



Department for  
Communities and  
Local Government

Mr Graham Love  
Turley Associates  
1 New York Street  
Manchester  
M1 4HD

Our Ref: APP/N0410/A/13/2199037  
Your ref: PINM2001

18 June 2014

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 (SECTION 78)  
APPEAL BY PINWOOD STUDIOS LTD  
LAND AT AND ADJACENT TO PINWOOD STUDIOS, PINWOOD ROAD, IVER  
HEATH, BUCKINGHAMSHIRE  
APPLICATION REF: 13/0175/OUT**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, Terry G Phillimore MA MCD MRTPI, who held an inquiry on dates between 19 November to 13 December 2013 in relation to your client's appeal under Section 78 of the Town and Country Planning Act 1990 against the decision of South Bucks District Council to refuse planning permission for:

*the reconfiguration and expansion of facilities for screen based media, including film, television and video games and associated services and industries, comprising: demolition of existing outdated accommodation; erection of new stages, workshops, office accommodation, demountable modular buildings, entrance structures and reception and security offices, gas CHP energy centre, underground waste water treatment plant, recycling facilities, backlots and film streetscapes; external film production; creation of a new vehicular and pedestrian access from Pinewood Road, a new access from Sevenhills Road for use as both an emergency access and a secondary controlled vehicular access, access roads within the site, surface and multi-level car parking; and associated landscaping and ecological habitat creation works, in accordance with application ref:13/00175/OUT, as amended on 30 September 2013.*

2. The appeal was recovered for the Secretary of State's determination on 4 June 2013, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990, because the appeal involves proposals for significant development in the Green Belt.

### **Inspector's recommendation**

3. The Inspector recommended that the appeal be allowed and planning permission granted subject to conditions. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions and recommendation. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

### **Procedural Matters**

4. In reaching this position the Secretary of State has taken account the Environmental Statement which was submitted (IR8 and 828) and the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The Secretary of State is content that the Environmental Statement complies with the above Regulations and that sufficient information has been provided for him to assess the environmental impact of the appeal proposal.

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

5. The Secretary of State received a letter dated 17 December 2013 from Michael J Woods, Director and Company Secretary of Colne Valley Park Community Interest Company which states that the Company receive no income from Pinewood Studios. The Secretary of State notes that this statement contradicts the appellant's closing submission made at the inquiry and the comments made by the Inspector on funding contributions at IR697, but is satisfied that this matter does not affect his decision in this case.
6. The Secretary of State is also in receipt of the other correspondence listed at Annex B which was either received following the close of the inquiry or otherwise not seen by the Inspector. He notes that many of these representations argue that the announcement of a deal between Pinewood Studios and the Welsh Government to create a 17,000m<sup>2</sup> new film studio in Cardiff weakens the case for this appeal proposal. Although the Inspector may have been unaware of the Cardiff proposal, he concluded that under the appellant's base case forecast there is considerable potential for additional studio facilities elsewhere in the UK as well as the appeal proposal and that, if the appellant's calculation of requirements is accepted, the appeal scheme would capture only a minority proportion of this (IR795). As the Secretary of State accepts the Inspector's conclusion that the appellant's calculation of requirements is robust (paragraph 21 of this letter) he is satisfied that the Cardiff announcement does not diminish the case for expansion at Pinewood Studios' main site in Buckinghamshire. The Secretary of State therefore has not considered it necessary to seek parties' comments on the announcement of the Cardiff proposal.
7. Copies of the representations listed at Annex B are not enclosed but may be obtained on written request to the address at the foot of the first page of this letter.

### **Policy Considerations**

8. In deciding this appeal, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.

9. In this case, the development plan consists of the 2011 South Bucks Local Development Framework Core Strategy Development Plan Document, the 1999 South Bucks District Local Plan (saved version), the 2012 Buckinghamshire Minerals and Waste Core Strategy Development Plan Document, and the 2006 Buckinghamshire Minerals and Waste Plan (saved version). The Secretary of State considers that the development plan policies most relevant are those identified by the Inspector at IR46-49 and IR52-59. He also considers that the Core Strategy content identified at IR45 and IR50 are particularly relevant to this case.
10. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework (“the Framework” – March 2012) the associated planning guidance (March 2014), the Community Infrastructure Levy (CIL) Regulations 2010 (as amended), the statements of Government policy relating to the delivery of sustainable economic growth listed at IR61, the cross-departmental policy documents relating to the UK film, television and screen-based creative industries listed at IR62 and the Government’s ‘Response to the CMS Select Committee Report on the Creative Economy: Third Report of Session 2013-14’ identified at IR63.

### **Main issues**

11. The Secretary of State agrees with the Inspector that the main considerations are those set out at IR657.

### **The impact the proposal would have on the Green Belt, including openness, purposes, the use of land and visual amenity**

12. For the reasons given by the Inspector at IR663-684, the Secretary of State agrees with the Inspector’s conclusion that in addition to the harm to the Green Belt by definition as a result of the inappropriate development, the proposal would give rise to harm by reason of loss of openness, conflict with three of the five Green Belt purposes and a moderate adverse effect on landscape and visual amenity (IR685).
13. The Secretary of State notes that concern was expressed at the inquiry about any precedent the approval of this appeal could set, but given the unique circumstances of this case, the Secretary of State agrees with the Inspector that the weight of policy considerations applicable to proposals for development in the Green Belt would not be diminished should planning permission be granted (IR686).
14. As the Inspector identifies in his report (IR687), the proposal would approximately double the area of the existing Pinewood Studios and to a large degree replicate its existing physical form on undeveloped Green Belt land. The Secretary of State agrees with the Inspector’s conclusion that the harm to the Green Belt in this case, and the conflict with the development plan in that respect, is a matter that should be accorded very serious weight in his decision (IR687).

### **The effect the proposal would have on the Colne Valley Park**

15. For the reasons given by the Inspector at IR689 and 691-692 the Secretary of State agrees with the Inspector's conclusion that in overall terms, the proposed substantial physical development within a large area that is existing countryside would have a significant adverse effect on the Colne Valley Park (IR697).
16. The Inspector in the 'Project Pinewood' appeal case (IR39-41) noted that, if the positive aspects of the proposal were concluded to clearly outweigh the harm to the Green Belt, then the same considerations would equally apply and outweigh the harm to the Colne Valley Park. The Secretary of State agrees with the current Inspector that this applies similarly to the application of Core Policy 9 and that the significant harm to the Colne Valley Park is to be weighed in the balance, but with the proviso that, to the extent that the harm relates to landscape, it is the same as that identified under Green Belt impact rather than being additional (IR698).

### **Whether the development would be sustainable in transport terms**

17. For the reasons given by the Inspector at IR700-711, the Secretary of State agrees with the Inspector that with around a doubling of the numbers employed at the Studios expected as a result of the proposal, it would give rise to a substantial increase in journeys reliant on the private car, with a much greater number than the approved Masterplan development. The Secretary of State also agrees that this would be a negative outcome of the proposal, and a matter to be drawn into the overall balance of benefit and harm (IR712).

### **The impact the proposal would have on highway conditions**

18. For the reasons given by the Inspector at IR714-724 the Secretary of State agrees with the Inspector that there is no evidence that the impacts in this case would reach the 'severe' threshold at paragraph 32 of the Framework, but that the addition to local congestion and rat-running would be a moderate harm that falls to be taken into the overall balance (IR724).

### **The merits of the appellant's case for expansion of Pinewood Studios**

19. The Secretary of State agrees with the Inspector's assessment of the appellant's case for the expansion of Pinewood Studios at IR725-799. On this basis he agrees with the Inspector's overall conclusions on the case for expansion at IR800-807. He agrees with the Inspector's conclusion that Pinewood Studios has a leading global status, and is an essential component of the UK film industry, which makes a substantial contribution to the UK economy. He agrees too that Government policy seeks sustainable economic growth, and as part of this attaches high importance to the creative industries and specifically film (IR800).
20. The Secretary of State acknowledges that the proposal would approximately double the existing Pinewood Studios in terms of size and capacity, and recognises that there is a widely acknowledged current shortage in UK studio capacity, with strong industry support for the proposal. In addition to this, he agrees that the proposal is backed by a proper business assessment of future requirements. The appellant's analysis takes a long-term view which the Secretary of State considers is appropriate for major capital project investment. He also agrees that under the base case projection there would be substantial growth in film production expenditure by 2032 (IR801).

21. The appellant's top-down methodology makes a number of explicit assumptions, and the Secretary of State accepts there are uncertainties in these respects that potentially bear on the weight that can be given to the base case forecast. He agrees with the Inspector that these particularly relate to the specific nature of the film industry and unknowns regarding the future of the traditional Hollywood film model, which is a key element in UK inward investment film production expenditure, and such factors as digitisation and the studio requirements of television production. He agrees too that the shifting nature of development proposals brought forward by the appellant in recent years is indicative of changing expectations of future requirements. Nevertheless, the Secretary of State agrees that the base case projection appears to be robust, having regard to long term trends and its endorsement in independent assessments. Like the Inspector, he is satisfied that it can be regarded as the most likely future outcome based on current best information. He also agrees that the inflation-only case provides an appropriate representation of the downside risks (IR802).
22. In terms of the translation to stage space requirements, the Secretary of State agrees with the Inspector that there are some reasonable reservations about this element of the appellant's analysis, in particular with regard to high-end television and the scope for efficiencies in the use of ancillary space. However, he also agrees that there is a further considerable degree of robustness in that the proposal would provide for only 38% of the projected UK floorspace requirement under the base case. On the risk side, the Secretary of State accepts that under the inflation-only case there would be no requirement for additional floorspace (IR803).
23. The Secretary of State agrees with the Inspector that there is some weakness in the justification for the Media Hub expansion, but that the qualitative benefits of this are convincing and that it relates only to a limited part of the proposal within the Green Belt (IR804). The Secretary of State agrees with the Inspector's conclusion that the proposal would deliver substantial economic benefits if implemented and occupied in full (IR805).
24. Like the Inspector, the Secretary of State is satisfied that alternatives have been reasonably considered by the appellant. He agrees that there is no firm evidence to undermine the conclusion that there is no identifiable alternative site that could accommodate the scale and nature of the appeal proposal, although options for a lesser provision of new studio space exist (IR806).
25. Overall, the Secretary of State agrees with the Inspector's conclusion that there is a very strong, credible economic case for the proposed expansion. While recognising that there is a degree of risk arising from uncertainty, the Secretary of State accepts that the case is sufficiently compelling to be given substantial weight in support of the development (IR807).

### **Planning conditions and obligations**

26. The Secretary of State has considered the Inspector's reasoning and conclusions on conditions (IR808–821), as well as his recommended conditions as set out in the Annex to his report (IR pages 158-165). The Secretary of State is satisfied that the proposed conditions are reasonable and necessary and would meet the tests of paragraph 206 of the Framework.

27. The Secretary of State has had regard to the submitted legal agreements, the Inspector's comments at IR822-826, national policy set out at paragraphs 203-205 of the Framework, the planning guidance and the CIL Regulations. He agrees with the Inspector's assessment at IR826 and considers that the obligations comply with regulation 122 of the CIL Regulations 2010 and can be given weight in support of the proposal.

**Whether the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify such inappropriate development**

28. The Secretary of State agrees with the Inspector's overall summary of the harms in regard to the Green Belt, the Colne Valley Park, sustainable transport and traffic at IR829-835. He also agrees that the proposal is, overall, not in accordance with the development plan (IR836).

29. The Secretary of State agrees with the Inspector's conclusion that this proposal constitutes inappropriate development in the Green Belt which is contrary to an up-to-date development plan and can only be approved on the basis of very special circumstances. He agrees too that the provisions for applying a presumption in favour of sustainable development in decision-taking set out in paragraph 14 of the Framework do not apply in this case. Nevertheless, the Secretary of State accepts that given the goal of sustainable development, the performance of the proposal in this respect is a matter to be addressed, dealing with the economic, social and environmental roles of the planning system (IR837).

30. The Secretary of State agrees with the Inspector that the design and technical aspects of the development would meet sustainability criteria, and a gain in biodiversity would be delivered. Weighing against the proposal, the Secretary of State agrees with the Inspector that the incursion into Green Belt and loss of undeveloped land would be a negative environmental effect. There would also be an adverse social impact with respect to the concern expressed in widespread local objection to such an intrusion. Conversely, with the recognised cultural contribution made by Pinewood Studios and the film industry, the Secretary of State considers that there would be a boost to this which would be a positive social aspect of the expansion (IR838).

31. The Secretary of State accepts the proposal does not fully represent a focussing of significant development in a location which is or can be made sustainable in transport terms, as sought by paragraph 17 of the NPPF. He agrees with the Inspector that the extent to which it would give rise to an increase in journeys reliant on the private car would be a negative outcome, but that an increased demand for travel is a general consequence of new development (IR839).

32. In terms of the economic dimension of sustainable development, there is a strong national commitment to economic growth and support for the film industry. The secretary of State agrees with the Inspector that the potential economic benefits of the proposal would contribute significantly to these national objectives. However, as the Inspector points out, there is no general dispensation for economic development to override the Government's continuing firm commitment to Green Belt protection. Nor is there any such provision for the film industry in particular, and the support for this is not quantified or location specific in terms of new studios

development. The Secretary of State agrees with the Inspector that the requirement for very special circumstances to be established remains applicable for any exception to be made (IR840).

33. Subject to there being very special circumstances in this case, considered below, the Secretary of State agrees with the Inspector that the proposal would be reasonably consistent with sustainable development objectives albeit with a significant reservation regarding transport (IR841).

#### *Other considerations*

34. The Secretary of State notes that the appellant has put forward four components of what are referred to as individual very special circumstances. Like the Inspector he considers these should be regarded as 'other considerations' rather than very special circumstances, which cannot be identified until the end of the balancing exercise (IR842).

35. The Secretary of State agrees with the Inspector (IR843) that in terms of the first consideration, '*delivering sustainable economic growth through the appeal scheme to a world-leading business in a priority sector for the UK*', there is a very strong, credible economic case. Turning to the second consideration, '*the absence of a credible and viable alternative*', the Secretary of State agrees with the Inspector that on the basis of the available evidence, the case on this is made out (IR844).

36. In regard to the third consideration, '*the range and scale of the socio-economic and other benefits from the appeal scheme*', the Secretary of State accepts the Inspector's conclusion that although the quantification of the benefits has not been challenged, the degree to which they are delivered would again be dependent on the extent of implementation of the full scheme (IR845).

37. In arriving at the appellant's final consideration '*the harm to the Pinewood Studios Ltd business and the creative industries sector that would arise from a rejection of the appeal proposal*', the Secretary of State agrees with the Inspector's reasoning at IR846, and agrees that in the context of international competition in the film industry, the lost opportunity would represent a harmful outcome of the development not being permitted.

38. The Secretary of State notes that while these four considerations are put forward individually by the appellant, it is clear that they are interrelated and contribute collectively to the supporting case. He agrees with the Inspector that each carries substantial weight, leading in turn to a substantial cumulative weight of considerations in favour of the proposal (IR847).

#### **The Green Belt balance and overall conclusion**

39. The Secretary of State acknowledges that extensive representations both for and against the proposal were made at the inquiry, and among the latter there is understandable scepticism about the appellant's arguments in the context of changes from earlier proposals. However, he agrees with the Inspector that the appeal is to be determined on the basis of the evidence now available and on the particular case (IR848).

40. The Secretary of State agrees with the Inspector that uncertainty relating to the future of the film industry cannot be excluded. He agrees too that risk is a feature of investment decisions, but if future demand for the proposed facilities is not as

expected, and is instead as indicated by the appellant's alternative inflation-only downside case, then the result could be that the full development is not implemented. The Secretary of State acknowledges that the anticipated benefits would then not be realised in full, while the intrusion into Green Belt and harm to the national interest that it represents would be permanent. However, he agrees with the Inspector's conclusion that the evidence indicates a strong likelihood of a level of demand such that it is possible to be satisfied that the permitted development would be taken up (IR849).

41. The Government is firmly committed to both promoting sustainable economic growth and to protecting the Green Belt. In this case the Secretary of State has given very careful consideration to the clear conflict between these aims. In considering the balance between the two national interests the Secretary of State agrees with the Inspector's conclusion at IR850 that, notwithstanding the degree of uncertainty, the potential harm to the Green Belt and the other identified harm is clearly outweighed by the other considerations. He concludes too that the characteristics of the particular site, the relationship to the existing Pinewood Studios, the individual circumstances of the film industry, and the details of the supporting economic case, taken together provide a distinguishing combination of features. Overall, the Secretary of State concludes very special circumstances exist to warrant allowing the inappropriate development, overriding the identified conflict with the development plan.

### **Formal Decision**

42. 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 outline planning permission for: *the reconfiguration and expansion of facilities for screen based media, including film, television and video games and associated services and industries, comprising: demolition of existing outdated accommodation; erection of new stages, workshops, office accommodation, demountable modular buildings, entrance structures and reception and security offices, gas CHP energy centre, underground waste water treatment plant, recycling facilities, backlots and film streetscapes; external film production; creation of a new vehicular and pedestrian access from Pinewood Road, a new access from Sevenhills Road for use as both an emergency access and a secondary controlled vehicular access, access roads within the site, surface and multi-level car parking; and associated landscaping and ecological habitat creation works*, in accordance with application ref: 1300175/OUT (amended description) dated 30<sup>th</sup> September 2013, subject to the conditions listed at Annex A of this letter.
43. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.
44. 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 Town and Country Planning Act 1990.

45. This letter serves as the Secretary of State's statement under regulation 24(2) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

**Right to challenge the decision**

46. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.

47. A copy of this letter has been sent to South Bucks District Council and 'Stop Project Pinewood'. A notification letter has been sent to all other parties who asked to be informed of the decision.

Yours faithfully

**Julian Pitt**

Authorised by the Secretary of State to sign in that behalf

## **ANNEX A: CONDITIONS**

### *Time Limits, Periods and Plans*

- 1) No part of the development hereby permitted shall be begun until details of the appearance, landscaping, layout, scale and internal access of that part (hereinafter referred to as the “reserved matters”) have been submitted to, and approved in writing by, the local planning authority. The development shall not be carried out otherwise than in accordance with the approved details.
- 2) The first application for approval of reserved matters shall be made to the local planning authority no later than 2 years from the date of this permission and shall include details of the following:
  - i) major distributor roads/routes within the site, including vehicular access;
  - ii) strategic foul and surface water features within the site;
  - iii) structural landscaping/planting provisions within the site;
  - iv) ecological mitigation and management measures as set out in conditions 11 and 12;
  - v) the site entrance junction/roundabout to be formed with Pinewood Road and the access to be formed with Sevenhills Road;
  - vi) ground works including site profiling and the formation of perimeter bunds within the site;
  - vii) stage floorspace of at least 12,090sqm (gross external area), workshop floorspace of at least 12,407sqm (gross external area) and office floorspace of at least 15,905sqm (gross external area); and
  - viii) a programme ("Programme") which sets out the proposed order of construction of the matters listed at a) - g) above and all of the new stage, workshop, office and other floorspace hereby permitted, for the entirety of the application site.

All such details shall accord with the parameter plans listed in condition 4. No part of the development hereby permitted shall be begun prior to approval of all of these details. Development shall be begun before the expiration of 1 year from the date of the approval of the last of the details to be approved pursuant to this condition and shall be carried out in accordance with the approved details.

- 3) Application for approval of the last of the reserved matters shall be made to the local planning authority before the expiration of 10 years from the date of this permission.
- 4) The development hereby permitted shall accord with the approved parameter plans and drawings comprising:
  1. P-B-000/0h - Application Site Boundary
  2. P-B-001/0h - Existing Site Plan
  3. P-B-002/0h - Baseline Plan
  4. P-A-001/0a - Proposed Demolitions
  5. P-A-002-1 - Tree Removal Plan 1
  6. P-A-002-2 - Tree Removal Plan 2
  7. P-A-002-3 - Tree Removal Plan 3
  8. P-A-003/D - Site Access: Pinewood Road Main Entrance Plan

9. P-A-004/E - Site Access: Sevenhills Road Emergency and Secondary Controlled Vehicular Access Plan
  10. P-P-001/0h - Green Space Parameters
  11. P-P-002/0h - Landscape and Ecology Parameters
  12. P-P-003/0h - Development Zones and Level Parameters
  13. P-P-004/0h - Areas by Development Zone Parameters
  14. P-P-005/0i - Site Access and Circulation Parameters
  15. P-P-006/0h - Building Plot Parameters
  16. P-P-007/1 - Areas and Dimensions by Plot Parameters
- 5) An up-to-date Programme shall be maintained at all stages of the development hereby permitted and shall accompany each application for reserved matters approval that is submitted pursuant to this permission. Those subsequent parts shall not commence until the Programme has been approved and the development shall thereafter be carried out in accordance with the approved up-to-date Programme.

#### *Materials*

- 6) No part of the development hereby permitted shall be begun until a schedule of the materials to be used in the external elevations of the building(s) within that part has been submitted to, and approved in writing by, the local planning authority. The development shall thereafter be carried out in accordance with the approved schedule.

#### *Tree Protection*

- 7) No part of the development hereby permitted shall be begun until an arboricultural method statement, tree constraints plan and tree protection plan in relation to that part has been submitted to, and approved in writing by, the local planning authority. The submitted details shall accord with the BS:5837 (as current) and shall include:
- a) plans showing the trees to be removed, identified by number;
  - b) plans showing trees to be retained, identified by number, with canopies plotted;
  - c) details identifying root protection areas of retained trees within, adjacent to, or which overhang the site;
  - d) the precise location and design details for the erection of protective tree barriers and any other physical protection measures; and
  - e) a method statement in relation to construction operations.

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

- 8) No part of the development hereby permitted shall be begun until fencing for the protection of any retained tree within, adjacent to or which overhangs that part has been erected in accordance with details previously approved in writing by the local planning authority. The fencing shall be retained for the duration of the construction period of that part of the development until all equipment, materials and surplus materials have been removed from that part. Nothing shall be stored or placed in any fenced area approved in accordance with this condition and the ground levels within those areas shall not be altered, nor shall

any excavations be made without the written consent of the local planning authority.

- 9) No part of the development hereby permitted shall be begun until details of the position and proposed depth of excavation trenches for all services (including cables, pipes, surface water drains, foul water drains and public utilities) within that part (together with their means of installation which pass underneath the canopy of any retained tree within, adjacent to or which overhangs that part) have been submitted to, and approved in writing by, the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

#### *Energy Centre*

- 10) No part of the development hereby permitted shall be occupied until details of the energy centre, as shown on the Building Plots Parameter Plan P-P-006/0h (together with a programme for its implementation) have been submitted to, and approved in writing by, the local planning authority. The energy centre shall thereafter be completed in accordance with the approved details and programme.

#### *Ecological Management and Monitoring*

- 11) The first reserved matters application submitted pursuant to condition 2 shall include an ecological management plan in respect of the site covering a period of not less than 25 years. The ecological management plan shall:
- a) include details of public access, acid grassland, lighting, reptile habitat, protection and translocation, bats and the construction of green roofs;
  - b) incorporate the matters listed in: (i) section 8.9, paragraph 644 (including the proposals for mitigation in table 8.22 and table 8.24); (ii) section 4.3.2 of appendix 8.3; and (iii) section 4.3 of appendix 6 of the Environmental Statement dated February 2013 as submitted in support of the development hereby permitted;
  - c) include details of the creation and management of the embedded ecology measures set out in: (i) the Ecology Strategy dated February 2013; (ii) section 8.2 of the Environmental Statement; and (iii) plan 004/P1, all as submitted in support of the development hereby permitted;
  - d) include details of mitigation, creation and management of habitats within the site prior to, during and post construction of the development hereby permitted;
  - e) provide for the creation of all habitats as early as possible so as to minimise the time lag between construction of the development hereby permitted and the creation of replacement habitat;
  - f) require the updating of surveys of all species, which are identified as requiring protection, no later than 12 months prior to commencement of the works within each part of the development, as detailed in section 8.9, paragraph 639 of the Environmental Statement dated February 2013 as submitted in support of the development hereby permitted;
  - g) require the annual review of the ecological management plan to reflect any changes in baseline conditions or the establishment of habitats, to be submitted to and approved in writing by the local planning authority;

- h) require the provision of remedial measures if monitoring indicates that the effects of the development hereby permitted on protected and BAP species are greater than predicted in the Environmental Statement dated February 2013 as submitted in support of the development hereby permitted;
- i) require the annual submission of protected species records, collated during construction and monitoring surveys, to the local Environmental Record Centre;
- j) include details of the construction method, planting scheme and management of green roofs and details and location of any features installed for invertebrates;
- k) include details of: (i) the specification and location of bat boxes and insect hotels; and (ii) the creation and location of hibernacula created for reptiles, all as proposed in section 8.9, paragraph 637 of the Environmental Statement dated February 2013 as submitted in support of the development hereby permitted;
- l) include details of the reptile translocation strategy including details of proposed receptor sites and their suitability and ability to support additional reptiles;
- m) include the location and specification of nest boxes proposed in section 8.9, paragraph 646 of the Environmental Statement dated February 2013 as submitted in support of the development hereby permitted; and
- n) a programme for implementation.

