assumptions. Put simply, lower occupancy rates mean less production activity. Less productions activity means fewer jobs. For these reasons, there are less people in today's studios than there would have been at the time of the Shepperton economic impact report of 2018 upon which the appellant's economic benefits witness relies for the employment density calculations.

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<sup>459</sup> The floorspace density method for calculating the additional employment that would be generated by MFS.

<sup>460</sup> CD8-007 Table 9

<sup>461</sup> Witness EE arrives at the figure of 64 based on what the 2018 report says about the amount of stage space available at Shepperton in 2018 and the amount of people who worked at the studio across the year.

<sup>462</sup> CD14-005

<sup>463</sup> CD14-004

<sup>464</sup> CD14-002

<sup>465</sup> CD8-007 6.11

<sup>466</sup> CD9-03

- 11.87 It was acknowledged that the amount of studio space has increased significantly in the UK between 2019 and 2024<sup>467</sup> and that an increase in studio space necessarily affects occupancy levels, because if there is more space to go around, workers are less likely to be concentrated in a limited number of studios. The appellant's economic benefits witness admitted that they had not taken account of the increase in studio space since the period upon which she based her employment density calculations.
- 11.88 Finally, on displacement, there is a recognised chronic skills shortage in the sector<sup>468</sup>. Against this backdrop, it is difficult to understand where the appellant expects the thousands of additional workers, they say would service MFS to come from. It will take time for the skills shortage to be rectified through education and training. In the meantime, it is reasonable to assume that MFS would merely displace workers from other studios rather than create the additionality required to support the economic benefits case.
- 11.89 The analysis of displacement also suffers from the same lack of market segmentation as the appellant's witness DC's evidence. This contradicts the government guidance for calculating additionality<sup>469</sup> which states that "*an assessment of the likely level of displacement can be informed by market analyses: relevant local markets (including product, property and labour) will need to be carefully assessed*".

### **Conclusion**

- 11.90 The benefits of the scheme do not clearly outweigh the harms and there are no VSC justifying the release this Green Belt land for development. Therefore, the R6 Party respectfully invites the Inspector to recommend that this appeal be dismissed.

### **THE CASES FOR INTERESTED PARTIES APPEARING AT THE INQUIRY**

- 12.1 Over 100 people were registered to speak at the inquiry, with nearly 70 people expressing their views. Many were local residents and I have assembled these in groups for and against the proposal.

#### **Joy Morrisey MP**

- 12.2 Joy Morrisey is the MP for the area. The appeal should be dismissed. There are 5 reasons:
- i. Failure to meet the high bar needed for release of Green Belt.
  - ii. Weak and uncertain economic benefits

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<sup>467</sup> Adrian Wootton's comments to the Parliamentary Inquiry that studio space has increased by nearly 40% (CD13-010, p.28).

<sup>468</sup> XX witness SW and CD13-032, p.7, Benjamin King to give just one example from the evidence: "A lot of this technology is transferable to other industries and other sectors. We want to have that in the UK. We want to have people with the skillsets to operate it, to the point I made earlier about designing an industry for 10 years' time rather than just the one we have today." And Benjamin King at p.29, "I certainly agree with the hypothesis of Adrian Wootton that skills is the most pressing challenge that our industry faces. There is a danger that it is fast becoming the weakest link, as other areas such as incentives and infrastructure get more attention."

<sup>469</sup> CD6-13 4.3.4.

- iii. Conflict with the local development plan.
  - iv. Wider development harms.
  - v. Lack of public support
- 12.3 It would constitute inappropriate development and would result in very significant spatial and visual harm to the openness of the Green Belt, and in the significant loss of open countryside and conflict with the fundamental purpose of the Green Belt policy. The Green Belt matters and it is why the last Government further strengthened the protections afforded. It is demonstrated by representations from statutory and other stakeholders as important Green Belt.
- 12.4 The new Government is weakening Green Belt protections. But even against the revised NPPF, the appeal fails as she considers it meets none of the criteria in 154 or 155. This land has not been designated as grey belt and there is no unmet need, especially as Pinewood Studios and other studios exist in the locality and are now under-utilised.
- 12.5 The film industry has and is a significant contributor to the UK economy. But this is an industry where the demand for film studios is falling, and this development will not create local jobs. According to BFI data, HETV and film production fell 40% in 2023. The latest figures from the BFI show that the UK production industry is continuing to suffer. Full year expenditure for 2024 is lower than anticipated and growth remains weak. Spending on HETV is below the peaks seen in 2022.
- 12.6 This reflects the structural changes taking place within the streaming industry. The demand trend is emphatically downwards, and with so many film studios already in the vicinity, the case for a further studio is not there.
- 12.7 Pinewood Studios<sup>470</sup> announced a public consultation, shifting the focus on its planned studio expansion to a mixed-use development due to falling demand with the CEO saying: *“We are a dynamic business in a fast-moving industry, and we are committed to invest in the ongoing expansion of Pinewood Studios. The reduction in global content production, combined with rising construction costs and business rates, triggered a review of our existing planning consent and we believe the revised proposals provide a credible alternative.”*
- 12.8 The applicant’s economic benefits witness stated their own estimate of 4,000 jobs was unreliable. It is simply not going to materialise. The economic case is at best uncertain, unreliable and prone to market changes.
- 12.9 The traffic impacts are severe and significant, and she believes the effects cannot be mitigated. There are harms to the CNL, to Little Marlow Country Park and to heritage, and it is contrary to local development plan policies. Finally, this development is strongly opposed by her constituents. The

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<sup>470</sup> ID86 end of note and ID81

weight of individual objections are clear and she considers that the Parish poll was decisive<sup>471</sup>.

### ***The Rt Hon. the Lord Vaizey of Didcot***

- 12.10 Lord Vaizey strongly supports the scheme, along with the creative industries, after his former role as the Minister for Culture, Communications and the Creative Industries. He introduced the tax credits for film, television, animation and video games, which helped make the creative industries the fastest growing part of the UK economy. There is bipartisan support for tax credit relief to support this industry, and he considers that will not change in medium or long term. This will remain one of most successful global industries, with 1 in 5 films in UK box office being made here last year.
- 12.11 This part of the world is home of the British film industry, central and west London. It is a cluster of industry, with access to specialist skills in London with the studios just outside.
- 12.12 Skills can be brought to area, and there is a need to embed the skills, and to continue to invest and back this. This scheme would bring a world class design to film studios, being built from ground up with latest technology, but it would also develop local education and skills. This would break open the film industry through educational links. The appellants are committed to this development and he fully supports it.

### ***National Trust***

- 12.13 The National Trust is the owner and custodian of Maidenhead and Cookham Commons. At the northern end of the Commons is Winter Hill, a renowned beauty spot, whose north facing slopes rise steeply from the River Thames, creating an imposing backdrop to the Thames Valley and providing panoramic views towards Marlow, Little Marlow and the Chiltern Hills beyond. From Winter Hill the site is located about 800m north and features in the views from the public car park and from public footpaths across the Commons.
- 12.14 The National Trust concurs with the Council's assessment that the proposed development constitutes inappropriate development that would result in spatial and visual harm to the openness of the Green Belt. The focus of this statement is on the visual impact of the proposed development on Winter Hill.
- 12.15 At present visitors to Winter Hill can enjoy several framed panoramic views northwards across the Thames Valley towards the Chilterns National Landscape. The return views from the Chilterns and the Thames Valley to the scarp slope of Winter Hill, south of the river, are also a distinctive feature of the area.
- 12.16 The introduction of large-scale buildings on the site would impinge upon the views currently available from Winter Hill and this would diminish the

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<sup>471</sup> ID38

visual amenities of the area and detract from the experience enjoyed by visitors, including those using the public footpaths along the ridge. It is evident from the photomontages for viewpoints 8, Q, R and S in the LVIAA<sup>472</sup> that the development would result in an extensive area of dense buildings that would be of a greater scale and mass than the existing development when viewed from Winter Hill.

- 12.17 They consider that the proposals would introduce substantial development in the long term into the foreground and middle distance when viewed from Winter Hill. This would give rise to long term adverse visual effects in relation to Winter Hill. Because Winter Hill overlooks the site, there is no scope to introduce measures to mitigate the impact of the development on views to and from Winter Hill. Therefore, the proposal would give rise to unavoidable long term moderate and major adverse significant effects that would greatly diminish public enjoyment of the Winter Hill area.
- 12.18 These adverse effects, in the context of the wider adverse landscape and visual impacts of the proposed development, should carry considerable weight in the decision-making process on the appeal.

***Cllr David Johncock<sup>473</sup>, Cllr Alex Collingwood<sup>474</sup> and Cllr David Watson<sup>475</sup>  
(Buckinghamshire Council)***

- 12.19 Policy RUR4 of the WDLP identified the area as a Country Park. It is greatly needed to compensate for the considerable amount of new housing to be built. The proposal would go against many other policies in the WDLP and have a serious impact on the roads.
- 12.20 A main concern of theirs is also the effect on the Westhorpe Park residents. Their properties would be dominated by gigantic building and free access to their homes would be hampered. These harms would not be outweighed by the benefits. There is no sound economic case. Pinewood has pulled out of further expansion, Shinfield is not operating at capacity. Wycombe Film Studios has been abandoned.
- 12.21 There is no public support from local people, as demonstrated by the Marlow Parish Poll<sup>476</sup>. The public want the Country Park, which provides much needed leisure and recreation. It is vital that the green space between Marlow and Little Marlow remains and that the two communities do not coalesce.
- 12.22 The development would be inappropriate development resulting in very substantial spatial and visual harm to the openness of the Green Belt, and in the significant loss of open countryside. It would conflict with the fundamental purpose of the Green Belt policy to prevent urban sprawl by keeping land permanently open. There will be 18 massive warehouses covering up to 40 football pitches that will be up to 72ft high. The scale,

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<sup>472</sup> CD2-106

<sup>473</sup> ID15

<sup>474</sup> ID16

<sup>475</sup> ID44

<sup>476</sup> ID38

- mass and size of this development would be blot on the landscape character of the area, the setting of the CNL, and the country park.
- 12.23 There will be gridlock for a minimum of 45 minutes on the A404 and the A4155 and stretch back into Marlow and to Bourne End. Plans submitted by the appellant show that a third of Marlow will require double yellow lines outside their homes to allow them access to their own homes.
- 12.24 They also raised concerns about risks of flooding. Thames Water was recently fined for a sewage spill into the River Thames and this part of the Thames is still polluted and can't be swum in. The infrastructure is broken it won't cope with any additional development on the scale proposed and it will fail completely.
- 12.25 Marlow is already subject to an AQMA and an additional 4000 – 10,000 journeys per day through Marlow and surrounding area will just lead to a breach in the AQMA that will not be able to be mitigated.
- 12.26 They also consider that there is no quantification as to how many jobs would be created locally. There is little actual supporting data provided by the applicant beyond unsubstantiated broad claims. There is no quantifiable evidence or verifiable business case that such benefits are achievable. The residents of Marlow voted against the plans.

***Chris Funnell, Leader of Marlow Town Council<sup>477</sup>***

- 12.27 Marlow has grown into one of the UK's most successful small towns. The thriving town centre, excellent schools and extraordinary range of clubs and voluntary organizations reflect a strong sense of civic pride. However, with a population of 14,500, and High Wycombe, with over 100,000 residents, Marlow must continue to adapt and grow.
- 12.28 South Bucks has historical industries, from furniture making to engineering, but these are no longer the growth drivers they once were in our former district. Today, institutions like the National Film and Television School and Buckinghamshire New University are shaping the future and training young people to succeed in creative industries. Marlow needs to be a hub of opportunity, complimenting South Buckinghamshire's efforts where residents can thrive in education, employment, and recreation.
- 12.29 Marlow Town Council has a clear vision for our community: a caring environment for all, a fantastic place to live, a great place to work, and a wonderful place to raise children. Achieving this vision requires strong schools, robust employment opportunities, recreational facilities, and a commitment to the safety and mental health of their residents. This is the foundation upon which they evaluate any proposal for the town, a purpose for each resident.
- 12.30 Marlow Town Council recognised the proposal's significance. Two-thirds of the Council supported the application. They recognised the significance of the site that has laid dormant for so long as a great opportunity. The

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<sup>477</sup> ID60

potential benefits: sustainable travel, job creation, economic growth, and the release of land for public use. The proposal represents one of the largest investments in Buckinghamshire's business sector in years, if not decades.

- 12.31 Marlow is home to 7 schools educating over 3,000 pupils, they are talented and ambitious and one is a performing arts school. Yet, the region lacks local opportunities for creative talent. Too often, young people must leave Buckinghamshire to pursue careers in film, television, and related industries. He considers that this project creates a seamless pathway for those within the creative sector to stay, work, and thrive locally. It critically also supports Buckinghamshire's position as a centre of innovation.
- 12.32 The transport proposals would give connection to Marlow's streets, to key transport hubs, such as train stations in High Wycombe and Maidenhead, a hopper bus to channel all residents and school children around town. The commitment to upgrade the Westhorpe roundabout will significantly improve traffic flow—a long-overdue investment that local authorities have been unable to fund.
- 12.33 The tests for development on Green Belt land are met. The VSC include the reclamation of a degraded site, the economic and educational benefits of a world-class facility, and the significant contributions to local infrastructure. The plans also ensure accessible public spaces, footpaths, and cycling routes that will benefit residents for generations.
- 12.34 This project is not just about business; it is about community. It is about ensuring that Marlow does not become a dormitory town. This is an extraordinary opportunity to position Marlow at the heart of the UK's creative economy and Global competition. The benefits extend far beyond Marlow, offering a brighter future for all of Buckinghamshire and its young people.

### **Cookham Parish Council**

- 12.35 Cllr Jacqueline Edwards<sup>478</sup> and Cllr Harriet Pleming<sup>479</sup> spoke against the proposal. They were concerned about the effect on views from Winter Hill and their importance in the CNL. The footpaths are regularly and frequently used by Cookham and Maidenhead residents. Cookham has a strong and cohesive riverside identity, and these walks and views are in the community's DNA. She asserted that the proposal will be urban sprawl continued over the A404, with very high buildings, leading to sound and light pollution. This would have a negative effect on local birds who currently cross the river to feed and breed at the site. It will be extremely intrusive to Cookham residents' enjoyment of this integral area of countryside to their community.
- 12.36 They also raised concerns about flooding, with Cookham experiencing flooding in autumn 2024, in addition to flooding events in 2014. The

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<sup>478</sup> ID22

<sup>479</sup> ID78

capacity and inadequacy of the sewage infrastructure, and the condition of the Thames being polluted by raw sewage overflows is of concern.

- 12.37 There is concern over Cookham Bridge and the A404 Bisham roundabout. Cookham Bridge and the adjacent Sutton Road/Cookham High Street junction will be at capacity due to other developments, and Cookham Bridge would be a short cut for traffic travelling to the site via the M4. Even small increases in traffic demonstrably result in significant increases in delays across Cookham Bridge due to recently approved developments. They were both concerned that the failure to include these junctions in the traffic modelling was inadequate.
- 12.38 The proposal would be better elsewhere in the UK as the south east already has a large proportion of studios.

### ***Buckinghamshire Bird Club***<sup>480</sup>

- 12.39 The BBC detailed that the site has 71 species of birds present in the breeding season, 53 breeding. The Ecology report<sup>481</sup> suggested the survey should be redone in 2022/3, but it does not appear to have been carried out. In winter, there were 62 species of which 39 are of conservation importance, with 97 species registered over the last 10 years. They consider that the studies are lacking.
- 12.40 Rare birds and birds of conservation concern have been seen on site: barn owls, long eared owls, firecrests, linnets and breeding willow warbler; a real rarity in Bucks. There are also 186 species of birds recorded in the general area and 80% of breeding species found in Bucks breed here. This area is of rich wildlife habitats, supporting many priority and protected species, and a designated Biological Notification Site, and it is extremely valuable. It is frustrating that the developers refer to this area as wasteland and downplay its ecological importance. Once it is gone, it's gone forever.
- 12.41 The developers have not considered the SANG in their proposals. The SANG set aside for rural recreational purposes within Little Marlow Lakes Country Park is already allocated to another development so there is no BNG. Converting the fields to the north of Spade Oak from arable into a grassland/flower meadow given over to humans and dogs would destroy the last hope of breeding Lapwings and skylarks (whose numbers are crashing) and damages Spade Oak Lake in its current form. Mitigation is flawed, and there would be loss of biodiversity.
- 12.42 MFS is in the wrong location. It is imperative to apply clear conditions for mitigation and net gain measures throughout their operational life, to ensure it delivers what is being promised.

### ***Marlow Society***<sup>482</sup>

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<sup>480</sup> ID4

<sup>481</sup> CD1-225n

<sup>482</sup> ID50

- 12.43 Object to the proposal and consider there are insufficient reasons to overturn the Green Belt designation, as there is no pressing need for studios. There are unworkable transport arrangements, and nearly all workers would travel by car or van. It would be an inappropriate location for a film studio because of the effect on the landscape, the effect on the residents of Westhorpe Park, flooding concerns, and deterring access to the country park. There would be a negative impact on the environment, citing sewage concerns, light pollution, construction disruption from noise and vibrations.

### ***Buckinghamshire College Group***

- 12.44 Supporters who were employees of Buckinghamshire New University and Buckinghamshire College Group<sup>483</sup> (Tracey Matthews, Attila Kiraly and Russell Stone) spoke at the inquiry. The planned new campus in High Wycombe, where film and TV students will be trained, is strategically located close to the MFS, to create a seamless pathway for their students into the industry. MFS have already worked with their students on numerous projects providing their industry expertise and helping students to navigate pathways into the industry, for example Creating the Creatives events.
- 12.45 MFS represents a beacon of opportunity for young people leaving education. Every year, they train over 400 students who go on to enter the film and TV industry, which is growing year on year. There is potential for this to increase with the Growth and Skills Levy which should provide improved access to apprenticeships as a training route in this sector. This partnership with MFS would provide the students with unparalleled access to industry training, direct work experience placements, and a rare on-the-job training environment. MFS are committed to funding 600 training places in their first few years, and the college are dedicated to increasing that number further, so that students will have access to the thousands of new jobs in production throughout the UK and beyond.
- 12.46 They spoke about many of the students being from disadvantaged communities in Aylesbury and High Wycombe, with student poverty being a national issue. The proposal would be more than just a career opportunity; but it is a chance to transform students' lives. By providing pathways into fulfilling jobs and careers, they can help keep our young talent in Buckinghamshire, enriching local communities and contributing to the region's economic growth.
- 12.47 Economic benefits would arise from newcomers, but also for existing residents looking to upskill or reskill into the film and TV industry, with MFS providing the opportunities for this.

### ***Local residents objecting***<sup>484</sup>

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<sup>483</sup> ID71

<sup>484</sup> ID5, ID6, ID7, ID8, ID25, ID42, ID47, ID55, ID57, ID61, ID63, ID64, ID65, ID72, ID76

- 12.48 Comments from local residents objecting to the proposal covered several topics. These included:
- 12.49 Loss of Green Belt land, and the effect this will have, setting a precedent for more Green Belt release. Concerns were raised that the appellant had sought to degrade the land to give the impression that it was should not be in the Green Belt. The effect on the character and appearance of the area, the CNL, and Winter Hill was raised by numerous objectors as being negative due to the scale of the proposal. Residents complained about the effect on the night sky and noted that the area was dark at night currently.
- 12.50 There was a continued theme that there is a lack of evidenced need for the studios, particularly given Sunset Studios is not going ahead, Pinewood has changed their expansion plans, Wycombe Film Studios being turned into a data centre. Winnersh and Arborfield film studios are no more and there is availability at Shinfield.
- 12.51 Lack of public support, with the Parish poll being decisive<sup>485</sup>.
- 12.52 Loss of amenity value from developing the area, given the extensive array of footpaths that are used by residents as an extension to their outdoor space. Many residents are worried about the effect of the proposal on the ecology of the area, and detail that they regularly see bats, bird species, insects and badgers. Many residents say the area is beautiful, tranquil, with lakes bordered by trees, plants and habitats. Some mentioned the mental health benefits of this space, and the effects upon peoples' health if it were lost.
- 12.53 Harmful effects to the living conditions of the residents at Westhorpe Park area from the traffic, scale of buildings, and change to the amenity and outlook. Residents claim that the proposal would be an oppressive industrial campus of a scale would be overbearing and dominate the surrounding setting and neighbouring residences.
- 12.54 Concerns are raised over the prefabricated nature of the park homes, and the lack of sound insulation and outdoor living space, along with the vulnerabilities of many of the residents, being older and/or disabled. One resident referred Westhorpe Park as 'care home lite', with many residents taking care of each other. Many of the residents worry that they would not be able to sell their homes in the future if the studios were built.
- 12.55 Concerns are raised about flooding, particularly the effect of the proposal on the sewage system given that Thames Water regularly discharge raw sewage into the Thames when the waste water treatment works becomes overloaded. Numerous residents stated that this happens regularly and the Thames is unsafe to swim in owing to this.
- 12.56 Many residents<sup>486</sup> were concerned about the traffic impacts of the proposals and questioned whether the modal shift of 40% sustainable traffic modes occupancy could be achieved. They were concerned about

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<sup>485</sup> ID42, ID63

<sup>486</sup> ID13

overspill parking into local roads and the lack of comprehensive cycle routes in the area. Residents cited concerns about increased in traffic being severe, and the adequacy of the traffic assessments. Concerns are raised that the effects on Cookham have not been fully accounted for, when considering other permitted housing development.

- 12.57 The effect of the construction of the proposal, along with noise from the construction and de-construction of the backlot was also a concern for many. Climate change was raised as an issue, along with litter being a problem in the area.
- 12.58 A number of objectors raised concerns about the appellants themselves, and their experience in running a film studio, and their financial interests<sup>487</sup>.
- 12.59 Lastly, a poem was read out, written by Betty, 93 years young, who is the oldest Westhorpe Park home owner:

*Mon Repose*

*I am a park home owner,  
And never rue the day,  
I turned from bricks and mortar,  
To move here one fine May.*

*Our homes are set among green fields  
With animals galore,  
Pheasants, rabbits, ducks and geese,  
A stones throw from my door.*

*The neighbours have become my friends,  
We look out for each other,  
We socialise and have a laugh,  
And nothing is a bother.*

*I recommend this carefree life,  
Away from all the stress and strife,  
To live with nature all around,  
'Retirement' has a lovely sound.*

### **Supporters of the scheme**

- 12.60 Many speakers worked in the industry and were local to the area. Several supporters spoke of the career opportunities that would be available to young people in the area<sup>488</sup>, and how MFS would open opportunities for all young people to access a career in the creative industries, instead of

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<sup>487</sup> ID42, ID53

<sup>488</sup> ID21, ID31, ID32, ID34, ID36

relying upon connections<sup>489</sup> into the industry. A careers consultant<sup>490</sup> expressed how an anchor employer makes a difference to people's sense of place and belonging, and young people's aspirations. She considered that MFS would make this difference. She detailed that approximately 10% of young people (under 20) in High Wycombe live in low-income families (approximately 4,500 young people). When helping young people develop their careers, there is a need to support their social capital, and provide opportunities for paid employment which don't involve costly travel to London or tech hubs and head offices in Reading or Oxford, but a 10 minute journey to Marlow using the new bus service.

- 12.61 Young Creative Bucks, a cultural education partnership, spoke in favour, highlighting the establishment of a dedicated, on-site Education and Skills Academy, offering education, skills' development and employment opportunities, will be the cornerstone of that essential partnership infrastructure. In addition to the benefits for young people, the partnership with educators and the wider community will extend adults' understanding and knowledge of the true breadth of employment options in the Film and Television industry, be it through academic or technical and applied education routes<sup>491</sup>. This will address the highlighted skills shortage.
- 12.62 MFS would act as a conduit for employers and educators to ensure that the business creates genuine local opportunities, offering apprenticeships, entry level opportunities and providing learning on the job<sup>492</sup> in a collaborative approach.
- 12.63 Young people expressed support for the proposal. One had recently graduated with a film degree<sup>493</sup> and one who was a second year production student<sup>494</sup>. They talked of the difficulties in getting into the industry, one described there being a sense of 'hopelessness' amongst his peers. He spoke about how MFS would create jobs in the industry for a diverse array of skills, but with the skills and cultural centre, and links to local education, MFS will develop the workforce. Another spoke of how MFS would enable local engagement with professionals, observing real work production and secure apprenticeships, in a site that would be accessible by public transport from High Wycombe.
- 12.64 Many supporters also considered the economic benefits of bringing more creative industries into this area would be positive, securing well paid and satisfying employment opportunities<sup>495</sup>, supporting the UK film and TV industry in an area where many workers in this industry area located. The benefits would ripple from the studios to other businesses in the area. This

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<sup>489</sup> Many people said that to access this industry, it has historically been "*it's not what you know, but who you know*". Many recognised that MFS would be a step change for this, having the cultural and skills academy on site, and links to educational facilities.