No development hereby permitted shall be begun until the ecological management plan has been submitted to, and approved in writing by, the local planning authority. The development shall thereafter be carried out in accordance with the approved ecological management plan.

- 12) The first reserved matters application submitted pursuant to condition 2 shall include an ecological monitoring plan in respect of the site. The ecological monitoring plan shall include a regime for monitoring the impacts of those species and habitats identified as being important, including the time period over which such monitoring will occur, as detailed in section 8.9 (paragraphs 640 to 642) of the Environmental Statement dated February 2013 as submitted in support of the development hereby permitted. No development hereby permitted shall be begun until the ecological monitoring plan has been submitted to, and approved in writing by, the local planning authority. The development hereby permitted shall thereafter be carried out and managed in accordance with the approved ecological monitoring plan.
- 13) No clearance of bird breeding habitat in preparation for (or during the course of) the construction of any part of the development hereby permitted shall take place during the bird nesting season from March to August inclusive, unless a nesting bird survey has been submitted to and approved in writing by the local planning authority to establish whether that part of the site is being used for bird nesting. Should the survey reveal the presence of any nesting species then no development shall take place within that part of the site during the period specified above.

## *Drainage*

- 14) The first reserved matters application submitted pursuant to condition 2 shall include details of a surface water sustainable drainage scheme in respect of the site. The scheme shall: (i) be based on the Flood Risk Assessment dated January 2013 revised April 2013 (as submitted in support of the development hereby permitted); (ii) include a programme for its implementation; and (iii) restrict surface water run-off to greenfield discharge rates for all areas of the site that are currently undeveloped and where existing buildings and areas of hard-standing are to be demolished and replaced, together with arrangements for on-site surface water storage. The development hereby permitted shall thereafter be carried out in accordance with the approved details and programme.
- 15) Surface water drainage in respect of the development hereby permitted shall not be permitted to infiltrate into the ground other than with the express written consent of the local planning authority (which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters).

## *Ground Contamination*

- 16) No part of the development hereby permitted shall be begun until supplementary contamination ground investigation surveys for that part (as specified at paragraph 839 of the Environmental Statement dated February 2013) have been carried out to ascertain the presence of any contaminants on or under the surface of that part of the site and to determine its potential for the pollution of the water environment. The survey details shall include measures to prevent pollution of ground water and surface water, including provisions for monitoring. No part of the development hereby permitted shall be begun until the surveys, together with any necessary remedial works to render that part of the site fit for occupation, have been submitted to, and approved in writing by, the local planning authority. The development hereby permitted shall thereafter be carried out in accordance with the approved measures, which shall thereafter be retained.
- 17) No part of the approved backlot within the East Area of the development hereby permitted shall be used until an environmental management procedure (as specified in paragraphs 842 and 843 of the Environmental Statement dated February 2013 as submitted in support of the development hereby permitted) has been submitted to, and approved in writing by, the local planning authority. The objectives of the procedure shall be to ensure that:
- a) activities carried out on the backlot area do not pose a risk of harm to users arising from landfill gas emissions; and
  - b) temporary construction on the area does not affect the integrity of the clay cap or perimeter containment of the underlying landfill cells.

The environmental management procedure shall include: (i) a risk assessment of all proposed activities within the backlot area; (ii) details of a prior approval procedure (to be undertaken by the applicant) for all construction activities in the area; (iii) auditing for compliance with permitted activities and ensuring that all site users are briefed before using the backlot. The use and operation of the backlot area shall thereafter be carried out in accordance with the approved environmental management procedure.

### *External Lighting*

- 18) No part of the development hereby permitted shall be occupied until details of all external lighting proposals for that part have been submitted to, and approved in writing, by the local planning authority. All external lighting proposals shall comply with: (i) the lighting mitigation measures included in section 14.8 of the Environmental Statement dated February 2013; and (ii) the ecological mitigation measures set out at paragraph 645 of the Environmental Statement dated February 2013. No part of the development hereby permitted shall be occupied otherwise than in accordance with the approved details.
- 19) The main beam angles of all external lighting units within the development hereby permitted shall be below 70° from vertical. Light trespass received at the boundary of the development hereby permitted with residential properties shall be no more than a maximum of 5 lux m<sup>2</sup>.

### *Archaeology and Building Recording*

- 20) No part of the development hereby permitted in the vicinity of: (i) Fields F1 and F2 in the East Area; and (ii) Heatherden Hall in the West Area shall be begun until details of an archaeological watching brief for that part have been submitted to, and approved in writing by, the local planning authority. The development hereby permitted shall thereafter be carried out in accordance with the approved details.
- 21) No demolition works hereby permitted shall be carried out within the site until a photographic record of the buildings listed in table 10.8 of the Environmental Statement dated February 2013, and shown on the approved Demolition Plan P-A-001/0a, has been submitted to and approved in writing by the local planning authority. The record shall accord with a Level 1 Survey as specified in the English Heritage guidance '*Understanding Historic Buildings*' 2006.

### *Construction Management*

- 22) No part of the development hereby permitted shall be begun until a Code of Construction Practice and Management Plan for that part has been submitted to, and approved in writing by, the local planning authority. The Code of Construction Practice and Management Plan shall include:
- a) site supervision arrangements and procedures;
  - b) details of construction method statements, working practices and environmental and health and safety protection measures;
  - c) details of construction working hours;
  - d) operation of construction plant and machinery and the implementation of noise and vibration mitigation measures in accordance with paragraphs 1472 to 1476 and 1481 of the Environmental Statement dated February 2013 as submitted in support of the development hereby permitted;
  - e) details and use of construction lighting to be carried out in accordance with the mitigation listed in table 14.5 and at paragraph 1681 of the Environmental Statement dated February 2013;
  - f) arrangements for the protection of areas of ecological sensitivity and importance in accordance with the mitigation set out at paragraphs 634 to 645 of the Environmental Statement dated February 2013 (and in

accordance with the ecological management plan and ecological monitoring plan as approved pursuant to conditions 11 and 12;

- g) methods for the control of dust and air pollution in accordance with the dust mitigation measures listed in paragraphs 410 and 411 of the Environmental Statement dated February 2013;
- h) methods for the protection of landscape features and visual receptors in accordance the measures set out at paragraph 1201 of the Environmental Statement dated February 2013;
- i) methods for the prevention of dust, dirt, debris and other deposits on the highway;
- j) methods for the management of materials and prevention of waste in accordance with the sustainable waste management principles listed at paragraph 1995 of the Environmental Statement dated February 2013; and
- k) details of construction site compounds, the location and storage of plant, materials and fuel, access arrangements and security hoardings.

The development shall thereafter be carried out in accordance with the approved Code and Management Plan.

- 23) No part of the development hereby permitted shall be begun until a site waste management plan for that part (including a scheme for recycling and/or disposing of waste resulting from demolition and construction works) has been submitted to, and approved in writing by, the local planning authority. The development hereby permitted shall thereafter be carried out in accordance with the approved management plan.
- 24) No part of the development hereby permitted shall be begun until a construction traffic management plan (including details of vehicle parking for site operatives and visitors, wheel washing arrangements and plant and materials delivery/despatch times) for that part has been submitted to, and approved in writing by, the local planning authority. The development hereby permitted shall thereafter be carried out in accordance with the approved management plan.

### *Highways*

- 25) No part of the development hereby permitted shall be occupied until the highway works, which are shown in principle on drawing number P-A-003/D (including speed gates relocation, roundabout access and a Toucan crossing) have been completed and are available for use in accordance with details that have previously been approved in writing by the local planning authority.
- 26) No part of the development hereby permitted shall be occupied until the highway works, which are shown in principle on drawing number P-A-004/E (including a secure commercial emergency vehicular access), have been completed and are available for use in accordance with details that have previously been approved in writing by the local planning authority.
- 27) Notwithstanding the provisions of Part 2 of the Second Schedule to the Town and Country Planning (General Permitted Development) Order 1995) or any Order revoking or re-enacting that Order) no gates, fences, walls or other means of enclosure other than those shown on the approved plans shall be erected along the frontage to the site within 18 metres of the carriageway.

### *User Occupation*

28) Prior to the first use of the external areas and land within the site to be used for outdoor filming, a management and operational plan for those parts of the site shall be submitted to, and approved in writing by, the local planning authority. The plan shall include details of the management and mitigation of the impacts of outdoor filming (including noise disturbance, artificial lighting and parking and access requirements on adjacent residents, the landscape and ecology within the site). The plan shall also include reference to:

- a) the noise mitigation and local liaison measures listed at paragraphs 1487 to 1489 of the Environmental Statement dated February 2013; and
- b) the potential effect of filming activities on ground nesting bird habitats and the mitigation measures at paragraph 645 of the Environmental Statement dated February 2013.

No external areas and land within the site shall be used for outdoor filming otherwise than in accordance with the approved plan at all times.

29) The development hereby permitted shall be used only for uses directly connected with media, including film, television and video games production, and associated services and industries.

Ends

## Annex B

### Representations received after the inquiry closed

Correspondent	Date of letter
Mrs Karen Byfield	25 November 2013 & 4 March 2014
Michael J Woods, Director & Company Secretary, Colne Valley Park CIC	17 December 2013
Ellen Brazier	22 December 2013
Charlotte Wright (with additional list of names to Gary Rogers' petition)	2 January 2014
John K Greenwood	2 January 2014
Boris Johnson, Mayor of London	28 January 2014
Rt Hon Dominic Grieve QC MP	19 February 2014
Stephen Kyle, South Bucks DC	28 February 2014
Mr & Mrs Alec Moore	3 March 2014
Charlie Hopkins, Planning & Environmental Consultant (obo Stop Project Pinewood and others)	3 March 2014
Chris Woolley	3 March 2014
Michael J Nye, Chairman, Friends of the Colne Valley Park	3 March 2014
Robert & Janet Buck, Stop Project Pinewood Group	3 March 2014
Derek Rayner	4 March 2014
Susie & Ronnie Simkins	5 March 2014
Jonathan Brown	6 March 2014
Mrs Maureen Davies	7 March 2014
Rob Lucas, Chief Executive, Turley	7 March 2014
Michael Dines	7 March 2014
Alan Godleman	7 March 2014
Monica & Alan Wilson	7 March 2014
Pauline Vahey	9 March 2014
Lynn Jeffery	9 March 2014
Colin Barlow, Iver Parish Council	10 March 2014
Les Newman	11 March 2014
James Zafar	3 April 2014
Jaskarn Randhawa	7 April 2014
John Cridland, Director-General of the CBI	15 May 2014
Baroness Bonham-Carter (on behalf of the Liberal Democrat party)	Undated (received 19 May 2014)

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# Report to the Secretary of State for Communities and Local Government

by Terry G Phillimore MA MCD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 11 April 2014

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TOWN AND COUNTRY PLANNING ACT 1990

SOUTH BUCKS DISTRICT COUNCIL

APPEAL MADE BY

PINEWOOD STUDIOS LIMITED

Inquiry held on 19-22, 26-27, 29 November & 3-6, 10, 11, 13 December 2013; site visits made on 19 August & 28 November 2013

Land At and Adjacent to Pinewood Studios, Pinewood Road, Iver Heath, Buckinghamshire SL0 0NH

File Ref: APP/N0410/A/13/2199037

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**File Ref: APP/N0410/A/13/2199037**

**Land At and Adjacent to Pinewood Studios, Pinewood Road, Iver Heath, Buckinghamshire SLO ONH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Pinewood Studios Limited against the decision of South Bucks District Council.
- The application Ref 13/00175/OUT, dated 1 February 2013, was refused by notice dated 16 May 2013.
- The development proposed is the reconfiguration and expansion of facilities for screen based media, including film, television and video games, and associated services and industries, comprising: demolition of existing outdated accommodation; erection of new stages, workshops, office accommodation, demountable modular buildings, entrance structures and reception and security offices, gas CHP energy centre, underground waste water treatment plant, recycling facilities, backlots and film streetscapes; external film production; creation of a new vehicular and pedestrian access from Pinewood Road, emergency access from Sevenhills Road, access roads within the site, surface and multi-level car parking; and associated landscaping and ecological habitat creation works.

**Summary of Recommendation: The appeal be allowed, and planning permission be granted subject to conditions.**

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## PROCEDURAL MATTERS

1. The appeal relates to an outline planning application with all matters of detail reserved for later approval other than means of access to the site. Among other documents, the application was supported by an Environmental Statement, a Design and Access Statement and a number of plans.<sup>1</sup>
2. The appeal application as originally submitted with the above description included an emergency access link with Sevenhills Road. On 30 September 2013 a proposed amendment to the scheme was submitted, which involves an intended use of this link as both an emergency access and a secondary controlled vehicular access.<sup>2</sup> This proposed amendment was supported by revised plans, a Supplementary Transport Assessment, a Supplementary Environmental Statement and a Non-Technical Summary of the Supplementary Environmental Statement.<sup>3</sup> Publicity was carried by the appellant on the basis of this material, with a revised description of the proposal as:

*The reconfiguration and expansion of facilities for screen based media, including film, television and video games and associated services and industries, comprising: demolition of existing outdated accommodation; erection of new stages, workshops, office accommodation, demountable modular buildings, entrance structures and reception and security offices, gas CHP energy centre, underground waste water treatment plant, recycling facilities, backlots and film streetscapes; external film production; creation of a new vehicular and pedestrian access from Pinewood Road, a new access from Sevenhills Road for use as both an emergency access and a*

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<sup>1</sup> Documents CD09-11, CD08 and CD16 respectively

<sup>2</sup> CD24a

<sup>3</sup> CD24b&c, CD24d CD24e, CD24f respectively; in addition, plan P-P-007 Issue 1 corrects and supersedes P-P-007 Issue 0h [see PSL2/2]

*secondary controlled vehicular access, access roads within the site, surface and multi-level car parking; and associated landscaping and ecological habitat creation works.*

There is no change to the fundamental nature of the proposal arising from this amendment, and neither the Council nor any other party has raised objection to it being taken into account.<sup>4</sup> This Report deals with the scheme as revised in this way, and it is considered that no interest would be prejudiced by determining the appeal on this basis.

3. The appeal planning application was refused by the Council for 3 reasons.<sup>5</sup> In summary the grounds cite inconsistency with objectives relating to the Green Belt, the Colne Valley Park and sustainable development.
4. Rule 6(6) status for the inquiry was given to a local group known as Stop Project Pinewood.
5. At the inquiry two completed legal agreements containing planning obligations pursuant to section 106 of the Act were submitted, both dated 12 December 2013.<sup>6</sup> One involves Buckinghamshire County Council and the other South Bucks District Council.
6. The last sitting day of the inquiry was 13 December 2013. Shortly before then the Government published its 'Response to the CMS Select Committee Report on the Creative Economy: Third Report of Session 2013-14'.<sup>7</sup> Given the potential relevance of this to the appeal proposal I allowed a period of a week for any written representations on matters it raised to be submitted. In the event none were received, and the inquiry was closed in writing on 20 December. On 11 March 2014 the main parties were invited to submit within 10 working days any comments arising from publication of the new National Planning Practice Guidance, but again none were received.
7. I made accompanied visits to the Studios on 19 August and 28 November, including on the latter occasion seeing a film production in progress and the sets associated with this. I also carried out unaccompanied visits involving walking footpaths and driving roads in the vicinity of the appeal site at various times of day during the period of the inquiry according to itineraries suggested by the parties.<sup>8</sup>

## **ENVIRONMENTAL INFORMATION**

8. The proposal is Environmental Impact Assessment development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. As stated above, the application was accompanied by an Environmental Statement, with a further Supplementary Statement on the proposed access amendment. Together with other material information and comments from statutory consultees, these items form the environmental information which is taken into account in this Report.

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<sup>4</sup> CD65 para 7.17

<sup>5</sup> CD28

<sup>6</sup> CD97 & CD98

<sup>7</sup> CD100

<sup>8</sup> PSL11 & SPP12

## THE SITE AND SURROUNDINGS

9. The site is described in the Statement of Common Ground on Planning Issues (SoCG).<sup>9</sup> Pinewood Studios is located on the edge of the village of Iver Heath, with Slough some 8km to the south-west and Uxbridge some 4km to the east.<sup>10</sup> The junction of the M25 and M4 motorways lies a short distance to the north. The site extends to around 83ha, taking in both the existing Studios on the west side of Pinewood Road and the area proposed for expansion on the east side.
10. The existing Studios site occupies around 37ha of land which can be divided into three parts.<sup>11</sup> The central area, excluded from the Green Belt, contains over 80 individual buildings providing a range of stages, television studios, production spaces, workshops, offices, theatres and post-production facilities, stores and associated development and infrastructure, including a number of surface car parks. It also includes the original Heatherden Hall, designated as a Grade II listed building on 27 August 2013, and the main administration building around which the Studios developed in the 1930s. The south area, within the Green Belt, comprises the formal landscaped and wooded gardens originally belonging to Heatherden Hall which are used for outdoor filming, backlot areas also used for filming and the construction of large external sets, and a large car park. The north area is also in the Green Belt and accommodates a backlot used for external set construction, outdoor storage, and temporary buildings and car parking.
11. The central Studios area is tightly developed with a range of buildings of differing styles and sizes<sup>12</sup>. In total the Studios accommodate some 113,997sqm of floorspace, consisting principally of stages and television studios (32,360sqm), workshops (28,335sqm) and offices (43,586sqm).<sup>13</sup> An outline of the history and operation of the Studios is given in the SoCG.<sup>14</sup> Over 1,500 films have been produced at the Studios, including many recent big-budget productions. Its facilities include the '007 Stage' with an internal floor area of 5,481sqm, one of the largest in the world, an exterior water tank and an underwater stage. The Studios lease accommodation to around 180 tenant businesses. At peak times there can be up to around 1,800 people working on the site.<sup>15</sup>
12. A permissive footpath lies just inside the southern boundary of the Studios site. This is restricted to daytime use. It links Pinewood Road with the open space and footpaths of Black Park Country Park, which borders the entire west boundary of the Studios.
13. The eastern part of the appeal site lies immediately across Pinewood Road from the northern half of the existing Studios and comprises some 44.5ha of land entirely within the Green Belt. Part of the south boundary of this area abuts the gardens of residential properties on Pinewood Green and Pinewood Road, with open fields to the south east. Adjacent to the east is a public footpath alongside

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<sup>9</sup> CD65 section 3; site plan on p5. Aerial photographs in CD08

<sup>10</sup> Regional location shown by the plan in CD65 Appendix 2, with the Green Belt shown by the plan in CD65 Appendix 4

<sup>11</sup> CD65 p6 Figure 3.2

<sup>12</sup> Plan at CD65 Appendix 3; 3D plan at PSL12

<sup>13</sup> CD65 para 3.9 and footnote 3; para 6.12

<sup>14</sup> CD65 section 4; additional descriptions can be found in CD04

<sup>15</sup> PSL7/1 para 2.30

the cutting of the M25 motorway, with the north boundary formed by Sevenhills Road (although a small part projects to the north of the Road). The land is semi-improved grassland and pasture, divided and enclosed by a number of hedges and trees. A circular area of woodland known as The Clump is on the east side near to the M25. All trees are covered by Tree Preservation Orders.<sup>16</sup> A farmhouse (Saul's Farm) is located in the north corner, with a number of outbuildings. Part of this eastern area was historically used for mineral extraction in association with the construction of the M25 and subsequently backfilled as a landfill site.

## THE PROPOSAL

14. A description of the proposal (referred to by the appellant as 'Pinewood Studios Development Framework') is included in the SoCG<sup>17</sup>, with additional information contained in the application documents<sup>18</sup>.

### *Development content*

15. Parameter Plan P-P-003 Oh<sup>19</sup> identifies four development zones comprising the existing Studios (West Area) and three zones within the East Area (east, central and southern). Each zone would be supported by backlot and/or car parking areas. The proposal involves the demolition of some existing buildings in the West Area and the erection of new buildings and facilities across the site. Stages, workshops and offices would be accommodated in both the West and East Areas.
16. The floorspace breakdown of the proposal is as follows:<sup>20</sup>

Accommodation	Proposed Floorspace (East Area) (GEA) sqm	Proposed Floorspace (West Area) (GEA) sqm	Total (GEA) sqm
Stages	25,005	4,645	29,650
Workshops	27,914	4,679	32,593
Office	17,725	16,730	34,455
Accommodation Other	1,854	478	2,332
Sub Total	72,498	26,532	99,030
Multi-Storey Car Park	0	16,847	16,847
<b>Total</b>	<b>72,498</b>	<b>43,379</b>	<b>115,877</b>

GEA - Gross External Area

17. With demolitions totalling 6,194sqm (mainly comprising workshops and offices in the West Area<sup>21</sup>), the net increase in accommodation would be 109,683sqm.

<sup>16</sup> CD53, CD54a

<sup>17</sup> CD65 section 5

<sup>18</sup> CD02-CD17

<sup>19</sup> CD16

<sup>20</sup> Extracted from CD65 p21 Table 5.3

<sup>21</sup> Based on CD65 p20 Table 5.2

This would represent approximately a doubling of the existing floorspace of the Studios, with a proportionate increase in each of the main components.