<sup>490</sup> ID12

<sup>491</sup> ID49

<sup>492</sup> ID17, ID26, ID27, ID28, ID29, ID30, ID56

<sup>493</sup> ID26

<sup>494</sup> ID48

<sup>495</sup> ID24, ID32, ID36, ID51, ID58, ID62

would have local, county, countrywide benefits. The capital investment and predicted returns are significant, with spending on film and HETV set to increase.

- 12.65 Promotion of the vision led modal shift to reduce single occupancy car movements was supported, with one supporter<sup>496</sup> from Marlow saying it was exactly the sort of plan that Active Travel England and the Bucks local plans and travel policies demand. It would be a major first step and a catalyst for further investment and development for active travel, bus travel and rail travel networks across South Bucks. Support for the replacement of Volvo bridge was also mooted, given there would be level access.
- 12.66 Numerous supporters detailed that the site was former gravel pits, not particularly special and was heavily influenced by noisy roads, being suitable for development. The former head<sup>497</sup> of planning at Wycombe District Council was strongly in favour of the proposal, saying that High Wycombe is a constrained town, surrounded by both Green Belt and a National Landscape. Finding suitable sites for modern employment uses is an on-going challenge. In addition to the physical constraints, High Wycombe is not a wealthy town. With the lack of obvious opportunities for new economic development, the prospects for the town are not good.
- 12.67 The former planning head detailed during the preparation of the WDLP, the site was identified as a potential for Green Belt release. It was one of the best performing potential employment site allocations in the then Wycombe District. Whilst it was not allocated, she considers it is only a matter of time before more Green Belt land is released for employment uses, and this site is likely to be part of that release.
- 12.68 Many supporters were also fully behind the appellant's vision, believing that they can deliver this high quality, Grade A studios. I heard from a supporter who worked in the industry, who had struggled to find space to film in the UK<sup>498</sup>. Another worker in the industry talked of the industry being alive and kicking and, while working at Leavesden, saw very high occupancy rates, particularly in the post-Covid era – 'Many a time, we could have filled the studios twice over<sup>499</sup>'. Another<sup>500</sup> expressed difficulties with accommodation being poor for some studios, and supported the quality of the scheme providing high quality facilities and being accessible by public transport.

### **Other representations**

- 12.69 The chair of LMPC<sup>501</sup> and the co-chair of SMG<sup>502</sup> spoke against the proposal, however, given they are the R6 parties, their points are covered above.

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<sup>496</sup> ID56

<sup>497</sup> ID19

<sup>498</sup> ID33

<sup>499</sup> ID35

<sup>500</sup> ID54

<sup>501</sup> ID9

<sup>502</sup> ID46

### **Statements submitted**

- 12.70 Several statements were submitted from interested parties who were not available to read them out at the inquiry.
- 12.71 Cllr Lesley Clarke<sup>503</sup> (Buckinghamshire Council) strongly supports the proposal. It would be a golden opportunity to become a part of the global film industry and provide a wealth of jobs, from entry level to highly skilled. The scheme would provide betterments for the community, with new bus routes. There are VSC.
- 12.72 Other statements contained support<sup>504</sup> for the scheme and objection<sup>505</sup> to the scheme, citing many of the topics already covered above. One supporter wrote of how inspiring the design would be, embedding community outreach, with the potential to be a success.

### **WRITTEN REPRESENTATIONS**

- 13.1 Thousands of letters were submitted to the Council while assessing the application, supporting and objecting to the proposal, along with many submitted in response to the appeal. Those submitted in response to the application are summarised in full in Appendix 2a of the Council's Committee Report<sup>506</sup>. Due to the sheer volume, these are summarised into generalised support and objection below.

#### ***Summary of objections from individual letters***

##### *Green Belt*

- 13.2 Objections overall state that the proposal would not meet the VSC necessary to justify inappropriate development in the Green Belt. Concerns are raised that it would be urban sprawl, leading to ribbon development, with there being too much destruction of the Green Belt. The proposal would set a precedent for more Green Belt development. Claims are made that the land provides an important separation between Marlow and Little Marlow, and contributes to the historic setting of both places. Unused brownfield sites could be used instead. Many assert that the benefits of employment and provision of the bus services will not outweigh harm to the Green Belt, and there is a lack of clarity on the compensatory improvements. Green Belt land is important for food production, flood prevention and climate change mitigation.

##### *Economic and need*

- 13.3 Objections state that the economic case is out of date and there is no need for additional studios, with there being an excess of stages in the UK. Objections relate to the economic analysis performed by LSH on behalf of the Council detailing that there is sufficient studio capacity in the pipeline,

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<sup>503</sup> ID66

<sup>504</sup> ID52, ID69

<sup>505</sup> ID68, ID73

<sup>506</sup> CD3-002

- the proposed scale is unnecessary and the requirement of the WLC location is overstated.
- 13.4 Many cite that the sequential test is flawed, and did not consider a wide enough area. Numerous objections claim that other studios have gone into administration or chosen not to develop additional studios which have already been granted planning permission. Objections refer to the case made in the Environmental Statement 'Need for Redevelopment' is contradicted by changes in the market since 2019 i.e. the increase in film studio capacity locally and nationally.
- 13.5 There are claims that the market is saturated, and the 'boom' has ended, with assertions that there would be no net increase in national GVA as MFS would provide an alternative location resulting in increased competition, that could reduce studio fees and wages. Many believe that few local jobs would be provided and currently up to 75% of freelance TV and film professionals are unemployed, with objections calling into question whether MFS would create 2,000 "new" jobs or whether it will merely create an alternative workspace for existing freelancers who would otherwise be employed elsewhere. There are comments that there are existing studios in the area that can provide opportunities for young creatives trying to get into film, and given the existing workforce in creative industries already struggles to find employment, the apprenticeships are unnecessary as there is no need for more competition.
- 13.6 There are claims that the proposal would have no effect on the local economy, such as cafes or shops.

### *Highways*

- 13.7 Objections relate to the road infrastructure in Marlow being inadequate, and that traffic would increase on A404, A4155 and M40 which will impact the local area and cause problems at rush hour, speeding and increases in air pollution. Problems with crossing the Thames are also mentioned as causing pinch points in both Marlow and Cookham. This could lead to more collisions and concerns are raised about road safety. There are also concerns about the increase in traffic discouraging cycling, given that parking is an issue in Marlow.
- 13.8 Many doubt the modal shift proposed by the appellant, and question how workers with equipment would get to the site other than by a private vehicle. Overspill parking in Marlow would be detrimental. They state that the trains are not frequent enough to support the proposal. Some detail that car free cycle routes connecting local towns should be part of any future development.
- 13.9 Claims are raised that the increase in buses would be unnecessary as existing buses are hardly used so they would be no benefits, the new shuttle bus would be impractical, and the bus stop location is inadequate. The proposed traffic lights at the Westhorpe Interchange could cause long queues towards Little Marlow. The proposed cycle routes on the interchange are also claimed to be insufficient, and should run all the way

from Marlow to Bourne End to make them worthwhile. It is also argued that the development falls short of the standard under LTN1/20. Objections relate to the new roundabout at the access being too close to the main roundabout.

- 13.10 Objections are raised that the existing rights of way would suffer, and that existing traffic to Westhorpe Park, the athletics track and garden centre would have access problems, and discourage cyclists. Some objections state that the appellant has failed to take account of tourism related traffic.
- 13.11 Claims are made that the data for the Transport Assessment is not accurate as studies were carried out near the end of the pandemic and during school holidays. The community building would be poorly accessed by car or public transport.

*Character and appearance, including Policy RUR4 of the WLP*

- 13.12 Objections refer to the need to consider the wider landscape, with the site being located between in the centre of a meandering stretch of the River Thames between Henley and Maidenhead overlooked by the steeply rising ground along much of its length. Claims that there would be a harmful impact on views from Winter Hill and the CNL. It is a green and unbuilt landscape, and the value of the site as a landscape resource is understated.
- 13.13 Claims are made that the development is of an industrial scale, which is not suitable. The design would not blend in well with the area, nor would it have a rural feel. There would be blank walls/elevations facing neighbouring properties. The proposed tall security fence would create a corridor to access Westhorpe House, which would be harmful. The size and height of development will dominate Marlow, and the build would be low quality, and not well maintained in the long run.
- 13.14 The site is designated as a Country Park to be conserved in the WLP, and this would conflict with policy RUR4. The development would breach the policy which limits development to that associated with outdoor sport and recreation, if it preserves the openness of the Green Belt. The site also serves as mitigation for the housing provision of 500 homes in Bourne End. It could also discourage users of the Spade Oak Gravel Pit.

*Living conditions*

- 13.15 Overall, there are many objections that the provision of the film studios close to residential dwellings at Westhorpe House and Park and dwellings off Westhorpe Farm Lane would result in a permanent loss of amenity, from the sheer change, activity and scale, including concerns over noise increases. This would completely change their existing environment and would be disruptive and adverse. The proposed tree screening would take years to establish.
- 13.16 Objections relates to the increase in traffic causing harm to the residents of Westhorpe Park and House, who will use the same access. Many of Westhorpe Park residents are elderly and there are claims that the

proposal would detrimentally affect the mental health of surrounding occupants. Views from houses on Westhorpe Park and House would change to a MSCP or other tall building.

- 13.17 Many claim that the enjoyment of existing footpaths would be reduced and the effects of construction noise and light pollution will negatively impact residents' quality of life.

### *Environment*

- 13.18 Objections relate to contamination concerns with the land being previously landfill. The BNG would not address the displacement of existing animals and wildlife. Concerns are raised that the BNG proposed would not be provided, and that the baseline figures are inaccurate. There would be destruction of wildlife and habitats/natural environment including broadleaf woodland. This would have climate change implications.
- 13.19 The solar panels and green roofs would not provide suitable mitigation for ground nesting birds. It is claimed that one of the impacted watercourses has been incorrectly categorised and not considered appropriately in mitigation and net gain calculations.
- 13.20 The development could contribute to flooding as ground/trees would be replaced with hard surfacing. The site is in a floodplain. There are concerns that the effect of night filming could have upon nocturnal species.

### *Planning*

- 13.21 Objections relate to the proposal being contrary to the settlement strategy. The site is not allocated for employment and should not be used for development. Some concerns refer to the effect on heritage assets. Letters refer to the site being restricted to stop future housing development.
- 13.22 Other objections refer to a failure to consider other for the proposal, other existing development under construction and the loss of green spaces, effects on climate change, fears of fly tipping, effect of noise from aircraft on the studios, the proposal leading to more houses and schools in the area, loss of the space for exercising dogs, and concern over the best interests of children. The proposal would not support levelling up, with its location in the South.

## **Summary of support from individual letters**

### *Economic and need*

- 13.23 Supporters cite that the proposal would give Buckinghamshire and the UK a continuing competitive advantage in this industry. There is a need to develop the pipeline of local creative talent to tackle the skills shortage. The proposal would provide strong links to the local educational community, bringing the industry, local talent and creative sector together.
- 13.24 It would provide jobs and careers to the local economy, many of whom are already skilled in this sector, and this would be important for the long-term prosperity of any community. The proposal would be an iconic, world-

leading facility that will attract other businesses to the area, creating access points to the creative economy for an underrepresented diverse community. Studio space is at an all-time high for demand, being one of few industries generating growth for stalled post-Brexit economy.

- 13.25 The UK is a leading destination for film and HETV, and this area in particular in the WLC. There should be a presumption to support the creative industries for them to thrive. The economic benefits would be huge and there is a huge need for additional studio space.

#### *Highways*

- 13.26 Statements have been made that there would be positive improvements to cycle and pedestrian infrastructure, paid for by the developer. The proposal would provide sustainable transport options and would positively improve transport links by providing new buses and routes. There is easy access to major road networks from the site.

#### *Character and appearance*

- 13.27 The land is derelict and landfill, next to a major road network. The proposals would be an improvement, putting wasted land into good use. They state the proposal would be world class, high quality design, fit for purpose.

#### *Green Belt*

- 13.28 Supporters state that VSC are justified by the economic and community benefits. The site cannot be used for any alternatives and Green Belt policy is outdated. They also say that the land would be grey belt, and thus suitable for development.

#### *Community benefits*

- 13.29 Supporters state that there would be associated opportunities to benefit surrounding areas. The proposal would create an economic and cultural hub. The new community building would be welcome, and there would be investment in local businesses and opportunities for young people, especially from the proposed Culture and Skills Academy.
- 13.30 Many detail that film and TV workers live locally due to local studios so they would have less of a commute and will be able to benefit from local childcare facilities and the health and fitness facilities to be provided. The Council would benefit from the business rates.

#### *Environment*

- 13.31 It is asserted that there would be improvements to the natural environment, with a reduction in sound pollution from A404 to residents. The proposal would create space for wildlife, with 20% BNG. Around 25% of the site would be used for public enjoyment. Supporters detail that there would be a low environmental impact, and provision for the enhanced enjoyment of footpaths would be included.

### **British Film Commission<sup>507</sup>**

- 13.32 The BFC is the UK Government's national organisation responsible for supporting inward investment film and TV production in the UK, funded by the Department for Culture, Media and Sport (DCMS) through the BFI and by the Department for Business and Trade (DBT), with corporate sponsorship from key film and TV clients including HBO, Netflix, Walt Disney Studios, and Warner Bros.
- 13.33 The BFC, along with their public and commercial partners, work to ensure that the UK remains the leading destination for major international and domestic film and TV production. The UK film and TV industry continues to be extremely valuable in terms of employment and investment. The sector's importance to Government was reaffirmed through the support announced by the Chancellor of the Exchequer in the Spring Budget - the introduction of a new tax credit for qualifying films with budgets of up to £15m and an enhanced offer to incentivise visual effects. Both these measures are designed to boost the UK's world-class film and TV industry and complement longer-term sector tax credits that have been tailored specifically to attract major, high-end projects.
- 13.34 Studios in the south-east of England, not least those within Buckinghamshire, continue to host some of the highest-profile and most commercially successful film and TV productions of all time. The region benefits from the UK's largest crew base, leading creative talent, iconic locations and cutting edge production, post-production, and visual effects facilities, all of which contribute to the area's reputation as one of the best places in the world to produce high-end content.
- 13.35 Additional studio capacity would not only allow the region to build on its already established and impressive reputation amongst international clients but would also provide a considerable boost to the combined efforts of the BFC and their public and commercial partners to market the region and the wider UK globally as a leading destination for major feature film and HETV production.
- 13.36 The BFC has been in regular contact with the development team at MFS and continues to support this studio proposal.

### **Natural England<sup>508</sup>**

- 13.37 NE originally objected<sup>509</sup> to the proposal because of the effect on the integrity of the Burnham Beeches SAC, and as the proposal would undermine the proposed mitigation Hollands Farm. However, this matter was resolved (as detailed above [1.6]).
- 13.38 NE also state that, there are no landscape issues which, based on the information received, necessitate NE's involvement. However, this does not confirm that there would not be a significant adverse effect on landscape or

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<sup>507</sup> Contained in CD3-002 (LPA Committee Report)

<sup>508</sup> CD9-30

<sup>509</sup> CD3-012

visual resources or on the statutory purpose of the area, as this is a matter for the Council.

- 13.39 They also set out that the development is located partly within an area which NE has assessed as meeting the criterion for designation as a CNL, (known as a Proposed Boundary Extension Area) and may be included within a boundary variation to the Chilterns CNL. They state that whilst this assessment process does not confer any additional planning protection, the impact of the proposal on the natural beauty of this area may be a material consideration in the determination of the proposal.
- 13.40 NE considers the Chilterns to be a valued landscape. They detail an assessment of the landscape and visual impacts of the proposal on this area should be undertaken, with opportunities taken to avoid or minimise impacts on the landscape and secure enhancement opportunities. Any development should reflect or enhance the intrinsic character and natural beauty of the area and be in line with relevant development plan policies. In addition, Section 245 (Protected Landscapes) of the Levelling Up and Regeneration Act 2023 places a duty on relevant authorities to seek to further the statutory purposes of the area in carrying out their functions in relation to, or so as to affect, land in a NL.

#### ***The Chilterns Conservation Board<sup>510</sup>***

- 13.41 The CCB object to the development, owing to the effect on the visual setting of the CNL, including the impact when viewed from Winter Hill, the landscape erosion of the Country Park (policy RUR4) and its impact on the CNL, and the failure to comply with VSC tests in Green Belt. This is due to the material erosion of the rural landscape and inability to assist in safeguarding the countryside from encroachment, and the consequential impact on the CNL's setting.
- 13.42 The CCB concluded that the proposal would be demonstrably harmful to the landscape setting of this part of the CNL and contrary to Policy RUR4. Such a high-density grid of buildings would erode the panoramic view from Winter Hill and would be both striking and jarring in that vista, from which great public benefit is derived. A great swathe of land, some green belt and riparian and some CNL would be materially eroded in its visual (perceptual) landscape and in its landscape character and its quality. They consider the proposal does not meet the NPPF which requires that development is 'sensitively located and designed to avoid or minimise adverse impacts on the designated areas.' The visual impacts cannot be mitigated to any meaningful degree.
- 13.43 They also raise concerns about the effect of lighting from the proposal and the effect of light spill at night time. They assert that the impacts would be visible from Winter Hill.

#### ***The Chiltern Society<sup>511</sup>***

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<sup>510</sup> CD9-08A

<sup>511</sup> Contained in CD3-002 (LPA Committee Report)

- 13.44 The Society strongly object to the proposal. They state incompatibility with Green Belt policy, and demonstrable real-world significant harm to the openness of the Green Belt; significant landscape harm both at a local level, and in long-distance views from Winter Hill and other locations in the CNL. There is a fatal undermining of Policy RUR4 and its objective of a Country Park sizeable enough to provide recreational opportunities, including a SANG for Burnham Beeches, whilst safeguarding and enhancing its biodiversity value. There would be severe traffic impacts, there is a lack of evidence of need, a flawed site selection process, and huge uncertainties over deliverability, viability, and any economic benefits that might accrue.

***Berkshire, Buckinghamshire & Oxfordshire Wildlife Trust***<sup>512</sup>

- 13.45 Object to the proposal, raising a number of concerns relating to the impacts on Marlow Gravel Pits Biological Notification Site, Thames Valley Local Biodiversity Opportunity Area. They are concerned over development within Green Belt, the impacts on Burnham Beeches SAC because of the undermining of mitigation for Allocation BE2- Hollands Farm. They state that are errors and omissions in the biodiversity gain metric and insufficient evidence to support BNG, and that the site is an open mosaic habitat on previously developed land, a priority habitat may be present and impacted.

***Buckinghamshire New University***<sup>513</sup>

- 13.46 BNU supports MFS's aim to provide a new global centre for filmmaking. There is a strategic alignment between the university and the studios, with BNU committed to working with MFS to deliver the proposals for the Skills and Cultural Academy and provision of an on-site, dedicated education facility, enabling students to work directly with industry.
- 13.47 MFS represents a unique opportunity for Buckinghamshire and the UK to gain economically from the opportunities afforded by the film industry, including through the creation of new jobs. BNU strongly endorses the commitments to equality, diversity and inclusion, and the delivery of a sustainable studio. Sustainability is of paramount importance to the University, and their plans to increase biodiversity, use low-carbon construction, work to the BREEAM standard, and plan for a net zero operation are welcomed.

***Pact***<sup>514</sup>

- 13.48 In order to maximise the production of major international feature films and HETV, there is a need for new and purpose built facilities to match the global demand and quality. MFS would be of sufficient scale to attract

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<sup>512</sup> Contained in CD3-002 (LPA Committee Report)

<sup>513</sup> Contained in CD3-002 (LPA Committee Report)

<sup>514</sup> Contained in CD3-002 (LPA Committee Report)

these major films and HETV. Studios would expand the capacity of world-leading clusters of major studios.

### ***Creative England***<sup>515</sup>

- 13.49 Creative England is a national agency endorsed by the Department for Digital, Culture, Media and Sport (DCMS) and funded by the BFI. They support the proposal, stating that it responds directly to shortage of studio space in UK that Creative England has seen over the last few years. They consider that Buckinghamshire is in the super production hub of the South-East of England, and the proposals would support long-term employment and training opportunities for local people in the area and surrounding counties, which would help to develop a sustainable and diverse workforce.

### ***Buckinghamshire College Group***<sup>516</sup>

- 13.50 The College Group consider that the proposal would be a good opportunity for students to work with MFS, who would be able to support courses on subjects such as VFX, set design etc. There would be a strategic alignment between the college group and MFS, with a commitment to utilise the proposed Skills and Cultural Academy and provision of an onsite, dedicated education facility, enabling students to work directly with industry.
- 13.51 Every year, they train over 400 students who go on to enter the film and tv industry. They play a vital role in providing the talent pipeline into the industry, which speaks to the world-leading role that the industry already enjoys in Buckinghamshire. They also train hundreds of students and apprentices who have the potential to work in the sector – carpenters, joiners, electricians, and accountants. They consider that MFS would open up additional pathways into these careers and stretch their students' ambitions.
- 13.52 The College Group would look to work with film studios to provide on-site education and experiences, working directly with industry professionals, and they strongly endorse the MFS commitments to equality, diversity and inclusion, being aware of the huge challenges the creative industry faces driving this change. They detail that MFS represent perhaps the most significant investment in Buckinghamshire's jobs in a generation and investments of this scale are the investments that make the difference.

### ***Marlow Living Streets Group***<sup>517</sup>

- 13.53 The Living Streets Group support the proposal, and state that it would be an ideal location for the proposal, adjacent to a SRN, in a geographical cluster of similar businesses, supply chain industries, film industry workers and education providers in the local area. They consider that Policy RUR4

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<sup>515</sup> Contained in CD3-002 (LPA Committee Report)

<sup>516</sup> Contained in CD3-002 (LPA Committee Report) and comments submitted in relation to the appeal notification letter dated 15 October 2024

<sup>517</sup> Contained in CD3-002 (LPA Committee Report) and comments submitted in relation to the appeal notification letter dated 1 November 2024

has proven undeliverable, and the loss of 36ha from the allocation would be offset by capital investment, restoration of former landfill, BNG, access improvements, rights of way upgrades, income stream and café.

- 13.54 They consider the effect on the CNL and landscape would be acceptable, given the location adjacent to the A404 and A4155, with the buildings being sensitively contained, using green walls and landscaping.
- 13.55 The proposed signalised improvements to traffic flow from the A404 would seem to offer significant safety benefits to users. Peak-time traffic flow around the Westhorpe Interchange is already “severe and unacceptable” at peak times, and this would be somewhat ameliorated by the proposed improvements. They support the vision to limit private car usage to 60%, stating it is a worthy objective that should be facilitated.

#### ***Marlow Film Studios Advisory Council***<sup>518</sup>

- 13.56 Support the proposal and set out that international competitors envy success and want to draw investment away from the UK, and we must not be complacent. They consider that MFS would deliver impressive benefits to the long-term success of the film and high-end television industry in Buckinghamshire, and to the consequent livelihood and productivity.
- 13.57 They detail that the project is based on sound principles of sustainable development, with more than half of the land involved secured exclusively for wildlife, training and culture or quiet recreation for the local community. They support the road improvements and two new public bus services and the economic benefits over generations.

#### ***Buckinghamshire Business First***<sup>519</sup>

- 13.58 BBF provide businesses in Buckinghamshire with knowledge, support and opportunities for growth. They consider that the application delivers significant benefits, meeting the clear need for more film and television facilities, as the UK continues to be one of Hollywood's preferred destinations for filming big budget feature films. It would further grow a sector which Buckinghamshire leads on both nationally and internationally helping achieve local and national government policy objectives.
- 13.59 They are particularly interested in the education and skills commitments which will provide significant opportunities for the younger generation to gain the skills, knowledge, and experience necessary to support a future career in the creative industries. They consider the proposal would also broaden existing supply chains in the county that support the Creative Industries sector.
- 13.60 BBF detail that the film studio application would be a major catalyst to making sustainable public transport options more accessible for the surrounding communities would benefit from the proposal. They find that

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<sup>518</sup> Contained in CD3-002 (LPA Committee Report)

<sup>519</sup> Contained in CD3-002 (LPA Committee Report) and comments submitted in relation to the appeal notification letter dated 1 November 2024

connectivity would be improved through the creation of a new transport hub and 2 new bus services including a direct half-hourly bus between Maidenhead and High Wycombe and a new half-hourly hopper service around Marlow, Little Marlow and Bourne End. Residents would also benefit from the proposed community building, upgrades to cycling and pedestrian infrastructure, and delivery of a range of measures, including using 25% of the site for public enjoyment and wildlife and additional offsite interventions, including 20% BNG in the natural environment within the local area.

### ***Campaign to Protect Rural England***<sup>520</sup>

- 13.61 They object to the proposal, citing concerns over the substantial harm to the Green Belt, with no VSC. They detail that the economic case is weak, other studios are not developing their proposals or are going into administration. There would be a detrimental effect on mental health. They also detail that the BNG is exaggerated and carbon emission figures have been strategically worded to avoid obvious issues.

### ***Carousel Buses Limited***<sup>521</sup>

- 13.62 Support the proposal and consider that the VSC test has been met. The vision led approach puts primary reliance on maximising the contribution of sustainable modes first. A 40% target sustainable mode share is considered to be highly ambitious given the site's location and the specialist workforce required. However, if "Vision-led" transport strategies are to be pursued as the key policy approach to support sustainable development, this level of focus on sustainable modes is no doubt commensurate with what ought to be sought from other major development sites in future. This will not only meet climate change policy goals, but also ensure that future demands made on the local and national highways networks are first contained within existing levels, and then, damped to an extent that starts to permit much more consistent and reliable journey times for all road users, including bus services.
- 13.63 The MFS benefits from a location that can be made very sustainable, but also demonstrably transforms the relevance and attractiveness of these modes over a much wider area – one that is currently highly car dependent.
- 13.64 Shortly before the planning application was refused, Arriva closed its business in Wycombe and South Buckinghamshire. Arriva had been a large operator in South Buckinghamshire and offered the main public bus services in Marlow. Carousel stepped in to replace all Arriva's services in and around Wycombe District and South Buckinghamshire from the closure date. From September 2024, they have managed to re-instate bus frequencies in Marlow that had been previously cut.

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<sup>520</sup> Contained in CD3-002 (LPA Committee Report)

<sup>521</sup> Comments submitted in relation to the appeal notification letter dated 15 November 2024

- 13.65 We are in a strong position to ensure that the package of services offered to maximise the contribution of sustainable travel to the site is not only effectively delivered, but does so in a manner that ensures that the overall level of service to the site and the immediate area is leveraged to provide what can justly be described as a transformative public transport offer to a very large number of Marlow residents. This will certainly include:
- i. Overall uplift of frequency between Marlow and High Wycombe to at least 4 daytime buses per hour initially, of which two/hour will run fast, followed in phase 2 to a three per hour fast service, which set against a likely 20-minute core service would offer a bus about every 10 minutes between Marlow and High Wycombe.
  - ii. A new direct bus link between Marlow and Maidenhead every 30 minutes
  - iii. Links between the site and Twyford, continuing to Reading, at least every 30 minutes for additional rail connectivity to the west, among many other things. This is over and above the commitment made by the applicant in their submitted transport strategy, and arises directly from our assumption of the former Arriva operation.
  - iv. The more seamless incorporation of the “Hopper” local service proposed by the applicant into the local bus service network creating an even higher level of local connectivity not only to the film studios site, but across the whole wider area south of High Wycombe. For example, there will be inter-connectivity at Bourne End between this “Hopper” service and the 36/37 route group, offering connections beyond to Flackwell Heath, Wooburn Green and other parts of south and east Wycombe.
- 13.66 The bus service will be available to the public, rather than a private shuttle bus, which presents materially wider benefits to the locality that could not be secured by any other credibly imaginable means.
- 13.67 The nature of the bus service package proposed, and the minimum 10-year commitment to maintaining it, represents an exceptional opportunity to positively rebalance the mode choice in Marlow away from personal car use, as well as for trips on the wider A404 corridor between High Wycombe and Maidenhead. This is exactly what a “Vision-led” transport strategy should be aiming to achieve.
- 13.68 We provide the strongest level of assurance that not only is a very high public transport mode share possible, but is also sure to achieve a substantial shift in travel behaviour among a wider population for whom currently, driving is the only realistic choice. The proposals demonstrate strongly that trip demands from the proposals, as well as from the wider Marlow area will benefit from a transformative public transport offer, whether considered in terms of bus service frequency, speed, directness and range of key destinations.

**Marlow Society<sup>522</sup>**

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<sup>522</sup> Contained in CD3-002 (LPA Committee Report)

- 13.69 Objects to the proposal, with concerns over the effect of the proposal on the Green Belt and lack of VSC, its siting, impact on heritage, transport (including active transport, cycling and pedestrian concerns, capacity and modal shift), the environment, the Country Park, out of date social/economic data, the lack of need for the proposal, and a failure to meet 'levelling up criteria'.

***Cookham Society***<sup>523</sup>

- 13.70 Objects to the proposal, with concerns over the impact on views from Winter Hill, the effect on Cookham Bridge and increases in traffic overall given housing developments already granted planning permission in the area. Further concerns are flood risk, Green Belt issues, urban sprawl and there being a lack of VSC, the scale of the proposal, glare from the solar panels, and the effect on Quarry Woods.

***Little Marlow Residents Association***<sup>524</sup>

- 13.71 Objects to the proposal on several grounds. These comprise concerns over the failure to protect the Green Belt and lack of VSC, previous applications in the area failing to deliver mitigation, a lack of other brownfield locations, traffic increases, flooding, air quality, rights of way, sewage capacity, lack of need and sufficient studio capacity in the pipeline, flawed sequential test, reduction in biodiversity and off site BNG not guaranteed, the appellant being a property developer, inappropriate gateway to Marlow, conflict with Policy RUR4 Country Park, and a weak economic case.

***Transition Town Marlow***

- 13.72 Objects to the proposal, raising concerns over the loss of Green Belt, the effect of conflict with Policy RUR4 Country Park, the effect on the CNL. They state there is already high employment and low vacancy rates. There would be a loss of biodiversity and Rights of Way issues. The height of the proposal would impact on views, and the proposal would not use sustainable construction. The transport plan would be unrealistic, it would more than double the current flow of the A4155 and HGVs not accounted for, the entrance junction relies on land outside developer's control and there would be more congestion, pollution and irreversible damage to natural environment.

***Transition Marlow (walking and cycling)***

- 13.73 Object to the proposal, on the grounds of transport issues and impact on local environment. The Transport Strategy is unreasonable, the new roundabout would not be compliant with LTN1/20 and not cycle-friendly. There would be no assistance for crossing the A4155, nor any improvements to the northern shared-use path, no clear cycling provisions for approaching the roundabout and no protection from traffic. The Bisham roundabout is already known to be hazardous and another similar

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<sup>523</sup> Contained in CD3-002 (LPA Committee Report)

<sup>524</sup> Contained in CD3-002 (LPA Committee Report)

roundabout should be avoided. The lack of reduction in speed limits is a concern, as is the lack of off road cycling or active travel provisions.

### **Wild Marlow**

- 13.74 Object to the proposal, with concerns over insufficient onsite BNG, adverse impacts from lighting, noise to ecology, conflict with the development plan and loss of part of Marlow Gravel Pits Biological Notification Site (BNS). Contributed to the round table session on Ecology and have produced an ecological assessment<sup>525</sup>.
- 13.75 There are specific ecological constraints that have not been adequately assessed, such as otter, barn owls, pyramidal orchids, bats, stonewort and badgers. The ecological mitigation should be provided on site, and Spade Oak Lake Nature Reserve is not a suitable SANG for multiple large developments.
- 13.76 Concerned over the ecological impacts of outdoor filming activities, and the effect of dusk breeding bird surveys. Otters would be highly likely to habitat the site. Interspersed scrub and ephemeral vegetation in plot 4 has ecological importance including orchid assemblage, and there is insufficient evidence to assess ecological impacts on Westhorpe Lake. There is limited information for badger mitigation. They consider the reptile survey and river condition assessment to be insufficient.
- 13.77 They consider that the BNG value of the site has been downplayed and remain uncertain of the 20% BNG asserted by the appellants. The presence of water vole was considered unlikely, though they assert that the site is considered to offer suitable habitat, because it is linked to waterbodies and courses and suitable terrestrial habitat to the River Thames and Spade Oak Local Nature Reserve that have anecdotal records of water vole activity.

### **Other comments**

- 13.78 The Environment Agency, Cadent Gas, Thames Water, Historic England offered no objections, subject to conditions. Middle Thames Bird Conservation Trust raise concerns over the effect on Barn Owls. Little Marlow Lakes Country Park Community Partnership raise concerns over traffic, green belt, and loss of the country park. Wild Cookham raise concerns over Green Belt, BNG and noise, light and vibration issues. The Open Spaces Society are concerned about the impacts on the rights of way, the effect on the CNL, and consider the proposal would be out of keeping with the surrounding area. Ramblers Bucks objects on the wildlife impact and effect on rights of way.
- 13.79 The Production Guild consider that MFS would be a catalyst for accommodating UK productions, offering a unique economic and cultural proposition. Screen Skills detail that there is a huge demand for studio space, there would be localised job creation and employment opportunities,

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<sup>525</sup> Submitted in response to the appeal notification, dated 17 December 2024 (John Wenman Ecological Consultancy)

and that the UK tax credits and skilled workforce inward investment and created the current production boom.

## **CONDITIONS AND PLANNING OBLIGATION**

### ***Conditions***

- 14.1 Without prejudice to the outcome of the decision, the recommended conditions are detailed below. All 3 main parties participated in the discussions on the conditions, and where there were remaining areas of disagreement, there are detailed in my considerations and recommendations. I also consider compliance with the tests for conditions and the reasons for them.

### ***Planning Obligations***

- 14.2 The BA and the UU make provision for:
- i. Travel Plan, including bus services.
  - ii. MSIS and the OMP
  - iii. Minerals (ROMP)
  - iv. Further transport measures
  - v. Highway works and footpath, footway and cycleway provision
  - vi. Local Economic Benefits Provisions
  - vii. Public Use provisions
  - viii. Biodiversity Net Gain Provisions
  - ix. Café facilities
  - x. Public Art
  - xi. SUDS
  - xii. Management Company
  - xiii. Charging points

### ***Travel Plan***

- 14.3 Given the levels of vehicular movements expected to be generated by the development, and the proposed modal shift, a travel plan would be required to promote the use of sustainable modes of transport to and from the site to reduce the reliance on single occupancy, private car travel. This is set out in Schedule 1, part 1 of the BA. This would be in addition to a travel plan monitoring contribution, annual travel plan monitoring report and appointment of a travel plan co-ordinator. The annual monitoring report must also be aligned with the Car Travel Mode Share Report, and the obligation requires that reasonable endeavours are used to achieve the travel plan targets. If the targets are not met, there is a requirement to submit remedial measures. If the targets are not met by the 5<sup>th</sup> anniversary of occupation, a further 5 years of monitoring are required and a further travel plan monitoring fee would be payable.
- 14.4 Schedule 1, part 1 also requires that from the date of occupation, the bus stops will be provided and bus services phase 1. Phase 1 comprises the primary bus service operation between High Wycombe railway station – Handy Cross Park and Ride – Maidenhead railway station to operate a minimum of 3 vehicles, every 30 minutes from 0600 – 1900 Monday to Friday, and a minimum of 2 vehicles in operation, every 60 minutes from

0600-1900 Saturday and Sunday. The 'hopper' bus service between the site – Marlow town centre – Marlow railway station – Globe Business Park – Bourne End railway station shall operate a minimum of 1 vehicle seven days per week.

- 14.5 Phase 2 bus service comprises the primary bus service to operate a minimum of 4 vehicles, every 20 minutes from 0600 – 1900 Monday to Friday, and a minimum of 2 vehicles in operation, every 60 minutes from 0600-1900 Saturday and Sunday. The 'hopper' bus service would operate a minimum of 2 vehicle seven days per week. Phase 2 would be required at occupation of 40% of the film production facilities. Bus incentive measures are required and would include improved ticketing, advertising, marketing etc. Annual bus service monitoring is required and the services are to be commenced and operated for a minimum period of 10 years.

#### *MSIS and OMP*

- 14.6 Schedule 1, part 2 requires a MSIS is be submitted to the Council for approval, which would promote and make provision for the MSIS Target of no more that 60% of visitors to the site arriving by car (including electric vehicles).
- 14.7 This shall be implemented for 10 years from first occupation, and on substantial occupation (which is greater than 50% of the total floorspace of film production facilities), and each year thereafter, there is a requirement to provide the Council with a Car Travel Mode Share Report.
- 14.8 If vehicle movements exceed the Threshold Trip Generation (which is 451 2 way traffic movements between 0700-0800, 380 2 way traffic movements between 0800-0900 and 500 2 way traffic movements between 1700-1800), then a programme of works is to be submitted to the Council to manage the Threshold Trip Generation and secure approval for a detailed OMP. The OMP is a set of restrictions that would be required if the Threshold Trip Generation was exceeded. These comprise:
- i. On site operational arrangements to limit access and egress from the site in response to the use and operation of the development in exceedance of the Threshold Trip Generation.
  - ii. A communication protocol to be employed by the operators of the site, the travel plan coordinator and the community liaison manager to secure full and immediate compliance with the OMP by all users.
  - iii. Penalty terms that would secure in contract by the owners and future occupiers to reinforce the requirements for full and effective compliance with the OMP, and.
  - iv. any further reasonable steps identified by the Council in response to the breach of the Threshold Trip Generation.
- 14.9 The works would need to be carried out to secure effective management of the Threshold Trip Generation, within an agreed timeline, to comply with the OMP and achieve the MSIS target.

#### *ROMP*

- 14.10 Schedule 1, part 3 requires that there shall be no further landfill, mineral extraction and operation works carried out in relation to any extant extraction consents. Whilst not a revocation order, it means that the signatories to the BA, and their successors in title, could not re-commence the mineral extractions association with the extant permissions. This ensures compliance with the development plan.

*Further transport measures*

- 14.11 Schedule 1, part 4 requires that, following the first year of occupation, the Council may call on the traffic mitigation contribution (which is a financial contribution of £22,000) to assess the impact of traffic speed in relation to vehicles movements on the A4155, by undertaking a traffic speed survey and the consultation process for any necessary TROs.
- 14.12 If TROs are considered necessary by the Council having considered the speed survey results, the residue from the traffic mitigation contribution would be required to secure the TROs.
- 14.13 Part 4 also requires that, following the second year of occupation, the Council may call on the parking mitigation contribution (which is a financial contribution of £100,000) to assess the impacts on any on street parking resulting from the development on nearby streets (listed under Part 4, paragraph 7). This would comprise a parking survey and the consultation process for any necessary TROs.
- 14.14 If TROs are considered necessary by the Council having considered the car parking survey results, the residue from the parking mitigation contribution would be required to secure the TROs.
- 14.15 These measures would ensure that any identified safety concerns with speeding traffic, or inconvenience for residents due to on street parking would be suitably mitigated.

*Highway works and footpath, footway and cycleway provision*

- 14.16 A programme of highway works would be required, as detailed in the highway works delivery programme that would be submitted to the Council for approval. These are set out in Schedule 4 and comprise site access works, improvement of Westhorpe Interchange, A4155 Marlow Road/Sheepridge Lane works, A4155 The Parade/Cores End Road/Station Road works, Westhorpe Interchange pedestrian and cycle improvement works, dedication of footpaths LMA/20/1 and MAW/16/2 passing through the Site as public Bridleway Works under Section 25 Highways Act 1980, pedestrian and cycle improvement works to the east of the site, pedestrian and cycle improvement works to the west of the Westhorpe Interchange, pedestrian and cycle improvement works to the crossing on Little Marlow Road, pedestrian and cycle improvement works to the west of the Volvo Footbridge, provision of additional footpath improvements at Wiltshire Road, Marlow and the provision of additional footpath improvements at Westhorpe Road, Marlow.

- 14.17 A scheme for footpath and cycleway off-site links scheme would also be submitted that will comprise the provision of the Westhorpe Interchange pedestrian and cycle improvement works and any wider pedestrian and cycleway works; pedestrian and cycle improvement works to the east of the Site; pedestrian and cycle improvement works to the west of the Westhorpe Interchange; pedestrian and cycle improvement works to the crossing on Little Marlow Road; pedestrian and cycle improvement works to the west of the Volvo Footbridge; and dedication of those lengths of Footpaths LMA/20/1 and MAW/16/2 passing through the Site as public Bridleway Works under Section 25 Highways Act 1980.
- 14.18 This scheme will include a programme of works, long term management and stewardship. The approved works would be required to be secured prior to first occupation.

*Local economic benefits provisions*

- 14.19 Schedule 2, Part 6 requires that a film studios delivery strategy shall be approved by the Council, which would ensure early and effective delivery of the film production facilities. Delivery of an industry standard construction apprenticeship scheme for Local People will be required and procurement of early pre-recruitment engagement with local people. This is to ensure that they are given the opportunity to learn new skills, are notified of potential vacancies and given the opportunity to train and apply for jobs in the construction of the development.
- 14.20 Additionally, a scheme to:
- i. Provide an apprenticeship/training programme providing at least 60 new training places per year, at a total cost of £1,040,000 (£104,000 per annum) for a period of 10 years. There is also a requirement to use reasonable endeavours to ensure that a minimum of 20 of the trainees per year are local people and no less than 40% of the trainees are selected from culturally, ethnically or racially/inclusivity candidate groups.
  - ii. Provide a bursary in the sum of £525,000 (£105,000 per annum) for a period of 5 years, to support new employees within the film production facilities in progression of their careers in the film industry.
  - iii. Encourage prospective tenants of the units forming part of the film production facilities to adopt a proactive locally focused employment and skills strategy.
  - iv. Facilitate working with the Bucks Skills Hub and local schools to deliver a range of educational activities.
  - v. Facilitate working in partnership with the Buckinghamshire Skills Hub Jobcentre Plus and other relevant agencies to provide work placement opportunities for local people within the film production facilities.
  - vi. Provide quarterly monitoring report for a period of 5 years on how targets in the approved strategy are being met and secure reasonable arrangements in audit of the approved strategy and the provision of any reasonable and proportionate remedial measures; and

- vii. Appointment a part-time employment scheme co-ordinator.
- 14.21 The Skills and Cultural Academy and the Community Hall must be open for use before 30% of the studios is occupied. A Schools Outreach Programme and Skills and Cultural Academy Programme are to be submitted, which shall include management arrangements and associated resources in utilisation of the Skills & Cultural Academy and a programme of film and media learning support in education at primary, secondary and tertiary education levels (to include the proposed provision of 'studio summer camps').
- 14.22 There is a requirement to prioritise employment opportunities for local people, to provide and implement a programme of open days, open day training events and quarterly local employment fairs to ensure that employment opportunities arising at the site are marketed and offered to local people; and to work with the Council, the Bucks Skills Hub, Jobcentre Plus, local employment agencies and tenants/occupiers of the Film Production Facilities to achieve this.
- 14.23 There is a requirement that for a period of 5 years from commencement, to prioritise opportunities for local businesses to supply goods and services to the film production facilities.
- 14.24 There is also a requirement to ensure that the Incubator Hub is designed to accommodate start-up businesses and facilitate business growth and support to the wider film and creative industries across the UK and in particular in Buckinghamshire and the south west London areas. This is for a minimum period of 5 years.

#### *Public Use Provisions*

- 14.25 Schedule 1, Part 7 a Skills & Cultural Academy and Community Hall programme to ensure delivery of the Skills and Cultural Academy, Incubator Hub and Community Hall together with the Recreational Land. The scheme would include management, maintenance and booking arrangements to use these facilities, and arrangements to secure and maintain permissive access to the Recreational Land. Part 7 also requires there to be a website for a local screen supplier directory and community engagement and liaison platform.
- 14.26 There is also a requirement to establish a community liaison group and to pay a contribution towards this. The liaison group will consist of one director of the Council or nominee, a representative of the local Parish Councils and a representative from the site owners. The purposes of the Community Liaison Group would be to discuss any issues that arise or may arise in respect of the development with the intention that such discussions will reduce the possibility of disputes and misunderstandings. The Community Liaison Group will meet at least once every 6 months for a period of 10 years following the commencement.

#### *BNG Provisions*

- 14.27 Schedule 1, Part 8 requires a BNG offsetting scheme to be submitted to the Council, which shall ensure that development will result in at least 20% BNG, along with a BNG monitoring contribution. The scheme will include a full plan of the agreed receptor site (comprising no less than 18 hectares of former agricultural land) and a BNG management and monitoring plan.
- 14.28 There is a clause to ensure that if the BNG falls short of 20%, there is an offsetting contribution payable to the Council.

#### *Café facilities*

- 14.29 Schedule 1, Part 9 required that prior to 50% occupation of the film production facilities to make available the café for public use and if the café should cease trading in the first 5 years, to submit and secure written approval for a marketing scheme.

#### *Public Art*

- 14.30 Schedule 1, Part 10 requires for a substantial public art scheme within or off site to reflect the provision of an internationally important film studio at Marlow. This is to be installed prior to occupation.

#### *SUDS*

- 14.31 Schedule 1, Part 11 requires a SUDS scheme to be submitted, approved and implemented, and thereafter maintained and managed by a management company.

#### *Management*

- 14.32 Schedule 1, Part 12 sets out the requirements for the appointment and retention of a management company.

#### *UU*

- 14.33 The UU goes further in relation to Public Use Provisions. Schedule 1, Part 1 details that the owners will not occupy the Skills & Cultural Academy unless and until they have:
- i. Established a website in the provision of priority tickets to a cultural and screening programme to the Park Homes Residents on a reasonable concessionary basis.
  - ii. Offered to the Park Homes Residents the provision of enhanced security for the Park Homes Residents in the installation of a new secure entrance barrier.
- 14.34 It also commits to offering the Park Homes Residents the provision of one free bus pass for 12 months.
- 14.35 Part 2 of the Schedule commits to securing 2 new vehicular charging points within the vicinity of Marlow town centre.

## **INSPECTOR'S CONSIDERATIONS**

*References to earlier paragraphs in this report are in square brackets [ ].*

## **Main considerations**

- 15.1 The main considerations are:
- i. Whether the proposal would be inappropriate development in the Green Belt, considering utilisation of grey belt land, demonstrable unmet need and locational sustainability.
  - ii. The effect of the proposal on the character and appearance of the area, including the setting of the Thames Valley and CNL.
  - iii. The effect of the proposal on the function and amenities of the surrounding area, with specific reference to Policy RUR4 of the WDLP.
  - iv. The effect of the proposal on the surrounding road network, sustainable modes of travel, and the safety of all highway users
  - v. The effect of the proposal on the living conditions of existing residents.

## **Whether the proposal would be inappropriate development in the Green Belt**

- 15.2 This requires an assessment as to:
- i. Whether the 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.
  - ii. Whether there is a demonstrable unmet need for the development; and,
  - iii. Whether the development would be in a sustainable location, with particular regard to whether the proposal would support active and sustainable modes of travel.
- 15.3 It is agreed between all parties that the proposal would be inappropriate development unless the requirements in paragraph 155 of the NPPF are met.

### *Would the development utilise grey belt land?*

- 15.4 Based on the definition of grey belt in the NPPF, for the site to be grey belt land, it must not strongly contribute to Green Belt purposes (a), (b) or (d) set out in NPPF 143. The application of policies in footnote 7 would not provide a strong reason for refusal in this instance and the main parties agree that the land would not strongly contribute to purpose (d).
- 15.5 The Council [10.12] 10.11 and appellant [9.28] also agree that the land would not contribute strongly to purpose (b). I agree. Whilst the R6 provided views on this after the publication of the PPG chapter, they did not give Green Belt evidence at the inquiry. Furthermore, they only considered parcel GA60 [11.6], which is a much larger parcel of land in the Council's Green Belt assessment [9.25]. It is the land subject to the proposal which falls to be considered.
- 15.6 In relation to purpose (a), even on the Council's own assessments, the score for the whole of GA60 and the smaller Part 2 parcel is only 3/5 (moderate) [9.259.31]. Despite the concept of grey belt being relatively new, I disagree with the Council that 'strongly' would have different meanings in their Green Belt studies and the definition [10.15]. Strongly is

not a complex word, nor one which has many different meanings. To adopt the Council's approach would unnecessarily complicate an essentially simple concept.

- 15.7 Whilst it would be separated from Marlow by the bypass, it sits adjacent to a large built up area. There are clear physical features to contain development to the north and east in place from the existing roads. These would restrict development. Additionally, although the southern boundary would be less defined, so would development on the southern part of the site, with the backlot changing periodically from one temporary structure to another. The railway line and River Thames provide a clearly defined 'backstop' boundary to the south.
- 15.8 The site is partially enclosed by existing development, which includes the hotel, Westhorpe Park and Homes and other houses. It is also heavily influenced by Marlow and the A404, both visually and aurally. The proposal would essentially square off the existing development in the area. This would not result in an incongruous pattern of development. Rather, it would create better defined boundaries than currently exist in an area that is already subject to other urbanising influences. Therefore, the land would not strongly contribute to purpose (a).
- 15.9 Lastly, despite the R6's claims [11.7], developing the site would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan in Buckinghamshire, which is extensive [9.28 and 10.10].
- 15.10 Therefore, the development would utilise grey belt land.