18. With a proposed new multi-storey car park in the West Area (450 spaces) and additional surface parking, there would be a total of 3,000 car parking spaces within the combined site, equating to a net increase of 1,021 spaces from the existing provision.<sup>22</sup>
19. Individual building plots are defined within Parameter Plan P-P-006 0h<sup>23</sup> for each of the building types identified, with a degree of horizontal deviation to allow for design flexibility. Plot parameters are given for the maximum/minimum length, width and height of the type of building that has been identified for the individual plots.<sup>24</sup> The stages would have a maximum ground to ridge height of 21.5m; the workshops a height of up to 10m; the offices up to 21.5m, and the multi-storey car park up to 9m. The Energy Centre would have a maximum height of up to 14m.<sup>25</sup>
20. It is intended that the external facades of some buildings and surface treatment of some roads within the East Area would be designed to represent a range of four generic streetscapes from around the world to provide backdrops for use in outdoor film, television and other productions.<sup>26</sup> The indicative location and detail of these is provided in the Design and Access Statement.<sup>27</sup>

#### *Site access and circulation*

21. Primary access to the site is proposed to be from Pinewood Road via a new four-arm roundabout which would serve both the East and West Areas.<sup>28</sup> The existing West Area entrance (to the south of this) would also be retained, with HGVs likely to continue to use this access.<sup>29</sup>
22. In the proposal as amended, provision would be made for a secondary controlled vehicular access to the East Area from Sevenhills Road.<sup>30</sup>
23. Associated off-site highway improvement works are proposed at the Five Points Roundabout located to the south at the junction of Pinewood Road with the A412 (Church Road) and A4007 (Slough Road/Uxbridge Road).<sup>31</sup> These works were granted planning permission by the Council on 26 July 2013 (ref. 13/00176/FUL).<sup>32</sup> In addition, the improvement of the junction at the east end of Sevenhills Road where it meets Denham Road (A412) would be provided for on a contingency basis subject to the monitoring and management of the implementation and occupancy of the development.<sup>33</sup> Planning permission for

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<sup>22</sup> CD65 paras 5.9 & 5.10

<sup>23</sup> CD16

<sup>24</sup> Plan P-P-007 Issue 1

<sup>25</sup> CD65 para 5.13; for comparison the '007' stage is 115m long, 52m wide, and 19-20.6m high (SBDC1/1 para 6.27). Within the East Area 8 stages and 2 stage/workshops are proposed

<sup>26</sup> CD65 para 5.6

<sup>27</sup> CD08

<sup>28</sup> CD16 plans P-P-005 0h & P-A-003 RevD

<sup>29</sup> CD65 para 5.14

<sup>30</sup> CD24b; CD24c

<sup>31</sup> Location shown in PSL3/2 Figures 1 & 2

<sup>32</sup> PSL3/2 Appendix C

<sup>33</sup> CD65 para 5.18

the junction improvement was granted by the Secretary of State at appeal on 19 January 2012.<sup>34</sup>

24. The Parameter Plan also defines the approximate alignment of a proposed network of pedestrian routes through the southern part of the East Area and The Clump woodland, and along the southern and northeast boundaries.<sup>35</sup> These would lie outside a defined secure zone and be for controlled public use.<sup>36</sup>

#### *Landscape and ecology*

25. A minimum of 32ha of the appeal site is proposed to comprise soft landscaping.<sup>37</sup>
26. The area of existing woodland within the East Area known as The Clump would be retained, together with the majority of existing hedgerows and other trees both within the site and around its perimeter.<sup>38</sup>
27. New landscape features would consist of green roofs, bunds, areas of species rich grassland, open water, woodland planting, damp grassland/marsh, and swales. The formation of landscaped bunds is proposed with the intention to screen the new development in the East Area from near views. Along Pinewood Road there would be a 5m high bund (designed to a 1:5 slope) with a hedgerow along the top, and to the rear of properties on Pinewood Green there would be a bund 1.5-3.5m high. It is proposed that the bunds would be managed to enhance their ecological value.<sup>39</sup> An Ecology Strategy<sup>40</sup> formed part of the application submission.

#### *Drainage*

28. The development would incorporate a Sustainable Drainage System, including potential rainwater capture from large roof areas with attenuation tanks in the West Area, and swales, attenuation ponds and wetland areas in the East Area.
29. The existing foul drainage system in the West Area would serve the replacement development in that area. An underground waste water treatment plant is proposed to serve the East Area and all additional development in the West Area.<sup>41</sup>

#### *Renewable energy*

30. A Gas Combined Heating and Power (CHP) Plant operated by natural gas is proposed.<sup>42</sup>

#### *Phasing*

31. The appellant anticipates that, were planning permission to be granted, development would commence in 2015 and thereafter be broadly delivered in

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<sup>34</sup> CD57 (Appeal ref APP/N0410/A/11/2152595); PSL3/2 Appendix E

<sup>35</sup> CD16 plan P-P-005 0h

<sup>36</sup> Proposals for management given in CD15

<sup>37</sup> CD65 para 5.23

<sup>38</sup> CD16 plan P-P-002 0h

<sup>39</sup> CD65 paras 5.26-5.28

<sup>40</sup> CD14

<sup>41</sup> CD65 paras 5.31-5.33

<sup>42</sup> Energy statement at CD13; CD23f confirms the anticipated performance of the plant

three five-year phases.<sup>43</sup> The possible quantum of development to be delivered in each phase is identified in the table below.<sup>44</sup>

Accommodation	Quantum of Additional Accommodation sqm			Total
	Phase 1	Phase 2	Phase 3	
Stages	12,090	12,915	4,645	29,650
Workshops	12,407	13,507	6,679	32,593
Office accommodation	15,905	7,725	10,825	34,455
Other	1,832	500		2,332
Other Infrastructure				
Car parking (spaces)	589	683	- 251	1,021
Backlot area	√	√		
Landscaping	√	√	√	
Site drainage	√	√	√	
Site remediation (East only)	√			

32. Indicative phasing plans are provided within the Design and Access Statement.<sup>45</sup>

#### *Illustrative Masterplan*

33. An Illustrative Masterplan document provides an example of how the appeal site could be developed, working within the development parameters set out above.<sup>46</sup> This document also contains a range of other illustrative material provided to assist an understanding of how the appeal site might be developed, including photomontages and cross sections.<sup>47</sup>

### **PLANNING HISTORY**

34. A description of the historic origin and development of Pinewood Studios is included in the SoCG.<sup>48</sup>

35. The Studios have a fairly extensive history of planning applications, which are also fully recorded in the SoGC.<sup>49</sup> The following recent decisions are of particular note.

#### *2006 Masterplan*

36. An outline planning permission referred to as the Masterplan was granted by the Council on 12 April 2006 (ref 04/00660/OUT).<sup>50</sup> This applied to the non-Green

<sup>43</sup> CD65 para 5.37

<sup>44</sup> Taken from CD65 p25 Table 5.4

<sup>45</sup> CD08 pp 146-148

<sup>46</sup> CD18

<sup>47</sup> Also in CD08

<sup>48</sup> CD65 section 4

<sup>49</sup> CD65 section 6

<sup>50</sup> CD55

Belt developed area of the Studios. The approach was to redevelop and intensify development whilst retaining the principal stages, workshops, offices, Heatherden Hall and other functional buildings. It therefore focussed on the under-used and under-developed parts of the Studios and buildings which had become obsolete. The Masterplan provided for a net increase in the overall floorspace at the Studios by 67,260sqm (from 101,859sqm to 169,119sqm) over a ten year period, allowing for demolition of 27,440sqm and development of 94,700sqm of new accommodation.<sup>51</sup>

37. The Masterplan permission has been implemented, with a number of new buildings constructed since it was granted.<sup>52</sup> In part these have been the subject of reserved matter approvals pursuant to the Masterplan outline permission (the Technicolor Building and the South Dock (Q) Stage), with other buildings developed under new detailed planning applications (including the Richard Attenborough Stage and temporary workshops). Those in the latter category each contained a condition stipulating that the building approved shall represent part of the net additional floorspace approved under the Masterplan and not be a further addition to that floorspace.<sup>53</sup>
38. To enable construction of the above buildings, the demolition of 10,594sqm of existing accommodation was carried out.<sup>54</sup> With total existing floorspace (June 2013) of 113,997sqm, there is 55,115sqm (net) of undeveloped committed floorspace under the Masterplan.<sup>55</sup>

#### *Project Pinewood 2006-2010*

39. 'Project Pinewood' was a scheme for development of the land that comprises the East Area of the current appeal site. It was conceived immediately after the approval of the 2006 Masterplan on the working assumption that production requirements for the Studios were provided for.<sup>56</sup>
40. The development was intended to be a living and working community for the creative industries as a widening of the role of Pinewood Studios. The scheme comprised:
- up to 8,000sqm of creative industries floorspace
  - up to 1,000sqm of ancillary filming accommodation (primarily Class B1)
  - a Screen Crafts Academy up to 2,000sqm
  - up to 4,000sqm of community facilities (including a primary school)
  - up to 2,000sqm of retail (Class A1)
  - an open air theatre
  - an energy centre

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<sup>51</sup> CD65 para 6.5 & p32 Fig 6.1

<sup>52</sup> CD65 p34 Table 6.5

<sup>53</sup> CD65 para 6.10

<sup>54</sup> CD65 p35 Table 6.6

<sup>55</sup> CD65 paras 6.12 & 6.13

<sup>56</sup> CD65 paras 6.15-6.18

- a water treatment facility
- open space (25.7ha)
- up to 1,400 residential units
- film set streetscapes (x15)
- up to 2,200 car parking spaces.

41. The planning application was refused by the Council on 22 October 2009 and the subsequent appeal was recovered by the Secretary of State for his own determination. A public inquiry was held commencing on 5 April 2011. The appeal was dismissed on 19 January 2012, with the Secretary of State agreeing with the Inspector that very special circumstances to justify the Project Pinewood development in the Green Belt did not exist.<sup>57</sup>

#### *Minerals and waste*

42. The central part of the appeal site within the East Area was used for sand and gravel mineral extraction in the early 1980s for use in the construction of the adjacent M25. This was backfilled with excavated clay and soils from the motorway construction. As part of this operation a landfill licence was obtained and planning permission granted for the construction of clay-lined landfill cells for the disposal of construction, commercial and other non-hazardous wastes. These were subsequently capped with compacted clay and soil cover when full, and the land restored.<sup>58</sup>

## **PLANNING POLICY**

### ***Development Plan***

43. The adopted development plan for South Buckinghamshire comprises:<sup>59</sup>

- South Bucks Local Development Framework Core Strategy Development Plan Document
- South Bucks District Local Plan (saved version)
- Buckinghamshire Minerals and Waste Core Strategy Development Plan Document
- Buckinghamshire Minerals and Waste Local Plan (saved version)

### *South Bucks Core Strategy*<sup>60</sup>

44. This was adopted in February 2011 and covers the period to 2026. It pre-dates the publication of the National Planning Policy Framework and was prepared to conform to the Regional Strategy for the South East which has since been partially revoked.<sup>61</sup>

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<sup>57</sup> CD57 Appeal ref APP/N0410/A/10/2126663; at the same time, appeal refs APP/N0410/A/11/2152595 & APP/N0410/A/11/2152591 relating to highway improvements were allowed

<sup>58</sup> CD65 paras 6.20 & 6.21; details in CD9 section 9.6

<sup>59</sup> CD65 para 8.3

<sup>60</sup> CD29

<sup>61</sup> CD65 para 8.4

45. The spatial strategy set out in the Core Strategy aims to protect the Green Belt, by focusing new development on previously developed land within existing settlements.<sup>62</sup> The following policies are relevant to the appeal.
46. Core Policy 6 provides requirements on local infrastructure needs with development. Core Policy 7 on Accessibility and Transport sets out an intention to seek to improve accessibility to services and ensure a safe and sustainable transport network. This will be done by supporting the rebalancing of the transport system in favour of more sustainable modes of transport, whilst recognising that in rural parts of the District the car will remain the primary mode of transport. Among other points, new development that generates substantial transport movements will be focussed in locations that are accessible by public transport, walking and cycling.
47. Core Policy 8 gives paramount importance to the protection and, where appropriate, enhancement of the District's historic environment. Core Policy 9 sets out aims for the natural environment, with the landscape characteristics and biodiversity resources of the District to be conserved and enhanced. This will include by not permitting new development that would harm landscape character or nature conservation interests, unless the importance of the development outweighs the harm caused, the Council is satisfied that the development cannot reasonably be located on an alternative site that would result in less or no harm and appropriate mitigation or compensation is provided, resulting in a net gain in Biodiversity. The rural/urban fringe will be improved by supporting and implementing initiatives in the Colne Valley Park Action Plan<sup>63</sup>.
48. Under Core Policy 10, important employment sites will be retained in employment use. New employment will be accommodated in the District and Local Centres, on the Opportunity Sites, and through appropriate intensification on existing employment sites excluded from the Green Belt, where there is good access by a variety of transport modes.
49. Core Policy 12 on Sustainable Energy promotes and encourages energy efficiency and renewable/low carbon energy in all new development. Core Policy 13 sets out measures to ensure the prudent and sustainable management of the District's environmental resources.
50. Paragraphs 1.2.28 and 2.2.23 of the Core Strategy recognise the national and international importance of Pinewood Studios as a location for film and television production.

*South Bucks District Local Plan (saved version)*<sup>64</sup>

51. This was adopted on 22 March 1999. Following a Direction from the Secretary of State in 2007, a saved version was published in February 2011. The following saved policies are relevant.
52. Policy E2 deals with the Pinewood Studios site, which as identified on the proposals map is allocated for film studio use. General support is given to

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<sup>62</sup> CD29 p15

<sup>63</sup> The Action Plan is no longer a current document, now replaced by the objectives of the Colne Valley Park Community Interest Company – see CD52

<sup>64</sup> CD30

extensions, new buildings and conversion within the site which are for uses directly connected with film production or associated industries. A restrictive approach is set out towards proposals for redevelopment or re-use of the studios for other uses. Paragraph 10.17 states that the site is of national and international significance for the production of films, and that the retention of this unique site for film production is extremely desirable.

53. Policy EP3 requires the use, design and layout of development to be compatible with the character and amenities of a site itself, adjoining development and the locality in general. Policy EP5 provides daylight and sunlight requirements.
54. Policy EP4 sets out expectations on landscaping, including that this should be an integral part of a development proposal and that important existing planting and landscape features should be taken account of and retained. Policy L10 deals with works affecting trees covered by a Tree Preservation Order.
55. Policy GB1 refers to the defined Green Belt, and indicates that permission will not be granted for development within the Green Belt other than for specified limited categories. Under policy GB4 proposals to establish new employment generating or other commercial sites or extend the curtilages of existing sites will not be permitted in the Green Belt.
56. Policy TR5 sets out considerations on safety, congestion and the environment applicable to proposals involving a new or altered access onto the highway, works on the highway, the creation of a new highway, or the generation of additional traffic.
57. Policy TR7 deals with parking provision, referring to parking standards and, among other things, requiring that development should not be likely to result in non-residential on-street parking in residential areas.

*Buckinghamshire Minerals and Waste Core Strategy*<sup>65</sup>

58. This was adopted in November 2012. The appeal site lies within a Mineral Safeguarding Area and Mineral Consultation Area for sand and gravel, as defined on Map 3 and the Key Diagram. Under policy CS1, development within this area is required to demonstrate that it will not sterilise the resource or that consideration has been given to prior extraction and the need for the development outweighs the economic value of the mineral resource.

*Buckinghamshire Minerals and Waste Local Plan (saved version)*<sup>66</sup>

59. This was adopted in June 2006, covering the period 2004 - 2016. Saved policy 1 sets out overarching principles for minerals extraction, seeking to ensure continuity in supply and applying a sustainable approach.

**National policy**

60. Relevant Government policy is set out in the National Planning Policy Framework (March 2012).

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<sup>65</sup> CD31

<sup>66</sup> CD32

61. In addition, the SoCG identifies the following as key statements of Government policy relating to the delivery of sustainable economic growth.<sup>67</sup>

- The Coalition: our programme for government, Cabinet Office, May 2010<sup>68</sup>
- Transforming the British economy: Coalition strategy for economic growth (speech given by Rt Hon David Cameron PM, May 2010)<sup>69</sup>
- The Path to Strong, Sustainable and Balanced Growth, HM Treasury and BIS, November 2010<sup>70</sup>
- The Plan for Growth, HM Treasury and BIS, March 2011<sup>71</sup>
- Planning for Growth: Written Ministerial Statement Rt Hon Greg Clark MP, Minister of State for Decentralisation, March 2011<sup>72</sup>
- Britain Open for Business: Growth through international trade and investment - UK Trade and Investment, May 2011<sup>73</sup>
- Prime Minister's speech to the Confederation of British Industry Conference (Rt Hon David Cameron PM, November 2012)<sup>74</sup>
- Autumn Statement 2012, HM Treasury, December 2012<sup>75</sup>
- Budget 2013 and Plan for Growth Implementation Update, HM Treasury and BIS, March 2013<sup>76</sup>
- Investing in Britain's Future, HM Treasury, June 2013<sup>77</sup>

*Policy on the screen-based creative industries*

62. The SoCG also records that industry and cultural policy for the UK film, television and screen-based creative industries is set collectively across several Government departments including HM Treasury, the Department for Business, Innovation and Skills and the Department for Culture, Media and Sport. The following are identified in the SoCG as indicating such policy.<sup>78</sup>

- The future of the UK film industry (speech given to BAFTA by Ed Vaizey MP, November 2010)<sup>79</sup>
- Next Gen: Transforming the UK into the world's leading talent hub for the video games and visual effects industries (NESTA, February 2011)<sup>80</sup>

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<sup>67</sup> CD65 paras 8.28-8.67

<sup>68</sup> CD34

<sup>69</sup> CD35

<sup>70</sup> CD36

<sup>71</sup> CD37

<sup>72</sup> CD38

<sup>73</sup> CD39

<sup>74</sup> CD40

<sup>75</sup> CD41; CD95 HM Treasury Autumn Statement 2013 and CD96 HM Treasury National Infrastructure Plan 2013 subsequently published and referred to in evidence

<sup>76</sup> CD42

<sup>77</sup> CD43

<sup>78</sup> CD65 paras 8.68-8.85

<sup>79</sup> CD44

- A future for British film: it begins with the audience - a UK film policy review for Department for Culture, Media and Sport, January 2012<sup>81</sup>
  - Creative Sector Tax Reliefs (HM Treasury, June and December 2012)<sup>82</sup>
  - Film Forever - Supporting UK film: British Film Institute Plan 2012 to 2017 (British Film Institute, October 2012)<sup>83</sup>
  - Ministerial Letter dated 15 May 2013, Rt Hon Vince Cable MP, Secretary of State for Business, Innovation and Skills<sup>84</sup>.
63. In addition, in December 2013 the Government published its 'Response to the CMS Select Committee Report on the Creative Economy: Third Report of Session 2013-14'.<sup>85</sup>

### **AGREED MATTERS**

64. A number of areas of agreement set out in the SoCG between the appellant and the Council, in addition to the matters already referred to above, can be noted as follows.
- 1) The Environmental Statement complies with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and has satisfactorily assessed the likely environmental effects of the appeal scheme.<sup>86</sup>
  - 2) The level of consultation undertaken on the application conforms to the Council's adopted Statement of Community Involvement.<sup>87</sup>
  - 3) The indicative phasing of the proposal is appropriate, and the approach of providing some flexibility within the development parameters assessed in the Environmental Statement is an acceptable one.<sup>88</sup>
  - 4) The flagship of Pinewood Shepperton plc is Pinewood Studios at Iver Heath, which is the only production complex of its size, scale and international profile in the UK.<sup>89</sup>
  - 5) As well as one of the most comprehensive ranges of production facilities on one site in the world, Pinewood Studios offers a collection of related businesses which provide equipment and services to the creative industries.<sup>90</sup>
  - 6) Pinewood Studios is a leading provider of film, television and related services to the global film and television industry and is ranked in the top three studio facilities in the world. Pinewood was also the most used film studio for productions over a \$100m budget for 2010, 2011 and 2012. The reasons for this leading position are related to: UK film, high-end television and video

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<sup>80</sup> CD45

<sup>81</sup> CD46

<sup>82</sup> CD47

<sup>83</sup> CD48

<sup>84</sup> CD49

<sup>85</sup> CD100

<sup>86</sup> CD65 para 2.8

<sup>87</sup> CD65 para 7.10

<sup>88</sup> CD65 para 5.39

<sup>89</sup> CD65 paras 4.3-4.4

<sup>90</sup> CD65 para 4.13

games tax relief; brand and reputation; location; range and quality of facilities.<sup>91</sup>

- 7) The core film industry makes a substantial contribution to the UK economy and Pinewood Studios is an essential component of this industry.<sup>92</sup> The overall contribution of the industry to UK GDP, employment and tax revenues for the year 2011 was as follows: a total of 117,400 FTE jobs; a contribution of over £4.6 billion to UK GDP; a contribution of over £1.3 billion to the Exchequer (gross).<sup>93</sup>
- 8) Pinewood generates significant economic activity for the UK and has and will continue to be a major contributor to the Government's economic policy objectives.<sup>94</sup>
- 9) In accordance with Government policy to drive sustainable economic growth and global competitiveness in key sectors, the UK production industry and Pinewood Studios will need to grow and modernise to ensure it is not left behind.<sup>95</sup>
- 10) The appeal development has the potential to deliver a significant range of economic benefits at a national, regional and local level, in accordance with Government policy for sustainable economic growth and the screen-based creative industries.<sup>96</sup>
- 11) A number of the objectives of the Local Enterprise Partnership fully support the appeal proposal, including stimulating more sustainable business growth and bringing forward business-critical infrastructure.<sup>97</sup>
- 12) The appeal development constitutes inappropriate development within the Green Belt.<sup>98</sup>
- 13) The appeal development is in conflict with Green Belt policy as a whole, and the scale of harm arising from that conflict is substantial and adverse. To demonstrate very special circumstances capable of clearly outweighing the identified harm, the overall case in support of the appeal scheme must therefore be substantial and compelling.<sup>99</sup>
- 14) The appellant's landscape and visual assessment (LVIA) follows established methodology.<sup>100</sup>
- 15) The landscape in the vicinity of the appeal site is not subject to a national landscape designation. The site lies within the Colne Valley Park, which is a

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<sup>91</sup> CD65 para 9.5

<sup>92</sup> CD65 para 9.1

<sup>93</sup> CD65 para 9.3

<sup>94</sup> CD65 para 9.12

<sup>95</sup> CD65 para 9.15

<sup>96</sup> CD65 para 9.20

<sup>97</sup> CD65 para 8.90

<sup>98</sup> CD65 para 9.26

<sup>99</sup> CD65 paras 9.29-30

<sup>100</sup> CD65 para 9.32 – referring to the Guidelines for Landscape and Visual Impact Assessment (Landscape Institute and Institute of Environmental Assessment and Management, 2nd Edition, 2002) and the Landscape Assessment Methodology, Design Manual for Roads and Bridges, Highways Agency

sub-regional level landscape designation. It is not subject to any local, District level landscape designation.<sup>101</sup>

- 16) The layout of the appeal proposal has been designed to retain as much as possible of the existing vegetation and landscape features within the appeal site.<sup>102</sup>
- 17) There is no self-standing objection to the appeal scheme relating to landscape and visual impact but this impact is material to the very special circumstances balance.<sup>103</sup>
- 18) Having regard to the appellant's noise assessment, no objection is raised on grounds of the noise or vibration effect of the appeal development on local amenity, subject to the imposition of conditions.<sup>104</sup>
- 19) No objection is raised on the grounds of the lighting effect of the appeal development on local amenity, subject to the imposition of conditions.<sup>105</sup>
- 20) The appeal site can be developed without adversely impacting the amenity of the occupiers of neighbouring properties in terms of overlooking, overshadowing and the imposition of overly-dominant or overbearing development, noise, lighting or other such disturbance. Details of the development could be controlled at reserved matters stage and there is no objection relating to residential amenity subject to the imposition of appropriate conditions.<sup>106</sup>
- 21) There is no self-standing objection relating to the loss of agricultural land.<sup>107</sup>
- 22) Subject to the imposition of appropriate conditions suggested by the Environment Agency, there is no objection relating to flood risk and drainage.<sup>108</sup>
- 23) With the proposed embedded and additional mitigation measures in place and the habitat enhancement at Langley Park, there would be no significant ecological effects resulting from the appeal development and a biodiversity net gain would be delivered.<sup>109</sup>
- 24) With conditions as appropriate, there are also no objections to the proposal relating to: the sterilisation of available mineral resources<sup>110</sup>; waste management<sup>111</sup>; ground conditions<sup>112</sup>; energy<sup>113</sup>; air quality<sup>114</sup>; heritage<sup>115</sup>; or archaeology<sup>116</sup>.

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<sup>101</sup> CD65 para 9.34

<sup>102</sup> CD65 para 9.35 – gives details of tree and hedgerow removal/retention

<sup>103</sup> CD65 para 9.36

<sup>104</sup> CD65 paras 10.8-10.10

<sup>105</sup> CD65 paras 10.13-10.15

<sup>106</sup> CD65 paras 10.16 & 10.17

<sup>107</sup> CD65 para 10.21

<sup>108</sup> CD65 paras 10.24-10.27

<sup>109</sup> CD65 paras 10.28-10.33; para 10.30 gives an outline of the proposed enhancements

<sup>110</sup> CD65 paras 10.22- 10.23

<sup>111</sup> CD65 paras 10.34-10.36

<sup>112</sup> CD65 paras 10.37-10.40

<sup>113</sup> CD65 paras 10.41-10.43

<sup>114</sup> CD65 paras 10.44-10.45

65. The Rule 6(6) party Stop Project Pinewood has confirmed its agreement with the contents of the SoCG with the exception of paragraphs 10.16 and 10.17 (on residential amenity impact) and paragraphs 10.31 and 10.33 (on ecological effects).<sup>117</sup>

#### *Transport issues*

66. There is a separate Agreed Statement between the appellant and Buckinghamshire County Council on Transport Issues.<sup>118</sup> This records that these parties have worked together for many year to encourage sustainable transport and reduce the number of vehicles arriving at the Studios. It notes that the Pinewood Travel Plan is quoted as an example of good practice in the Local Transport Plan 3. Confirmation is given that, following discussion on the appeal proposal, the County Council does not object to it, subject to an agreed transport package being secured by appropriate conditions and/or planning obligations.