*Is there a demonstrable unmet need for the development?*

- 15.11 Assessing the need for MFS requires a different approach to a normal assessment of need for more typical planning proposals. This is because there is no way to define the actual need, particularly when the appellants are proactively seeking to grasp a small portion of the global market for film and HETV production. They would hope to achieve this by creating a world class studio facility and campus in a location where there is an existing cluster of studio development, which would be capable of attracting the demand for investment from outside the UK, supporting growth in the creative industries. Whilst the Council [10.43-10.58], R6 [11.44-11.81] and objectors [12.5-12.7, 12.26, 12.38, 12.43, 12.50, 13.3-13.6, 13.44, 13.61 13.69, 13.71] sought to argue in most of their need evidence that there is surplus studio space, other permitted studio developments are not being built, and there is no identified shortage of studio space, that is, to put it bluntly, missing the point. This proposal seeks to attract future spend from a global arena, and to essentially generate its own demand.
- 15.12 One of the 3 overarching objectives of the planning system is to "*help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity*". Chapter 6 of the NPPF seeks to support economic growth and productivity, building on its strengths and addressing the challenges of the future. This is particularly

important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential. The creative industries are one of those identified sectors where the NPPF requires new, expanded and upgraded facilities to *support its growth* (my emphasis). Paragraph 87 a) is clear that planning decisions should recognise and address the specific locational requirements of different sectors.

- 15.13 Invest 2035: The UK's Modern Industrial Strategy is an important material consideration, and a clear steer of where the Government seeks to grow industry in the UK. It clear that *"the sector is expected to grow worldwide, creating further growth opportunities. The sector is highly innovative, attracting significant inward investment and producing goods and services that are world renowned [...]The Government needs to ensure that the UK sector remains globally competitive as a home for world class talent while maximising access to important markets to tour and collaborate. The sector plays an important role in driving growth across regions and nations, through creative clusters and corridors across the country that spread opportunity and prosperity in communities, as well as driving growth by enhancing access to skills, spillovers, and knowledge sharing"*.
- 15.14 MFS's ambition to attract global investment is directly aligned with the NPPF and the industrial strategy. It would proactively encourage growth by making provision for new facilities that are needed to support the growth of the creative industries. Specifically, the benefits of locating in the evolving WLC means that any studio development is well placed for accessing talented & skilled crew, surrounding supply chains, Heathrow airport and is an existing preferred destination for many in the industry.
- 15.15 MFS would provide 18 studio stages, in a large campus style facility, that could cater for up to 3 major feature films or 4 HETV shows at the same time, at different stages in the production process, ensuring year round occupation of all stages, workshops and offices. The quality of MFS was not contested by any main parties. It was recognised that the facilities proposed would be world class. Coupled with the provision of the skills and cultural academy, along with the other public and community uses, it would create a state of the art facility. This whole offer is a significant part of what makes the proposal attractive to the global market. Adding in the benefits of the UK market and tax incentives, the location in the WLC, and the projections that this industry will continue to grow, means that the UK can be in a position to seek and achieve a competitive, yet reasonable, share of the global market. As detailed in evidence from Pinewood to the House of Commons Culture, Media and Sport Select Committee, studio expansion creates the platform for increased production volumes, greater inward investment and more crew employment – a virtuous circle<sup>526</sup>.

Global and UK market

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<sup>526</sup> CD13-031

- 15.16 As detailed above [9.82 - 9.110], the evidence presented by the appellants, which covers the global and UK market provides a convincing picture of how well the entertainment sector has grown in recent years, owing to the rise of the OTT video market, doubling in size between 2019 and 2023. Spending on original film and HETV production content generates demand for studio space, and I have no reason to doubt the appellants' need witness DC's evidence [9.88] that the market to produce original film and television content that can be made anywhere in the world is currently worth at least \$70 billion, or £55 billion. Additionally, the R6 and appellant agree that the global addressable market for film and television production will grow at an annual average real rate of between 2% and 4% between 2025 and 2030 [11.72].
- 15.17 There are many factors that explain the fact that the UK is a major player in the global market [9.90], and the UK can continue to be a global leader if the facilities to support the creative industries are provided. Whilst there was a downturn in production during the US writers' strikes, production spend in 2024 on film and HETV in the UK was £5.6 billion, a 31% increase on 2023, based on the BFI figures [9.97]. The criticism [10.44, 10.47, 10.48, 10.122, 11.74-11.78, 12.5] levelled at this result being lower than the projections in the Knight Frank report are rebutted by the appellant [9.100], and even if the results are lower than those forecast, a 31% increase in spending and the third highest annual spend since the introduction of the tax relief is considerable and significant. Even the R6's evidence details how the UK is a leading destination for producers, with inward investment typically accounting for over 80% of UK production expenditure [11.46].
- 15.18 The R6's claims [11.56] relating to a downturn in spend by the major OTT platforms does not provide any meaningful evidence to contradict the appellants' [9.104-9.110], particularly when Amazon and Netflix have significantly increased their spend. Whilst these platforms may have MLAs with existing studios, there is nothing to stop these moving once the lease expires or using alternative studio space should the need arise. Indeed, MFS will not be built tomorrow, but over several years. The increase in spend on acquired content [11.61-11.64], rather than original, may well increase the focus on profitability over growth, along with an increase in spend on sports rights. However, this current asserted focus on profitability could be re-invested to original content spend of quality. It does not necessarily indicate a reducing demand for UK studio space. The threat of artificial intelligence impacting production is unknown and can be given very little weight [11.65].
- 15.19 Increased production on non-English language content by streamers could be a risk to the demand for studio space in the UK, as this could mean production in other countries than USA, Canada and the UK, and to some extent, is the segment of market that the R6 claims should be only considered (the SAM) [11.66-11.71]. However, the BFI have identified that continued investment in skills and infrastructure, alongside strong government support, is essential to ensuring the UK remains a magnet for international productions while strengthening the independent sector for

the future<sup>527</sup>. MFS would contribute towards maintaining international competitiveness given the scale, quality and overall offer of the proposal.

#### Existing capacity

- 15.20 Considering the high quality studio space and complementary facilities that will be offered at MFS, it is reasonable to only compare existing supply with that of similar quality, i.e. the Grade A studio space [9.112]. I accept that there is existing capacity in the WLC and the UK. Shinfield Studios was not operating at full capacity when I visited, and Eastbrook Studios has only just opened. There may also be existing capacity at other Grade A studios, even those that have MLAs, and the existing capacity of the UK's stage space can support a production spend of £8.9 billion (at peak capacity). However, it must be noted that Shinfield is at the far reaches of the WLC in Reading, and Eastbrook Studios is in Dagenham, considerably outside the WLC.
- 15.21 Additionally, the nature of demand and the requirements of studio space are changing, and this is likely to impact the amount of current stock that is fit for purpose in the future [9.115]. The appellant outlines how the proposal would employ best practice in studio design and master planning, and how MFS would ensure that the facilities are best in class [9.135], designed from the ground up.
- 15.22 Furthermore, the evidence presented by the appellant's need witnesses SW is that there is a need for quality, custom built Grade A studios, and at peak times in the filmmaking year, there is simply nowhere to go, with the favoured quality studios booked up in advance [9.102]. She talked about being on the '5<sup>th</sup> or 6<sup>th</sup> pencil for some studio space' and had experience of taking productions overseas if studio space could not be found in the UK. This is at odds with what the NPPF and Government is seeking to achieve.
- 15.23 Even the Council's evidence [9.128] suggests demand for studio soundstage space is not expected to decrease in the coming years, and whilst the current growth rate of physical production space may level off, the growth that does occur may be centred in particular cities and only for specific types of production facilities (i.e. purpose-built vs. conversions). Demand for purpose-built facilities will continue to remain high and the case for additional investment in high-quality soundstage space can be made for all in-scope locations. This would be a purpose built facility centred in the WLC. It is exactly what the report anticipates may come forward, despite the claims that supply in London is expected to outpace demand.
- 15.24 I disagree with the R6's claims [11.61] regarding the market share MFS could secure given the existence of MLAs. MFS could be used by independent producers, existing large major producers not subject to MLAs or indeed, major producers seeking new MLAs, given the timing at which MFS would become operational.

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<sup>527</sup> ID87

## Pipeline supply

- 15.25 Whilst parties disagreed over the extent of this and its availability, there is at least, on the appellants' lowest figure [9.119], 1.07 million square feet of stage space in the wider London area for general consumption in the pipeline. This figure could be higher, however, the pipeline supply is anything but certain, and whilst both the Council and R6 sought to argue that there is sufficient supply to accommodate growth beyond 2029 [10.51 and 11.74], it is likely that MFS would not be fully operational by this time, and therefore it would cater for future demand that would arise from the global market. Additionally, and perhaps conveniently, this is when the MLAs for Disney, Netflix and Amazon also end with Pinewood and Shepperton.
- 15.26 Existing studios or new studios not choosing to implement their planning permissions does not lead me to conclude that there is surplus or a reduced demand. This is because the published reasons given for each do not highlight this as a specific factor. Indeed, the prospect of MFS being granted permission and built out could be a factor influencing their decisions to build. Additionally, existing pipeline supply not being developed would mean there will be less studio space constructed, and this ultimately lends greater weight to the need for this proposal.
- 15.27 Moreover, claims [9.127, 11.47] that the BFC are "not [...] trying to stimulate any new studio development, above and beyond what has already been announced" is likely to have included MFS as part of the potential supply, given it was already at the latter stages of being assessed by the Council at the time. Indeed, oral evidence [9.126] from others indicates that whilst past investments into studio space is now not in short supply, there is still a continued need to invest.
- 15.28 Likewise, the global market is projected to grow (from £55 billion to £62-70 billion), and even this grew at 2% in the UK, this, on the appellant's figures, would bring over £1.1 billion in production spend to the UK and practically fill a pipeline of 1.3 million sq. ft. A 3% increase would bring £1.65 billion in spend to the UK, fill the pipeline and leave enough production activity leftover for MFS [9.121].
- 15.29 This is not an unreasonable assumption of increased market share globally. There is optimism across the sector [9.104-9.110]. The UK is the second largest destination for major film and TV production investment in the world, and creating additional supply, particularly of the quality that would be offered by MFS and the other UK incentives, would stimulate demand. This is exactly what the UK Industrial Strategy is seeking to achieve.
- 15.30 Despite the R6 claims [11.66-11.78], I see no need to address specific market segments, what that looks like in production expenditure, and how much studio space would be required to accommodate it. This is because the demonstrable unmet need is derived from the Government's objective of being a global leader in creative industries, and MFS being able to deliver a considerable contribution towards this. The SAM that the proposal

could attract would still be significant given the UK's position in the global industry.

#### Skills shortage and unemployment

- 15.31 The identified and acknowledged lack of skills in the sector can only be remedied by training going forward. Local education facilities in the area offer specialist courses in the creative industries and are looking to work with MFS [12.44-12.47, 12.60-12.63, 13.46-13.47, 13.49, 13.50-13.52, 13.59]. The proposal also commits to offering various types of work experience, apprenticeships/training programmes, bursaries, and prioritisation of employment opportunities for local people [9.129]. This is clearly identified in the extensive arrangements in the BA [14.19-14.24]. Coupled with the provision of the Culture and Skills academy, these working arrangements would actively serve to reduce the skills gap in the industry, of which there is an identified need. This adds considerable justification for MFS.
- 15.32 Likewise, the assertions from the Council [10.57] and R6 [11.88] that there are high levels of unemployment in the industry could only be remedied by additional facilities that would provide increased employment opportunities at MFS.

#### West London Cluster

- 15.33 It is clear from all the evidence before me that the WLC is the key destination for film and HETV production. Although the shape of it has altered, the arc around west and north London is clearly the epicentre for this industry. For the reasons detailed in [9.131], I agree with the appellants that, when seeking to create a world class Grade A studio facility to attract global investment, it would lack commercial common sense to locate anywhere else.

#### Displacement

- 15.34 I disagree with the concept [11.77] that the proposal would displace existing business from other studios. The premise of the proposal is to attract additional global investment. However, even if the proposal did displace some film and HETV production, there would then be increased capacity at other studios to attract other productions to the UK. Competition is a healthy part of business.

#### Conclusion

- 15.35 There is a significant amount of evidence present on the need for the proposal. Whilst I accept that there is existing and pipeline supply in the UK and specifically in the WLC, this is not certain, and the global market is forecast to grow. Even if it grew at the lowest rate (increasing from £55 billion to £62 billion) this, based on the appellant's figures [9.124], would be equivalent to a requirement for 14 MFSs. Whilst all this increase in growth would not come to the UK, it demonstrates that there is significant global market of which the UK can grasp a small portion by way of this proposal.

- 15.36 It is inherently difficult to predict future demand for studio space, and it is dependent upon several factors outlined above. However, I am satisfied that this proposal would attract global investment, owing to its unparalleled purpose built, high quality, Grade A studios, supplemented by its other supporting uses, in particular Culture and Skills Academy, and its location in the WLC. This is a relatively unusual position, and it would create its own inherent demand.
- 15.37 As detailed previously, the NPPF sets a high bar for backing growth in the creative industries and pushes Britain to be a global leader in areas with high levels of productivity, which should be able to capitalise on their performance and potential. This is one of those areas and providing world class facilities that can support the growth of this industry in its pursuit of global leadership, (not just in terms of studio space, but also supporting the skills shortage) and create demand from a global market, establishes that there would be a demonstrable unmet need for MFS.

*Would the development be in a sustainable location?*

- 15.38 I will address the effect of the proposal on the surrounding road network, the modal shift, and the effect on the safety of pedestrians, cyclists and drivers within the site below. However, for the purposes of this assessment in relation to NPPF 155, there are several methods which the appellant would employ to improve the connectivity of the site by non-car modes [9.202-9.211].
- 15.39 The development is adjacent to the settlement boundary of Marlow, and with direct links to the A404, which links to the M40 and M4. The measures that are secured in the BA [14.4-14.5] for would ensure that the proposal would limit the need to travel and offer a genuine choice of transport modes, particularly the 2 new bus services which. The primary service (High Wycombe railway station – Handy Cross Park and Ride – Maidenhead railway station) is committed to operate for a minimum period of 10 years and at a 30 minute frequency during weekdays from first occupation, increasing to 20 minutes when 30% of the site is occupied. The hopper service (the site – Marlow town centre – Marlow railway station – Globe Business Park – Bourne End railway station) shall operate a minimum of 1 vehicle 7 days per week from first occupation, increasing to 2 vehicles from 30% occupation. The length and frequency of these services would prioritise sustainable transport modes of travel to the site and offer those accessing the site, and the general public an improved bus service in this area.
- 15.40 There would also be pedestrian and cycling improvements [9.206-9.211] to the Westhorpe roundabout, east and west of the site, a signalised crossing in Little Marlow and at Bobmore Lane junction, and the provision of the new footbridge which would offer improved access for all users, meaning those less ambulant, with prams or bikes could use the bridge.
- 15.41 Lastly, the vision for the site has committed to the 60/40 modal shift, which is secured through the BA [14.6-14.10], with mitigation and remediation measures built in should targets not be met. The Travel Plan is ambitious,

but I agree with the appellants [9.187-9.193] that it would be readily achievable given the significant improvements to accessibility by public transport, and for pedestrians and cyclists. Furthermore, the OMP specifically limits peak period traffic to specified levels and would be implemented if the modal shift was not being achieved. I further consider whether the modal shift would be achievable in detail below.

- 15.42 Therefore, having regard to paragraphs 110 and 115 of the NPPF, the development is in a location which can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Thus, it would be in a sustainable location, offering a genuine choice of transport modes.

***Conclusion on whether the proposal would be inappropriate development in the Green Belt***

- 15.43 The proposal 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. Therefore, the proposal would not be inappropriate development in the Green Belt. There is no further or separate requirement to demonstrate the absence of “alternative sites” outside the Green Belt for the proposed development. This would be compliant with Policies CP1, CP2, CP8, DM42 of the WLP and the NPPF.

***The effect of the proposal on the character and appearance of the area, including the setting of the Thames Valley and Chilterns National Landscape***

***Valued landscape***

- 15.44 Whilst it sits between the CNL and Winter Hill and there is a physical connection in the flat valley between the 2, the site is adjacent to a large settlement, contains poorly restored landfilled gravel pits and is of very little scenic quality. The immediate locality is busy and noisy, being on the edge of Marlow, bordered by the A404 and A4155, and contains several other developments close to the site edge. It has little distinctive character and is a settled landscape, containing built form and the fields.
- 15.45 Whilst the open water bodies may be rare in the wider landscape, they are not rare in a geological sense, being human made, resulting from the mineral workings. The habitats that complement the water bodies are not of a significant heritage or conservation interest to elevate them higher than ordinary. The recreational value is noted; however, this takes place on land outside the site in the main, aside from the PRoW running through the site, which would be enhanced.
- 15.46 Any historical association the site has with Westhorpe House has been affected by the previous land uses and surrounding development (including the park homes estate, dwellings and the hotel development) which has affected the heritage associations with land holdings. Indeed, there is a sewage works adjacent to the site. A gap between Little Marlow and Marlow would also continue to exist, and NE’s boundary review has not yet

been confirmed, nor is it known if all or part of the site would be included, and it does not confer any additional protection.

- 15.47 Thus, whilst the site contains some features of quality, this is not sufficient to elevate it to anywhere near a valued landscape.

#### *Landscape effects*

- 15.48 The proposal would be a large, expansive and significant development, covering a large area, and of considerable height. It would, inevitably, influence the character and appearance of the area, extending the settlement edge of Marlow beyond the A404, and result in significant landscape effects within the site, and immediate surroundings. In landscape assessment terms, this would be 'major/moderate' adverse.
- 15.49 Notwithstanding this, whilst the scale of the proposal would be considerable, overall, the effect on the wider Thames Floodplain LCA would be moderately adverse, and less than significant. This is because the edge of Marlow, particularly the existing industrial and commercial development and the A404 itself, influence the site with noise, lighting and industrial development, to the extent that it could not be described as rural. There is also existing development around the site and although this is of a smaller scale, the context of the surroundings mean that the development would not appear entirely incongruous, despite its intensive scale.
- 15.50 When assessing the effect on the Thames Valley Slope LCA within the CNL, the effect would be moderate and less than significant. For Winter Hill LCA, the effects would be the same. This is because there would be no direct effects, and the effects would be derived mainly by changes to views. The landscape already features built development and settled landscapes, along with busy roads.
- 15.51 Intervisibility between the CNL and Winter Hill would be adversely affected, given that an area of open land between them would be removed. However, there are elements of built form between them now, such as the hotel and Westhorpe House, and whilst of a smaller scale, the development would not remove an area of virgin undeveloped land in the valley. It would develop an area of former gravel pits. Moreover, save for the sewage works and pockets of small villages, the valley floor would remain largely undeveloped to the east towards Bourne End.
- 15.52 Thus, whilst it would not protect or reinforce the positive key characteristics of the LCA, it would not cause major harm to the receiving landscape pattern.

#### *Visual effects*

- 15.53 There would be significant visual effects caused by the proposal. Pedestrians, cyclists and vehicle users on the access roads and/or footpaths or PRowS passing through and in proximity to the site would experience a significant change. This includes views across the site, and towards the CNL and Winter Hill. The effect would be adverse, although

- the significant adverse effects would be focused upon the site and its immediate context.
- 15.54 Residential receptors living in Westthorpe House and Park, and nearby who would utilise the shared access road would also experience a significant adverse change to their existing experience of passing through open fields.
- 15.55 Additionally, walkers on parts of the Chiltern Way on Winter Hill in the winter months, or walkers in the CNL on the Thames Valley Slope to the north of the site would also experience a significant adverse change, owing to the intrusion of the panoramic views gained from these slopes, especially from Winter Hill. There would be an obvious introduction of large scale development into the valley basin and changes to the middle ground view.
- 15.56 However, it is important to note that the area is not devoid of development and whilst there would be significant urbanising changes, and for LVIA assessment purposes they are noted as adverse, this is because these views are popular with walkers on the PRoWs, and as such any change could result in a significant effect. Furthermore, the views are panoramic, such that the proposal would be viewed in a wider context, rather than just focussing upon the site itself. Additionally, there is other development nearby, and the proposal would include the provision of significant landscaping. Lastly, the advantage of the proposal being set on the valley floor is that there would remain a sloping backdrop from both the north and south, and aside from one viewpoint, the proposal would not break any skylines.
- 15.57 Additionally, whilst beauty is in the eye of the beholder, in my view, the high-quality design, layout, variances of buildings, materials and architectural value means that some visual receptors could see the proposal as a positive change, rather than it automatically being harmful because it would be conspicuous.

#### *Effects on the CNL*

- 15.58 The proposal is located outside the CNL, but it would influence 2 of the special qualities of the CNL. These would be the panoramic views and the network of rights of way. The height and expanse of the development, particularly plots 1-3 on the edge of the CNL, would introduce a considerable change in comparison to what can be seen currently.
- 15.59 The primary impact would be on panoramic views gained from the viewing point and PRoWs on Winter Hill looking towards the CNL. Views on PRoWs from the CNL would be also affected at short range, although the impact would reduce as higher ground is gained or when further away from the site. This is due to the overall separation of the development and the PRoWs in the CNL, the extensive landscaping proposed to the front of the site on the A414 and the off site landscaping in the CNL itself. This would not mitigate the effect, but it would filter some views from the CNL towards the site.

- 15.60 Additionally, the proposal would not be visible from all parts of the Thames Valley Slope or on the CNL. It would depend on the direction of travel, availability of view, time of year and perception of the observer. Notably, however, the location of MFS on the edge of Marlow would read as an extension to the town, not an entirely new or alien development.
- 15.61 Therefore, whilst there would be an adverse effect on the setting of the CNL, it would not be significantly adverse, and there would be no conflict with DM30. Furthermore, whilst the scale is considerable, and much of the built form would be on the edge of the CNL, the proposal has been designed to minimise adverse impacts on the CNL. It is also sensitively located adjacent to the edge of Marlow. For this reason, there would be compliance with paragraph 189 of the NPPF.
- 15.62 Notwithstanding this, the proposal would not further the statutory purposes of the CNL as required by section 245 (Protected Landscapes) of the Levelling-up and Regeneration Act 2023. This is because the panoramic views and views from the network of rights of way would be adversely affected. These are special qualities and the proposal would not further the conservation and enhancement of the natural beauty of the CNL, owing to its proximity and scale.

#### *Nighttime effects*

- 15.63 Lighting from the proposal would be evident from elevated viewpoints during the hours of darkness. However, lighting from existing development was also notable during my visit, and with a suitable lighting scheme, which could be the subject of a conditions, especially the Backlot Management Plan, I am satisfied that the effects would be satisfactory.

#### *Conclusions*

- 15.64 Whilst the harm would be less than the Council attribute and the quality of the scheme would be notable, it would still create a large, intensive and considerable change to the area. This would result in significant adverse landscape and visual effects. The scheme would also not further the statutory purposes of the CNL. This would conflict with Policies CP10, DM32 and DM35 of the WDLP.
- 15.65 However, the quality of the scheme and the landscaping would ameliorate the effect and it is an area of lower environmental value. Consequently, there would be compliance with Policy CP9 of the WDLP.

#### ***The effect of the proposal on the function and amenities of the surrounding area, with specific reference to Policy RUR4 of the Wycombe District Local Plan.***

- 15.66 The policy allocates the land for outdoor recreation and seeks to limit development to this use. The proposal would fail to comply with this policy and would occupy around 10% of the allocation. However, the intentions and outcome of Policy RUR4 as a designated Country Park are unlikely to be ever achieved. It is an aspirational policy that seeks to create a Country Park without having the means to create it. Various landowners are subject

to RUR4 and not one, aside from the Council, has pursued the designation as a Country Park. The Council has acknowledged that it cannot create a Country Park across the whole allocation [9.47-9.52], instead seeking to pursue the SANG at Spade Oak which would offset the impacts of housing upon the Burnham Beeches SAC. It is also important to note that the policy does not designate the site as a Country Park – it is simply a policy that seeks it.

- 15.67 The land forming the appeal site, for plots 1-3, is not publicly accessible and performs no recreational or leisure function as a country park now, nor is planned to in the future. Plots 4 and 5 have informal paths that cross the site. These are privately owned and not PROWs, yet the majority of these would be retained and improved as part of the scheme. There would also be the provision of 2.8 ha of public open space on Plot 4 for the publicly accessible open space and recreational uses.
- 15.68 Therefore, the proposal would not significantly change the way the existing site functions in the application of RUR4. Part of the land would still be used for a variety of formal and informal recreational and sporting uses and would still be crossed by several footpaths. Whilst these could be closed at times during backlot filming, the footpaths are not currently designated as PROWs and, whilst they are well established and there are applications to designate them before the Council, access to them is not currently guaranteed.
- 15.69 The proposal would also provide new and improved means of access to the site for walkers, cyclists, and disabled users, with links to the wider highway network through the improved shared paths and the new footbridge. Whilst users accessing the SANG at Spade Oak would need to traverse the PROW through the site, this would be the same with or without the proposal. Furthermore, the café enroute is likely to encourage greater use and the Studio Hub would provide interest to the PROW. The offices and workshops would not present blank facades, and the MSCP is visually interesting. The sound stage opposite the Studio Hub would also be of visual interest with glazed curtain walling to the upper parts, pitched roof and perforated metal cladding. The proposal would not prejudice the function of the area, given the existing uses. It would also provide ecological and biodiversity enhancements, albeit some are off site.
- 15.70 To conclude, there would be an in principle policy conflict with Policy RUR4, because the uses on much of the site would not be for outdoor recreation associated with a Country Park. That said, the proposal would not adversely affect the function and amenities of the surrounding area given how the existing site operates.

***The effect of the proposal on the surrounding road network, sustainable modes of travel, and the safety of all highway users***

*Is the extent of modelling satisfactory?*

- 15.71 The appellant is proposing off site highway improvements, that will not only mitigate the effects of the proposal, but would also improve highway

conditions overall [9.186]. Given the predicted future increases in traffic, irrespective of the proposal, the improvements would remove queuing on the A404, a high speed dual carriageway.

- 15.72 Signalising the existing crossing at Bobmore Lane would eradicate the 'stop/start' nature of traffic during the morning peak from pedestrians, mainly children, using the crossing. This would, as detailed by NH [9.186 - viii], mitigate the significant road safety risk by enabling the effective management of queuing on the A404 off-slip roads.
- 15.73 The extent of VISSIM modelling did not assess any junctions west of this towards Marlow town centre. I accept that during the morning peak, when traffic is released from the newly signalised crossing, there may be some additional queuing into the town centre that has not be fully assessed by the VISSIM model. However, these junctions were individually assessed under previous assessments, with no material impact on the junctions from the development.
- 15.74 Furthermore, this additional queuing arising from the proposal could not be described as severe, given the development would discharge fewer than 20 vehicles that way during the AM peak. Additionally, the benefits of fixing the potential queuing off the slip road, onto the A404, a SRN operating at 70mph, would far outweigh additional queuing in the town centre, even if the full extent of this is not modelled. Therefore, the extent of the modelling is satisfactory.

*Would the modal split be achievable?*

- 15.75 The NPPF seeks a fundamental step change in the approach to highways assessments using the vision led approach. This seeks to set targets and achieve modal shifts that will enable a move away from single occupancy vehicle use, an approach that must be pursued. If targets and standards are not set, even if these may seem unrealistic, the step change will never be achieved. The mode share targets are ambitious, but the appellant is beholden to the legal obligations in the BU [above], which secures their commitment to the identified modal shift. Given all the measures proposed [9.192], it is reasonable to conclude that they could be achievable, particularly given that the site would control vehicular access.
- 15.76 Moreover, the measures proposed, including the improvements to pedestrian and cycling access at the footbridge (which would be the subject of a Grampian condition) and at Westhorpe roundabout, would promote access to the site on foot or by bicycle. Walking to the site would be around 15-20 minutes from the centre of Marlow. This is not an unreasonable walking distance to access a place of work.
- 15.77 Cycle parking and showers would be provided to encourage non-car use, along with onsite bicycle hire scheme. The increased length of the bridge would not deter users, and its safety and attractiveness could be remedied by low level lighting or other measures.
- 15.78 The pedestrian and cycling improvements would not be fully LTN1/20 compliant on the Westhorpe roundabout. Yet, within LTN1/20 it is

- acknowledged that it is not always possible to meet the guidance in full, and a route should not be discounted simply because a short element of it is below recommended standards.
- 15.79 The measures proposed would improve the safety of crossing the roundabout for pedestrians and cyclists. The ‘departures’ from LTN1/20 would also be reduced if the 40mph TRO is implemented. However, to achieve significant increases in pedestrian and cycling use, as anticipated by the appellant, the measures proposed do not create the most attractive or inviting route. This could have implications for the proposed modal shift.
- 15.80 Nonetheless, the modal shift does not rely on increases in pedestrian and cycling movements alone, rather a combination of measures that would be necessary to achieve 60% sole vehicle occupancy. Additionally, the new bridge would be accessible to all and would be a realistic and more attractive alternative access to the site for pedestrians and cyclists. Moreover, making a large roundabout with access to a 70 mph dual carriageway attractive or inviting for pedestrians and cyclists would be inherently difficult in any circumstance and the appellant has proposed improvements that would undoubtedly improve the safety of the junctions for users on foot or bicycle.
- 15.81 Whilst the Council assert that there would be a removal of the new footpath on the Little Marlow Land [10.130], the BA requires this as part of the highway works, under Schedule 4<sup>528</sup>.
- 15.82 The 2 new public bus services would link the site to Bourne End and Marlow, as well as to both High Wycombe and Maidenhead. They would offer a genuine choice of travel to and from the site. To my mind, this would be the key to achieving the modal shift in accessing the site. This is because the services would provide access to and from the major surrounding settlements, which provide access to the railway stations at High Wycombe and Maidenhead, with regular trains to and from London Marylebone or access to the Elizabeth Line. There is also a railway station in Marlow, accessible on foot from the site. However, I acknowledge the service is limited. Claims from the Council [10.100] that the route is heavily trafficked and this would lessen the attractiveness of taking the bus is illogical because a driver in a car would be subject to the same traffic.
- 15.83 Many people accessing the site may use a private vehicle in sole occupancy, however, 60% of them can with the modal shift proposed. Not everyone accessing the site would need vehicles containing equipment. Additionally, it is not uncommon for tradespeople or teams of workers to car or van share and this would contribute towards the 40% target. I accept that car sharing is heavily relied on in the appellant’s case, however, car sharing is a sustainable transport mode in the NPPF and would meet paragraph 115.

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<sup>528</sup> ‘The pedestrian and cycle improvement works to the east of the Site – drawing 237347/PD01’ - found in CD2-105t, page 59

- 15.84 Moreover, access to secured plots and the MSCP provision is to be controlled via ANPR. This would enable access to only those authorised to do so. The ANPR would also enable vehicle entry and exit times and duration of stay will be recorded and the cumulative data analysed by the Travel Plan Co-ordinator to monitor and review car parking demand and identify any further management measures required to reduce reliance on single occupancy car trips and to increase the use of sustainable transport modes.
- 15.85 There is also the requirement for a MSIS detailed in the BA, which would incentivise the delivery of the modal shift. This is because, should the target not be delivered within agreed timeframes, there would be a financial penalty to pay the Council to fund measures to support sustainable transport.
- 15.86 Comparisons with other studios' modal shifts are, quite frankly, without value. This is because the other studios have not sought to achieve the ambitious modal shifts that MFS has. They are not subject to an OMP, MSIS nor the obligations that are in the BA.

*The effect of the proposal on the safety of pedestrians and cyclists*

*Internal layout*

- 15.87 I am satisfied that the internal layout of the site would be well managed and that some reversing HGVs would be a normal part of operation in a scheme of this size and type. There are means to ensure that this is carried out safely, in particular the Site Management Plan condition.

*Junction departure*

- 15.88 The improvements to the junction would not provide an entry radius which is compliant with DRMB, and I acknowledge that it would be physically possible, and as a matter of land ownership.
- 15.89 However, signalling Westthorpe Junction can only provide improvements to highway safety. The existing junction does not meet current safety standards, and improvements are proposed that would be a betterment. Additionally, the appellant argues that providing a compliant entry path radius would increase the risk of 'side swipes' [9.195].
- 15.90 Assertions that drivers will speed up to beat a 'red light' are unsubstantiated and illogical [10.109]. There would be a new, large roundabout at the entrance to the site. Navigating the junction would require a reduction in vehicle speed and is likely to result in vehicles approaching the roundabout at slower speeds than they currently do. If a reduced speed to 40mph is considered necessary by the Council having considered the speed survey results, the residue from the traffic mitigation contribution would be required to secure the TROs [14.12]. Lastly, a high friction surface could be provided when approaching the roundabout that would reduce approaching speeds [10.108], and I am satisfied that the collective improvements proposed are proportionate for the expected increases in traffic.

### *On street parking*

15.91 Parking on site is agreed with the Council and appellant. Additionally, the measures set out by the appellant [9.197 - 9.200] will adequately deal with off-site parking. If parking related with MFS became an issue on residential streets nearby, detailed provisions are found in the BA [14.14] to regulate this.

### *Other Matters*

15.92 Despite concerns raised by Cookham Parish Council and interested parties [12.37, 12.56, 13.70], there is no determinative evidence before me that Cookham Bridge should have been included in the assessments. The Council's evidence details that, aside from the modelling into Marlow, the extent of modelling elsewhere is satisfactory [10.102]. I understand the concerns raised, but the issues that may arise at Cookham Bridge appear to be from traffic associated with other sources. That is not to say MFS would have no effect, but rather, it would not have a significant effect that would require junction modelling. Junction modelling must stop somewhere.

### *Conclusion*

15.93 I am satisfied that the extent of highway modelling is satisfactory, the changes proposed would provide safe conditions for all road users and that, given the provision of the BU, the modal shift could be achieved such that sustainable modes of travel would be secured.

15.94 Therefore, there would be no severe impact on the highway network. Indeed, there would be betterments arising from the scheme. This would be compliant with Policy DM33 of the WLP, the NPPF, Buckinghamshire Council Local Transport Plan and the Buckinghamshire Council Highways Development Management Guidance. There would also be compliance with Policy CP6, given the proposal would provide enhanced pedestrian links to the Marlow town centre and Globe Park.

### ***The effect of the proposal on the living conditions of existing residents***

15.95 The proposal would introduce a tremendous change to the current experience of residents nearby, namely those living in Westhorpe House, Westhorpe Park and off Westhorpe Farm Lane. Travelling to their homes through a film studios development would be very different to their current semi-rural experience, and residents who use the surrounding paths on plots 4 and 5 as an extension to their amenity space, would experience a significant modification to their existing surroundings. Additionally, the access road would be transformed from lightly trafficked to a service road utilised by over 1,300 vehicles, resulting in an increase in traffic noise on the access road. There would also be inconveniences experienced from the increases in traffic on the road, such as queuing. It was clearly a concern to many of the residents living in the immediate areas surrounding the site, and their perception is that MFS would harm their living conditions.

- 15.96 However, there are significant forms of mitigation that would be implemented through the planning conditions to moderate the effect, considering the sensitivity of the site. These include the Backlot Management Plan, construction management plans, lighting control, noise management, plant and extraction details. The Backlot Management Plan would also include lighting mitigation. Furthermore, the development and associated heights of buildings on the southern side edge would be an adequate distance away from homes so as not to adversely affect outlook from occupiers' dwellings or have an overbearing impact. Landscaping would also ameliorate the effects over time, although I acknowledge that it would not be instant.
- 15.97 Therefore, whilst there would be a moderate loss of amenity and enjoyment of surroundings, with the suitable mitigation in place, a materially significant adverse effect on living conditions experienced at residents' homes would not arise.
- 15.98 Turning to noise, the noise assessments are based on a worst-case scenario of 'windows open', so the fact that many of the residents live in prefabricated dwellings is of little consequence. Based on Appendix E of the Noise SoCG<sup>529</sup>, there would be an increase in average noise levels for some residents. However, aside from Moat House, this would be less than 1 L<sub>Aeq</sub> dB for receptor points at dwellings. This effect would not be adverse. In relation to the increase in traffic noise, column G of Table 4 in the Noise SoCG, demonstrates that there would be no adverse effect and indeed, there would be a betterment for many residents in their homes. Increased noise on the access road would not affect the living conditions of residents in their homes.
- 15.99 That said, I accept that if the existing background noise experienced was lower due to the shielding effect of the proposed buildings, then the perception of the proposal being noisy may be increased. This is likely to relate to individual vehicle noise events, such as vehicles reversing, which are difficult to predict and unwanted. However, the hourly assessment showed that there are no hours of the day at any location where traffic noise levels are above the background noise. Thus, whilst residents may perceive a noise increase from these sources, and there could be individual noise events that do arise, there is little evidence to demonstrate that this would be significantly adverse.
- 15.100 The residents of Moat House would experience an increase in average noise levels by around 2.9 L<sub>Aeq</sub> dB. This would be equivalent to a doubling of sound intensity, and this effect would be noticeable, and adverse for those residents. The Backlot Management Plan would serve to ameliorate this effect, but there would be some residual harm.
- 15.101 Users of the footpaths and residents of the nearby hotel would be subjected to an increase in noise levels, however, footpath users and hotel residents are transient, such that the effect would not be harmful.

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<sup>529</sup> CD7-007

- 15.102 Consequently, except for the occupiers of Moat House, the effect of the proposal on the living conditions of existing residents would not be significantly adverse, nor fail to comply with the requirements of the NPPF. That said, noise increases for the occupiers of Moat House would be significantly adverse and this would be contrary to Policy DM35 of the WLP.

***Whether the proposal would make suitable provision for infrastructure, including ecology***

- 15.103 This main consideration has also been resolved by the provision of the planning obligations, except for the Council's concerns over the loss of nearby BNG on the Little Marlow Land and its replacement with off-site BNG at an unnamed location, along with asserted loss of other benefits [10.126 - 10.135].

*Ecology*

- 15.104 The last-minute changes to the obligations, and the removal of the Little Marlow Land as the likely intended location for BNG is unfortunate. The appellant's case did include and relied on the Little Marlow Land as the location for BNG, along with new and improved paths with planting. There was also a requirement set out that skylark nesting compensation was necessary to offset the impact upon the species from the proposal, at the Little Marlow Land. A site further away would not provide this direct compensation. I do not understand why its removal occurred so late in the day.
- 15.105 Nonetheless, at least 20% BNG would be delivered, and this is secured through the planning obligations. The proximity of the overall BNG to the site is largely immaterial, given that net gains would be achieved. Furthermore, the obligations commit to delivering pedestrian and cycle improvement works to the east of the site [14.17], which are to be agreed with the Council. Therefore, there would be no additional issues arising from the concerns over the modal shift. There would also be no impediment to the recreational use of the footpath across the southern boundary of the Little Marlow Land because of the obligation changes.
- 15.106 However, there does not appear to be any provision for skylark nesting compensation near to the site. The ecology evidence before me relied upon the Little Marlow Land to deliver this, and whilst the obligations and conditions would ensure that suitable ground nesting for skylark is provided in the off site BNG, there could be harm arising to this species if the location of the off site BNG is some distance from the site. On the other hand, removal of the Little Marlow Land would satisfy Bucks Birds Club concerns [12.41] because that land would remain unaffected by the proposals, such that skylarks [and lapwings] would continue to breed there.

***Other considerations, including benefits***

*Economic benefits*

- 15.107 As detailed by the appellant [9.139] there would be a considerable number of economic benefits arising from the scheme, which are recognised by the Council [10.123]. The R6 sought to downplay these [11.82-11.89], and the appellant's economic benefits witness resiled from her position on her 'method 2' in terms of job creation. However, despite this, there would still be over 2,000 jobs created, along with the rippling effect to surrounding businesses.
- 15.108 At the very lowest assumption, the appellant estimates that at least £249m GVA would be generated per annum. This is a considerable amount.
- 15.109 There may well be less occupancy than 85% at the outset of the proposal, and some studios may be operating at less than this capacity currently. Yet, this is unlikely to remain the case, as MFS is completed, and demand rises over time for this Grade A, best in class facility.
- 15.110 Indeed, this increase in occupancy would also counter the shortage of skills, given this would be remedied over time, in part through the considerable amount of obligations to upskill local people [14.19 - 14.24].
- 15.111 The economic benefits offered by the overall proposal and the commitments to upskill, offer jobs to local people and work with various bodies to seek job creation are considerable, and attract substantial weight in favour of the scheme.
- 15.112 Additionally, fostering economic growth is a key objective of the WDLP [Policy CP5 - 6.2], recognising that it only has a limited supply of flat land, so it is important for the Council to make the most of employment opportunities.
- 15.113 Claims [13.6] that the proposal would affect business in Marlow are unsubstantiated, and if anything, there would be an increase in trade in the town centre due to the ripple effects of additional people in the area.

### *Heritage*

- 15.114 The following assessment is based on evidence detailed above [7.6]. Westhorpe House and Corners Cottage are Grade II Listed. The site would be within the former parkland associated with Westhorpe House, and thus the proposal would affect its setting. Little Marlow Conservation Area (LMCA) is also located nearby.

#### Westhorpe House

- 15.115 Westhorpe House is a very early example of the Neoclassical/Palladian classical style. It was substantially altered both internally and externally in the 20<sup>th</sup> century and there was a significant loss of historic features. This impacted negatively on both the integrity of the original design and the authenticity of the features now present. Despite, this the original Westhorpe House retains some architectural significance. The parkland was completely lost from the 1950s onwards, once the gravel extraction works commenced, such that for the past 70 years the designed landscape grounds of the mansion have contracted and are now represented only by the immediate gardens.

- 15.116 Since the wider estate was split up through land sales and acquisitions during the mid 20th century, the former parkland and wider setting were no longer connected to Westhorpe House either through ownership or visual character. Nevertheless, historically, the site did form part of the parkland and thus, the proposal would affect the setting of Westhorpe House. Given there is little physical development on the site, despite the poorly restored nature of the land, it does provide an open setting around the Listed Building, with the driveway heightening the experience.
- 15.117 The proposal would surround Westhorpe House and cover almost the entirety of its former parkland. This would irrevocably change the character of the open parkland landscape of the wider setting of the listed building, and the legibility and structure of the historic environment.
- 15.118 Attempts are made to locate smaller buildings near to the house to ameliorate the impact, and existing landscaping would reduce intervisibility. However, the sheer scale of the buildings would be considerably larger than Westhorpe House, and the open approach to the Listed Building would be lost by the presence of tall sound stages.
- 15.119 Consequently, the development of this amount, scale and density of built form would adversely affect the significance of Westhorpe House and its setting. This would amount to less than substantial harm, at the higher end of the spectrum.

#### Corners Cottage

- 15.120 Corners Cottage is a Grade II listed building which dates from the 17th century. It is timber framed with whitewashed render infill panels and tile roof. Its significance relates to its vernacular construction, use of traditional local materials and the quality of its incidental aesthetic appearance. While the development is not on land historically associated with the building, the building derives some significance from the rural ambiance and countryside which defines its wider setting.
- 15.121 Plot 2a is the closest part of the development to Corners Cottage and comprises the development of a community building, further workshops/offices, a MSCP and café. The development would transform its wider context and urbanise its surroundings, harming the significance of its setting. The harm would be less than substantial, and moderate on the spectrum.

#### LMCA

- 15.122 LMCA benefits from the fields and countryside that extend from the site's western boundary, reinforcing the village character and rural context. Little Marlow is an attractive, compact village. The parish church and Manor House form the focus of the village and there are 20 listed buildings within the settlement. Fields and arable land surround the village and it remains remarkably coherent with little modern development within or around it.
- 15.123 The eastern boundary landscape buffer is around 12m wide including the existing hedgerow, and is unlikely to entirely screen the buildings that

would be located on this boundary. They would be visible from public viewpoints in proximity of the LMCA, and this would adversely affect the character of its setting. The harm would be less than substantial harm, and on the lower end of the spectrum.

#### Conclusion

- 15.124 The proposal would harm the significance of the settings of the designated heritage assets. This would be contrary to Policies CP11, DM31 and RUR4 of the WLP. I shall carry out the heritage balance below.

#### *Other issues*

- 15.125 Claims from the Council [10.124iv] and R6 [9.234] that the community building would be unnecessary and would not be used are unsubstantiated. The appellant would provide a building that can be used for a variety of community functions and, if advertised and offered for a reasonable price for hire, I see no reason why it would not be used by local community groups.

### **Conditions and planning obligations**

#### *Conditions*

- 16.1 For certainty, the approved drawings are listed in Annex E [condition 2]. I have however amended the conceptual roundabout arrangement drawing number to reflect that used in condition 33. The use of the site should be restricted to a TV and Film Studio, associated ancillary uses and a community hall to ensure control over the impact of other uses that could be carried out under permitted development [condition 3].
- 16.2 A restriction on filming with live audiences would be necessary, as this impact has not been addressed in the ES in terms of traffic movements or any effects on neighbouring living conditions from, what could be, large amounts of the public attending. However, it would not be reasonable to completely restrict live audiences, so a condition that requires 10 days' notice being served on the Council would ensure adequate control [condition 4].

#### Pre-commencement conditions

- 16.3 A build sequence plan would be necessary to reduce the potential impact of the site's development on biodiversity. It would also ensure onsite parking is available commensurate with the development of other parts of the site [condition 5]. A construction management plan would be necessary to manage the impact of construction on living conditions and the highway network [condition 6]. A construction environmental management plan would be necessary to manage the effect of construction on the surrounding environment [condition 7]. A site waste management plan would be necessary to ensure appropriate handling and movement of potentially hazardous waste [condition 8]. A detailed energy statement would be necessary to ensure the proposal is built sustainably [condition 9].

- 16.4 An ecological design strategy is necessary to ensure that the proposed habitats and ecological features are appropriately designed and installed. Despite the appellant's request, the use of 'e.g.' for part x of this condition would not be specific, and I have used 'including' [condition 10]. To ensure appropriate protection and enhancement of biodiversity, a Habitat Creation, Management and Monitoring Plan would be necessary. However, I have removed the reference to 'Figure 2: Off-Site Proposed Enhancements' (WIE18037-27\_GIS\_17TN\_3A)<sup>530</sup> as this refers to the Little Marlow Land [condition 11].
- 16.5 If the development does not commence within 18 months, updated ecological surveys would be necessary, and any measures secured through condition 10 shall be updated where necessary [condition 12]. To ensure that the retained trees, shrubs and hedgerows are not damaged during the construction process and retained in the future, an Arboricultural Method Statement and Tree Protection Plan would be necessary [condition 13]. A canopy cover implementation plan would be necessary to ensure that the canopy cover requirements for the site are met [condition 14].
- 16.6 A scheme for the crossing over Westhorpe Watercourse would be necessary to ensure that the crossing is designed and built to minimise its impacts on the ecological value of the watercourse and the adjacent land to protect residential amenity [condition 15]. A site investigation report for Plot 4 would be necessary to ensure that the development does not contribute to or is adversely affected by water pollution [condition 16]. Geotechnical submissions within 10m of the SRN would be required to ensure the trunk road remains operational during construction [condition 17].
- 16.7 A site wide revised remediation strategy would be necessary to ensure that the development does not contribute to or is adversely affected by water pollution [condition 18]. A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes would be necessary to ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies [condition 19]. Existing and proposed levels drawings would be necessary to ensure work is carried out at suitable land levels [condition 20].
- 16.8 A noise management plan would be necessary to protect the living conditions of nearby residents [condition 21]. A surface water drainage scheme would be necessary to ensure that a sustainable drainage strategy [condition 22]. A written scheme of investigation for an archaeological watching brief would be necessary to protect any heritage assets on site [condition 23].
- 16.9 To secure the provision of an improved cycle connection crossing the A404 between the site and Marlow and provide improved connectivity, the replacement 'Volvo' bridge would be necessary. There is a dispute over this condition in relation to what the condition requires. The Council

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<sup>530</sup> CD2-086d

consider the main work contract should be let prior to commencement of development, with delivery of it prior to occupation. The appellants do not agree to this requirement. Both are seeking delivery of the bridge at the same time, yet the Council consider that greater certainty over delivery would be required before any development should start on site.

- 16.10 Given the bridge would be to facilitate improved walking and cycling connections to the town centre and railway station, that would contribute towards the modal shift targets, the bridge would need to be delivered prior to occupation. However, I do not consider it reasonable to require the works to be let prior to commencement of development, given the scale of the works that would take place. The development could not be occupied until the replacement bridge was in place, and therefore, I recommend use of the appellants' condition [condition 24].
- 16.11 Full details of the internal road carriageway, footways and cycleways construction specifications and drainage details would be necessary to ensure safe and suitable access is provided [condition 25].

#### Pre-commencement above Ground/ Construction Conditions

- 16.12 Materials for buildings, sound stages and hard surfaces are required, along with a detailed landscaping scheme and boundary details, to ensure a satisfactory external appearance [conditions 26, 27, 28, 29 and 45]. A detailed lighting strategy is necessary for both highway safety and biodiversity reasons [condition 30]. A management plan detailing any plant including air ventilation, cooling, heating, extraction, or odour control systems would be necessary to protect neighbouring living conditions [condition 31].

#### Pre-occupation conditions

- 16.13 As detailed above an OMP would be necessary to ensure a modal shift, and in the interests of highway safety, convenience of highway users and the free flow of traffic [condition 32]. A highways site management plan [condition 33], construction of the roundabout [condition 34] and visibility splays [condition 35] would be necessary to for the same reasons.
- 16.14 Implementation of cycle storage would be necessary to provide suitable facilities [condition 36], and details of the cycle route would be necessary to facilitate and encourage safe cycling access [condition 37]. To enable vehicles to draw off, park, load/unload and turn clear of the highway to minimise danger, obstruction and inconvenience, conditions relating to the implementation of the car parking and a scheme for parking management would be necessary [conditions 38 and 39]. EVCP are required to be installed to provide suitable facilities to charge electric vehicles on site [condition 40].
- 16.15 A scheme [condition 41] detailing permissive paths on site would be necessary to maintain and enhance the existing informal paths and maintain access to plot 4 to provide a safe walking and cycling provision and recreational provision. The condition would also include an Access Framework, setting out the principles for the closure of any permissive

footpath, footway and cycleway within Plot 4 for specific events in connection with the educational use of the Culture and Skills Academy. The appellants suggest that the Access Framework could be contained in the Safeguarding Strategy, rather than providing another document. I agree.