67. The statement also records agreement on the proposed access arrangements, and the quantum of car and cycle parking provision. It is agreed that, even with the traffic generated by the development added to the road network, the Five Points Roundabout improvement scheme would bring forward improvements to the operation of the junction compared with the base situation. A 'monitor and manage' approach towards traffic flows and journey times is set out, which could trigger the use of the secondary access in conjunction with Sevenhills Road/Denham Road junction improvements.

68. Agreement is also noted that the Studios site is currently accessible by walking, cycling, rail, shuttle bus and car. With the proposed package of measures to improve accessibility, the agreed position is that the proposals are sustainable from a transport perspective and would have an acceptable impact on the local highway network. As such they are said to comply in this respect with one of the core land use planning principles set out in the National Planning Policy Framework, being '*Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable*'. It is also agreed that the proposal complies with paragraphs 32 and 34 of the Framework, and with the vision for the County set out in the Third Local Transport Plan.

69. Stop Project Pinewood do not agree with this Statement on Transport Issues.<sup>119</sup>

70. The summaries of cases of the main parties now set out are based on the closing submissions<sup>120</sup> supplemented by the written and oral evidence and with references given to relevant sources.

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<sup>115</sup> CD65 paras 10.46-10.50

<sup>116</sup> CD65 paras 10.51-10.54

<sup>117</sup> SPP11 [although Stop Project Pinewood's witness Mr Gears in cross-examination did not accept the full list of economic benefits referred to in CD65 paras 9.20-9.25]

<sup>118</sup> CD64

<sup>119</sup> SPP11

<sup>120</sup> PSL15, SBDC6, SPP15

## THE CASE FOR PINWOOD STUDIOS LIMITED (PSL)

### Introduction

71. The Statement of Common Ground (SoCG) with South Bucks District Council provides the background to the Pinewood Studios Development Framework application, its content, a description of the appeal site and the current operation of the Studios.<sup>121</sup>
72. Pinewood Studios is an outstanding success story, internationally recognised as the flagship of UK film production. No-one has questioned its unique position within the UK film industry, which has been recognised in the awards that the Studios has received. It is an "*essential component*" of the UK industry<sup>122</sup> and is ranked among the top three studios worldwide<sup>123</sup>.
73. Its historic and present success is the direct product of targeted Government support for the UK film industry. Without new physical infrastructure that policy cannot continue to be successful.<sup>124</sup>
74. The proposal provides exactly what is required: bigger and better stages, co-located with sufficient backlot space and ancillary space<sup>125</sup>, and the biggest single investment opportunity in employment and training to reinforce the UK's core strength which is the highly-skilled specialist workforce. Pinewood Studios' success is a shared one, not only in terms of its impact on the industry as a whole, but in its support for, in particular, education and training. The impacts of this are obvious in the testimonies to the exceptional skills found in the UK.<sup>126</sup>
75. The scale and importance of emerging competition cannot be over-stated.<sup>127</sup> There is a wide range of authoritative, informed and responsible evidence before the inquiry that if expansion is not delivered, the Studios and the industry in the UK will decline. The Government recognises that the situation requires action. This is not simply an aspiration, but is to look beyond the past legacy, and even the contemporary success, of the Studios to deliver a development which would secure its future and thereby that of the UK industry.

### Green Belt/Inappropriate Development

76. A substantial part of the appeal site (78%) is located within the Green Belt, with the remaining 22% comprising the central part of the existing Studios.<sup>128</sup> It is acknowledged that the Government attaches great weight to the protection of the Green Belt and the preservation of its continuing openness<sup>129</sup>. The proposal is therefore, by definition, inappropriate development within the Green Belt.
77. PSL's planning witness has undertaken the Green Belt assessment and has summarised the scale of harm arising from inappropriateness and other harms as

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<sup>121</sup> CD65

<sup>122</sup> CD65 para 9.1

<sup>123</sup> CD65 para 9.5

<sup>124</sup> CD67 para 129

<sup>125</sup> CD49 p3

<sup>126</sup> PSL7/1 paras 2.38-2.40

<sup>127</sup> SBDC2/1 p24 para 2.4

<sup>128</sup> PSL1/1 para 7.7

<sup>129</sup> CD33 para 79

"significant and adverse".<sup>130</sup> It has further been agreed that the harm would be "substantial".<sup>131</sup>

78. The Council's witness did not dispute the finding of "significant and adverse". Instead he sought to challenge the process of the assessment and thereby the ultimate weight to be accorded:

*"However on closer examination it is clear that, even having concluded that the harm to the Green Belt is significant and adverse, Pinewood has underestimated the level of harm to the Green Belt. The effect of this underestimation is that they have not properly undertaken the requisite balance."*<sup>132</sup>

*"Pinewood has downplayed the value of the site to the Green Belt and does not appreciate the harmful impact of the development on the Green Belt. Therefore in attempting to construct an argument that balances the harm caused against the very special circumstances they advance for an exception to Green Belt policy, their baseline underestimates the harm thereby undermining their balancing exercise. I must conclude that the harm caused to the Green Belt is far greater than Pinewood considers it to be."*<sup>133</sup>

79. The allegation of an "under-estimate"<sup>134</sup> is without foundation, having regard to the expert analysis provided by PSL's planning witness and its landscape witness.<sup>135</sup> There was nothing in the Council's cross examination of PSL's planning witness which advanced this aspect of the Council's case.<sup>136</sup>

### **Green Belt openness**

80. The loss of openness at this site that would result from the proposal is fully accepted, and this has substantially influenced the conclusions as to harm. It is acknowledged that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open, and this is achieved by protecting its intrinsic openness (the absence of built development). The proposal would therefore be harmful to openness by definition.<sup>137</sup>

81. The remarks of the previous Inspector on the Project Pinewood proposal with respect to openness have also been taken into account, notwithstanding the very different nature of that proposal:

*"Given the scale and nature of Project Pinewood (21.6 hectares of gross built area), the loss of openness would not only be visually apparent but would all but destroy the concept of the site as part of open Green Belt land."*<sup>138</sup>

82. PSL's planning witness said that the word "destroy" was not how he would describe the effect, but he accepted that the current proposal would have a

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<sup>130</sup> PSL1/1 paras 8.37-8.38

<sup>131</sup> CD65 para 9.29; PSL9 para 8(1)

<sup>132</sup> SBDC1/1 para 6.15

<sup>133</sup> SBDC1/1 para 6.179

<sup>134</sup> Also in SBDC3 para 3.3

<sup>135</sup> PSL1/1, PSL4/1

<sup>136</sup> Cross-examination of Mr Lucas

<sup>137</sup> PSL1/1 para 8.7

<sup>138</sup> CD57 Inspector's Report para 13.2.3

substantial impact on openness.<sup>139</sup> He noted, however, that a substantial part of the proposal on the East Area is for backlot space, a use which, in the existing Studios site, the Council has maintained is appropriate to retain in the Green Belt.<sup>140</sup> The form of the development proposed in the current case is very different to the dense urban (residential) form proposed in Project Pinewood, and that needs to be fairly reflected in any characterisation of its impact. Even where built development would occur, it is in some parts of the site such as the southern fields not intrusive, and would be deliberately designed to respect the open location in response to the public consultation responses.

83. The Council's planning witness nonetheless sought to extract still greater harm to openness. He objected to PSL's assessment as a mere finding of "*definitional harm*" which failed to take into account the "*substantial 'other harm' arising from the development*", which would overall "*significantly erode the openness of the Green Belt and is inconsistent with the reason for including land within the Green Belt.*"<sup>141</sup>
84. On closer inspection, he has duplicated 'harm by inappropriateness' and impact on openness in order to maximise the apparent harm. He also includes his own separate highly subjective test of 'attractiveness'.<sup>142</sup>

### **Green Belt purposes**

85. Conflict with the first three of the Green Belt policy purposes is accepted, but conflict with the fourth and fifth purposes is denied. Reasonable qualifications in the light of the Secretary of State's findings in related cases should be made, but these do not undermine or detract from the overall assessment.<sup>143</sup>

#### *i) To check the unrestricted sprawl of large built up areas*

86. It is accepted that the proposal constitutes a form of urban sprawl that this purpose is seeking to constrain.
87. Some partial qualification is required in so far as it is not accepted that the implementation of the scheme would represent 'unrestricted sprawl' or negate the role of the Green Belt in checking sprawl in this area, given the discrete and exceptional nature of the proposed development within clearly defined and robust physical boundaries.
88. It is important to note that there is no specific evidence of any precedent effect in the form of further proposed developments which would emerge either as a result of, or any reasonable period of time after, the current proposal.<sup>144</sup> This is notwithstanding the expression of concerns on this matter by the Council's planning witness<sup>145</sup>, Stop Project Pinewood<sup>146</sup>, and Mr Dominic Grieve QC MP<sup>147</sup>.

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<sup>139</sup> Inspector's questions to Mr Lucas

<sup>140</sup> PSL1/1 para 5.3

<sup>141</sup> SBDC1/1 para 6.72

<sup>142</sup> SBDC1/1 paras 6.76-6.77

<sup>143</sup> PSL1/1 paras 8.9-8.10, 8.37-8.38

<sup>144</sup> Cross-examination of Mr Kyle and Ms Lowe

<sup>145</sup> Cross-examination of Mr Kyle

<sup>146</sup> SPP4

<sup>147</sup> TP8

The previous Inspector<sup>148</sup> and the Secretary of State<sup>149</sup> both concluded on Project Pinewood that there are unique circumstances relating to Pinewood, such that the weight of policy considerations applicable to proposals for development in the Green Belt would not be diminished should planning permission be granted.

*(ii) To prevent neighbouring towns from merging into one another*

89. The development would not lead to any actual physical or visual merging of any towns. However, it is accepted that if 'towns' is broadly construed to include settlements or villages/hamlets such as Iver Heath then there would be conflict with this policy purpose.<sup>150</sup>

90. Again, there is no basis for precedent-style arguments as put forward by the Council's planning witness: *"Once you start allowing the coalescence of the settlements within the Green Belt then the very purpose of the Green Belt is lost."*<sup>151</sup> Without detracting from the impact that there would be at the appeal site, extensive tracts of Green Belt would remain between the existing towns and settlements.<sup>152</sup> A considered release of the site would not represent a *"chipping away"*<sup>153</sup>. It is not in any particularly sensitive or narrow gap between settlements.

*(iii) To assist in safeguarding the countryside from encroachment*

91. PSL has also been very clear about conflict with this purpose: the development would result in *"a significant encroachment onto Green Belt land that is predominantly countryside."*<sup>154</sup>

*(iv) To preserve the setting and special character of historic towns*

92. It is accepted by the Council that this purpose is not compromised and not relevant to the assessment.<sup>155</sup>

*(v) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land*

93. This purpose would not be compromised, since the scheme is geographically fixed as an expansion of Pinewood Studios, there is no alternative offered, and it cannot be disaggregated.<sup>156</sup> The Council's planning witness expressly conceded that no specific alternative was offered, a position which its film industry witness recognised and did not reverse.<sup>157</sup> On this basis there is no non-Green Belt site that could be used in preference so as to support urban regeneration and the recycling of derelict and other urban land, and the Council does not identify one.

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<sup>148</sup> CD57 Inspector's Report para 13.2.14

<sup>149</sup> CD57 Decision para 13

<sup>150</sup> PSL1/1 para 8.92(2)

<sup>151</sup> SBDC1/1 para 6.82

<sup>152</sup> CD02 para 8.16 & Appendix 4

<sup>153</sup> CD57 Inspector's Report para 13.2.7

<sup>154</sup> PSL1/1 para 8.9

<sup>155</sup> PSL1/1 para 8.9

<sup>156</sup> PSL1/1, PSL7/1

<sup>157</sup> Cross-examination of Mr Kyle and Mr Finney

94. The Council's planning witness sought, again artificially, to imply conflict from the references to "*assist*" and "*encourage*", but he stopped short of identifying clear conflict.<sup>158</sup> It was also notable that he did not seek to expand upon the earlier comments within the Committee Report in relation to this matter.<sup>159</sup>
95. The Council's interpretation is therefore not accepted, as it is difficult to see how an exceptional development that is fixed in location could itself directly fulfil this purpose. However if, in the alternative, the purpose is considered to be relevant, the significant beneficial indirect/secondary effects of the appeal scheme would act to support and grow activity within the broader supply chain and assist development on land that is the subject of this purpose.<sup>160</sup> There would therefore be indirect beneficial contribution to urban regeneration. On either construction, there would not be conflict with this policy purpose.<sup>161</sup>

### ***The use of land in Green Belt***

96. PSL has made a significant, targeted effort informed by extensive public consultation<sup>162</sup> to provide for beneficial use within the Green Belt in accordance with paragraph 81 of the National Planning Policy Framework (NPPF). This is so far as it would be consistent with the need to provide a secure site and the sensitivity of users of the scheme. Two uses are of particular relevance: first, the opportunities to provide access, and second biodiversity. No material criticisms have been made of what is proposed on the basis that more could or should have been done.
97. In respect of the first, the numerous, extensive new access routes along the permissive pathways would, among other things, replace the existing route which runs adjacent to the M25, and provide a safe and pleasant route along Sevenhills Road.<sup>163</sup> The proposal would therefore deliver an enhancement of the beneficial use of Green Belt land.<sup>164</sup>
98. Second, the relevant technical and expert consultees have assessed that the development would provide for a net gain in biodiversity and enhanced habitats off site.<sup>165</sup>
99. These benefits should be weighed positively in the overall assessment and planning balance.

### ***Visual amenity of the Green Belt***

100. The assessment of PSL's landscape witness is that there would be slight adverse impact on landscape and visual amenity, and again this informs the overall finding of "*significant adverse*" and "*substantial*" harm.<sup>166</sup>

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<sup>158</sup> SBDC1/1 para 6.102

<sup>159</sup> CD21 para 4.9

<sup>160</sup> PSL6/1

<sup>161</sup> PSL1/1 para 8.9

<sup>162</sup> CD19

<sup>163</sup> CD15; drawing no P-P-005 Issue 0i

<sup>164</sup> PSL1/1 para 8.20

<sup>165</sup> CD65 paras 10.28-10.33; CD82

<sup>166</sup> PSL4/1 paras 5.34, 7.31-7.35

101. It is notable that the Council chose neither to rely upon a free-standing reason for refusal on design/landscape issues, nor conduct any form of design assessment or Landscape and Visual Impact Assessment, nor call a qualified expert on these matters.<sup>167</sup>
102. That was clearly a deliberate choice, no doubt informed by the difficulties in advancing such a case having regard to the conclusions of the Council's own landscape professional.<sup>168</sup> This also explains why the Council's planning witness fell back on his assessment of "*attractiveness*" and focussed selectively on two key viewpoints: Viewpoints J and L respectively.<sup>169</sup>
103. Although the development is of a large scale, it has been very carefully designed to be accommodated within the landscape, through an iterative and integrated master-planning and landscape design process.<sup>170</sup> The proposed massing and siting of development, the strategically positioned landscaped bunds and the perimeter woodland planting would all ensure that receptors (local residents, footpath and highway users) would effectively be screened from the most significant views; the effect in more distant views would be minimised and is on any objective basis acceptable.<sup>171</sup> It is this combination which leads PSL's landscape witness to conclude that the impact on views would be one of slight adverse to negligible.<sup>172</sup> In the context of the particular site in this area, the views that there would be of the low gradient mounding on the site perimeter cannot be regarded as significantly harmful. Any harm to visual amenity has therefore been significantly minimised. No assessment has been carried out using any relevant and recognised methodology to demonstrate the contrary.
104. It is clear that the Council's planning witness, who is neither qualified nor experienced in the assessment of landscape character impacts, proceeded on an erroneous basis. He considered the effect of the development on the site and not the effect on landscape character of the locality. As PSL's landscape witness clarified, the most up-to-date landscape character assessment of the area<sup>173</sup> has completely removed and replaced the landscape character assessment in place at the time of Project Pinewood. The up-to-date assessment makes clear that this area is part of one which, in landscape terms, is discordant, disjointed, dominated by settlement and influenced by the existing Pinewood Studios development.<sup>174</sup> The proposal would not be out of character and would have no significant adverse effect on landscape character.

### **Summary of Green Belt impact**

105. The appeal will turn on the careful assessment of the very special circumstances and the weight to be attached to them.
106. On the way to that determining issue, PSL fully accepts that the loss of openness is obvious and that both the character and Green Belt function of the

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<sup>167</sup> CD65 para 9.32

<sup>168</sup> CD21 p16

<sup>169</sup> Cross-examination of Mr Kyle; PSL4/3

<sup>170</sup> CD02, CD08, CD16

<sup>171</sup> PSL1/1 paras 8.25-8.27

<sup>172</sup> PSL4/1 paras 5.34, 7.31-7.35

<sup>173</sup> CD86

<sup>174</sup> CD86 p73 (Iver Heath Mixed Use Terrace landscape character area)

land would be fundamentally changed. This equates to substantial, significant and adverse harm. The arguments as to heightened vulnerability are not accepted.

### **Impact on the Colne Valley Park**

107. The SoCG records the agreement between the Council and PSL that the Colne Valley Park (CVP) is a sub-regional level landscape designation.<sup>175</sup> Whilst the proposal would bring acknowledged disbenefits in terms of inappropriate development in the CVP and a loss of openness, it would also bring a wide range of relevant and significant benefits in terms of access, ecological/biodiversity gains and landscape enhancement. PSL has therefore accorded this issue appropriate weight and not sought to downplay the extent of conflict.

108. This reason for refusal was not pursued in the cross-examination of PSL's planning witness other than to accept the position advanced by PSL that the CVP issue stands or falls with the Green Belt case.<sup>176</sup> As a matter of completeness the position is set out as follows, although on the Council's case this is not now at issue.

### **Overlap with Green Belt**

109. It is important to begin with the recognition that this reason for refusal substantially overlaps with Green Belt, a point which was recognised by the previous Inspector:

*"It must be said at the outset that if the positive aspects of Project Pinewood clearly outweigh the harm caused to the Green Belt, then the same considerations would equally apply and outweigh the harm to the Colne Valley Park".<sup>177</sup>*

110. The substance of the objection relates to safeguarding the countryside of the CVP from inappropriate development and maintaining and enhancing the landscape. This goes no further than Green Belt policy in terms of harms emanating and the implications for the planning balance. In short, if PSL's Green Belt case is made out then it will follow that a CVP/Core Policy CP9 objection could not reasonably be sustained as a reason for refusal.<sup>178</sup>

111. The Council's planning witness summarised this succinctly in cross-examination: "*[The Inspector] said that if the Green Belt reason was satisfied then the Colne Valley Park reason would be satisfied*"<sup>179</sup>. Surprisingly, the CVP Community Interest Company's designated representative did not consider it necessary to read and consider the Project Pinewood Inspector's Report before giving evidence, a matter perhaps explained by him not having written his own proof of evidence.<sup>180</sup>

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<sup>175</sup> CD65 para 9.34; area of Park shown in CD/29 p5 Map 2

<sup>176</sup> Cross-examination of Mr Lucas

<sup>177</sup> CD57 Inspector's Report para 13.3.1

<sup>178</sup> PSL1/1 paras 9.3-9.4

<sup>179</sup> Cross-examination of Mr Kyle

<sup>180</sup> Cross-examination of Mr Woods

## **Core Policy 9**

112. Almost as surprising is that the Council's planning witness chose not to deal directly with Core Policy 9 in his written evidence.<sup>181</sup> Nevertheless the extent of conflict or otherwise has been fully assessed by PSL by reference to the policy criteria<sup>182</sup> as follows.
113. *Not permitting new development that would harm landscape character or nature conservation interests, unless the importance of the development outweighs the harm caused, the Council is satisfied that the development cannot reasonably be located on an alternative site that would result in less or no harm and appropriate mitigation or compensation is provided, resulting in a net gain in Biodiversity.* The proposal accords with the primary element of the policy because (a) there would be only slight adverse impact on landscape character, (b) there is an agreed net gain in biodiversity and therefore nature conservation interests<sup>183</sup>, (c) the proposed development cannot be reasonably located on an alternative site<sup>184</sup>.
114. *Seeking the conservation, enhancement and net gain in local biodiversity resources within the Biodiversity Opportunity Areas, on other non-designated land, on rivers and their associated habitats, and as part of development proposals.* There would be an agreed net gain in biodiversity, and therefore compliance with this test.<sup>185</sup>
115. *Maintaining existing ecological corridors and avoiding habitat fragmentation.* This has been achieved to the satisfaction of Buckinghamshire County Council's ecologist, and hence there is compliance with this test.<sup>186</sup>
116. *Conserving and enhancing landscapes, informed by Green Infrastructure Plans and the District Council's Landscape Character Assessment.* There is no conflict with the provisions included within the Green Infrastructure Plans or the Council's Landscape Character Assessment.<sup>187</sup>
117. *Improving the rural/urban fringe by supporting and implementing initiatives in the Colne Valley Park Action Plan.* The aims and objectives of the CVP are embraced by Policy 9 at this point and reasoned justification set out above. In summary they relate to the improvement of the rural/urban area and its natural resource. The Action Plan (2009-2012) specifically referred to is time-expired, but the intent that sits behind the CVP continues.<sup>188</sup>
118. Overall, there is no identified conflict with Core Policy 9. It is also to be noted that the policy expressly allows exceptions for development where the importance of this outweighs the harm caused and which cannot reasonably be located elsewhere.<sup>189</sup>

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<sup>181</sup> Cross-examination of Mr Kyle

<sup>182</sup> CD29 p41

<sup>183</sup> CD65 para 10.31

<sup>184</sup> PSL1/1 para 9.13

<sup>185</sup> CD68 & CD65 para 10.31

<sup>186</sup> CD65 para 10.31

<sup>187</sup> PSL1/1 para 9.13

<sup>188</sup> PSL1/1 para 9.13

<sup>189</sup> CD29 p41

### ***The Colne Valley Park objectives***

119. As the Action Plan is now defunct, the core of the objection on this ground must therefore lie in the new Objectives established by the CVP Community Interest Company (CIC).<sup>190</sup> PSL accepts some limited conflict with two of the objectives (the first and second), but the evidence has demonstrated that there is compliance with the remaining four, as follows.
120. *To maintain and enhance the landscape, historic environment and waterscape of the park in terms of their scenic and conservation value and their overall amenity.* PSL's assessment<sup>191</sup> demonstrates that the impact of the development on landscape character would be slight adverse overall albeit with beneficial new landscape features (hedgerows and trees), which would equate to minor conflict with this objective.<sup>192</sup>
121. *To safeguard existing areas of countryside of the Park from inappropriate development. Where development is permissible it will encourage the highest possible standards of design.* Assuming inappropriate development to be as defined in Green Belt policy (i.e. the worst case), there is obvious conflict with this objective in terms of the proposed built development.<sup>193</sup>
122. *To conserve and enhance biodiversity within the Park through the protection and management of its species, habitats and geological features.* It was accepted by all parties to the inquiry (including the CIC's representative<sup>194</sup>) that the development incorporates a range of ecological mitigation measures such that there would be a net biodiversity gain. The proposal would therefore support this objective.<sup>195</sup>
123. *To provide opportunities for countryside recreation and ensure that facilities are accessible to all.* Again, it was accepted that the proposed public access routes to be provided as part of the development would provide new and enhanced opportunities for countryside recreation in the form of walking and jogging routes, which would link into the wider network of public footpaths through the CVP and the surrounding area. The CIC's representative appeared to be unaware of the evidence on this subject, notably the location of the paths, apparently believing that these would be located between the buildings.<sup>196</sup> His initial answers accorded continuing significance to the historic but unlawful access by members of the community. This was wholly inconsistent with the CIC's dependence on permissive access elsewhere in the CVP, and not sustained at any length under cross-examination.<sup>197</sup>
124. *To achieve a vibrant and sustainable rural economy, including farming and forestry, underpinning the value of the countryside.* The CIC describe the CVP to be 'countryside' in status but where economic activity must have a place.<sup>198</sup> The