- 16.16 Evidence of energy performance would be necessary to ensure that the scheme fulfils its intentions to be BREEAM very good or excellent [condition 42]. A landscape and ecological management plan would be necessary to ensure the protection of wildlife and supporting habitat [condition 43]. Verification of the remediation works on site and a condition to control unexpected contamination would be necessary to ensure the site is safe and free of contamination [conditions 44 and 48].
- 16.17 The condition for backlot management is contested by all main parties. The R6 request the inclusion of restrictions on the hours of operation and nighttime filming. Consultation with community liaison is already in the BA. The level of detail in the condition suggested by the Council would provide clarity as to the exact requirements of the management plan and ensure that the impact of noise and ecology are suitably mitigated. However, the appellant's suggested condition would achieve similar outcomes, but is less onerous. I recommend the use of the Council condition, but I have included both conditions [condition 46 a and b], to enable the Secretary of State to choose.
- 16.18 Foul water network reinforcement is likely to be needed and confirmation of this would be required by condition 47.

#### Post occupancy

- 16.19 Landscaping retention is necessary in the interests of amenity and to ensure a satisfactory standard of landscaping [condition 49].

#### Conditions not imposed

- 16.20 A condition relating to details of the water main on the site, including diversion and access details would not be necessary to make the development acceptable. It relates to civil matters between the developer and Thames Water. I do not recommend that this condition is imposed.
- 16.21 The appellant suggested a condition for a Framework Travel Plan. However, this is provided for in the BA and it would not be necessary to include it as an additional condition.

#### *Planning obligations*

- 16.22 The measures outlined above in the BA would all be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. They would meet the requirements in the NPPF and the CIL Regulations.
- 16.23 Specifically, the measures agreed would ensure that the modal shift proposed in the vision led highways approach is secured and achieved, to

ensure that the site is in a sustainable location, and has an acceptable effect on the safety of all highways users, and did not result in a severe residual cumulative impact on the road network. The measures also include the educational and skills enhancement measures, which is a key part of addressing the skills shortage.

- 16.24 The UU secures further planning benefits in support of the development, and the owners have made a series of commitments to support the Park Homes Residents [14.33]. The Council and the owners have acknowledged and accepted that the measures secured pursuant to UU are not material to the grant of planning permission and such measures are not necessary, directly related or fairly and reasonably related to the development. Thus, the UU is of no weight.

### ***Planning balance***

- 17.1 I ascribe weight in a sliding scale of limited, moderate, significant and substantial.
- 17.2 The less than substantial harm to heritage assets would be outweighed by the public benefits of the proposal, including BNG, improvements to off-site highway works, the bus service, provision of community facilities, local economic benefits provisions, café facilities and public art.
- 17.3 There would be conflict with the development plan overall. Weighing against the proposal is the failure to further the purposes of the CNL, to which significant weight is attached. There would also be harm to the character and appearance of the area, to which I attach significant weight. There would be residual harm arising to the living conditions of the occupants of Moat House from increased noise, and this attracts moderate weight. There would also be harm to the amenity of the residents due to the sheer change in their surroundings. This is of limited weight. There could be some harm to nesting skylarks, although this would be mitigated by the off site BNG. That said, it attracts limited weight given the unknown nature of the effect and the original reliance on the Little Marlow Land for this compensation. There would also be conflict with Policy RUR4. However, this conflict is of limited weight, given my findings above.
- 17.4 Weighing in favour of the proposal is the provision of world class, Grade A, purpose built film studios that would attract global revenue and support the UK in its drive to become a global leader in this field, meeting demonstrable unmet need as the UK seeks to further this industry and address the skills shortage. This attracts substantial weight.
- 17.5 Environmental benefits include the provision of 20% BNG. Even though this would not be provided on the Little Marlow Land, the provision of 20% BNG, when there is only a requirement to provide a net gain under Policy CP1, is of significant weight. Furthermore, the scheme has been designed to be highly energy efficient, delivering around 105% savings in regulated carbon emissions, and is seeking to target BREEAM very good or excellent rating. This is of limited weight. The proposed tree canopy cover of 27% attracts limited weight as it is marginally higher than the policy requirement of 25%.

- 17.6 Social benefits include the provision of 2.8 ha of public open space on Plot 4 for recreational uses, which is of significant weight. Upgrades to the PRoWs in the area would encourage increased usage, and is of moderate weight. The 2 new bus services that would be open to the general public is of significant weight. There would also be the provision of the Culture and Skills Academy and a Community Building along with a programme for their management, maintenance and booking arrangements that will enable these facilities to be used for educational community uses, private hire and cultural events. This is of significant weight. There would also be the provision of a café, public art and off site highway improvements for all road users. These are of significant weight.
- 17.7 Additionally, and importantly, the scale of local economic benefits provided, and the drive and commitment from the appellant, which is secured in the BA, to educate, engage and up skill local people is commendable, and of substantial weight alone.
- 17.8 Economic benefits would deliver high-value film and TV content that can generate approximately £340m in production expenditure, create between 1,740-4,640 direct jobs, and thousands more in the supply chain across the UK, provide between £95 million and £265 million in annual tax revenues through direct and indirect economic activity, create a stronger WLC thereby maintaining its international competitiveness and attractiveness to global investors. This is of substantial weight.
- 17.9 Whilst there is no requirement in Green Belt policy to consider alternative sites, and the proposal would not be inappropriate development, the assessment carried out showed that there were no sites available. This is neutral in the balance.
- 17.10 Overall, therefore, the harms would be considerably outweighed by the benefits of the proposal. Consequently, the material considerations indicate a decision other than in accordance with the development plan.

## **RECOMMENDATION**

- 18.1 I recommend that the appeal should be allowed.

*Katie McDonald*

INSPECTOR

**ANNEX A: APPEARANCES**

<b>For BUCKINGHAMSHIRE COUNCIL</b>			
Simon Bird KC and Esther Drabkin-Reiter, Counsel		Instructed by Laura Lee Briggs, Solicitor Advocate, Buckinghamshire Council Legal Services	
They called			
	Chris Kennett, CMLI DipUD MSc	Landscape	Urban Designer and Landscape Architect, Buckinghamshire Council
	Del Tester, IEng, FIHE, MCIHT	Highways	Managing Director of Origin Transport Consultants Ltd
	Stuart Goodbun, BSc (Hons) MCIEH CEnvH AMIOA	Noise	Environmental Protection Officer, Buckinghamshire Council
	John Fannon, BE MRUP MSc MRTPI	Planning and need	Planning consultant and officer, Buckinghamshire Council
<i>Additional participant at the Conditions and Obligations Round Table Session</i>			
	Susan Kitchen, MSc DipTP MRTTP	Strategic Planning Advisor, Buckinghamshire Council	
<b>For DIDO PROPERTY LIMITED</b>			
Sasha White KC and Matthew Fraser, Counsel		Instructed by Stuart Andrews, Eversheds Sutherland LLP	
They called			
	Jason Prior, PGDipLA	Design	Landscape Architect and Chief Executive Officer, Prior and Partners
	Jeremy Smith, BSc (Hons), DipLA, CMLI	Landscape	Director, SLR Consulting
	Bob Edmonds, BSc MCIEEM CEnv	Ecology	Technical Director, SLR Consulting
	Nigel Mann, MSES	Noise	Director – Environmental Scientist, Tetra Tech
	Dustin Chodorowicz, BSc. M.A	Need	Partner, Nordicity
	Michael Davis, BSc (Hons)	Need	Founder, Vitamin Advisers LLP
	Amanda Nevil, CBE FRSA	Need	Former Chief Executive of the British Film Institute, Chair of the London Film School, and Strategic Advisor to Pathway
	Samantha Waite, BA (Hons)	Need	Freelance Film and TV Production Manager, Line Producer and Producer, Union Pictures
	Ellie Evans, BA (Hons)	Economic benefits	Senior Partner, Volterra

	Ian Dix, BSc (Hons) MSc CMILT MIHT	Highways	Director (Transport), SLR Consulting
	Steven Sensecall, BA (Hons) Dip.TP. MRTPI	Planning	Partner, Carter Jonas
<i>Additional participant at the Conditions and Obligations Round Table Session</i>			
	Stuart Andrews	Eversheds Sutherland LLP	
<b>For SMG and LMPC RULE 6 PARTIES</b>			
	Claire Nevin, Counsel	Instructed by Sophie Rae, PMV Planning	
	She called		
	Councillor Anna Crabtree	Amenity	LMPC
	Julie Cook	Living conditions	Resident of Iver Heath, member of the Iver Heath Residents Association and local Parish Ward Councillor
	Sam Kershaw	Need	SMG
<b>INTERESTED PERSONS</b>			
	Richard Seekins	Buckinghamshire Bird Group (attended Ecology RTS)	
	Verity West	Westhorpe Park resident and Wild Marlow (attended Ecology RTS)	
	Sarah Foot	Wild Marlow (attended Ecology RTS)	
	Joe MacNeil	Westhorpe Park resident	
	Julie Hall	Little Marlow resident	
	Guy Carter	Westhorpe Park resident	
	Cllr Kathryn Acres	Chairperson, LMPC	
	Kath Dunn	Careers with Intent, High Wycombe resident	
	Andrew Rackstraw	Local business owner	
	Tracey Matthews	Vice Principal Commercial and Partnerships, Buckinghamshire College Group	
	Cllr David Johncock	Buckinghamshire Council	
	Attila Kiraly	High Wycombe resident and course leader and film teacher, Buckinghamshire College Group	
	Cllr Alex Collingwood	Buckinghamshire Council	
	Greg Lynn	Taplow resident, film and TV producer	
	Paul White	Planning Advisor, National Trust	
	Penelope Tollitt	High Wycombe resident and former Head of Planning, Wycombe District Council	
	Melody Carro-Tevfik	Westhorpe Park Lane resident	
	Heather Morley	Founder & Editor High Wycombe Life magazine. Vice Chair Regeneration Action Group, High Wycombe Community Board.	
	Councillor Jacqueline Edwards	Cookham Parish Council	
	Lord Ed Vaizey	Former Culture, Communications and Creative Industries Minister	
	Dr Fabien Guilneau	Local resident	

Peter Spence	High Wycombe resident, Founder Wycombe Furniture Forum
Stephen Hill	Marlow resident
Hugo Kilner	Film degree graduate and local resident
Cllr Stuart Wilson	Buckinghamshire Council
Nathan Castleton	Director and Producer
Suzi Jones	Prop hire and making arts company and local resident
Neil Marshment	High Wycombe resident, photographer and business man
John Brain	High Wycombe resident, and songwriter, musician and performer
Madelein Howe	High Wycombe resident,
John Gubba	Independent filmmaker based in Marlow
Richard Mason	Novelist and film maker
Henry Hereford	Actor and producer
Teresa McGlinchy	Local resident, employed in film and tv industry
Naomi Canton	Maidenhead resident and journalist
Charlie Bangs	High Wycombe resident and school girl
Phillip Ball	Marlow resident and Ballpark Media
Öykü Tevfik	Westhorpe Park Lane resident
Rob Chandler	Henley on Thames resident and founder of global virtual production company
Dr. Thorsten Polleit	Westhorpe House resident and professor of economics
Sutish Sharma	Local resident, film and tv employee
Cllr David Watson	Buckinghamshire Council
Nia Sherrington	High Wycombe resident and musician
Richard Sherwin	Co-chair of SMG
Catherine Day	Marlow resident
Lewis Taylor	Local resident and second year film production student
Sue Imbriano	Young Creative Bucks
Richard Parker	Co-Chair of the Marlow Society
David Walker	Local resident
Richard Johnston	Bourne End resident
Jeremy Turner	Former residents of Marlow and supporting artist
Paul Strzelecki	Former Bourne End and Cookham resident
Russell Stone	Head of School of Creative and Digital Industries, Buckinghamshire New University
Emma Hawkins	Marlow resident
Mark Skoyles	Marlow resident, founder and chair of Marlow Living Streets
Helen Bradbury	Marlow resident, co-founder and trustee of Pocket Wilding

Michael Garvey	Chairman of Buckingham Business First
Natasha Somers	Marlow resident
Cllr Chris Funnell	Leader of Marlow Town Council
Martin Braint	Little Marlow resident
Bill Freeman	Local resident
Richard Owen	Westhorpe Park Lane resident
Guy Mannering	Local resident, film director and producer
Jon Perry	Marlow resident
Dave Hampton	Marlow resident
Peter Ashford	Marlow resident, and Flood Warden
Jackie Waterman	Westhorpe Park resident
Cllr Harriet Fleming	Cookham Parish Council
Joy Morrissey MP	MP for Beaconsfield

## **ANNEX B: CORE DOCUMENTS**

CORE DOCUMENTS CAN BE ACCESSED AT [HERE](#).

CD1: ORIGINAL APPLICATION SUBMISSION DOCUMENTS JULY 2022

PLANS

ENVIRONMENTAL STATEMENT

OTHER SUPPORTING DOCUMENTS

CD2: ADDITIONAL/AMENDED REPORTS AND/OR PLANS SUBMITTED AFTER VALIDATION

ADDENDUM PACK - MARCH 2023

PLANS

ENVIRONMENTAL STATEMENT ADDENDUM

ADDENDUM PLANNING STATEMENT

ADDITIONAL INFO AT OFFICER REQUEST

ADDITIONAL - ASA - INFORMATION POST SUBMISSION

ADDENDUM PACK - JUNE 2023

ENVIRONMENTAL STATEMENT SECOND ADDENDUM

SECOND ADDENDUM PLANNING STATEMENT

SUPPLEMENTARY PACK - SEPT. 2023

ENVIRONMENTAL STATEMENT THIRD ADDENDUM

PLANNING AT A GLANCE

ADDITIONAL INFORMATION - OCT. 2023

TRANSPORT / HIGHWAYS INFORMATION

DRAFT OBLIGATIONS

ADDENDUM PACK - FEB. 2024

ENVIRONMENTAL STATEMENT FORTH ADDENDUM

THIRD ADDENDUM PLANNING STATEMENT

TRANSPORT ADDENDUM

PRESENTATION - RESPONSE TO COMMITTEE - MATERIAL

ADDITIONAL HIGHWAYS INFORMATION - MARCH 2024

ADDITIONAL INFORMATION - MAY 2024

TRANSPORT / HIGHWAYS INFORMATION

DRAFT OBLIGATIONS

CD3: DECISION NOTICE AND REPORTS TO COMMITTEE

CD4: THE DEVELOPMENT PLAN

CD5: SUPPLEMENTARY PLANNING DOCUMENTS / GUIDANCE

CD6: NATIONAL TECHNICAL GUIDANCE DOCUMENTS

CD7: STATEMENTS OF COMMON GROUND

CD8: APPELLANT'S EVIDENCE

DESIGN

NEEDS

TRANSPORT / HIGHWAYS

LANDSCAPE

NOISE, VIBRATION AND LIGHTING

ECOLOGY

PLANNING

CD9: LPA'S EVIDENCE

NEEDS

TRANSPORT / HIGHWAYS

LANDSCAPE

NOISE

ECOLOGY

PLANNING

GREEN BELT

CD10: OTHER RELEVANT PLANNING DECISIONS, APPEAL DECISIONS, AND JUDGEMENTS

CD11: NATIONAL PLANNING POLICY

CD12: DRAFT CONDITIONS AND OBLIGATIONS

CD13: RULE SIX EVIDENCE

CD14: OTHER

## **ANNEX C: DOCUMENTS SUBMITTED DURING THE INQUIRY**

**INQUIRY DOCUMENTS CAN BE ACCESSED [HERE](#).**

### **OPENING STATEMENTS**

- ID01 Appellant's Opening Statement
- ID02 Council's Opening Statement
- ID03 Rule 6 Opening Statement

### **INTERESTED PARTY STATEMENTS FROM DAY SESSION - (21.01.2025)**

- ID04 Richard Seekins, Buckinghamshire Bird Society
- ID05 Verity West
- ID06 Joseph MacNeil, Westhorpe Park Resident
- ID07 Julie Hall, Little Marlow Resident
- ID08 Guy Carter, Westhorpe Park Resident
- ID09 Councillor Kathryn Acres – Chairman, Little Marlow Parish Council

### **OTHER INQUIRY DOCUMENTS**

- ID10 Email from Natural England
- ID11 Errata Document for Chris Kennett's Proof of Evidence (Landscape and Urban Design)

### **INTERESTED PARTY STATEMENTS FROM EVENING SESSION - (22.01.2025)**

- ID12 Kath Dunn
- ID13 Andrew Rackstraw
- ID14 Tracey Matthew
- ID15 Councillor David Johncock, Buckinghamshire Council
- ID16 Councillor Alex Collingwood, Buckinghamshire Council
- ID17 Greg Lynn
- ID18 Paul White
- ID19 Penelope Tollitt
- ID20 Melody Carro-Tevfik
- ID21 Heather Morley
- ID22 Councillor Jacqui Edwards, Cookham Parish Council
- ID23 Dr Fabien Guilmineau
- ID24 Peter Spence
- ID25 Stephen Hill
- ID26 Hugo Kilner
- ID27 Nathan Castleton
- ID28 Suzi Jones
- ID29 Neil Marshment
- ID30 John Brain
- ID31 Madeleine Howe
- ID32 John Gubba
- ID33 Richard Mason
- ID34 Henry Hereford
- ID35 Teresa McGlinchy
- ID36 Naomi Canton

### **OTHER INQUIRY DOCUMENTS**

- ID37 Report to Growth, Infrastructure & Housing Select Committee dated 30 January 2025
- ID38 Declaration of Result of Poll - Marlow Parish Poll - Thursday 9 May 2024
- ID39 Drawing for site visit planned for 27 January 2025

### **INTERESTED PARTY STATEMENTS FROM DAY SESSION (24.01.2025)**

- ID40 Phillip Ball
- ID41 Öykü Tefvik
- ID42 Dr Thorsten Polleit
- ID43 Sutish K Sharma
- ID44 Councillor David Watson, Buckinghamshire Council
- ID45 Nia Sherrington
- ID46 Richard Sherwin
- ID47 Catherine Day
- ID48 Lewis Taylor
- ID49 Sue Imbriano
- ID50 Richard Parker
- ID51 David Walker
- ID52 Lamia Walker
- ID53 Richard Johnston
- ID54 Jeremy Turner
- ID55 Paul Strzelecki
- ID56 Mark Skoyles
- ID57 Helen Bradbury
- ID58 Michael Garvey
- ID59 Natasha Somers
- ID60 Councillor Chris Funnell, Marlow Town Council
- ID61 Martin Braint
- ID62 Bill Freeman
- ID63 Richard Owen
- ID64 Jon Perry
- ID65 Dave Hampton

### **INTERESTED PARTY STATEMENTS FROM DAY SESSION – (SUBMITTED IN ABSENTIA) (24.01.2025)**

- ID66 Councillor Mrs Lesley Clarke OBE, Buckinghamshire Council
- ID67 Mariko Francombe
- ID68 Mark Dykes
- ID69 Andrew Burton
- ID70 Andy Nicholls
- ID71 Tracey Matthew
- ID72 Emma Hawkins
- ID73 Frank Schoofs
- ID74 Dr Timothy Morris

### **OTHER INQUIRY DOCUMENTS**

ID75 Draft Statement of Common Ground – Noise Appendix E (updated)

**INTERESTED PARTY STATEMENTS FROM DAY SESSION – (28.01.2025)**

ID76 Peter Ashford

ID77 Jackie Waterman

ID78 Councillor Harriet Pleming, Cookham Parish Council

**OTHER INQUIRY DOCUMENTS**

ID79 Jeremy Smith – Errata to Evidence

ID80 Aerial Photo prepared by Ian Dix of Pinewood locality

ID81 Pinewood Press Release

ID82 Bedfordshire Press Release

ID83 Inflation Calculator

ID84 Amazon Press Release

ID85 Footnotes to Samantha Waite’s Proof of Evidence (4&7)

**INTERESTED PARTY STATEMENT – (07.02.2025)**

ID86 Joy Morrissey MP

**OTHER INQUIRY DOCUMENTS**

ID87 BFI Official statistics for 2024 Q1-Q4

ID88 Written Update from Buckinghamshire Council’s Planning Policy Team on the new Buckinghamshire Local Plan

ID89 Additional Note on Need by John Fannon (Council’s Planning Witness)

ID90 Chancellor vows to go further and faster to kickstart economic growth

ID91 Errata sheet to Proof of Evidence of Steven Sensecall (Appellant’s Planning Witness)

ID92 Email correspondence submitted by the Appellant regarding Buckinghamshire’s Housing Needs and Supply

ID93 Lights, Camera, Action! 40% business rates relief for film studios rolled out - announcement made on 16 February by HM Treasury, the Rt Hon Rachel Reeves MP and the Rt Hon Lisa Nandy MP

ID94 Response to Council’s Note re BFI Statistics 14 Feb SUBMISSION

ID95 Updated CIL Compliance Schedule

**CLOSING SUBMISSIONS - (24.02.2025)**

ID96 for the Rule 6 Parties

ID97 for the Local Planning Authority

ID98 for the Appellant

**POST INQUIRY CLOSING DOCUMENTS**

ID99 R6 comments on PPG revisions

ID100 Council comments on PPG revisions

ID101a Appellant comments on PPG revisions – Sensecall

ID101b Appellant comments on PPG revisions – Smith

ID102 Appellant’s note on changes to the planning obligation

ID103 Council’s response on changes to the planning obligation

ID104 Buckinghamshire Local Industrial Strategy 2019

ID105 Buckinghamshire LEP Strategic Economic Plan (2016 – 2031)

ID106	Buckinghamshire Economic Recovery Plan – 2020
ID107	Strategic Vision for Buckinghamshire (2021)
ID108	Appellant’s reply on changes to the planning obligation
ID109	Completed Unilateral Undertaking dated 4 April 2025
ID110	Completed S106 dated 4 April 2025
ID111	Ecology and Biodiversity SoCG

## **ANNEX D: SCHEDULE OF RECOMMENDED CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the details and documents and plans attached to this decision in Annex E.
3. Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and reenacting that Order with or without modification, the land and/or building(s) shall not be used for any purpose other than use as a TV and film studio (and associated ancillary uses) and a community hall.
4. No live filming requiring an audience shall take place on the site without the prior written approval of the local planning authority. Any requests for such events shall be made in writing to and approved by the local planning authority not less than 10 working days prior to the event and the request shall include details of date(s), times, duration, measures to minimise noise and disturbance and a visitor and parking management plan. Events shall be managed in accordance with the approved details.
5. No development shall commence until a build sequence plan has been submitted to and approved by the Local Planning Authority. The build sequence plan to be submitted shall be broadly in accordance with the Build Sequence plan submitted at Appendix C of the February 2024 Environmental Statement Addendum (Feb 2024). The development shall be carried out in accordance with the approved details.
6. No development shall commence (including any works of demolition and ground works) on each relevant part of the development hereby permitted until a Construction Management Plan (Environmental and Traffic) (CETMP) has been submitted to and approved in writing by the Local Planning Authority in respect of that relevant part of the site. The CETMP shall include details of the following matters in relation to the construction for that relevant part:
  - a) Construction programme for the site
  - b) text, maps, and drawings as appropriate of the scale, timing and mitigation of all construction related aspects of the development;
  - c) construction details of all new site access points;
  - d) routing and types of vehicles;
  - e) measures to limit delivery journeys on the Strategic and Local Road Network during highway peak hours;
  - f) traffic movements (including operating times, an estimate of daily construction movements and a cumulative estimate of other approved CTMPs in respect of each individual part of the development);

- g) traffic management (to include the co-ordination of deliveries, plant and materials and the disposal of waste to avoid undue interference with the operation of the public highway, particularly identifying sensitive times to be avoided);
- h) Measures limiting construction traffic to 50 movements between 0730 to 0930 and 1630 to 1830 prior to the completion of the proposed improvements at Westhorpe Interchange
- i) hours of construction;
- j) construction compounds and storage and dispensing of fuels, chemicals, oils and any hazardous materials (including hazardous soils) area(s) and areas for the storage of plant and materials used in constructing the development;
- k) location of parking of site operatives and visitors, loading and unloading areas;
- l) wheel and chassis cleaning mitigation to prevent mud from vehicles leaving the site during construction, and measures to monitor the same;
- m) location and specification of temporary lighting;
- n) risk management and emergency procedures;
- o) location, design, material and scale of hoarding.; and
- p) a *pre-* condition survey of the Marlow Road (A4155) prior to any ground works and demolition and thereafter repeated at 12 monthly intervals and measures for carrying out any remedial works.
- q) the mitigation measures in respect of noise and disturbance during the construction phase including vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes;
- r) a scheme to minimise dust emissions arising from construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
- s) details of any proposed strategic road temporary traffic management measures on the SRN;
- t) details of drainage arrangements during the construction phase identifying how surface water run-off will be dealt with so as not to increase the risk of flooding to downstream areas because of the construction programme;
- u) protection measures for hedgerows;
- v) contact details of personnel responsible for the construction works; and
- w) a Foundation Works Risk Assessment and details of piling and/or other foundation techniques using penetrative methods, within areas that have been land filled, if necessary;

The construction of that part of the development permitted shall be carried out in accordance with the approved CETMP.

7. No development shall commence (including demolition, ground works, vegetation clearance) until 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:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (this must include Reasonable Avoidance Measures Method Statement (RAMMS)) on protected species.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) identification of water bodies on and off site that need to be protected from pollution during the period of construction and confirmation of the measures to be put in place to protect them.
- j) Details of a sensitive lighting scheme for use during the construction phase to minimise the impacts of light spill on the waterbodies and their adjacent habitats.
- k) Proposed treatment/eradication of Japanese knotweed (*Reynoutria Japonica*) within the site.

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

8. Prior to commencement of any part of the development as shown on the approved Build Sequence Plan, a Site Waste Management Plan in respect of that part of the development shall be submitted to and approved in writing by the Local Planning Authority. This shall include principles for handling, disposing of and managing waste during construction, and confirming targets for the reuse and recycling of waste and diversion of waste from landfill for that phase of the development. Construction shall be carried out in accordance with the approved details for that part of the development.
9. No development shall commence on any part of the development as shown on the approved Build Sequence Plan until a detailed Energy Statement for that part of the development has been submitted to and approved in writing by the Local Planning Authority. The statement shall be in broad accordance with measures set out in Energy Statement - Document 18, prepared by AECOM, dated May 2022 and Sustainability Statement - Document 17, prepared by AECOM, dated May 2022. It shall include a robust, detailed assessment of the feasibility of measures to utilise decentralised, renewable or low-carbon sources of energy; and water efficiency measures. The

development shall be constructed in accordance with the approved Energy Statement.

10. No development shall commence until a detailed Ecological Design Strategy (EDS) detailing mitigation, compensation and enhancement measures has been submitted to and approved in writing by the local planning authority. The EDS shall be based on the Preliminary Ecological Design Strategy (DRAFT) (Waterman, 4th September 2023) – ref: WIE18037-127-17-1-7 and its appendices and shall include (but not necessarily be limited to) the following:
- a) Purpose and conservation objectives for the proposed works linked to requirements for identified species and for Biodiversity Net Gain calculations.
  - b) Review of site potential and constraints.
  - c) Detailed designs and/or working method(s) to achieve stated objectives.
  - d) Extent and location/area of proposed works on appropriate scale maps and plans.
  - e) Specification and source of materials (plants and otherwise) to be used where appropriate, e.g. native species of local provenance.
  - f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
  - g) Persons responsible for implementing the works.
  - h) Details of initial aftercare and long-term maintenance.
  - i) Details of a scheme for monitoring and remedial measures, including those for the floating vegetated raft systems.
  - j) Details for disposal of any wastes arising from works.
  - k) Retention and protection of existing habitats during construction.
  - l) Habitat removal and reinstatement.
  - m) Provision for wildlife corridors, linear features and habitat connectivity.
  - n) Woodland, tree, hedgerow, shrub, wetland and wildflower planting and establishment.
  - o) Proposed new landforms associated with habitat creation.
  - p) Soil handling, movement and management.
  - q) Creation, restoration and enhancement of semi-natural habitats.
  - r) Species rescue and translocation, for reptiles
  - s) Plans, designs and specifications for a floating raft system (FloraFloat® system, or equivalent) to be included on Westhorpe Lake showing a minimum of 5 rafts, each of which is a minimum of 10 metres in length. The width, shape and location of each raft to be clearly indicated along with the anchoring mechanism.
  - t) Ecological aspects of the design of the crossing of Westhorpe watercourse.
  - u) Plans designs and specifications of the ecological elements of the green roof and green wall, including species to be included (responding to the needs of invertebrates recorded on site) and any additional ecological features included within them.

- v) Details of the proposed bank reprofiling alongside the Westhorpe Watercourse (including details of how impacts to bankside trees are managed), marginal planting shelves and the proposed semi-natural wetland platforms/ vegetated central islands in the Westhorpe Watercourse channel (including location, extent, materials and construction method, and interaction with the proposed crossing including impacts of shading).
- w) Details of the proposed clearance of vegetative matter from the offsite watercourse to the east and installation of features to its banks to create a varied flow profile.
- x) Plans, and specifications for new wildlife features, including bat roosts structures, bird nesting features within buildings, reptile hibernacula, an artificial otter holt, barn owl boxes and insect hotels.
- y) Provision and control of access and environmental interpretation facilities, e.g. bird hides, paths, fences, bridges, stiles, gates and signs/information boards.

The EDS shall, where appropriate, be cross-referenced in other relevant details (e.g. landscape plans, detailed building design, construction environmental management plan (CEMP)), and it shall be implemented in accordance with the approved details and all features shall be retained and maintained in that manner thereafter for the life of the development.

11. No development shall commence until a Habitat Creation, Management and Monitoring Plan for the off site BNG, has been submitted to and approved in writing by the local planning authority. The plan shall include:
- a) Description and evaluation of the baseline site including soil characteristics, existing vegetation and any other constraints or features or the land which impact upon the habitats which can be created, and the way in which they can be created and managed.
  - b) Ecological trends and constraints on site that might influence creation and/or management.
  - c) Detailed plans and specifications for the retention, enhancement or creation of habitats on site. These must be produced in coordination with landscape architects and consider amenity value, views through and beyond the site. Habitats provided must ensure metric trading rules are met and must also compensate for the varied mosaic style of habitat lost. Designs should seek an informal mix of grassland, trees, scrub and some wetter areas, some slight changes in soil levels will be appropriate for aesthetic and or ecological reasons.
  - d) Detailed plans, specifications, prescriptions and timescales for initial creation or enhancement.
  - e) Aims and objectives of management, including the achievement of habitat, hedgerow and river biodiversity units.
  - f) Chosen appropriate management options for achieving aims and objectives.
  - g) Prescriptions for management actions.

- h) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period and longer term works which are expected within the next 30 years).
- i) Details of the body or organisation responsible for implementation of the plan.
- j) Ongoing monitoring and remedial measures.

The Habitat Creation, Management and Monitoring Plan shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The Habitat Creation, Management and Monitoring Plan shall also set out (where the results from monitoring show that conservation aims and objectives of the Plan are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved Plan will be implemented in accordance with the approved details.

12. If the development hereby approved does not commence (or, having commenced, is suspended for more than 12 months) within 18 months from the date of the planning permission, the approved ecological measures secured through Condition 10 shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to:
- a) establish if there have been any changes in the presence and/or abundance of protected species which could be impacted by the proposals and which would not be adequately protected by the measures in place, and
  - b) identify any new ecological impacts that might arise from any changes.
- Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised with new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement (or recommencement) of development. Works will be carried out in accordance with the proposed new approved ecological measures and timetable.
13. No development shall commence until an updated Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) for the site has been submitted to and approved in writing by the Local Planning Authority. The AMS shall be updated to include:
- a) the access arrangement scheme onto Marlow Road
  - b) Methods of any construction related activities within root protection areas (RPA as defined in BS5837:2012) of the retained trees.
  - c) Where relevant, a full specification for the construction of any roads and footways including details of the no-dig specification and extent of

the areas to be constructed using a no-dig specification. Details shall include relevant sections through them.

- d) A specification for protective fencing to safeguard retained trees during clearance and construction phases.
- e) Methodology and specification for any facilitation pruning, including root pruning in accordance with BS3998:2010.
- f) Schedule of arboricultural monitoring and supervision (which includes visits by the Arboricultural consultant during installation of protective measures and structures within the RPAs of retained trees).

The development shall be implemented in accordance with the approved details.

14. No development shall commence until a detailed canopy cover implementation plan and updated tree canopy cover spreadsheet, based on the Canopy Cover update Addendum Planning Statement - Appendix 3A - Tree Canopy Cover Addendum (March 2023) has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
- a) tree pit design informed by adjacent grey infrastructure, underground services, street lighting and drainage
  - b) details of the required soil volume and how the required volume will be achieved in both hard and soft landscaped areas
  - c) the locations of other underground infrastructure to demonstrate that there are no clashes.
  - d) details of monitoring and supervision of the tree planting process including provision to take photographs of each tree pit/soil volume space, prior to filling with soil.
  - e) details of an irrigation system, maintenance and management (of trees for at least 5 years after planting).

The development shall be carried out and completed in accordance with the approved details.

15. No development within Plots 4 or 5 shall take place until a detailed scheme for the crossing over Westhorpe Watercourse between Plots 4 and 5 has been submitted to and approved in writing by the local planning authority. The scheme shall include:
- a) Detailed design drawings of the crossing structure;
  - b) Details of the materials to be used in the construction;
  - c) Details of measures to be taken to protect the environment adjacent to the proposed crossing, both terrestrial and aquatic;
  - d) An environmental risk assessment including details of pollution prevention measures to be employed among other measures.
  - e) Timescale for its implementation.

The crossing shall be implemented in accordance with the approved details.

16. No development shall commence within Plot 4 until a Site Investigation Report relating to Plot 4 has been submitted to and approved in writing by the local planning authority. This Site Investigation report shall provide a detailed

assessment of the risk to controlled waters and natural environmental features that may be affected, including those outside Plot 4. It shall include a minimum of 3 rounds of background monitoring for Per- and polyfluoroalkyl substances completed up and down the hydraulic gradient of Plot 4, and for the avoidance of doubt, monitoring of substances which may flow into and/or out of Plot 4.

17. No development shall commence (including any works of demolition and ground works) until geotechnical submissions for that part of the site within 10m of the A404 strategic highway (in accordance with Design Manual for Roads and Bridges Standard CD622) have been submitted to and approved in writing by the Local Planning Authority (in consultation with National Highways). The development shall be carried out in accordance with the approved details and retained thereafter.
18. No development shall commence until a detailed site-wide Revised Remediation Scheme, has been submitted to and approved in writing by the local planning authority. This Revised Remediation Scheme shall be based on the Remediation Strategy ref WIE18037-100-S-2-3-2-RMS issue 2-3-2 dated October 2022 (Waterman Infrastructure & Environment Ltd), as updated by the findings of the updated Site Investigation relating to plot 4, and shall include:
  - a) A Remediation Strategy which uses the results of the Site Investigations to carry out a detailed risk assessment, provides an options appraisal, and sets out full details of the remediation measures required and how they are to be undertaken.
  - b) A Groundwater Sampling Plan to monitor groundwater prior to, during and following any groundworks to be undertaken.
  - c) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in part (a) are complete and identifying requirements for monitoring of pollutant linkages, maintenance and arrangements for contingency action. This shall also include groundwater monitoring results and actions taken.

The scheme shall be implemented in accordance with the approved details.

19. No development shall commence until a scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes, has been submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected.

The scheme shall be implemented in accordance with the approved details prior to the occupation of any part of the development.

20. No development shall commence until detailed existing and proposed levels drawings of the site, demonstrating if land levels are being raised or lowered, have been submitted to and approved in writing by the Local Planning Authority. The levels should be in accordance with the illustrative design levels information shown on plan ref: 000019, submitted at Appendix 8b of the June 2023 Planning Statement Addendum, and comprise:
- a) Existing ground levels on site (spot heights) including a datum point that is located off site. Levels should be Above Ordnance Datum (AOD).
  - b) The level of the road outside the site (AOD).
  - c) The proposed levels on site following completion of the development (for each existing height a proposed height should be identified).
  - d) The location and type of any retaining structures needed to support ground level changes.
  - e) The Finished Ground Floor Level for every building that is proposed.
  - f) Existing and proposed cross sections within the site taken up to the site boundaries.

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

21. No development shall commence until a noise management plan, incorporating a plan for the operational phase, has been submitted to and approved in writing by the Local Planning Authority which specifies the provisions to be made for the control of noise emanating from the site. Thereafter, the use shall comply with the approved scheme.
22. No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:
- a) Hydraulic Modelling to demonstrate the impact of the proposed bridge on the watercourse
  - b) Water quality assessment demonstrating that the total pollution mitigation index equals or exceeds the pollution hazard index; priority should be given to above ground SuDS components
  - c) Confirmation of the road material between the bridge and plot 5 (Backlot)
  - d) Details of how the bridge structure will manage surface water runoff
  - e) Full construction details of all SuDS and drainage components
  - f) Detailed drainage layout with pipe numbers, gradients and pipe sizes complete, together with storage volumes of all SuDS components
  - g) Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus climate change

storm event should be safely contained on site. Calculations must also include:

- i. Flootation calculations based on groundwater levels encountered during winter monitoring
    - ii. Submerged outfall calculations
  - h) Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites.
  - i) Details of the surface water drainage system for the on-site roads, footways and cycleways
23. No development shall take place until a written scheme of investigation for an archaeological watching brief on the ground works has been submitted to and approved by the local planning authority. The archaeological watching brief should be undertaken by a professionally qualified archaeologist working to the agreed written scheme of investigation
24. No development shall commence (including demolition, ground works vegetation clearing) until planning permission has been granted for a replacement 'Volvo' bridge, which is capable of being used by pedestrians, cyclists and is DDA compliant along with associated footpaths and cycle connections.  
The development hereby permitted shall not be occupied until the replacement Volvo Bridge (which is capable of being used by pedestrians, cyclists and is DDA compliant) has been provided in accordance with its agreed consents and is available for use by occupiers of the film studio and the general public.
25. No development shall commence until full details of the internal road carriageways, footways and cycleways construction specifications and drainage details have been submitted to and approved in writing by the Local Planning Authority. No buildings shall be occupied until the internal road carriageways, footways and cycleways which provide access to it from the existing highway have been laid out and constructed with a bound surface material in accordance with the approved details and maintained thereafter.
26. Notwithstanding the submitted details, a schedule and/or samples of the external materials and finishes for the buildings in any part of the development shall be submitted to and approved in writing by the Local Planning Authority before any work to the external finish of that part of the development takes place. The development shall be carried in accordance with the approved details.
27. Notwithstanding the submitted details, a sample wall of the sound stage buildings metal profile cladding, including highlight colours, shall be constructed on site for inspection and approval in writing by the Local

Planning Authority before any work to the external finish of the sound stage buildings takes place. The development shall be carried in accordance with the approved details.

28. Notwithstanding the submitted details, a schedule and/or samples of all hard surfacing materials to hard landscaped areas, footpaths, including the public rights of way and similar areas shall be submitted to and approved in writing by the Local Planning Authority before any work to the finished surfaces of the development takes place. The development shall be carried in accordance with the approved details.
29. No phase of development shall commence above ground, until a fully detailed landscaping scheme, informed by approved drawing (P20514-00-003-GIL-0100-rev 13, submitted at Appendix 10 of the March 2023 Planning Statement Addendum, as amended by the landscape plans contained within the Environmental Enhancement Strategy (Feb 2024) submitted with the February 2024 Addendum), has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall also include details of:

- a) replacement tree planting to mitigate for the removal of any trees as a consequence of the site access arrangement scheme onto Marlow Road.
- b) details of green roofs and walls
- c) a programme for implementation.

For green roofs and walls it will be necessary to detail:

- d) a plan of species to be planted
- e) sections of the roof/wall
- f) depth and type of soil
- g) details of any SuDS included
- h) future maintenance

The development shall be carried in accordance with the approved details.

30. No development shall commence above ground until a detailed lighting strategy and specification report has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be in accordance with the lighting concept/strategy set out Document 12 (dated 16 May 2022). The strategy shall be informed by the Bat Conservation Trust/Institution of Lighting Professionals Guidance Note 08/23 – Bats and Artificial Lighting at Night and shall:
- a) identify those areas/features on site that are particularly sensitive for nocturnal species, specifically bats, and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
  - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical

specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

- c) Demonstrate that any lighting will not adversely affect highway safety
- d) include details of maximum luminance and lights to be erected, location, height, type and direction of light sources and intensity of illumination
- e) include details of the lights to be switched off/ and or dimmed at night including times.

The development shall be carried in accordance with the approved details before the first occupation of the development and thereafter retained. No external lighting other than that approved shall be installed.

31. Prior to the installation of any plant or equipment that either exhausts to or ventilates from or is located on the outside of a building, a written management plan detailing any plant including air ventilation, cooling, heating, extraction, or odour control systems for each building shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall include and reflect the outcome of written odour and noise/vibration risk assessments and also include written details relating to the maintenance requirements of the proposed plant in order to maintain its future effectiveness. The odour and noise risk assessments shall be based on published guidance - Commercial Kitchens: Control of Odour and Noise from Commercial Kitchen Exhaust Systems (by Ricardo Energy and Environment 2018).

No part of the building to which the plant relates shall come into use until the approved plant has been installed and commissioned in accordance with the approved management plan. Thereafter, it shall be retained, operated, and maintained in accordance with the approved details.

The acoustic impact of the plant, in normal peak operation, shall be minimised but in no event shall its Rating Level exceed a Background Sound Level by more than 3 dB(A) as assessed within the curtilage of any nearby residential property, educational facility, or publicly accessible area having regard to the definitions set out in British Standard BS4142: 2014 + A1: 2019. Any mitigation required to meet this condition shall be installed prior to first use of that equipment and thereafter maintained.

32. Prior to occupation of any part of development hereby permitted, an Operational Management Plan shall be submitted to and agreed in writing by the Local Planning Authority broadly in accordance with the draft Operational Management Plan prepared and submitted by SLR Consulting dated 6 February 2024. The Operational Management Plan shall include but not limited to the following:
- a) Details of HGV routing;
  - b) Measures to manage vehicular movements during peak periods (Monday Friday AM Peak (0800-0900) and PM Peak (1700-1800));

- c) Details of staff shift changes which seek to minimise the effect during peak operational periods of the surrounding highway network;
- d) Signage Strategy;
- e) Car Park Management Plan.

Each part of the development shall be operated in accordance with the approved details.

33. Prior to occupation of any part of development hereby permitted, a Site Management Plan will be submitted to and agreed in writing by the Local Planning Authority broadly in accordance with the draft Site Management Plan prepared and submitted by SLR Consulting dated 6 February 2024. The Site Management Plan shall include but not be limited to the following:
- a) ensuring that all servicing and waste collection to/from the site is undertaken in a safe manner – achieved through the management of vehicles on the site
  - b) ensuring that all servicing and waste collection does not affect the operation of the surrounding highway network – achieved through the routing strategy and using a booking system to control arrival times
  - c) ensuring that all servicing and waste collection is undertaken to minimise journeys through consolidation where possible – achieved by minimising vehicle movements through maximising payloads
  - d) details of parking, manoeuvring and loading/unloading areas related to the relevant parts of the development.

Each part of the development shall be operated in accordance with the approved details.

34. The development hereby permitted shall not be occupied until the means of access onto Marlow Road has been constructed in accordance with the approved plans (Conceptual Roundabout Arrangement plan (Ref: 000013 P02, 09.01.24)). The access shall be retained thereafter.
35. The development hereby permitted shall not be occupied until the visibility splays for site access on Marlow Road have been provided in accordance with the approved plans (Conceptual Roundabout Arrangement Visibility Analysis; ref: 000016; 09.01.24). The area contained within the splays shall be kept free of any obstruction exceeding 0.6 metres in height above the nearside channel level of the carriageway.
36. No part of the development hereby permitted shall be occupied until details of the cycle storage facilities for that part of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to first occupation of the building(s) or backlot to which the part relates and retained thereafter.
37. The development hereby permitted shall not be occupied until details of the surface construction and alignment of the cycling connection route running

parallel with the A404 from the A4155 to Footpath MAW/16, have been submitted to and approved by the Local Planning Authority. The route shall be constructed in accordance with the approved details, and be publicly available for walking and cycling prior to the first occupation of any part of the development. Thereafter the route shall be maintained, kept open to the public and unobstructed at all times unless essential maintenance is required, for which the prior written approval of the local planning authority shall be necessary. Any requests for such closure or alteration of the route shall be made not less than 10 working days prior to the commencement of the essential maintenance works.

38. The parking, manoeuvring, and the loading and unloading of vehicles shown on the approved plans shall be carried out in accordance with the approved details and made available for use before the first occupation of the buildings or backlot to which it relates. Thereafter those areas identified for parking, manoeuvring and loading shall not be used for any other purpose.
39. No part of the development shall be occupied until a scheme for a detailed parking management strategy has been submitted to and approved in writing by the Local Planning Authority for that part of the development. The development shall be carried out in accordance with the approved scheme.
40. Prior to the occupation of the development hereby permitted, 20% of parking spaces must be provided with an electric vehicle charging point with a minimum rating of 7.4 kW 32A or higher Type 2 electric vehicle dedicated charger. The remaining parking spaces must be provided with passive installation of electric vehicle charging points which will allow for 100% provision of electric vehicle charging points in future if the need arises.
41. No development shall commence until a scheme detailing the provision of the permissive footpath, footway and cycleway links within the Development, has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details prior to first occupation of each respective part of the times unless temporary closure of the permissive footpath, footway and cycleway links is required for essential maintenance or as otherwise authorised by this condition. Any requests for such closure or alteration of the route shall be made not less than 10 working days prior to the commencement of the essential works. Any approved closure or alteration of the route shall be implemented in accordance with the approved details.  
No building shall be occupied within Plot 4 until an Access Framework (as part of the Culture and Skills Academy Safeguarding Strategy) has been submitted to and approved in writing by the local planning authority setting out the principles for the closure of any permissive footpath, footway and cycleway within Plot 4 for specific events in connection with the approved educational use of the Culture and Skills Academy in combination with the other approved uses of the development.

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

42. No building/s shall be occupied until evidence that they have been constructed and perform in line with the detailed Energy Statement approved under condition 9 above has been submitted to and approved in writing the Local Planning Authority.

43. A landscape and ecological management plan (LEMP) shall be submitted to and be approved in writing by the local planning authority prior to first occupation of the development. The submitted document shall be based on the Document 8 (Landscape Management and Maintenance Plan – ref: P03).

The content of the LEMP shall include:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved LEMP will be implemented in accordance with the approved details.

44. Prior any part of the development being occupied, a Verification Report for that part of the site demonstrating the completion of works set out in an approved site-wide Revised Remediation Scheme and the effectiveness of the remediation shall be submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met, together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils. The approved monitoring and maintenance programme shall be implemented.

45. Notwithstanding the details submitted, prior to first occupation of the development, full details of all screen and boundary walls, fences, gates and any other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The submitted information shall include detail of the appearance, height and location of the boundary treatment, access details and limitations where appropriate and an implementation programme. The information shall be in accordance with the Security and Fencing Plan submitted with the application (ref: MFS-PP-MP-Local Plan-0003, 20/05/22) and the Design and Security section of the Design and Access Statement (p.137-138, May 2022).

The development shall be carried out in accordance with the approved details. All means of enclosure which are part of the approved scheme shall thereafter be retained in accordance with the approved details.

**46. A – Council’s suggested condition**

No part of the backlot shall be bought into use until a detailed Backlot Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Backlot Management Plan shall be in accordance with the principles set out in the Backlot Management Plan dated February 2024. The plan shall include, but not be limited to, the following details:

- a. hours of operation including production set up, filming and strike;
- b. details of any external lighting including temporary lighting;
- c. mitigation for night time filming
- d. maximum heights of temporary constructions
- e. details of any noise generating plant, machinery, equipment; and,
- f. measures for managing noise associated with filming including, sound systems, kinetic special effects, and pyrotechnics and transport noise with the potential to impact on surrounding amenity;
- g. An annual review mechanism to review the approved backlot management plan and identify any additional measures required and update the approved Backlot Management Plan.
- h. Details of security and screening, access and utility provision
- i. The appointment of community liaison manager and communication procedures, to deal with any complaints or concerns raised by members of the public regarding the use of the backlot for filming.

There shall be no reversing alarms allowed on any part of the backlot between the hours of 7pm and 7am.

The Backlot Management Plan is to be reviewed and updated annually in accordance with the details as approved. The backlot shall thereafter be managed in accordance with the approved Backlot Management Plan or any subsequent approved updated Backlot Management Plan.

**B – Appellants’ suggested condition**

No part of the backlot shall be bought into use until a Backlot Management Plan has been submitted to and approved in writing by the Local Planning

Authority. The Backlot Management Plan shall be in accordance with the principles set out in the Backlot Management Plan dated February 2024.

The plan shall include, but not be limited to, the following details:

- a. hours of operation including production set up, filming and strike
- b. details of any noise generating plant, machinery, equipment
- c. measures for managing noise associated with filming
- d. details of any external lighting including temporary lighting;
- e. mitigation for nighttime filming
- f. maximum heights of temporary constructions
- g. details of security & screening, access, and utility provision; and
- h. the appointment of community liaison manager, communication procedures, and a review mechanism.

The backlot shall thereafter be managed in accordance with the approved Backlot Management Plan or any subsequent approved updated Backlot Management Plan.

47. No part of the development shall be occupied until confirmation has been provided to the local planning authority that either:
  - a) All foul water network upgrades required to accommodate the additional flows from the development have been completed; or
  - b) A development and infrastructure phasing plan has been agreed with Thames Water, and implemented in full.
  