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<sup>190</sup> CD52

<sup>191</sup> PSL4/1 paras 5.34, 7.31-7.35

<sup>192</sup> PSL1/1 para 9.16

<sup>193</sup> PSL1/1 para 9.16

<sup>194</sup> Cross-examination of Mr Woods

<sup>195</sup> PSL1/1 para 9.16

<sup>196</sup> Cross-examination of Mr Woods

<sup>197</sup> Cross-examination of Mr Woods

<sup>198</sup> SPP/CVP1 para 1.4

proposal would create new opportunities for local employment, supply-chain opportunities for local businesses, and expenditure in the local economy alongside the other environmental and access benefits. It would therefore support this objective.<sup>199</sup>

125. *To encourage community participation, including volunteering and environmental education. To promote the health and social well-being of benefits that access to high quality green spaces brings.* The development would provide access to green space within the appeal site and routes to the wider countryside, contributing towards this objective.<sup>200</sup>
126. The Council's planning witness and the CIC's representative initially adopted a blanket dismissal of PSL's concerted effort to contribute to these objectives. However, under cross-examination the reality was revealed to be more positive, the basis for objection resting on an incomplete, narrow approach to the available evidence.<sup>201</sup>
127. First, the CVP derives a substantial part of its income from Pinewood Studios, with regular payment received for filming activities.<sup>202</sup> One recent example has been the filming of *Cinderella* during the summer of 2013. Further requests for funding have been made direct to PSL, with the most recent in April 2013.<sup>203</sup> There does not appear to any other major source of funding available to the CVP. The CIC's representative could not deny that the expansion of the Studios would be beneficial in this respect.<sup>204</sup>
128. Second, the CIC representative's suggestion that the CVP has historically been affected by development did not hold up to scrutiny.<sup>205</sup> He was unable to provide any example of recent major development within the CVP area. Indeed, he accepted on the basis of the CVP's own record that there have been significant increases in beneficial elements over time. The record from the 1950s onwards shows, for example, a reduction of industrial/mineral use (9% to 5%) and an increase in recreational use (1% to 6%).<sup>206</sup> There is no evidence, despite assertions about the CVP being eroded, that there has been any material increase in losses to industrial built development since the 1950s.
129. Third, it became apparent that the CIC's objection, at least as conveyed its representative, related to the prospect of major future transport infrastructure development, with HS2, the Heathrow spur link, and the Slough rail freight interchange all cited. These proposals are all very distant from Pinewood Studios.<sup>207</sup>

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<sup>199</sup> PSL1/1 para 9.16

<sup>200</sup> PSL1/1 para 9.16

<sup>201</sup> Cross-examination of Mr Kyle and Mr Woods

<sup>202</sup> CD27 p11

<sup>203</sup> Cross-examination of Mr Woods

<sup>204</sup> Cross-examination of Mr Woods

<sup>205</sup> Cross-examination of Mr Woods

<sup>206</sup> SPP/CVP3 Appendix 3 p27 Figures 22 & 23

<sup>207</sup> Cross-examination of Mr Woods

### **Summary of Colne Valley Park impact**

130. In summary, as observed by the previous Inspector, the decision on the CVP logically follows from the primary decision on Green Belt. It would not be appropriate to dismiss the appeal on this ground alone. Any landscape and visual harm to the CVP would equate to that assessed under Green Belt rather than being cumulative.<sup>208</sup>

### **Sustainability of the Site's Location**

131. The issue of the site's location, and the comments made about 'inherent unsustainability' in the Project Pinewood decision<sup>209</sup> and in the Committee report on the current appeal application<sup>210</sup>, were not pursued in cross-examination of PSL's planning witness, despite him making his position quite clear in his evidence.<sup>211</sup> There was likewise no challenge to the evidence of PSL's transport witness on the range and quality of services available on site and their relevance to meeting employees' day-to-day needs.<sup>212</sup> The County Council is alert to the issue of sustainable travel and development location in the Local Transport Plan and has taken it into account in considering the proposal, as is evident from the Agreed Statement on Transport Issues (ASTI).<sup>213</sup>

132. The reason for refusal on this matter<sup>214</sup> makes clear that the principal concern relates to the location of the site with respect to transport and accessibility, and this was confirmed by the Council's planning witness<sup>215</sup>. The suggestion that the location is at first sight unsustainable finds no support within the NPPF and must be rejected. The illogicality of this suggestion is exposed by hypothesising what the position would be with, for example, a proposal for a primary school on the site.<sup>216</sup>

133. The proper question is whether the specific proposal is sustainable. The correct approach to assessment must proceed by way of reference to the particular sustainability credentials of the project, taking into account all the design content, planning conditions, section 106 obligations and mitigation. There is extensive application documentation taking this approach, notably the Design and Access Statement, Principles and Parameters and Transport Assessment.<sup>217</sup> None of these documents have been seriously challenged by the Council before or during the inquiry. Crucially, there has been no proper sustainability assessment carried out by the Council to counter PSL's evidence in relation to the proposal.

134. The ASTI details the measures proposed which address the issue of transport and access.<sup>218</sup> There has never been a free-standing transport objection from

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<sup>208</sup> PSL1/1 para 9.19

<sup>209</sup> CD57 Decision para 15, Inspector's Report para 13.5.10

<sup>210</sup> CD21 Section 5

<sup>211</sup> PSL1/1 section 10

<sup>212</sup> PSL3/1 para 10.8

<sup>213</sup> CD 64 & cross-examination of Mr Bird

<sup>214</sup> CD28 Reason no. 3

<sup>215</sup> SBDC1/1 para 6.142, cross-examination of Mr Kyle

<sup>216</sup> Cross-examination of Mr Kyle

<sup>217</sup> CD08, CD16, CD12

<sup>218</sup> CD64

the County Council, and the history of the County Council's views reveals a notable degree of support for PSL's measures to promote sustainable travel to and from the site.<sup>219</sup>

135. It should further be noted that the measures proposed would benefit the whole site, including the existing Pinewood Studios, and the local area, and not just the new development. They would thus bring benefits in terms of the promotion of sustainable means of travel to a much wider base than simply the appeal proposal.

***"Inherently unsustainable"***

136. The Council's use of the specific wording of *"inherently unsustainable"* is derived uncritically from the previous Inspector's report in relation to Project Pinewood.<sup>220</sup> It should, however, be obvious that the current proposal is a very different scheme, giving rise to different amounts, types and duration of transport impacts.

137. Consistent with PSL's overall approach, these impacts were carefully considered in formulating the proposal. It is accepted that the Inspector and the Secretary of State were not convinced about the appropriateness of granting planning permission for the Project Pinewood proposal. However, even a cursory examination of the full text of the Inspector's report reveals how the judgment on sustainability was made within the specific concept of that proposal.<sup>221</sup>

138. Given the very significant differences between the schemes and the evidence base used to support them, it is wholly inappropriate to try and export the conclusions reached with regard to Project Pinewood to the current proposal. As noted earlier, the position set out by PSL's planning witness in his evidence was not subject to any challenge.

139. In addition, the approved 2006 Masterplan proposals were estimated to generate an additional 266 traffic movements in the morning peak period, approximately half of the expected traffic generation from the current scheme. The transport proposals put forward with the Masterplan were modest, comprising a Travel Plan and cycleway/footway adjacent to Pinewood Road. The triggers for these measures have not been reached.<sup>222</sup> In the light of the much more comprehensive sustainable transport package put forward on the current proposal, and anticipated improved accessibility of the appeal site, it is inconsistent for the Council to now raise an objection on grounds of transport accessibility.<sup>223</sup>

140. Although the site is not currently directly served by public bus services (the closest pass the Thornbridge Road/A412 junction 1200m from the existing entrance), within 8km there are 32 bus routes available. PSL operates a shuttle bus that runs between Pinewood Studios and Slough and Uxbridge stations. It is available to pass holders, and is free of charge to employees and contractors. Visitors with written confirmation of an appointment are also permitted to use it.

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<sup>219</sup> CD64; cross-examination of Mr Kyle

<sup>220</sup> Cross-examination of Mr Kyle

<sup>221</sup> CD57 Inspector's Report paras 13.5.1 to 13.5.10

<sup>222</sup> PSL3/1 paras 3.3-3.4

<sup>223</sup> PSL3/1 paras 3.7-3.8

The shuttle bus is well used, operating at intervals of between 10-15 minutes to/from Uxbridge and 30 minutes to/from Slough. Figures from 2012 show some 50,000 trips made during the year.<sup>224</sup>

141. There are 6 rail/underground stations on 3 rail lines within 8km of Pinewood Studios, the closest 5km away. These serve a wide range of destinations. Crossrail will provide significant access improvements from 2019. In addition, the Great Western Electrification scheme will be completed by 2017, and the Western Rail Access to Heathrow scheme is planned.<sup>225</sup>
142. A comprehensive sustainable transport strategy (STS) had been developed in support of the proposal. The objective is to provide workers at, and visitors to, Pinewood Studios with a real choice of means of transport. As well as assisting those travelling to and from the Studios, many of the measures would also be of benefit to members of the local community, leading to a substantial overall benefit in sustainable transport in the local area. During the likely 15 year implementation period, regional rail connections will improve as set out above.<sup>226</sup>
143. The STS has been developed in close conjunction with the County Council and is agreed by it. Certain elements would be provided by the County Council using funding from the sustainable transport fund in the section 106 agreement.<sup>227</sup>
144. All of the measures in the STS would be of benefit to both new employees and visitors to the development as well as those working at and visiting the existing facilities.<sup>228</sup>
145. The STS comprises the following:
146. *Pedestrian strategy.* The development is designed to provide a safe and pleasant internal pedestrian environment. A 3m wide shared footway/cycleway along the western side of Pinewood Road from the existing access to the Five Points Roundabout would improve the currently poor pedestrian facilities here. The improvement scheme for the roundabout would also enhance footpaths and crossings. Some 1,800 people live within the 2km walk isochrone, with local shopping facilities (at the east end of Thornbridge Road) and bus stops within this distance.<sup>229</sup>
147. *Cycling strategy.* Off-site facilities would be enhanced by the shared footway/cycleway and Five Points Roundabout improvement scheme. A funding contribution would provide for further potential enhancements, including locally and on the routes towards Langley Station and the eastern end of Iver Heath. On-site, secure and covered cycle parking and shower/locker facilities would be provided. Significant areas of Slough and Uxbridge as well as rail stations are within the 5km and 8km isochrones for reasonable cycling distance, with 151,000 people living within the cycle catchment.<sup>230</sup>

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<sup>224</sup> PSL3/1 paras 4.5, 4.8, 4.9

<sup>225</sup> PSL3/1 paras 4.11-4.13, 4.16-4.18

<sup>226</sup> PSL3/1 paras 6.1-6.2

<sup>227</sup> CD64; PSL3/1 para 6.6; CD97

<sup>228</sup> PSL3/1 para 6.5

<sup>229</sup> PSL3/1 paras 6.7-6.10

<sup>230</sup> PSL3/1 paras 5.11-6.17, 6.20-6.22

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148. *Bus strategy.* The County Council has agreed that the optimum way to increase bus travel to and from the site is by enhancing the shuttle bus service to local stations. This would be done in a phased manner, with an improved frequency of services to Slough and Uxbridge and a new service to Gerrards Cross. This is covered by the section 106 agreement, and the service would be regularly monitored and amendments effected through the Transport Review Group (referred to below). The shuttle bus provides key connectivity between Pinewood Studios and local stations.<sup>231</sup>
149. *Rail strategy.* Pinewood Studios is already well served by these local stations, in particular Sough, Uxbridge and Gerrards Cross. Crossrail will achieve a step change in services from 2019. Data on the home locations of staff from the film *Skyfall* show that a significant number of people fall within a reasonable travel distance of the Studios if using rail services and shuttle bus. Many staff move from one production to the next, and therefore the home locations pattern is expected to remain similar. Crossrail will bring more workers within an acceptable travel time by rail. Part of the sustainable transport fund would be used towards real time information for bus passengers, assisting both those accessing the Studios and the local community.<sup>232</sup>
150. *Traffic management.* There is potential to use part of the fund on smart technology to improve traffic management in the local area.<sup>233</sup>
151. *Travel Plan.* A Travel Plan has been developed in conjunction with the County Council. Existing sustainable travel initiatives introduced voluntarily by PSL have achieved no small measure of success, e.g. 18% of employees do not currently drive to the Studios. This success is recognized in the Local Transport Plan. Building on this, the formal introduction of a Travel Plan would be likely to significantly improve the use of sustainable modes, applying across both the new development and existing Studios. The objectives are to reduce single occupancy car trips to and from the development, and set a hierarchy of transport modes which emphasises more sustainable and informed choices. Information and facilities to encourage walking, cycling, public transport/shuttle bus, and car share would be provided, promoting relevant campaigns, events and initiatives. Information on sustainable modes would also be provided to visitors.<sup>234</sup>
152. *A Transport Review Group* would be set up. It would monitor performance of the Travel Plan and bring forward additional measures, with a fund provided for this under the section 106 agreement. Information and assistance on travel planning would also be provided for the local community, with a real prospect of reducing car journeys unrelated to Pinewood Studios.<sup>235</sup>
153. Evidence of previous sustainable travel initiatives in other locations shows successful changes in travel habits where improvements are introduced. At Pinewood Studios the proposed measures together with future rail improvements make it highly likely that a significant modal shift would be achieved.<sup>236</sup>

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<sup>231</sup> PSL3/1 paras 6.23-6.28

<sup>232</sup> PSL3/1 paras 6.29-6.33, 6.35-6.37, 6.39-6.41

<sup>233</sup> PSL3/1 paras 6.43-6.44

<sup>234</sup> PSL3/1 paras 6.45, 6.49, 6.51-6.80

<sup>235</sup> PSL3/1 paras 6.81-6.88

<sup>236</sup> PSL3/1 paras 7.1-7.8

154. Travel surveys undertaken at Pinewood Studios in 2013 of PSL staff, tenants and production staff show that 18% of workers used modes other than single occupancy cars. This is an encouraging figure, especially given the nature of the business and the absence of any formal Travel Plan. This figure would be increased by the range of measures. The target included within the Travel Plan of a reduction in single car occupancy car journeys of 20% by the time the full development takes place is challenging but achievable. The target is for new employees of the development, but the STS measures would all be available to workers and visitors at the existing Studios. It is therefore expected that the proportion of single occupancy car trips generated by the existing users would significantly reduce as well. One of the advantages of locating new studio space adjacent to the existing is that the STS can build on the significant efforts PSL already makes to encourage the use of sustainable modes.<sup>237</sup>
155. The proposal is sustainable from a transport perspective because of the good location of the site relative to transport links and population. It is well placed to serve a variety of employees who have specific skill sets and come from a fairly wide geographical area. The scheme includes all that it reasonably can to enhance the accessibility of the site by sustainable means and give a real and demonstrable choice of travel options. The co-location of new and existing facilities is sustainable from a transport perspective since film making is an integrated process where production staff and suppliers need to access a number of studios and facilities at the same time.<sup>238</sup>
156. The proposal meets the requirement in paragraph 32 of the NPPF for "*the opportunities for sustainable transport modes [to be] taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure*". In terms of paragraph 34, the development would be located exactly where it should be to minimise the need to travel for film production, and the opportunities for sustainable travel are maximised given the context and location of the proposal. The proposed development is not footloose, and it would be neither appropriate nor sensible for it to be located remote from the existing Studios. The proposal is consistent with the core principle in paragraph 17 which aims to "*actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.*" The specific requirements of paragraphs 35 and 36 are also complied with, as is Core Policy 7 of the Core Strategy.<sup>239</sup>
157. The proposed parking level reflects an appropriate balance between the Travel Plan and measures to avoid local pressures. It is based on surveys of existing parking demand, with this then applied to the increase in floorspace in the scheme to give a total provision of 3,000 spaces.<sup>240</sup>
158. The proposal is sustainable from a transport perspective and in that regard complies with the development plan and the NPPF.<sup>241</sup>

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<sup>237</sup> PSL3/1 paras 7.9-7.12

<sup>238</sup> PSL3/1 paras 8.2-8.6

<sup>239</sup> 8.10-8.16, 8.22

<sup>240</sup> PSL3/1 paras 5.9-5.14, 11.8

<sup>241</sup> PSL3/1 para 12.24

## Highways Impact

159. The joint ASTI with the County Council<sup>242</sup> is a comprehensive document, backed up by very significant financial contributions that would be made to highways improvements<sup>243</sup>. Those contributions would have beneficial effects of relieving congestion at locations which would otherwise be unaddressed.<sup>244</sup>
160. It is also to be noted that the District Council has chosen not to pursue any free-standing objection to the proposal on transport infrastructure grounds.<sup>245</sup>
161. The effects of the development on the surrounding highway network are fully assessed in the Transport Assessment.<sup>246</sup> The expected traffic generation is estimated by factoring up that of the existing Pinewood Studios, derived from surveys, by the proposed net increase in floorspace. Observed traffic flows for the surrounding network were also derived from surveys. The development is intended to take place over a 15 year period, and allowing for some flexibility an assessment year of 2033 is therefore taken. Forecast traffic is distributed and assigned to the local road network using the same distribution as existing Studios traffic.<sup>247</sup>
162. Three assessments were carried out:
- Assessment 1 - a comparison with Project Pinewood traffic flows;
  - Assessment 2 - the effect of the development on the 2012 baseline;
  - Assessment 3 - the effect assuming adding background traffic growth based on TEMPRO database forecasts. This is unlikely to occur in reality because of very modest growth projections in the area, with very little committed or planned development which would generate traffic.<sup>248</sup>

This approach was agreed by the County Council.<sup>249</sup>

163. Assessment 1 shows that the current proposal would generate significantly less traffic than Project Pinewood. That scheme was found acceptable on highways impact grounds by the Secretary of State.<sup>250</sup>
164. Assessment 2 demonstrates that the existing and proposed site accesses would operate well within capacity with the development traffic added. The proposed Five Points Roundabout scheme would bring forward significant capacity enhancements at the roundabout junction compared with the existing situation, even with development traffic added. The Pinewood Road/Pinewood Green junction would continue to operate well within capacity with scheme traffic. The impact on the Denham Road/Sevenhills Road junction and on the A40/Denham

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<sup>242</sup> CD64

<sup>243</sup> CD97

<sup>244</sup> Cross-examination of Ms Lowe & Ms Vahey; cross-examination and re-examination of Mr Bird

<sup>245</sup> CD28

<sup>246</sup> CD12

<sup>247</sup> PSL3/1 paras 9.1-9.2, 9.9-9.16

<sup>248</sup> PSL3/1 paras 9.13-9.15

<sup>249</sup> PSL/1 paras 9.13-9.19

<sup>250</sup> PSL3/1 paras 9.21-9.24; CD57 Decision para 18

Road junction would be minimal. There would be some impact on the double mini roundabouts on Church Road and Slough Road, but this would generally be for a limited period within one peak hour, and not severe. At the Wood Lane/Langley Park Road junction there would be one hour during which the junction reaches capacity, but this would also be for a limited period and the impact would be less than that accepted for Project Pinewood.<sup>251</sup>

165. The analyses over-estimate the impact of development flows since no account is taken of any modal shift over the 20 years up to the assessment year 2033.<sup>252</sup>
166. Assessment 3 demonstrates that the addition of TEMPRO traffic growth would cause a number of junctions in the area to operate over capacity. Unsurprisingly, the addition of the development's traffic would add to the junction queuing. However, in general the increases in queuing as indicated by Ratios of Flow to Capacity (RFCs) would only be modest. Comparing Assessment 2 and Assessment 3 demonstrates that the addition of traffic growth has a more significant effect than the addition of scheme traffic. There is no evidence to establish that the suggested level of traffic growth is likely to occur on the local roads, and the assessment assumes no compensating highway improvements to mitigate the effects of such traffic generated by other developments.<sup>253</sup>
167. The impact of the proposals would not be severe, and no capacity improvements are necessary other than the significant improvement to the Five Points Roundabout. This improvement would be delivered early in the development phasing, thus bringing forward considerable highway capacity benefits to the area as a whole and the local community.<sup>254</sup> The Transport Assessment is agreed by the County Council to represent a reasonable and appropriate assessment of the likely effects of the development, and the County Council is content with the proposed transport package which would be secured by conditions and obligations.<sup>255</sup>
168. A Supplementary Transport Assessment was undertaken based on the revised scheme with a potential secondary staff access in Sevenhills Road, which would be introduced if certain criteria are met.<sup>256</sup> The traffic generation would be unchanged, but the distribution would alter. Some traffic would be likely to take advantage of the shorter and quicker route via Sevenhills Road rather than using Church Road. The key change would be an increase in traffic on Sevenhills Road but a decrease on the A412 Church Road, Pinewood Road and through Pinewood Green.<sup>257</sup>
169. Stop Project Pinewood have raised a number of concerns about traffic generation, especially in relation to HGVs and HDVs. HGV movements were specifically dealt with in the Environmental Statement and assessments.<sup>258</sup> The proposal would generate only a very small number of HGVs and have no material

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<sup>251</sup> PSL3/1 para 9.70

<sup>252</sup> PSL3/1 para 9.71

<sup>253</sup> CD12 paras 7.118-7.120

<sup>254</sup> PSL3/1 para 9.72

<sup>255</sup> PSL3/1 para 9.73

<sup>256</sup> CD24d

<sup>257</sup> PSL3/1 paras 9.74-9.81

<sup>258</sup> CD09 p545 Table 15.23, evidence in chief of Mr Bird

impact on the effects of HGVs in the area. Core Policy 16 of the Core Strategy identifies that HGV problems in the area of Iver Village and Richings Park are due to specific sites in the area, which do not include Pinewood Studios.<sup>259</sup>

170. Notwithstanding the strength of the local concerns, the County Council's agreement is highly significant and indeed determinative of the lack of severity of the impacts for the purposes of paragraph 32 of the NPPF. Nothing was put to PSL's transport witness in cross-examination by Stop Project Pinewood which even approached a "*severe impact*" sufficient to engage that paragraph.

171. In summary, in so far as traffic infrastructure has been raised, these matters are addressed fully in the evidence and do not represent any basis for rejecting the appeal proposal.

## **Merits of the Case for Expansion**

### ***The evidence base***

172. The evidence relating to the case for expansion is extensive, with the main components as follows.

173. First, the case is formally set out in three Core Documents, the principal authors of which appeared before the inquiry:

Pinewood Studios: The Case for Expansion by Turley Associates<sup>260</sup> – now supplemented by the evidence of PSL's planning witness<sup>261</sup>.

The Business Case and Economic Impact Assessment by Amion Consulting<sup>262</sup> – now supplemented by the evidence of PSL's economics witness<sup>263</sup>.

Market Review by PricewaterhouseCoopers<sup>264</sup> – now supplemented by the evidence of PSL's market witness<sup>265</sup>.

174. Second, the inquiry also had evidence from PSL's Property Director<sup>266</sup>, who has over ten years of experience of the operation of the Pinewood Studios site. He is uniquely well-placed to advise on the operation of the site, its constraints, and the opportunities to be provided from the proposals for expansion.