48. If, during development, contamination not previously identified is found to be present at the site then no further development within that part of the site (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.
  
49. 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 of the buildings or the completion of the part of development in which it relates, whichever is the sooner. Any trees, plants or areas of turfing or seeding which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar species, size and maturity to be approved by the Local Planning Authority.

**\*\*\* END OF CONDITIONS \*\*\***

**ANNEX E: LIST OF PROPOSED PLANS AND DRAWINGS**

	<b>Reference number</b>	<b>Rev.</b>	<b>Plan title</b>
<b>WILKINSON EYRE ARCHITECTS (WEA) DRAWINGS</b>			
	WEA- 0200 Series		WEA GA Site Plans
	01841-WEA-MP-00-DR-A-0200	PL7	Combined Site Plan - Level 00
	01841-WEA-MP-01-DR-A-0201	PL7	Combined Site Plan - Level 01
	01841-WEA-MP-02-DR-A-0202	PL7	Combined Site Plan - Level 02
	01841-WEA-MP-RF-DR-A-0299	PL7	Combined Site Plan - Roof Level
	WEA- 0300 Series	PL1	WEA Building Typology Key Plan
	01841-WEA-MP-XX-DR-A-0301	PL6	Masterplan Key Plan
	WEA- 0400 Series		Additional Site Sections
	01841-WEA-MP-00-DR-A-0400	PL9	Additional Site Sections Key Plan
	01841-WEA-MP-ZZ-DR-A-0401	PL9	Additional Site Sections 1 of 2
	01841-WEA-MP-ZZ-DR-A-0402	PL9	Additional Site Sections 2 of 2
<b>BLDG NO.</b>	1000		GENERAL ARRANGEMENT PLANS
	WEA- 1100 Series		Sound Stages
110,113	01841-WEA-SS-00-DR-A-1100	PL1	Type A - Ground Floor Plan
110,113	01841-WEA-SS-01-DR-A-1101	PL1	Type A - First Floor Plan
110,113	01841-WEA-SS-RF-DR-A-1102	PL1	Type A - Roof Plan
108/9,117/8,308/9	01841-WEA-SS-00-DR-A-1105	PL1	Type AA - Ground Floor Plan
108/9,117/8,308/9	01841-WEA-SS-02-DR-A-1106	PL1	Type AA - Gantry Floor Plan
108/9,117/8,308/9	01841-WEA-SS-RF-DR-A-1107	PL1	Type AA - Roof Plan
108/9,117/8,308/9	01841-WEA-SS-01-DR-A-1108	PL1	Type AA - First Floor Plan
310/11	01841-WEA-SS-00-DR-A-1110	PL1	Type A1 - Ground Floor Plan
310/11	01841-WEA-SS-01-DR-A-1111	PL1	Type A1 - First Floor Plan
310/11	01841-WEA-SS-RF-DR-A-1112	PL1	Type A1 - Roof Plan

111,116	01841-WEA-SS-00-DR-A-1115	PL1	Type B - Ground Floor Plan
111,116	01841-WEA-SS-01-DR-A-1116	PL1	Type B - First Floor Plan
111,116	01841-WEA-SS-RF-DR-A-1117	PL1	Type B - Roof Plan
305,306,115	01841-WEA-SS-00-DR-A-1120	PL1	Type C - Ground Floor Plan
305,306,115	01841-WEA-SS-01-DR-A-1121	PL1	Type C - First Floor Plan
305,306,115	01841-WEA-SS-RF-DR-A-1122	PL1	Type C - Roof Plan
112	01841-WEA-SS-00-DR-A-1125	PL1	Type D - Ground Floor Plan
112	01841-WEA-SS-01-DR-A-1126	PL1	Type D - First Floor Plan
112	01841-WEA-SS-RF-DR-A-1127	PL1	Type D - Roof Plan
303	01841-WEA-SS-00-DR-A-1130	PL1	Type E - Ground Floor Plan
303	01841-WEA-SS-01-DR-A-1131	PL1	Type E - First Floor Plan
303	01841-WEA-SS-RF-DR-A-1132	PL1	Type E - Roof Plan
207	01841-WEA-SS-00-DR-A-1135	PL1	Type F - Ground Floor Plan
207	01841-WEA-SS-01-DR-A-1136	PL1	Type F - First Floor Plan
207	01841-WEA-SS-RF-DR-A-1137	PL1	Type F - Roof Plan
106	01841-WEA-SS-00-DR-A-1140	PL1	Type C1 - Ground Floor Plan
106	01841-WEA-SS-01-DR-A-1141	PL1	Type C1 - First Floor Plan
106	01841-WEA-SS-RF-DR-A-1142	PL1	Type C1 - Roof Plan
	WEA- 1200 Series		Offices and Workshops
101	01841-WEA-WO-00-DR-A-1200	PL6	Type 1A - Ground Floor Plan
101	01841-WEA-WO-01-DR-A-1201	PL1	Type 1A - First Floor Plan
101	01841-WEA-WO-RF-DR-A-1202	PL1	Type 1A - Roof Plan
102,312,103	01841-WEA-WO-00-DR-A-1205	PL6	Type 1B - Ground Floor Plan
102,312,103	01841-WEA-WO-01-DR-A-1206	PL1	Type 1B - First Floor Plan
102,312,103	01841-WEA-WO-RF-DR-A-1207	PL1	Type 1B - Roof Plan
114	01841-WEA-WO-00-DR-A-1215	PL1	Type 4A - Ground Floor Plan
114	01841-WEA-WO-01-DR-A-1216	PL1	Type 4A - First Floor Plan

114	01841-WEA-WO-02-DR-A-1217	PL1	Type 4A - Second Floor Plan
114	01841-WEA-WO-RF-DR-A-1218	PL1	Type 4A - Roof Plan
302	01841-WEA-WO-00-DR-A-1220	PL1	Type 2A - Ground Floor Plan
302	01841-WEA-WO-01-DR-A-1221	PL1	Type 2A - First Floor Plan
302	01841-WEA-WO-02-DR-A-1222	PL1	Type 2A - Second Floor Plan
302	01841-WEA-WO-RF-DR-A-1223	PL1	Type 2A - Roof Plan
120	01841-WEA-WO-00-DR-A-1225	PL1	Type 3A - Ground Floor Plan
120	01841-WEA-WO-01-DR-A-1226	PL1	Type 3A - First Floor Plan
120	01841-WEA-WO-02-DR-A-1227	PL1	Type 3A - Second Floor Plan
120	01841-WEA-WO-RF-DR-A-1228	PL1	Type 3A - Roof Plan
119	01841-WEA-WO-00-DR-A-1230	PL1	Type 3C - Ground Floor Plan
119	01841-WEA-WO-01-DR-A-1231	PL1	Type 3C - First Floor Plan
119	01841-WEA-WO-02-DR-A-1232	PL1	Type 3C- Second Floor Plan
119	01841-WEA-WO-RF-DR-A-1233	PL1	Type 3C- Roof Plan
307	01841-WEA-WO-00-DR-A-1240	PL1	Type 4B - Ground Floor Plan
307	01841-WEA-WO-01-DR-A-1241	PL1	Type 4B - First Floor Plan
307	01841-WEA-WO-02-DR-A-1242	PL1	Type 4B - Second Plan
307	01841-WEA-WO-RF-DR-A-1243	PL1	Type 4B - Roof Plan
210,211	01841-WEA-WO-00-DR-A-1245	PL1	Type 2B - Ground Floor Plan
210,211	01841-WEA-WO-01-DR-A-1246	PL1	Type 2B - First Floor Plan
210,211	01841-WEA-WO-RF-DR-A-1247	PL1	Type 2B - Roof Plan
201,202	01841-WEA-WO-00-DR-A-1255	PL6	Type 1C - Ground Floor Plan
201,202	01841-WEA-WO-01-DR-A-1256	PL6	Type 1C - First Floor Plan
201,202	01841-WEA-WO-RF-DR-A-1257	PL6	Type 1C - Roof Plan

209	01841-WEA-WO-00-DR-A-1260	PL1	Type 6 - Ground Floor Plan
209	01841-WEA-WO-01-DR-A-1261	PL1	Type 6 - First Floor Plan
209	01841-WEA-WO-RF-DR-A-1262	PL1	Type 6 - Roof Plan
301	01841-WEA-WO-00-DR-A-1265	PL1	Type 3B - Ground Floor Plan
301	01841-WEA-WO-01-DR-A-1266	PL1	Type 3B - First Floor Plan
301	01841-WEA-WO-02-DR-A-1267	PL1	Type 3B - Second Plan
301	01841-WEA-WO-RF-DR-A-1268	PL1	Type 3B - Roof Plan
121	01841-WEA-WO-00-DR-A-1270	PL1	Type 1E - Ground Floor Plan
121	01841-WEA-WO-01-DR-A-1271	PL1	Type 1E - First Floor Plan
121	01841-WEA-WO-02-DR-A-1272	PL2	Type 1E - Second Plan
121	01841-WEA-WO-RF-DR-A-1273	PL1	Type 1E - Roof Plan
313,314	01841-WEA-WO-00-DR-A-1285	PL1	Type 1D - Ground Floor Plan
313,314	01841-WEA-WO-01-DR-A-1286	PL1	Type 1D - First Floor Plan
313,314	01841-WEA-WO-02-DR-A-1287	PL2	Type 1D - Second Plan
313,314	01841-WEA-WO-RF-DR-A-1288	PL1	Type 1D - Roof Plan
315	01841-WEA-WO-00-DR-A-1290	PL1	Type 1F - Ground Floor Plan
315	01841-WEA-WO-01-DR-A-1291	PL2	Type 1F - First Floor Plan
315	01841-WEA-WO-RF-DR-A-1292	PL1	Type 1F - Roof Plan
	WEA- 1300 Series		Studio Hub
123	01841-WEA-SH-00-DR-A-1300	PL2	Ground Floor Plan
123	01841-WEA-SH-01-DR-A-1301	PL1	First Floor Plan
123	01841-WEA-SH-02-DR-A-1302	PL2	Second Floor Plan
123	01841-WEA-SH-RF-DR-A-1303	PL2	Roof Plan
	WEA- 1400 Series		Entrance Square Buildings
104,105,107	01841-WEA-MH-00-DR-A-1400	PL2	Ground Floor Plan

104,105,107	01841-WEA-MH-XX-DR-A-1401	PL2	First Floor Plan
104,105,107	01841-WEA-MH-RF-DR-A-1402	PL2	Roof Plan
	WEA- 1500 Series		Pavilions
304	01841-WEA-PA-00-DR-A-1500	PL2	Ground Floor Plan
304	01841-WEA-PA-RF-DR-A-1501	PL2	Roof Plan
	WEA- 1600 Series	PL1	Ancillary
/	01841-WEA-AN-00-DR-A-1620	PL1	Plant Buildings
	WEA- 1700 Series	PL1	Carparks
205	01841-WEA-CP-00-DR-A-1700	PL3	North Carpark - Ground Floor Plan
205	01841-WEA-CP-01-DR-A-1701	PL3	North Carpark - First Floor Plan
205	01841-WEA-CP-XX-DR-A-1702	PL1	North Carpark - Typical Floor Plan
205	01841-WEA-CP-RF-DR-A-1704	PL1	North Carpark - Roof Plan
208	01841-WEA-CP-00-DR-A-1705	PL1	South Carpark - Ground Floor Plan
208	01841-WEA-CP-01-DR-A-1706	PL1	South Carpark - First Floor Plan
208	01841-WEA-CP-XX-DR-A-1707	PL1	South Carpark - Typical Floor Plan
208	01841-WEA-CP-04-DR-A-1708	PL1	South Carpark - Fourth Floor Plan
208	01841-WEA-CP-RF-DR-A-1709	PL1	South Carpark - Roof Plan
	WEA- 1800 Series		Culture and Skills Academy
401	01841-WEA-CA-00-DR-A-1800	PL2	CSA - Ground Floor Plan
401	01841-WEA-CA-01-DR-A-1801	PL2	CSA - First Floor Plan
401	01841-WEA-CA-RF-DR-A-1802	PL2	CSA - Roof Plan
	WEA- 1900 Series		Community Building
206	01841-WEA-CB-00-DR-A-1900	PL2	Community Building - Ground Floor Plan
<i>BLDG NO.</i>	2000		EXTERNAL ELEVATIONS
	WEA- 2100 Series	PL1	Sound Stages
110,113	01841-WEA-SS-ZZ-DR-A-2100	PL2	Type A - Elevations 1/2
110,113	01841-WEA-SS-ZZ-DR-A-2101	PL1	Type A - Elevations 2/2

108/9,117/8,308/9	01841-WEA-SS-ZZ-DR-A-2105	PL1	Type AA - Elevations 1/2
108/9,117/8,308/9	01841-WEA-SS-ZZ-DR-A-2106	PL2	Type AA - Elevations 2/2
310/11	01841-WEA-SS-ZZ-DR-A-2110	PL1	Type A1 - Elevations 1/2
310/11	01841-WEA-SS-ZZ-DR-A-2111	PL1	Type A1 - Elevations 2/2
111,116	01841-WEA-SS-ZZ-DR-A-2115	PL1	Type B - Elevations 1/2
111,116	01841-WEA-SS-ZZ-DR-A-2116	PL1	Type B - Elevations 2/2
305,306,115	01841-WEA-SS-ZZ-DR-A-2120	PL1	Type C - Elevations 1/2
305,306,115	01841-WEA-SS-ZZ-DR-A-2121	PL1	Type C - Elevations 2/2
112	01841-WEA-SS-ZZ-DR-A-2125	PL1	Type D - Elevations 1/2
112	01841-WEA-SS-ZZ-DR-A-2126	PL1	Type D - Elevations 2/2
303	01841-WEA-SS-ZZ-DR-A-2130	PL1	Type E - Elevations 1/2
303	01841-WEA-SS-ZZ-DR-A-2131	PL2	Type E - Elevations 2/2
207	01841-WEA-SS-ZZ-DR-A-2135	PL1	Type F - Elevations 1/2
207	01841-WEA-SS-ZZ-DR-A-2136	PL2	Type F - Elevations 2/2
106	01841-WEA-SS-ZZ-DR-A-2140	PL2	Type C1 - Elevations 1/2
106	01841-WEA-SS-ZZ-DR-A-2141	PL1	Type C1 - Elevations 2/2
	WEA- 2200 Series		Offices and Workshops
101	01841-WEA-WO-ZZ-DR-A-2200	PL1	Type 1A - Elevations
102,103,312	01841-WEA-WO-ZZ-DR-A-2205	PL1	Type 1B - Elevations
114	01841-WEA-WO-ZZ-DR-A-2215	PL2	Type 4A - Elevations
302	01841-WEA-WO-ZZ-DR-A-2220	PL1	Type 2A - Elevations
120	01841-WEA-WO-ZZ-DR-A-2225	PL1	Type 3A - Elevations
119	01841-WEA-WO-ZZ-DR-A-2230	PL1	Type 3C - Elevations
307	01841-WEA-WO-ZZ-DR-A-2240	PL2	Type 4B - Elevations
210,211	01841-WEA-WO-ZZ-DR-A-2245	PL1	Type 2B - Elevations
201,202	01841-WEA-WO-ZZ-DR-A-2255	PL1	Type 1C - Elevations
209	01841-WEA-WO-ZZ-DR-A-2260	PL1	Type 6 - Elevations
209	01841-WEA-WO-ZZ-DR-A-2261	PL1	Type 6 - Elevations
301	01841-WEA-WO-ZZ-DR-A-2265	PL1	Type 3B - Elevations
301	01841-WEA-WO-ZZ-DR-A-2266	PL1	Type 3B - Elevations
121	01841-WEA-WO-ZZ-DR-A-2270	PL2	Type 1E - Elevations

313,314	01841-WEA-WO-ZZ-DR-A-2285	PL1	Type 1D - Elevations
315	01841-WEA-WO-ZZ-DR-A-2290	PL1	Type 1F - Elevations
	WEA- 2300 Series		Studio Hub
123	01841-WEA-SH-NS-DR-A-2300	PL1	Elevations
123	01841-WEA-SH-EW-DR-A-2301	PL1	Elevations
	WEA- 2400 Series		Entrance Square Buildings
104,105,107	01841-WEA-MH-ZZ-DR-A-2400	PL1	Elevations 1/3
104,105,107	01841-WEA-MH-ZZ-DR-A-2401	PL2	Elevations 2/3
104,105,107	01841-WEA-MH-ZZ-DR-A-2402	PL2	Elevations 3/3
	WEA- 2500 Series		Pavilions
304	01841-WEA-PA-ZZ-DR-A-2500	PL2	Elevations 1/2
304	01841-WEA-PA-ZZ-DR-A-2501	PL2	Elevations 2/2
	WEA- 2600 Series		Ancillary
	WEA- 2700 Series		Carparks
205	01841-WEA-CP-ZZ-DR-A-2700	PL1	North Carpark - Elevations
205	01841-WEA-CP-ZZ-DR-A-2701	PL1	North Carpark - Elevations
208	01841-WEA-CP-ZZ-DR-A-2705	PL1	South Carpark - Elevations
208	01841-WEA-CP-ZZ-DR-A-2706	PL1	South Carpark - Elevations
	WEA- 2800 Series	PL1	Culture and Skills Academy
401	01841-WEA-CA-ZZ-DR-A-2800	PL2	CSA - Elevations 1/2
401	01841-WEA-CA-ZZ-DR-A-2801	PL2	CSA - Elevations 2/2
<b>BLDG NO.</b>	<b>3000</b>		<b>SECTIONS</b>
	WEA- 3100 Series		Sound Stages
110,113	01841-WEA-SS-ZZ-DR-A-3100	PL1	Type A - Sections
108/9,117/8,308/9	01841-WEA-SS-ZZ-DR-A-3105	PL1	Type AA - Sections
310/11	01841-WEA-SS-ZZ-DR-A-3110	PL1	Type A1 - Sections
111,116	01841-WEA-SS-ZZ-DR-A-3115	PL1	Type B - Sections
305,306,115	01841-WEA-SS-ZZ-DR-A-3120	PL1	Type C - Sections
112	01841-WEA-SS-ZZ-DR-A-3125	PL1	Type D - Sections

303	01841-WEA-SS-ZZ-DR-A-3130	PL1	Type E - Sections
207	01841-WEA-SS-ZZ-DR-A-3135	PL1	Type F - Sections
106	01841-WEA-SS-ZZ-DR-A-3140	PL1	Type C1 - Sections
	WEA- 3200 Series		Offices and Workshops
101	01841-WEA-WO-ZZ-DR-A-3200	PL1	Type 1A - Sections
102,312,103	01841-WEA-WO-ZZ-DR-A-3205	PL1	Type 1B - Sections
114	01841-WEA-WO-ZZ-DR-A-3215	PL1	Type 4A - Sections
302	01841-WEA-WO-ZZ-DR-A-3220	PL1	Type 2A - Sections
120	01841-WEA-WO-ZZ-DR-A-3225	PL1	Type 3A - Sections
119	01841-WEA-WO-ZZ-DR-A-3230	PL1	Type 3C -
307	01841-WEA-WO-ZZ-DR-A-3240	PL1	Type 4B - Sections
210,211	01841-WEA-WO-ZZ-DR-A-3245	PL1	Type 2B - Sections
201,202	01841-WEA-WO-ZZ-DR-A-3255	PL1	Type 1C - Sections
209	01841-WEA-WO-ZZ-DR-A-3260	PL1	Type 6 - Sections
301	01841-WEA-WO-ZZ-DR-A-3265	PL1	Type 3B - Sections
121	01841-WEA-WO-ZZ-DR-A-3270	PL1	Type 1E - Sections
313,314	01841-WEA-WO-ZZ-DR-A-3285	PL1	Type 1D - Sections
315	01841-WEA-WO-ZZ-DR-A-3290	PL1	Type 1F - Sections
	WEA- 3300 Series		Studio Hub
123	01841-WEA-SH-ZZ-DR-A-3300	PL1	Sections
	WEA- 3400 Series		Entrance Square Buildings
104,105,107	01841-WEA-MH-ZZ-DR-A-3400	PL1	Sections
104,105,107	01841-WEA-MH-ZZ-DR-A-3401	PL1	Sections
	WEA- 3500 Series		Pavilions
304	01841-WEA-PA-ZZ-DR-A-3500	PL1	Sections
	WEA- 3700 Series		Carparks

205	01841-WEA-CP-ZZ-DR-A-3700	PL3	North Carpark - Sections
208	01841-WEA-CP-ZZ-DR-A-3705	PL1	South Carpark - Sections
	WEA- 3800 Series		Culture and Skills Academy
401	01841-WEA-CA-ZZ-DR-A-3800	PL1	CSA - Sections
<i>BLDG NO.</i>	4000		TYPICAL BAY DETAILS
	WEA- 4100 Series		Sound Stages
<i>All SSs</i>	01841-WEA-SS-ZZ-DR-A-4100	PL1	Primary Detail Façade - Access Door
<i>All SSs</i>	01841-WEA-SS-ZZ-DR-A-4101	PL1	Primary Detail Façade - Pedestrian Door
<i>All SSs</i>	01841-WEA-SS-ZZ-DR-A-4102	PL1	Primary Detail Façade - Stair Core
<i>All SSs</i>	01841-WEA-SS-ZZ-DR-A-4103	PL1	Secondary Detail Façade - Service
207	01841-WEA-SS-ZZ-DR-A-4104	PL1	Type F - Primary Detail Facade
207	01841-WEA-SS-ZZ-DR-A-4106	PL1	Type F - Side Detail Facade
	WEA- 4200 Series		Offices and Workshops
<i>All WO Type 1</i>	01841-WEA-WO-ZZ-DR-A-4200	PL1	Type 1 - Primary Detail Facade
<i>All WO Type 1</i>	01841-WEA-WO-ZZ-DR-A-4201	PL1	Type 1 - Secondary Detail Facade
<i>All WO Type 1</i>	01841-WEA-WO-ZZ-DR-A-4202	PL1	Type 1 - Side Detail Facade
<i>All WO Type 2</i>	01841-WEA-WO-ZZ-DR-A-4210	PL1	Type 2 - Primary Detail Facade
<i>All WO Type 2</i>	01841-WEA-WO-ZZ-DR-A-4211	PL1	Type 2 - Secondary Detail Facade
<i>All WO Type 2</i>	01841-WEA-WO-ZZ-DR-A-4212	PL1	Type 2 - Side Detail Facade
<i>All WO Type 3</i>	01841-WEA-WO-ZZ-DR-A-4220	PL1	Type 3 - Primary Detail Facade
<i>All WO Type 3</i>	01841-WEA-WO-ZZ-DR-A-4222	PL1	Type 3 - Side Detail Facade
<i>All WO Type 4</i>	01841-WEA-WO-ZZ-DR-A-4230	PL1	Type 4 - Primary Detail Facade
<i>All WO Type 6</i>	01841-WEA-WO-ZZ-DR-A-4240	PL1	Type 6 - Primary Detail Facade
<i>All WO Type 6</i>	01841-WEA-WO-ZZ-DR-A-4241	PL1	Type 6 - Secondary Detail Facade

<i>All WO Type 6</i>	01841-WEA-WO-ZZ-DR-A-4242	PL1	Type 6 - Side Detail Facade
	WEA- 4300 Series		Studio Hub
123	01841-WEA-SH-ZZ-DR-A-4300	PL1	South Detail Facade
123	01841-WEA-SH-ZZ-DR-A-4301	PL1	North Detail Facade
	WEA- 4400 Series		Entrance Square Buildings
104	01841-WEA-MH-ZZ-DR-A-4400	PL1	Primary Detail Facade
104	01841-WEA-MH-ZZ-DR-A-4401	PL1	Side Detail Facade
104	01841-WEA-MH-ZZ-DR-A-4402	PL1	Reception Building Primary Detail Facade
	WEA- 4500 Series		Pavilions
304	01841-WEA-PA-ZZ-DR-A-4500	PL1	Primary Detail Facade
304	01841-WEA-PA-ZZ-DR-A-4501	PL1	Secondary Detail Facade
	WEA- 4700 Series		Carparks
205,208	01841-WEA-CP-ZZ-DR-A-4700	PL1	Carpark - Primary Detail Facade
	WEA- 4800 Series		Culture and Skills Academy
401	01841-WEA-CA-ZZ-DR-A-4800	PL1	Primary Detail Facade
<b>PRIOR &amp; PARTNERS DRAWINGS</b>			General Arrangement
	MFS-PP-MP-LP-0001	P05	Location Plan
	MFS-PP-MP-LP-0002	P06	Site/Block Plan
	MFS-PP-MP-LP-0003	P03	Security & Fencing Plan
<b>AECOM DRAWINGS</b>			General Arrangement
	60654980-ACM-XX-XX-SK-HW-000033	P07	Illustrative plot 4/5 crossing alignment option 2, vehicle tracking, long & cross section
	000013	P02	Conceptual roundabout arrangement



# Ministry of Housing, Communities & Local Government

[www.gov.uk/mhclg](http://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.