175. Third, there is an array of letters expressing support for the case for expansion from sources right across the UK and international film industry, including (1) industry institutions/representatives (e.g. the British Film Institute, British Film Commission, Creative Skillset, Northern Ireland Screen, Creative Scotland); (2) major international companies/customers (e.g. Universal, Paramount, Disney, Lucas Films, Marvel); (3) cross-party Parliamentary sources (e.g. the House of Commons Culture, Media and Sport Committee, the Labour and Liberal Democrat Parties, and the Mayor of London); (4) six local and regional Local Enterprise

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<sup>259</sup> PSL3/1 paras 8.23 & 11.6; CD29 para 3.6.4 & Core Policy 16

<sup>260</sup> CD03

<sup>261</sup> Mr Lucas PSL1/1, PSL1/3

<sup>262</sup> CD05

<sup>263</sup> Mr Russell PSL6/1

<sup>264</sup> CD06

<sup>265</sup> Mr Forrest PSL5/1, PSL5/3

<sup>266</sup> Mr Wight PSL7/1, PSL7/3

Partnerships.<sup>267</sup> The letters are not intended to support a specific quantitative case, but to meet a series of particular objections raised by the Council (for example, questions on the need for a single site for the Studios, existing capacity, and whether or not film productions are being turned away from the UK due to a lack of capacity). However, cumulatively, the letters provide overwhelming evidence of a quantitative requirement for precisely what the proposal offers, and evidence that it has the potential to attract the major inward investment film and high-end television that is the objective of Government policy.

176. Fourth, there are independent sector analyses, notably Oxford Economics: The Economic Impact of the UK Film Industry<sup>268</sup> and BFI Statistical Yearbook 2013<sup>269</sup>, which provide clear evidence of growth within the film sector, especially within the target big budget film market.
177. The authoritative and informed nature of the vast majority of the above evidence was accepted by the Council's film industry witness.<sup>270</sup>
178. It is important to recognise the scale of the common ground between the parties, as expressed in the SoCG.<sup>271</sup> The Council agrees that Pinewood Studios is of national and international significance for the production of films, and that the continuing success of Pinewood Studios is critical to the future of the screen-based industries in the UK. It is also agreed that it is the only production complex of its size, scale and international profile in the UK.<sup>272</sup>
179. Pinewood Studios is in short a unique and particularly important facility in the UK, in addition to being the flagship of Pinewood Shepperton Plc<sup>273</sup> and thus defining the international Pinewood brand.<sup>274</sup>
180. It is also common ground that, as well as all the facilities directly run by Pinewood Studios, it has on site some 180 other businesses, demanded by major film and television productions, which provide a wide range of specialised production related equipment, skills and services to the Pinewood offer.<sup>275</sup> The importance of those production-related businesses to film producers is clear from the supporting correspondence.<sup>276</sup>
181. Pinewood Studios, because of its unique mix and scale, therefore plays a key role in inward investment film and television production to the UK.<sup>277</sup>

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<sup>267</sup> PSL1/2, PSL1/4, PSL7/2, PSL7/4 Appendix II, PSL7/4b, PSL7/9; CD62; INSP1

<sup>268</sup> CD58

<sup>269</sup> CD76

<sup>270</sup> Cross-examination of Mr Finney

<sup>271</sup> CD65 especially sections 4, 9 and 10

<sup>272</sup> CD65 paras 4.1 & 9.9

<sup>273</sup> The Pinewood group also includes Shepperton Studios and Teddington Studios, and has international interests - CD05 para 2.5.1, CD02 para 8.100, PSL7/1 para 2.4, PSL7/3 p10

<sup>274</sup> CD65 para 4.3; PSL8/1

<sup>275</sup> CD65 para 4.19; PSL7/1 paras 3.29-3.33

<sup>276</sup> PSL1/2, PSL1/4, PSL7/2, PSL7/4 Appendix II, PSL7/4b, PSL7/9; CD62

<sup>277</sup> CD65 para 9.6

## **Government policy**

182. There is a range of reports, speeches, and formal statements from Government which collectively represent national policy in relation to the creative industries, and which closely inter-relates with the NPPF and how it should be interpreted.<sup>278</sup>

183. It is clear that Government policy has been formulated with the specific and focussed objective of attracting film and television production to the UK and encouraging the development of the UK film and television industry. The policy is firmly rooted in action, not aspirations, with specific objectives in terms of economic benefits and growth. The policy is being delivered through direct funding and the tax incentive scheme or through land use planning decisions. However, the policy comes to nothing and the incentives are useless without the necessary industry infrastructure such as additional stage and ancillary space being delivered and made available. As the House of Commons Culture, Media and Sport Committee recently put it:

*"Pinewood Shepperton are strong advocates of the cluster/hub model. Their contribution to the UK film industry is enormous. However, a lack of studio space is already resulting in the loss of international inward investment. Like other studios they need to build capacity if they are to respond to growing demand. We expect demand for studio space to grow significantly with the introduction of tax credits for high-end television. Andrew Smith, Pinewood Shepperton's Director of Strategy and Communications, argued: 'I think the infrastructure around the creative industries is just as important as airports, roads and rail, particularly as it is a clear growth sector of the economy.' We agree. It was disheartening to learn of the rejection of a planning application by Pinewood Shepperton that would have allowed for growth and the establishment of a training academy for the film industry. We were disappointed by the local authority's decision to reject a subsequent planning application that did much to address local concerns.*

*While allowing for local concerns, the planning system should adequately recognise the significance of creative industry infrastructure. A useful initial step would be to revisit the advice to local authorities given in the National Planning Policy Framework."<sup>279</sup>*

184. The Government's response to the Committee's views and recommendations is to be noted.<sup>280</sup>

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<sup>278</sup> CD65 paras 8.28-8.85; CD34-CD49

<sup>279</sup> CD67 paras 129-130

<sup>280</sup> CD100 [Part of the response to recommendation 38 is: "*More widely, we share the Select Committee's view that the planning system should adequately recognise the significance of creative industry infrastructure and we share the view, communicated by a number of people within the film and TV industry, that a lack of studio space could result in the loss of international inward investment. Many studios and production facilities in the UK are operating at close to capacity. Given growing global demand and finite capacity, an expansion of those facilities – or the creation of new facilities – is essential to enable any new demand to be met within the UK rather than overseas, with all the economic benefits that entails in terms of exports, investments and job creation.*"]

185. The policy has been outstandingly successful, easily measured by noting that the overall contribution of the industry to UK GDP employment and tax revenues for the year 2011 was: (a) a total of 117,400 FTE jobs; (b) a contribution of over £4.6 billion to UK GDP; and (c) a contribution of over £1.3 billion to the Exchequer (gross).<sup>281</sup>

186. The policy and incentives which have been in place in one form or another in relation to film have recently been extended to what is described as high-end television. The expectation is that the extension of the policy will result in further substantial benefits to the UK economy. It is clear that this expectation will not be fully realised without further additions to the physical infrastructure of the industry, as illustrated by the loss of the making of the television series *Penny Dreadful* to Ireland.<sup>282</sup>

187. The following set out the Government's intention to achieve transformational sustainable economic growth and growth of the creative industries, including film, television and digital media:

(a) The future of the UK film industry (speech by Ed Vaizey MP, November 2010)<sup>283</sup>

(b) Next Gen: Transforming the UK into the world's leading talent hub for the video games and visual effects industries, February 2011<sup>284</sup>

(c) A future for British film: it begins with the audience, January 2012<sup>285</sup>

(d) Creative Sector Tax Reliefs, June and December 2012<sup>286</sup>

(e) Film Forever - Supporting UK film: British Film Institute Plan 2012 to 2017<sup>287</sup>.

188. Two statements, in particular, are worth citation:

*"The British film industry is an economic success story. It's the third largest market in the world in revenue terms with exports over £2bn and a highly skilled workforce of nearly 50,000. I have been to the Pinewood Studios in Buckinghamshire and was extremely impressed by what the British film industry is doing. If Pinewood Studios' expansion plans take place it will significantly enhance the UK's ability to succeed in a highly competitive market and ensure that the UK continues to be one of the best destinations in the world for film making."* (Vince Cable, Secretary of State for Business, Innovation and Skills, May 2012)<sup>288</sup>

*"Economically and culturally, British film makes a great contribution and presents a very real opportunity for economic growth. Continued private investment in the industry will help ensure the UK has the necessary skills,*

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<sup>281</sup> CD58

<sup>282</sup> PSL1/2 p79

<sup>283</sup> CD44

<sup>284</sup> CD45

<sup>285</sup> CD46

<sup>286</sup> CD47

<sup>287</sup> CD48

<sup>288</sup> CD46b

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*infrastructure and capacity to go from strength to strength. I welcome Pinewood's vision to help ensure that the UK secures its place as world leader in creativity, technology and innovation." (Ed Vaizey, Culture Secretary, May 2012)<sup>289</sup>*

189. The clearest and most up-to-date summary of Government policy and its objectives with respect to the film industry is now represented in a letter of 15 May 2013 from the Secretary of State for Business, Innovation and Skills<sup>290</sup>, issued ahead of the Council's Committee meeting when it considered the appeal application<sup>291</sup> in order to confirm the Government's policy and permit it to be taken into account. The originating letter from Lord Grade, PSL's Chairman<sup>292</sup>, shows that the Secretary of State was responding to a request to restate Government policy in relation to the creative industries.
190. The Secretary of State's letter was therefore drafted with that specific objective in mind, and makes clear reference to the land use/planning implications of the policy. In summary: (a) the film industry is of major economic value to the UK; (b) the Government's intention is to take the significant opportunity of expansion in creative content industries and drive significant demand for studio space; (c) the skills and training element is vital; (d) there is a need to grow the UK studios and production facilities to meet growing demand and remain internationally competitive; (e) there is a strong case for new facilities to build upon existing centres of excellence and economic clusters; and (f) *"In the context of growing global demand and finite capacity, an expansion at any of the UK's leading film studios which created studio space, backlot sets and ancillary space of a sufficient scale to accommodate increasingly large, high-end productions in proximity to existing supply chains would go some way towards enabling new demand to be met within the UK rather than overseas, with all the economic benefits that entails in terms of exports, investments and job creation."*<sup>293</sup>
191. Such statements sit squarely within the Government's overarching target to achieve economic growth.<sup>294</sup> The recent Autumn Statement of 2013 emphasises the importance of the creative industries as an industrial sector offering significant growth opportunities and as being an important part of a dynamic and diversified economy.<sup>295</sup> Adjustments have been made to film tax relief to make the UK yet more attractive and additional funding is in place for the National Film and Television School.<sup>296</sup>
192. The National Infrastructure Plan 2013 highlights the importance of infrastructure to growth and flags up the challenges of long lead times, the need to rely on projections and the larger increment elements of some projects.<sup>297</sup> It

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<sup>289</sup> CD46b

<sup>290</sup> CD49

<sup>291</sup> CD21

<sup>292</sup> PSL7/6

<sup>293</sup> CD49

<sup>294</sup> CD34-CD43; CD33 paras 17-21

<sup>295</sup> CD95 paras 1.189-1.190

<sup>296</sup> CD95 para 1.190

<sup>297</sup> CD96 para 1.11-1.12

points out that need is often difficult to predict and judgments have to be made.<sup>298</sup>

193. The Government's policy agenda (including the NPPF) is up to date, of leading status and should be afforded substantial weight in decision taking. Such statements are calls to action and not mere statements of aspiration. The strength of purpose and the imperative that sits behind Government policy at the national level will only have effect if implemented through physical development, and the appeal proposal is a prime example of such development.

### ***The capacity constraint***

194. There is now only one significant obstruction to the successful roll-out of the policy, and that is the capacity constraint. Even the Council's film industry witness agrees that the constraint currently exists in accommodating further inward investment film and television production: "*Demand, right now, is up in the UK and there is definitely pressure on capacity – a fact that nobody could deny.*"<sup>299</sup> Demand for all stages now consistently exceeds Pinewood Studios' ability to supply, and there is an urgent need to increase capacity.<sup>300</sup> This is well explained by the Chief Executive of the British Film Commission<sup>301</sup>, whose knowledge, standing and veracity were all accepted by the Council's film industry witness<sup>302</sup>.

195. The British Film Commission letter is accompanied by a range of other authoritative letters that describe how investment is being turned away, and as a consequence how economic, employment, training and wider social and cultural benefits are being lost at national, regional and local levels.<sup>303</sup> The Council's film industry witness, when challenged as to his assertion that films had not been turned away, accepted the accuracy of the statements made by, for example, Film London.<sup>304</sup> If the capacity constraint is not addressed then the loss will continue and the successful implementation of the policy will be frustrated. The UK will have cast away the advantage of being a world leader in a sector which offers the opportunity for significant economic growth.

### ***The Pinewood response: addressing the capacity constraint***

196. The appeal proposal is therefore PSL's response to the current capacity constraint. It directly supports the Government's policy objective and, if granted, would provide the opportunity to see that objective fulfilled.
197. Pinewood Studios is best placed to provide the large stage space and additional facilities and services that big budget films require.<sup>305</sup> It is the natural focus of expansion within the industry, meeting all the requirements identified in

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<sup>298</sup> CD96 para 1.53

<sup>299</sup> SBDC2/2 para 7.4

<sup>300</sup> PSL7/1 paras 4.12-13, 4.19-21, 6.8

<sup>301</sup> PSL1/4 Appendix 8 Letter dated 31 October 2013

<sup>302</sup> PSL1/4 Appendix 9 Letter from Film London dated 5 November 2013; cross-examination of Mr Finney

<sup>303</sup> PSL1/2, PSL1/4, PSL7/2, PSL7/4 Appendix II, PSL7/4b, PSL7/9; CD62; INSP1

<sup>304</sup> Cross-examination of Mr Finney

<sup>305</sup> PSL7/1 paras 4.15-4.18; 6.6

the letter from the Secretary of State for Business, Innovation and Skills<sup>306</sup> and with the international profile to ensure that awareness of the available capacity and the world class facilities would not go unnoticed. Just as the refusal of planning permission by the Council was reported around the world, so would any grant of planning permission by the Secretary of State.<sup>307</sup>

198. The scheme is conceived as to both its content and scale to signal clearly and unequivocally that the UK is open for businesses in the film and television production market, and that it can accommodate market requirements at the UK's leading film and television production facility.
199. Apart from in the assessment of the Council's film witness<sup>308</sup>, there is confidence in the future of film and television production and the scale of what is likely to come in the future. This confidence is echoed by competitors around the world in the scale of what they are doing to try and wrest away from the UK film and television production opportunities.<sup>309</sup> These investment decisions are all being made with inputs from investors, film companies, governments and developers.<sup>310</sup>
200. The facilities proposed in the appeal scheme would match the quality and content expected of Pinewood Studios. They therefore include not just stages, backlots and workshops but also offices and office type ancillary space on a scale and in a location able to support the use of the facility. This would be in just the same way that the existing Media Hub, for which there is a waiting list of potential occupiers, and on site facilities currently do.<sup>311</sup> The proposal would provide for a doubling of the capacity of the Studios, and enable two additional big budget productions to be accommodated at same time.<sup>312</sup> Large stages are the principal component of the scheme in response to market requirements.<sup>313</sup>

### **Market Review and Business Case**

201. Following the refusal of the Project Pinewood development, PSL recognised the importance of providing a robust evidence base in support of the proposal.
202. PSL has a very good understanding of its customers' requirements, and the experiences of 2011 and 2012, especially the immediate demand for newly constructed stage space, drove the decision to proceed in a new direction.<sup>314</sup> In light of the urgency of the demand, PSL therefore undertook a year-long, iterative, multi-disciplinary process whereby the proposal for a doubling of stage capacity, ancillary and Media Hub facilities was formulated and tested, prior to submission. There is an ever-increasing urgency to the demand. Notably, two major international multi-film franchises of undisputed longevity, *Star Wars* and *James Bond*, have both demonstrated significant commitment to Pinewood Studios, effectively taking up the existing capacity for two big budget

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<sup>306</sup> CD49

<sup>307</sup> PSL7/1 paras 5.18-5.19

<sup>308</sup> SBDC2/1

<sup>309</sup> PSL7/1 paras 4.6, 5.4; PSL1/1 paras 8.91-8.94

<sup>310</sup> Cross-examination of Mr Finney

<sup>311</sup> PSL7/1 section 3; paras 4.22-4.25

<sup>312</sup> PSL1/1 paras 4.10, 4.27; PSL7/3 para 5.2

<sup>313</sup> PSL7/1 paras 4.28-4.34; PSL7/5

<sup>314</sup> PSL7/1 section 5

productions.<sup>315</sup> The business case is therefore firmly grounded in the contemporary success of the Studios.

*Film expenditure projections: methodology*

203. The long-term projections for potential growth over 2012-2032 are set out in the Market Review<sup>316</sup>, as supported by the evidence of PSL's market witness<sup>317</sup>. PricewaterhouseCoopers (PwC) is a market-leading consultancy in this field, producing an industry standard publication, the Global Entertainment and Media Outlook, and PSL's market witness has extensive experience of advising and forecasting for the media and entertainment sector, combined with his experience working in Government.<sup>318</sup>
204. Two approaches to producing projections for long-term UK film production expenditure were considered: a) top-down market assessments, which involve deriving overall market growth, before disaggregating into more specific components of the market; and b) bottom-up assessments, which require developing a view of the pipeline of individual film productions. As the visibility of film production pipelines and studio capacity utilisation are short-term in nature, a top-down approach was followed.<sup>319</sup>
205. Three different demand-driven scenarios of UK film production expenditure were examined. Firstly, an 'inflation only case', in which growth is at a long-term estimate of inflation. This is a very conservative scenario, and highly unlikely given historic growth rates. It would not require an increase in new capacity but for existing capacity to be maintained. Secondly, a 'base case' in which growth is based on trends in broader entertainment and media spending growth. The highest degree of confidence is placed in this scenario. Under it, the industry would need to utilise existing capacity more efficiently and invest in additional capacity. Finally, a '17% UK market share case', an upside market share scenario in which UK-produced productions increase their share of global film. This represents an outcome at an upper end of a range of reasonable assumptions.<sup>320</sup> Under it, Pinewood Studios would drive the increase in UK market share, thereby increasing its current 35% share of UK film production.<sup>321</sup>
206. Producing the projections involved an 8 step process.<sup>322</sup>
207. Step 1: Historical UK film production expenditure was reviewed, broken down by expenditure on domestic productions, co-productions and inward investment productions. Over the past 18 years expenditure has grown considerably, and significantly faster than the annual rate of nominal GDP growth in the UK economy. There is a year-on-year variation, driven largely by the particular timing of filming schedules for big budget films. Expenditure is dominated by a

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<sup>315</sup> PSL7/1 paras 4.16 & 4.27; PSL7/2 Appendix 2

<sup>316</sup> CD06

<sup>317</sup> PSL5/1, PSL5/3

<sup>318</sup> PSL5/2 Appendices 1 & 2

<sup>319</sup> PSL5/1 para 3.3

<sup>320</sup> PSL5/1 paras 3.6-3.9

<sup>321</sup> PSL5/1 para 3.43

<sup>322</sup> PSL5/1 para 3.11

relatively small number of big budget films, which are critical to overall film production expenditure in the UK.<sup>323</sup>

208. Step 2: 2012 UK film production expenditure was estimated based on data for the first 9 months. The projection has since been shown to be accurate by the actual expenditure figure for 2012.<sup>324</sup>
209. Step 3: A four-year historical average (over the period 2009-2012) was used to provide a base 2013 UK film production expenditure figure for the first year of the projection. A four year period was chosen as a sensible compromise between selecting too long a period, where the figure would no longer be current, and too short a period, where the figure could be distorted by a particular year.<sup>325</sup>
210. Step 4: Projections of total entertainment and media (E&M) spending based on the historic relationship between this and nominal GDP growth were prepared, at both global and UK level. As a measure of overall economic activity, GDP growth is a key driver of film production expenditure. Long-term projections of global and UK nominal GDP growth were drawn from PwC modelling. On average, historical growth in both UK and global total E&M spending has been slightly below the equivalent growth rate of nominal GDP, and therefore a downward adjustment of 0.5 percentage points was applied to the long-term GDP forecast when deriving the E&M growth projections.<sup>326</sup>
211. Step 5: The filmed entertainment spending share of total E&M spending at both the UK and global level was considered, and a long-term share extrapolated for the projection period. The share averaged around 6% at global and 7.5% at UK level between 2000 and 2011. These shares are currently trending downwards as other forms of media entertainment out-grow film, but some faster growing media types such as video games require studio based production facilities and so are likely to contribute to studio based production expenditure going forward. A downward adjustment of 0.5 percentage points was made to the historical average of filmed entertainment as a share of total E&M spending for use in the long-term projections. While in practice this share is expected to vary on a yearly basis, as particular forms of media gain and lose popularity, over the longer term it is reasonable to assume that the share is constant.<sup>327</sup>
212. Step 6: Base case projections of UK film production expenditure were prepared by combining the projections of (i) total E&M spending and (ii) filmed entertainment's long-term share of total E&M spending, to create estimates of long-term filmed entertainment spending growth. Spending was used as a driver for UK film production expenditure because data on global film is not available. Projections of inward investment film production expenditure were estimated using projected global filmed entertainment growth. Projections of domestic UK film production and co-production expenditure were estimated using projected UK filmed entertainment growth. The results gave the base case projections of total UK film production expenditure.<sup>328</sup>

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<sup>323</sup> PSL5/1 paras 3.13-3.16

<sup>324</sup> PSL5/1 paras 3.17-3.19

<sup>325</sup> PSL5/1 paras 3.20-3.21

<sup>326</sup> PSL5/1 paras 3.22-3.27

<sup>327</sup> PSL5/1 paras 3.28-3.30

<sup>328</sup> PSL5/1 paras 3.31-3.32

213. Step 7: Projections for the inflation-only and the upside (17% UK market share) scenarios were prepared. Although exhibiting year-to-year variance, UK-produced films' share of global box office receipts increased significantly between 2002 and 2012, from 9% to 14%. A 17% market share by 2032 is a reasonable upside scenario, with this level achieved in 2011 as a high point to date.<sup>329</sup>
214. Step 8: As a sense check, the percentage of total UK film production expenditure that relates to productions at Pinewood Studios under each scenario was calculated. A detailed breakdown of historical UK film production expenditure by production studio is not readily available, but assumptions were made based on consideration of the number of studios in the UK capable of accommodating a big budget film and the historical number of big budget films produced at Pinewood Studios. Pinewood Studios accounts for 36% of the total number of stages suitable for production of big budget films in the UK, and big budget films produced at Pinewood Studios accounted for an average of 35% of total big budget film productions for the period 2008-2011. Under the 17% market share case, it was assumed that 75% of the incremental UK production expenditure gained by the increase in market share relates to Pinewood Studios productions, which is midway between the existing figure and an upper limit in which Pinewood Studios captures the entirety of incremental market share growth.<sup>330</sup>

*Film expenditure projections: results*

215. Under the base case projections, between 2013 and 2032 UK film production expenditure has the potential to increase at a compound annual growth rate (CAGR) of 5.1%, by which time film production expenditures will total approximately £2.9billion. In this case it is projected that the inward productions segment of the UK film production market will grow at a faster rate than the domestic and co-production segments, with this increasing from approximately 70% to 75%. This is based on an assumption that global GDP growth will outstrip UK GDP growth, and therefore growth in foreign demand for film production based in the UK will exceed the growth in demand from domestic and co-productions. Under the upside 17% share scenario, UK film production expenditure is projected to have the potential to increase to £3.2billion by 2032.<sup>331</sup>
216. It is estimated that film production expenditure relating to productions based at Pinewood Studios will approximate £395million in 2013, with potential for this to rise to £1.02billion under the base case and £1.46billion under the increased share case (with both the UK and Pinewood Studios shares increased).<sup>332</sup>
217. The 2013-2032 average projected growth rates under both the base case (5.1%) and 17% market share case (6.1%) are significantly less than the recent average historical growth rate of 9.6% (2002-2011). For the base case, it is also below the average growth rate for the period 2002-2012 of 5.3%, which included the materially lower level of production in 2012.<sup>333</sup>

<sup>329</sup> PSL5/1 paras 3.33-3.38

<sup>330</sup> PSL5/1 paras 3.39-3.42

<sup>331</sup> PSL5/1 paras 3.44-3.46; p20 table 4

<sup>332</sup> PSL5/1 para 3.47

<sup>333</sup> PSL5/1 para 3.48

218. There are three overarching assumptions underling the projections.
219. Firstly, that the relationships between GDP, E&M spend and film production remain stable over the projection period. This is a reasonable assumption, primarily due to the strong historical relationships between these variables.<sup>334</sup>
220. Secondly, that market share dynamics (UK share of the global film market and Pinewood Studios' share of the UK market) remain stable over the projection period. The UK film production industry has demonstrated strong growth over a long period, and a range of competitive drivers are favourable for the UK. The projections allow for foreign studios to grow as the international market expands, with only the upside projection providing for an increase in the UK market share. It is possible, however, that global investment in both facilities and other film production requirements outpaces the UK and therefore presents a risk of loss of market share to the UK.<sup>335</sup>
221. Thirdly, that there is no major technological development which fundamentally changes the way in which films are produced. It is notable that technological developments in the film industry in the recent past have had greater impact on the distribution and consumption of film rather than on its production.<sup>336</sup>
222. This is a quintessential example of the kind of economic analysis which would underpin any major infrastructure development, and it provided a reasonable basis for making the planning application. Indeed, this approach has now been revealed to be entirely consistent with the National Infrastructure Plan 2013.<sup>337</sup>
223. Importantly, no significant risks are identified to the level of growth arising from the base case. The Council provides no significant evidence to challenge this. The evidence of its film industry witness raised a number of uncertainties said to impact adversely on the reliability of the outcomes, the most prominent of which was the untenable suggestion that any projection beyond a 5-year horizon should be entirely or substantially discounted.<sup>338</sup> This evidence has now been discredited.<sup>339</sup>

#### *Projections of floorspace requirements*

224. The PwC projections were used by Amion to derive estimates of the future amount of stage and ancillary space required to accommodate the projected growth.<sup>340</sup> In real terms (2013 prices) total UK production expenditure is predicted to grow by £699million under the base case and by £1,062 million under the 17% market share case. This is an increase of around 62% and 94% respectively over the 20 year period. In total there is some 120,000sqm of stage floorspace in the UK. Applying the projected real growth in expenditure to this floorspace figure provided an estimate for the stage floorspace required in 2032

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<sup>334</sup> PSL5/1 paras 3.50, 4.10-4.13; PSL5/3

<sup>335</sup> PSL5/1 paras 3.50, 4.14-4.17; PSL5/3

<sup>336</sup> PSL5/1 paras 3.50, 4.18-4.21; PSL5/3

<sup>337</sup> CD96 para 1.12

<sup>338</sup> SBDC2/1 p26 says discount all plans and projections beyond 2020

<sup>339</sup> PSL5/3 paras 2.1-2.7; PSL7/3 paras 2.1-2.14

<sup>340</sup> CD05

at the UK level. Under the base case this gives a demand for an additional 74,296sqm, increasing to 112,879sqm under the 17% market share case.<sup>341</sup>

225. As well as an increased demand for stage space, there will be a need for more ancillary space including workshops and production offices. Applying the existing ratio of stage to ancillary space at Pinewood Studios of 1:1.5 to the stage floorspace projections indicates an additional demand for 111,444sqm (base case) and 169,318sqm (17% market share case) of ancillary space.<sup>342</sup>

226. This leads to a projected demand of between around 186,000sqm and 282,000sqm of additional production-related space (stage and ancillary) that could be required to meet projected demand. These figures do not include the additional floorspace required to accommodate businesses providing services to productions, for which there is also likely to be a substantial increase in demand based on these projections.<sup>343</sup> A key finding is that, in the growing market identified by PwC, the proposal would provide for just 38% of the required new capacity under the base case (25% under the 17% market share case).<sup>344</sup> Pinewood Studios would therefore not need to capture all, or even nearly all, of the available growth; there is plenty of room for variation in outcomes to be accommodated without impacting on PSL's economic case.

### *Economic benefits*

227. Through the delivery of the development, it is expected that the economic and employment impact of Pinewood Studios would increase substantially. In particular the development (at 2012 prices) would:<sup>345</sup>

- Secure private sector investment of some £194million, and the creation of 99,000sqm of new sound stages, workshops, production suites and associated production tenant office accommodation
- Create some 3,100 net additional jobs at the national level including multiplier and other wider effects
- Produce £149m net additional GVA per annum at UK level once fully developed
- Result in net additional contributions to the Exchequer of £36m
- Generate net additional exports of £37m
- Help to ensure that Pinewood Studios remains one of the premier global studio brands
- Contribute substantially to the continued success and growth of the UK's creative industries, a key driver in the Government's Plan for Growth.

<sup>341</sup> PSL6/1 para 3.9

<sup>342</sup> PSL6/1 para 3.9

<sup>343</sup> PSL6/1 paras 3.10-3.11

<sup>344</sup> CD05 pV para 22 and p24 footnote 29 – based on the proposal providing some 70,700sqm of additional stage and ancillary space including workshops and production offices. This is 91,575sqm net increase (p28 Table 3.6) less 20875sqm Media Hub expansion (PSL1/1 p10 footnote 15)

<sup>345</sup> CD05 para 5.10

228. This is a model exercise in the construction of a business case and economic contribution analysis, and one which has never been seriously challenged by the Council. In particular it should be noted that, whilst the Council's film industry witness questioned, on the basis of his alleged uncertainties, the unchanging ratio of production expenditure to stage floorspace in the UK used in the economic assessment, he did not question the basic starting point used of a direct relationship between production expenditure and stage floorspace in the UK.<sup>346</sup>

*Independent reviews of the proposal*

229. PSL's work has been subject to further and extensive independent review by appropriately qualified individuals.

230. The case was independently reviewed by the Council's previously retained consultant Ms Gina Fegan.<sup>347</sup> Her overall conclusion was that:

*"In conclusion, the business case and economic impact assessment for the expansion of Pinewood Studios provides a coherent case and the proposed development has commercial integrity. It is not without areas of concern, or certain reservations, and some points need further clarification but the main principles are valid".*<sup>348</sup>

231. The Council has focussed not on this main conclusion but on a number of matters raised by Ms Fegan which do not affect it. All the matters raised were answered by PSL with no further response from the Council.<sup>349</sup> They have been further addressed by the evidence of PSL's market witness.<sup>350</sup>

232. The proposal was also reviewed by the dedicated Research and Statistics Unit at the British Film Institute, which collates data for analysis and reporting for the film and television industries. The British Film Institute's Chairman states: *"My colleagues have reviewed Pinewood's economic case, in particular the PwC Market Review, and found this to be an accurate appraisal of the industry and a fair forecast of its future performance".*<sup>351</sup>

233. That is clearly an independent, expert and informed view of the PwC work and should be given significant weight, and the Council's film industry witness accepted as much.<sup>352</sup>

234. Finally, PwC's work was assessed by a peer reviewer of undoubted knowledge and expertise engaged by PSL, Mr Hasan Bakhshi<sup>353</sup>. He is a professional economist and creative industries specialist, who has led Nesta's research and policy work on the creative industries for the past seven years. Amongst the detailed appraisal of the economic case, the following conclusions should be noted:

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<sup>346</sup> SBDC2/2 p17 para 5.4

<sup>347</sup> CD27

<sup>348</sup> CD27 p10

<sup>349</sup> CD23H

<sup>350</sup> PSL5/1 paras 4.6-4.21

<sup>351</sup> PSL1/2 p62

<sup>352</sup> Cross-examination of Mr Finney

<sup>353</sup> PSL7/2 Appendix 5

*"The PwC Market Review presents a forward-looking assessment of the demand- and supply-side drivers for the production facilities at Pinewood Studios and concludes that a significant expansion is needed in capacity to meet excess demand. I have reviewed the document in some detail and have no hesitation in endorsing its overall methodology, analysis, choice of data sources and broad conclusions."*<sup>354</sup>

*"The report's top-down approach for deriving twenty-year projections for film production spend at Pinewood, informed by a detailed near term market analysis makes a good deal of sense."*<sup>355</sup>

*"In conclusion, in my view the base case is a sensible basis for long term planning, with the upside and downside scenarios presenting reasonable alternatives for risk analysis."*<sup>356</sup>

*"Overall, I consider PwC's Market Review to represent a reasonable and robust basis upon which to assess the demand and supply-side drivers for the proposed expansion of facilities at Pinewood Studios."*<sup>357</sup>

235. Once again, it is noteworthy that the Council's approach, having fulsomely accepted Mr Bakhshi's experience and qualifications to provide the report, is to focus on issues raised in the report which do not affect the overall conclusion, and which in any event were dealt with in the cross-examination of its film industry witness.<sup>358</sup>

236. All of the independent reviews of PSL's case have accepted the overall soundness of it and the conclusions reached. Their informed and authoritative nature and general veracity were accepted by the Council's witness and the substance is generally uncontested.<sup>359</sup> This constitutes a very significant and compelling body of evidence in favour of the case for expansion.

### ***The Council's case against expansion***

237. The Council's written evidence against the case for expansion comprises almost exclusively that of its film industry witness<sup>360</sup>, with its planning witness relying on this in the overall planning balance<sup>361</sup>.

238. The Council's film industry witness makes no claim to any professional economic qualifications and does not apply any consistent or transparent methodology in the manner of PwC and Amion. He apparently has no experience of long term planning or infrastructure planning. He also accepted that he has limited direct experience of the big budget film market, and had not visited Pinewood Studios prior to his present instruction in 20 years.<sup>362</sup>

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<sup>354</sup> PSL7/2 Appendix 5 p32

<sup>355</sup> PSL7/2 Appendix 5 p33

<sup>356</sup> PSL7/2 Appendix 5 p37

<sup>357</sup> PSL7/2 Appendix 5 p37

<sup>358</sup> Cross-examination of Mr Finney

<sup>359</sup> Cross-examination of Mr Finney

<sup>360</sup> SBC2/1, SBC2/2

<sup>361</sup> SBC1/1

<sup>362</sup> Cross-examination of Mr Finney; PSL7/4 Appendix iii

239. His oral evidence on matters within his professed expertise was characterised by a series of significant concessions. He began early on by noting that *"there is quite clearly demand for capacity increase in the market at the moment so I would completely understand why Pinewood would desire to expand its operation"*.<sup>363</sup> He then accepted that serious regard should be given to the letters from producers of big budget films.<sup>364</sup> This was a very important concession in light of the consistent message throughout those letters.

240. By the close of his evidence, on all of his main objections he had either accepted the views of authoritative commentators on the matter, or accepted that objectively ascertained data directed away from his conclusions. His evidence should therefore be accorded very limited weight in the decision. His views are not seriously corroborated by any major source working within the industry. As PSL's Property Director observes:

*"If Mr Finney is right, then there is a whole population of government ministers, civil servants, analysts, financiers, investors, lenders, property developers, landowners, cinema exhibitors and production facility operators around the world who are wrong, because they are approving fiscal incentives and building new studios and cinemas in anticipation of growth in the global film and television industries."*<sup>365</sup>

241. The key objections of the Council's film industry witness are dealt with as follows.

#### *Long-term projections*

242. At the core is an objection to long-term projections in light of the apparent uncertainty within the film industry.

243. The scale of international competition, evidenced by major investment in facilities around the world, is undeniable.<sup>366</sup> There has always been significant agreement between the parties on this matter.<sup>367</sup> Regardless of PSL's plans, foreign studios and in particular current Los Angeles-based studios are actively building huge studio sites which will inevitably change the landscape for production demand.<sup>368</sup> The importance of such competition cannot be overstated.<sup>369</sup>

244. The Council's film industry witness accepted the obvious impracticality of a 5-year 'business plan' approach when planning for major investment with a return period which will inevitably be beyond 5 years. He agreed that the one thing that would make it certain that the UK will not achieve its objective is for there to be insufficient physical infrastructure to meet demand. He also agreed that if UK investment decisions and planning were restricted to a 5 year time horizon it would put the UK at a competitive disadvantage. Any residual objection was unconvincing, and he accepted that his position is *"flatly contrary"* to

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<sup>363</sup> Cross-examination of Mr Finney

<sup>364</sup> PSL1/2, PSL1/4, PSL7/2, PSL7/4 Appendix II, PSL7/4b; CD62; INSP1

<sup>365</sup> PSL7/3 para 7.9

<sup>366</sup> CD27 p26

<sup>367</sup> CD65 para 9.15

<sup>368</sup> Cross-examination of Mr Finney

<sup>369</sup> Cross-examination of Mr Finney

Government policy, as expressed both by Central Government and its appointed institutional representative the British Film Institute.<sup>370</sup>

*Co-location and split sites*

245. The Council's film industry witness began by positively asserting that film makers have no objection to split sites and that it is no disadvantage to have to utilise two or more sites to make an individual film. Accordingly, he contested the importance of co-location on the basis that the industry has survived for a considerable period of time on split sites.<sup>371</sup>
246. He made extensive reference to the use of warehouse, industrial and other space, notably the case of Cardington.<sup>372</sup> However, PSL's review of available space demonstrates that there is no comparable site which can cater for big budget film demand.<sup>373</sup> The Council's witness accepted that the database is one maintained by Film London, and that therefore the comments of Film London about the need for more space and for the appeal proposal<sup>374</sup> take into account the space he refers to. He agreed that there is an undeniable need for a significant increase in studio space, confirming that "*there is definitely pressure on capacity*".<sup>375</sup>
247. The proposal is not footloose, but is for the expansion of Pinewood Studios. That is where it must be located, and there is no alternative. The development has been planned on an integrated basis which starts with the creation of levels across the whole site, the formation of bunds with a two-way screening function and the implementation of a comprehensive landscaping strategy.<sup>376</sup> The best and overall most effective use is being made of the West Area. The evidence demonstrates that what is left from the 2006 Masterplan consent is not practically available.<sup>377</sup> This is considered further below under very special circumstances.
248. The Council's planning witness and Stop Project Pinewood made passing reference to regional policy. The position on regional coverage is best summarised by considering letters submitted, firstly, by Creative Scotland:

*"I cannot stress enough that there are major studio capacity constraints in the UK... Whilst we are working hard with partners to develop studio provision in Scotland, we know that this will not cater in full for the growing demand from the film and television industry to shoot in the UK... We wholly support [Pinewood's] ambition...we would very much like to work with them to achieve this for England and for the wider UK".*<sup>378</sup>

and, secondly, by Northern Ireland Screen:

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<sup>370</sup> Cross-examination of Mr Finney

<sup>371</sup> SBDC2/2 section 4

<sup>372</sup> An old aircraft hangar at Flitwick to the north of London; SBDC2/1 section 6.6

<sup>373</sup> PSL1/3 section 3; PSL1/4 Appendices 2 & 3

<sup>374</sup> PSL1/4 Appendix 9

<sup>375</sup> SBDC2/2 para 7.4

<sup>376</sup> PSL2/1

<sup>377</sup> PSL1/2 Appendix 1

<sup>378</sup> PSL1/4 Appendix 10 Letter of 23 October 2013

*"I can confirm as CEO of Northern Ireland Screen and board member of the British Film Commission that there is a considerable shortage of available sound stages within the UK... Addressing this shortage... is a critical and immediate issue for the development of the screen industry".<sup>379</sup>*

These letters were fully accepted by the Council's film industry witness as supportive of the appeal proposal.<sup>380</sup>

249. In short, there is no viable or credible alternative to the appeal proposal for provision for the big budget film market. Indeed, it became clear in the cross-examination of PSL's Property Director that the Council's case on alternative space had shifted significantly away from the big budget film market towards the issue of catering for high-end television production.<sup>381</sup>

#### *West Area*

250. The Council's film industry witness accepted that incremental growth within the West Area alone would not provide the required increase in capacity to accommodate any additional big budget films, and that the scheme's ordering of the development of the East Area followed by the individual plot development in the West Area is appropriate and logical.<sup>382</sup>

#### *High-end television*

251. The proposal is targeted at big budget films, but would be fully capable of serving the needs of high-end television and thereby taking advantage of the Government's new incentive regime designed to attract inward investment in that sector. There is no significant evidence to suggest that high-end television would affect the number of or expenditure on big budget films. The Council's film industry witness agreed that television may be able to pick up some of the slack from blockbusters in the context of a thriving and profitable television sector.<sup>383</sup> There is no evidence to indicate that growth in high-end television would not be capable of supporting the appeal proposal investment.<sup>384</sup>

252. The Council nevertheless pursued various alternative lines of argument with PSL's witnesses, although the evidential foundation for this was not clear. For example, reference was made in cross-examination of PSL's Property Director to a hypothetical scenario whereby high-end television effectively became the only remaining medium.<sup>385</sup> This position is not supported by any of the existing projections in relation to the big budget market.

253. High-end television is therefore a major feature of the landscape, and is a market to be pursued and where possible captured because of its value. It does not represent anything other than a positive opportunity for Pinewood Studios and the appeal proposal. The failure to pursue it and make provision for

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<sup>379</sup> PSL1/4 Appendix 10 Email of 14 October 2014

<sup>380</sup> Cross-examination of Mr Finney

<sup>381</sup> Cross-examination of Mr Wight

<sup>382</sup> Cross-examination of Mr Finney

<sup>383</sup> Cross-examination of Mr Finney; SBDC2/1 Appendix 2

<sup>384</sup> Cross-examination of Mr Finney

<sup>385</sup> Cross-examination of Mr Wight

productions that want high-quality stage space (such as *Penny Dreadful*<sup>386</sup>) would be a loss to the UK economy and defeat the objective of Government policy.

#### *Tax incentives*

254. The long-term future of tax incentives has been secured by the European Commission's recent Communication.<sup>387</sup> The Council's concerns on this have been addressed.<sup>388</sup> Tax relief works only in favour of the proposal.

#### *Exchange rates*

255. Clear, authoritative information has been provided by specialist accountants Saffery Champness on the effect of exchange rates on inward investment in film and television. This is that (a) significant proportions of expenditure are paid in dollars; and (b) in other cases, the impact of exchange rate differences can be mitigated.<sup>389</sup> This was accepted by the Council's film industry witness, and his arguments on this factor were a misinterpretation of the approach of the House of Lords Select Committee on Communications, which identified it as only one of several factors.<sup>390</sup> The evidence to the Select Committee made clear that the most important factor for inward investment is the skills base, a feature to which the appeal proposal would materially contribute with its education and training elements.<sup>391</sup>

#### *Digital technology*

256. Although the Council's film industry witness raised the shift towards new forms of technology<sup>392</sup>, he agreed that there was no evidence that any significant technological change had acted adversely on UK film production expenditure in the past.<sup>393</sup>

257. Moreover, in the light of Pinewood Studios' high quality facilities, it is well-placed not only to manage such changes but to prosper under them.

#### *Leavesden*

258. There is a direct parallel to the current case in the Inspector's interim conclusions on the Site Allocations Local Development Document of Three Rivers District Council in relation to the Warner Brothers Leavesden Studios site. The Inspector has recommended removal from the Green Belt of parts of the site, which will in due course be developed for the Warner Brothers complex, in order to promote other space for a Pinewood-like Media Hub facility for film production supply companies.<sup>394</sup>

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<sup>386</sup> PSL1/2 p79

<sup>387</sup> CD89

<sup>388</sup> Cross-examination of Mr Finney

<sup>389</sup> PSL7/4a

<sup>390</sup> CD75 paras 35-36; cross-examination of Mr Finney

<sup>391</sup> CD98

<sup>392</sup> SBDC2/1 section 3

<sup>393</sup> Cross-examination of Mr Finney; re-examination of Mr Forrest

<sup>394</sup> CD90

## *China*

259. Finally on the issue of future requirements and the likely market, attention is drawn to the significance of the outcomes of the recent trade mission to China.<sup>395</sup> This was outstandingly successful in many areas. In the film area, as a result of the agreement reached on co-productions, the UK film industry, and films produced by it, will have unparalleled access to the single largest and fastest-growing market for film in the world. It would be a tragedy if the opportunity becoming available is lost due to a lack of suitable studio space to accommodate film production.

### ***Summary of the case for expansion***

260. In summary, the case for expansion is compelling and robust, and supported at all points by an objectively assessed evidence base which has been subject to three independent reviews. The caveats originally entered by the Council as to the robustness of the case have evaporated. The case provides the foundation for the very special circumstances considered below, and the Council's concessions in respect of this very important issue should be noted.

## **The Development Plan and National Planning Policy**

### ***Development Plan***

261. The proposal is contrary to specified policies within the development plan: (a) Policy GB1 of the South Bucks District Local Plan (saved)<sup>396</sup> (b) Policy EP3 of the South Bucks District Local Plan (saved)<sup>397</sup> (c) Policy CP9 of the South Bucks LDF Core Strategy<sup>398</sup>.

262. The Green Belt policies, in particular, accord with the NPPF and should be given substantial weight.

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

263. The NPPF provides a substantial and weighty national policy imperative to support economic development and growth, with paragraphs 17, 19, 20 and 21 being of key importance in this respect.

264. These national planning policies have to be read in the light of the extensive body of Government statements referred to above which show specific support in the field of creative media and entertainment due to its potential as a growth sector in the economy.

265. The letter from the Secretary of State for Business, Innovation and Skills dated 15 May 2013 is highly material and should be accorded very substantial weight.<sup>399</sup> Not only does it summarise the effect of the above historic progression of policy, in order to be effective as a policy, but it also confirms that economic/film sector policy has to be implemented at the level of land use planning.

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<sup>395</sup> PSL7/8

<sup>396</sup> CD30

<sup>397</sup> CD30

<sup>398</sup> CD29

<sup>399</sup> CD49

### **Broader policy compliance**

266. Despite its substantial scale, the development accords with a wide range of other national and local policy objectives. For example, there are no objections on the grounds of impact on residential amenity, noise, lighting effects, ecology (there is in fact a net biodiversity gain), energy, air quality and heritage. The proposal complies with a wide range of policies in these respects.<sup>400</sup>
267. The significance of this extent of conformity is not to be underestimated. It is a tribute to the care and attention that has been paid to the design and iteration of the proposed development.<sup>401</sup>

### **Sustainable development**

268. If the NPPF is to be read as a whole, as it should be in deciding what is sustainable development, then the proposal is sustainable development. That does not mean that it has to comply with every paragraph of the NPPF. This is reflected in the express terms of paragraph 6: "*The policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system*".<sup>402</sup> There is nothing within footnote 9 that should interfere with this requirement for an overall assessment.
269. The references to sustainable development already made are reiterated. The proposal is contrary to Green Belt policies of the Local Plan and the NPPF to which substantial weight should be attached. However, Green Belt policy admits of exceptions to it by way of very special circumstances (VSCs). The VSCs that exist in this case are compelling, given the support of the development to other very important national policy objectives related to, among other things, economic growth, employment and support for the creative industries. They clearly outweigh the harm by reason of inappropriateness and any other harm.
270. If the proposal constitutes sustainable development by reference to the NPPF read as a whole, the presumption applies and there is nothing within paragraph 14 or footnote 9 to suggest the contrary.<sup>403</sup> A straightforward reading of the NPPF which leads to sensible conclusions is promoted.

### **Very Special Circumstances**

271. It has been accepted above that the harm of the proposal to the Green Belt would be significant and adverse, and substantial. However, this is clearly outweighed by the very special circumstances (VSCs), which comprise both the benefits of approval of the scheme and the harms that would arise from refusal.
272. There are four components to the very special circumstances case:<sup>404</sup>

1: Delivering sustainable economic growth through the appeal scheme to a world-leading business in a priority sector for the UK

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<sup>400</sup> PSL1/1 section 6

<sup>401</sup> PSL2/1

<sup>402</sup> CD33 para 6; this reflects case law established by R. (on the application of Milne) v. Rochdale Metropolitan Borough Council (2000) EWHC 650, Sullivan J at [47]-[49]

<sup>403</sup> CD33 para 14

<sup>404</sup> PSL1/1 para 8.42

2: The absence of a credible and viable alternative

3: The range and scale of the socio-economic and other benefits from the appeal scheme

4: The harm to the PSL business and the creative industries sector that would arise from a rejection of the appeal proposal.

***VSC1: Delivering sustainable economic growth through the appeal scheme to a world leading-business in a priority sector for the UK.***

273. There are 3 elements to this component: (a) The Commercial Market; (b) Government Policy; (c) Pinewood Studios.<sup>405</sup> Each has been dealt with in detail above under the merits of the case for expansion and in PSL's evidence.
274. The component is a fundamental part of the VSC case, and links closely to the second component. It is one of national interest. It is important to note the scale of the Council's recession during the inquiry from its original position. At all relevant points, its planning witness deferred to its film industry witness.<sup>406</sup> He in turn accepted that the major aspects of his reservations with regard to the weight to be accorded to the case on need were based on an approach that was either wrong or lacked evidence to support it, or were contradicted by evidence from sources he accepted to be reliable, informed and truthful.<sup>407</sup>
275. His position was revealed to be inconsistent with that of: (a) Government policy for film and creative industry; (b) film bodies and spokespersons; (c) film producers; (d) the fact of investment taking place across the world; (e) the requirement for long-term planning; (f) the views of the six Local Employment Partnerships in the vicinity of Pinewood Studios<sup>408</sup>.
276. His pessimistic view of the future, he accepted, was not shared by policymakers, the Government, investors or film-makers. To that extent, he acknowledged that he stood alone.
277. On the positive side, he accepted the critical role that Pinewood Studios has in the UK film industry, including Ms Gina Fegan's description: "*...the studios are a key element in attracting production with inherent financial benefit to the UK*".<sup>409</sup>
278. Evidence on the future of the film industry has also been submitted by Stop Project Pinewood.<sup>410</sup> This does not add to the case put by the Council, and provides no basis for rejecting the PwC work. It is to be contrasted with the overwhelming body of evidence presented by PSL, and the recognised support for that, as set out above.

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<sup>405</sup> PSL1/1 paras 8.46-8.103

<sup>406</sup> Cross-examination of Mr Kyle

<sup>407</sup> Cross-examination of Mr Finney

<sup>408</sup> PSL1/2 Appendix 4 p73

<sup>409</sup> CD27 p11

<sup>410</sup> SPP8

**VSC2: The absence of a credible and viable alternative**

279. Detailed and particularised evidence has been provided to show that there is no alternative to the proposed development. This includes a specific Alternatives Study.<sup>411</sup>
280. The study assessed six scenarios in order to test alternatives:
1. Accommodating all of the requirements within the existing Pinewood Studios site
  2. Combined and intensified use of studios within the Pinewood Group
  3. Locating growth at a new 'satellite' away from Pinewood Studios;
  4. Wholesale relocation of Pinewood Studios to a new site;
  5. Meeting the need at a non-Pinewood Group studio;
  6. Non-physical expansion (virtual or technical solution).
281. The area of search was directed to the West London studio cluster<sup>412</sup> on the basis that there is no rational and justifiable basis for locating an international film studio outside of the primary concentration of film and television production facilities in the UK. Such a major proposition would be unworkable and unviable. Other assessment criteria were: scale of production capability (as would be contributed by the appeal scheme); existence of on-site production infrastructure (production hub); deliverability. Any alternative not meeting all of the criteria was discounted as not being able to make the contribution required. The analysis demonstrates that in meeting the objective to grow the UK film and television sector by capturing greater international market share, no equal or better solution exists than the appeal proposal. It is clearly shown by way of the original study and an update of it that no alternative can match the potential and economic benefits that this would deliver.
282. Following the Pre-Inquiry Meeting, the Council wrote to PSL confirming that it was not advancing any alternative sites.<sup>413</sup> In his oral evidence, its planning witness again confirmed that the Council did not offer any specific alternatives.<sup>414</sup> Its film industry witness equally conceded on the potential of co-location or split production, given that there was no evidence that this would continue to achieve the objective of attracting big budget films, in the face of heightened competition from around the world.<sup>415</sup>
283. Notwithstanding the overwhelming evidence, there appears to be a residual alternatives case being promoted by the Council.<sup>416</sup> For example, there are arguments that there may be another way of providing capacity by some or all of the following means:

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<sup>411</sup> CD02 pp97-123; PSL1/1 paras 8.104-8.117; PSL1/3 section 3; PSL1/4 Appendices 2,3 & 7

<sup>412</sup> CD06 Appendix B

<sup>413</sup> CD94

<sup>414</sup> Cross-examination of Mr Kyle

<sup>415</sup> Cross-examination of Mr Finney

<sup>416</sup> SBDC3 paras 7.5-7.9

- (1) a multi-site/studio preference by film-makers of big budget films;
- (2) the use of 'alternative space' (industrial or other) in the UK to meet the needs of film-makers (and implement Government policy) without the proposal;
- (3) the West Area could be used differently to meet some of the demand (which is not quantified);
- (4) the Media Hub facilities could be relocated elsewhere.

284. All of these claims have been considered and examined but have not been made out. They do not amount to any credible alternative to the appeal proposal. The position on each is briefly rehearsed below.

*(1) Multi-site/studio model*

285. This was initially submitted by the Council's film industry witness to be, if not a preference of film makers, at least something to which there was no serious objection.<sup>417</sup> The film industry representatives have comprehensively rejected this claim in strong preference for a single studio model, which if not forthcoming is likely to lead to loss of productions from the UK.<sup>418</sup> The Council's witness accepted this position.<sup>419</sup>

*(2) Alternative space*

286. The potential use of secondary space arising from vacant industrial premises and other brownfield land has been shown to be limited and a poor compromise, with no potential to provide the scale, location and quality of studio facilities required for major films.<sup>420</sup> It is a 'make do and mend' option as a response to the current capacity shortfalls, and not the provision necessary to meet the growth objectives of Government policy or the acknowledged demand from the film (and television) industry.<sup>421</sup> Some smaller regional television studios are being developed to help meet growing demand but they will not replace the scale and type of provision included within the appeal proposal. This was accepted by the Council's film industry witness.<sup>422</sup> Scotland and Northern Ireland film agency bodies have confirmed their support for the appeal proposal.<sup>423</sup>

*(3) West Area*

287. The Council initially promoted the use of the West Area at Pinewood Studios as part of an 'alternatives' case.<sup>424</sup> Its planning witness accepted that it is impossible to accommodate the equivalent of the appeal proposal in the West Area alone but continued to argue its potential for some development.<sup>425</sup> Such

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<sup>417</sup> SBDC2/2 section 4

<sup>418</sup> PSL7/4 Appendix II; PSL/4b; PSL8/1

<sup>419</sup> Cross-examination of Mr Finney

<sup>420</sup> PSL1/4 Appendices 2 & 3

<sup>421</sup> Evidence in chief and cross-examination of Mr Lucas

<sup>422</sup> Cross-examination of Mr Finney

<sup>423</sup> PSL1/4 Appendix 10

<sup>424</sup> SBDC1/1 paras 7.45-7.47

<sup>425</sup> Cross-examination of Mr Kyle

potential exists<sup>426</sup>, and the appeal proposal expressly allows for development in the West Area in later stages. However, the extent is not sufficient for any additional major inward investment film to be accommodated, and the ordering needs to respect the difficulties of major construction works on a cramped site with sensitive occupiers in the Studios for virtually the whole year.<sup>427</sup> These operational limitations have not been challenged, and there was some third party corroboration of the impacts of construction noise on film production.<sup>428</sup>

288. Critically, no suggested scale or operational rationale is given for the suggested incremental expansion in the West Area, and it is a vague assertion that lacks expert input.
289. The clear position is that no amount of relatively minor alternative site planning within the West Area could meet the objectives of the appeal proposal or of Government policy for the industry. The Council's case is that some new development could take place under the auspices of the 2006 Masterplan planning permission or other new planning permission(s), which would mean no 'stand still' of Pinewood Studios' development in the short term.<sup>429</sup> However, this position does not grapple with the need to promote a significant uplift in capacity if any additional new big budget films are to be accommodated. Reliance on questions raised in the Fegan report about possible greater potential of the West Area for development is misplaced since these have been answered in detail.<sup>430</sup>
290. The Council identifies a balance of floorspace from the 2006 Masterplan planning permission of around 55,000sqm that could potentially provide some space.<sup>431</sup> PSL's analysis of all the remaining sites/plots of that permission explains why the West Area is simply not a solution.<sup>432</sup> The plots and form of development and the practicality of construction make development to the scale suggested impossible. Although it was not possible to agree this with the Council before the inquiry, the evidence is now very clear. Attempts are made to undermine PSL's position by reference to, for example, a subsequent lease given to Panalux on an existing building in part of the site of an approved sound stage.<sup>433</sup> This is completely undermined when it is realised that Panalux is a world class film lighting production company, which is fully engaged on site in film production activity and an important part of the Pinewood Studios offer to film-makers.<sup>434</sup> In addition, the vast majority of the residual floorspace comprises multi-storey office buildings with a built form and footprint that would be unsuitable for large stages.<sup>435</sup>
291. The development that could take place in the West Area would comprise further incremental, short-term, one-off buildings. It would fail to meet the step change in facilities that the industry and the business requires, for which there is

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<sup>426</sup> CD07

<sup>427</sup> PSL1/1 paras 5.14-5.15

<sup>428</sup> Evidence in chief of Mr Rossetti

<sup>429</sup> SBDC1/1 para 7.45

<sup>430</sup> CD27pp19-20; CD23h pp3-4

<sup>431</sup> SBDC1/1 para 6.38; CD65 paras 6.12 & 6.13

<sup>432</sup> PSL1/2 Appendix 1

<sup>433</sup> SBDC1/1 para 7.7

<sup>434</sup> PSL7/3 para 10.10

<sup>435</sup> PSL1/1 paras 5.6-5.13

ample industry evidence, as accepted by the Council's film industry witness.<sup>436</sup> A bolder move is required, and the appeal proposal is a holistic scheme for the East and West Areas. The notion that a new West Area solution would be prompted by not considering development in the East Area is misplaced since the West Area is simply not large enough and is operationally constrained.

292. The physical ordering intended for the appeal development is for this to be led by sound stages followed by the ancillary spaces of workshops and offices.<sup>437</sup> The construction rationale is one of minimising operational disruption while doubling the scale of the Studios. Fine grained interventions in the West Area would not suffice, and are not an alternative.

#### *(4) Media Hub*

293. The Council contends that the Media Hub offices are in some way not production related and could be separated out from the appeal scheme and located elsewhere.<sup>438</sup> There is no evidence for this view and no analysis of the companies/businesses which make up the Media Hub to support it. It relies on a misunderstanding of the nature of the proposal and the Media Hub.

294. The proposal draws no distinction between the office-type space and Media Hub companies which occupy space pursuant to the 2006 Masterplan consent and the occupancy condition included on the permission.<sup>439</sup> That occupancy condition has been in place for 7 years and has not caused any difficulties, and there has been no threat of enforcement action relating to it. Such a condition is suggested on the current proposal.<sup>440</sup> Media Hub offices and production offices are all offices in use class B1 in the appeal scheme. They would be distinguished only by tenancy/occupation.<sup>441</sup>

295. All of the offices in the scheme are production-related and part of the critical mass of facilities to support film making at Pinewood Studios.<sup>442</sup> The Media Hub occupiers are in the main on flexible tenancies or licences which enable them to be moved in response to film production, so that they can be accommodated in the best locations relative to film production needs and their role at any one time. In that sense the Media Hub is appropriately seen as more of a concept than as related spatially to a defined and inflexible quantum of space occupied by particular businesses. Asking where the Media Hub companies might be located within the development is perhaps a misapprehension since they would not be fixed in location and move in many cases in response to demand.

296. The proposed provision is based on the current ratio at Pinewood Studios where all available space is being utilised. The ratio is appropriate bearing in mind the varying needs of film production and the need to accommodate the overlap between productions, with offices occupied both before and after as well as while stages are occupied.<sup>443</sup>

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<sup>436</sup> Cross-examination of Mr Finney

<sup>437</sup> CD08 section 6

<sup>438</sup> SBDC1/2 paras 4.1-4.3; SBDC2/2 section 5

<sup>439</sup> CD55 Condition 17

<sup>440</sup> PSL14 condition 30

<sup>441</sup> Cross-examination of Mr Wight

<sup>442</sup> PSL7/1 paras 3.25, 3.29-3.33

<sup>443</sup> PSL7/6 sections 2 & 4

297. The position taken with regard to the Media Hub is reinforced by the proposed expansion of Warner Brothers at Leavesden. New stages, workshops and offices are proposed there, including the development of a Media Hub of the same form as Pinewood Studios. The Inspector examining the Three Rivers Site Allocations Local Development Document has recommended that land be excluded from the Green Belt to enable approval of these developments, including the Media Hub.<sup>444</sup>
298. No alternative to the appeal proposal has been made out in the Council's case and substantial weight should be given to this component of very special circumstances in the planning balance.

***VSC3: The range and scale of the socio-economic and other benefits from the appeal scheme***

299. The proposal would give rise to economic, educational and skills, and cultural benefits, which are fully set out above and in the available evidence.<sup>445</sup>
300. The benefits have not been substantially challenged, with the Council's case being that the growth upon which the benefits are predicated would not come.<sup>446</sup> That case has been substantially undone.<sup>447</sup>
301. The training and skills benefits, which would be delivered through planning obligations, are of particular significance and an important part of the benefits that would uniquely be derived from the appeal proposal.<sup>448</sup>
302. The benefits would be substantial and long-term. The most powerful relate to the positive economic impacts of wealth creation (GVA) and the protection and creation of employment opportunity, including local education and skills training. The jobs are expected to be predominantly local to the West London cluster and include the South Bucks District. The educational, training and cultural benefits should carry substantial weight.<sup>449</sup> There is an urgent need to update and increase the supply of workforce skills, supporting the expected growth in domestic production.<sup>450</sup> Given the importance of the skills base in the attraction of inward investment this is a very weighty consideration. The recent increase in funding for training and skills in the Autumn Statement 2013 supports this view.<sup>451</sup>

***VSC4: The harm to the PSL business and the creative industries sector arising from a rejection of appeal proposal***

303. Refusal of the scheme would harm the offering of Pinewood Studios, the importance and critical role within the UK film industry of which is universally recognised. The example of the once dominant position of the US legacy studios

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<sup>444</sup> CD90

<sup>445</sup> PSL1/1 paras 8.128-8.142

<sup>446</sup> SBDC2/1 sections 7.5, 7.6; SBDC1/1 paras 7.32-7.38, 7.56-7.63

<sup>447</sup> Cross-examination of Mr Finney

<sup>448</sup> CD98; PSL7/1 para 2.46

<sup>449</sup> PSL1/1 paras 8.141-8.142

<sup>450</sup> PSL7/4 Appendix II Creative Skillset letter dated 4 November 2013

<sup>451</sup> CD95

should be borne in mind.<sup>452</sup> Their future was not secure in their history, and the same is true for the UK and Pinewood Studios. As Gina Fegan has commented:

*"If they do not invest, the tide will rise around them, and they will lose their market position, the impact of that will affect the whole industry and hence the global competitiveness of film production in the UK".*<sup>453</sup>

Harm would follow a refusal arising from an unsatisfactory long term strategy with the prospect of commercial decline.<sup>454</sup>

304. Pinewood Studios can reasonably be described as at a crossroads. There is a major internationally driven growth opportunity in a priority business sector, but this can only be responded to with a significant and long-term development commitment to bring certainty for PSL. The hand-to-mouth incremental approach of the last decade, constrained by tight Green Belt boundaries, provides no basis for maintaining and growing the prosperity of Pinewood Studios as the UK's leading and globally acknowledged leader in film production.
305. Based on the UK and Pinewood Studios' pre-eminent positions the future ought to be bright. However, the best is only capable of being achieved in the context of responding clearly and positively to the demand. A refusal of planning permission would send a very negative signal about the UK and Pinewood Studios. The consequences are obvious, and ones which PSL seeks to avoid by supporting and exploiting positively the opportunity for growth, consistent with Government policy. If the opportunity is rejected, then this should only be done on the basis that the consequences have been understood.
306. The commercial risks of rejection are real, far reaching and compelling. The potential harm is a significant consideration in the determination of the appeal and should be ascribed substantial weight.

### ***Conclusion on collective and individual Very Special Circumstances***

307. The 4 individual components are all interrelated, and therefore contribute collectively to the VSC. However, they can be weighted individually as part of the VSC case, and drawn into the planning balance.
308. The suggestion was put to PSL's Property Director and planning witness that all of the components need to be made out for PSL's case to succeed.<sup>455</sup> That is symptomatic of the Council's crude characterisation of PSL's case. On the evidence it is highly unlikely that the appeal proposal would be regarded as having 'failed' on one of the VSCs, whilst 'passing' others.
309. The question for the decision maker to determine involves: (a) whether the particular VSC is made out or not; (b) the degree of linkage; (c) the weight to be attached.<sup>456</sup> The correct answer to such a question is that the Secretary of State must take an overview. Put simply, the VSC components all direct towards the same key conclusion. The appeal proposal is a project of international

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<sup>452</sup> PSL 7/1 para 5.20

<sup>453</sup> CD27 p27

<sup>454</sup> PSL7/1 paras 5.21-5.24; PSL8/1

<sup>455</sup> Cross-examination of Mr Wight and Mr Lucas

<sup>456</sup> Evidence in chief of Mr Lucas

significance and it is in the national public interest that it receives support. The negative impacts of rejection would be major and structural for economic performance at a national, regional and local level.

### **Other Matters**

310. Stop Project Pinewood (SPP) and others raise a variety of other objections to the proposals, for example that the development would become an industrial site or warehousing park.<sup>457</sup> These suggestions are groundless and should be accorded no weight.
311. SPP's concerns about the emergence of the appeal proposal so soon after the Project Pinewood decision appear to be in reality a complaint that PSL listened to what the Secretary of State said, acted promptly on it and then responded to the evidence as to need in an entirely rational and evidenced way.<sup>458</sup>
312. There are some suggestions that PSL failed to consult effectively. Those are comprehensively negated by the Statement of Community Involvement.<sup>459</sup> This demonstrates the extraordinary lengths to which PSL went to communicate with everyone, particularly local people in the formulation of the proposal. The approach adopted was a model of good practice and should be endorsed as such.

### **Overall Conclusion**

313. The UK film production industry is a success story, and Pinewood Studios is a critical element in that. The success is the vindication of a carefully formulated series of Government policy initiatives supported by targeted funding. It reflects acknowledged UK strengths, particularly in the skills base.
314. The simple question raised by the proposal is whether or not, having achieved that success against the toughest overseas competition, the UK wishes to build on it. Does the UK wish to continue to grow the creative industries sector, or is it content to see literally hundreds of millions of pounds worth of investment lost because of the lack of the most basic element of industry infrastructure: stage space.
315. In the light of the economic imperatives and notwithstanding the Green Belt constraints, the answer to the question ought to be clear. It is an answer which would provide outstanding benefits locally, regionally and nationally. The benefits are it seems recognised by everyone, apart from those in the Council and SPP with a curiously myopic view which is not supported by the evidence.
316. In conclusion, it is therefore invited that planning permission be granted subject to appropriate conditions and S106 obligations.

## **THE CASE FOR SOUTH BUCKS DISTRICT COUNCIL**

### **Introduction**

317. The proposal is contrary to the Development Plan and the conflict is not outweighed by other material considerations. The harm to the Green Belt and

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<sup>457</sup> SPP1 para 6.4; SPP8 p23; SBDC1/1 para 7.30

<sup>458</sup> SPP10

<sup>459</sup> CD19

the Colne Valley Park and the adverse impacts on landscape and visual amenity are together very substantial, and the site is in an unsustainable location. The industry need case advanced by PSL is neither sufficiently robust nor compelling to clearly outweigh those harms. As a result, no very special circumstances exist and permission should be refused.

## The impact of the proposal on the Green Belt

### Context

318. The harm by definition, by reason of the proposal constituting inappropriate development in the Green Belt, is only the starting point in this case. The further harm is extensive. Its analysis requires the site to be seen in the context of a location in an area of Green Belt to the west of London which is acknowledged as being the most seriously fragmented of the Metropolitan Green Belt.<sup>460</sup> The Inspector in the Project Pinewood appeal similarly described it as *"seriously fragmented and highly pressurised"*.<sup>461</sup>

319. This fragility is in contrast to the vitally important role the area of Green Belt serves. Situated between the large urban masses of Uxbridge to the east and Slough to the south-west, it functions as a crucial buffer checking the expansion of the Greater London conurbation, and a narrow corridor preventing the coalescence of Uxbridge and Slough. The national importance of the Green Belt designation has a particular resonance in this location, as do the reasons why the Secretary of State attaches such importance to the Green Belt generally.

320. PSL has had insufficient regard to the national significance of the designation, referring to this only once in passing in the whole of its written evidence.<sup>462</sup> Green Belt policy has endured for over 50 years as a highly effective restraint policy.<sup>463</sup> Its importance is undiminished in the NPPF, where the Government has evidently seen it as compatible with the growth agenda which is fundamental to its drafting. This compatibility is also evident in the Plan for Growth itself, which specifically proposes retention of Green Belt policy.<sup>464</sup> This has been echoed recently by the Secretary of State's statement that: *"You can plan for growth but not at any price"*.<sup>465</sup> The Council's Core Strategy, which has been found sound relatively recently on examination and is agreed to be up to date by PSL<sup>466</sup>, reflects this policy through the intention of the Spatial Strategy *"to protect the Green Belt, by focusing new development on previously developed land within existing settlements"*.<sup>467</sup>

321. The appeal proposal must be assessed in the context of this particular sensitivity and importance. The permanent nature of the loss to the Green Belt that would result must also be properly accounted for. Land which is built upon is lost forever as open land, and this certainty is to be contrasted with the uncertain nature of the benefits of the development, discussed below.

<sup>460</sup> CD30 para 3.9

<sup>461</sup> CD57 Inspector's Report para 13.2.5

<sup>462</sup> PSL 4/1 para 2.11

<sup>463</sup> CD30 para 3.5

<sup>464</sup> CD37 p23

<sup>465</sup> CD72 p2

<sup>466</sup> PSL1/1 para 6.4

<sup>467</sup> CD29 p15

### **Green Belt openness**

322. The East Area of the appeal site is 44.5 hectares of undeveloped land, unencumbered by buildings or structures other than lines of fencing. The land is therefore open in the sense of being undeveloped.<sup>468</sup> The appeal scheme would cover this land with a huge quantum of built development, with a floorspace of 73,552sqm.<sup>469</sup> Much of this would be made up of very substantial structures, with the footprints of the ten potential stages<sup>470</sup> being up to 3,680sqm and ridge heights of the eight large stages potentially rising to 21.5m<sup>471</sup>. The proposal is large scale industrial development, both in substance because it is part of the film industry, and in form because the stages resemble distribution warehouses and are (according to PSL's design witness) "*very large sheds essentially*".<sup>472</sup>
323. This scale and nature of development would all but destroy the concept of the site as part of open Green Belt land. The Inspector and Secretary of State concluded this in respect of the Project Pinewood proposal.<sup>473</sup> There is no reason to reach a different conclusion on this scheme, given the absence of any material change in the use of the land since that decision and the similar scale of the development proposed under each scheme.<sup>474</sup> Paragraph 79 of the NPPF provides that "*the essential characteristics of Green Belts are their openness and their permanence*". Both essential characteristics would be lost in this case and the land would no doubt be formally removed from the Green Belt boundary at the next revision of the Core Strategy, performing no meaningful Green Belt purpose.<sup>475</sup>
324. This change would have a serious, adverse and permanent effect on the integrity of the Green Belt in this area, impacting on the quality of the environment enjoyed by the inhabitants of both Greater London and the towns which lie to its west. It would also be acutely felt by local inhabitants, as indicated by Dominic Grieve QC MP, who referred to the "*strong and, in [his] opinion, correct perception that the general environment in the Iver/Iver Heath area is deteriorating*" because of the pressure of development and its consequences, and that "*an area that has been regarded as a leafy and attractive place to live is felt in the widest sense to be under threat*".<sup>476</sup> One of SPP's witnesses also commented on the fragile nature of the Green Belt in the area, with "*a very thin area on either side of Iver Parish protecting us from London on the one side and Slough on the other*", and that her "*parishioners have clearly stated that they wish to preserve the rural nature of Iver*".<sup>477</sup>

<sup>468</sup> CD57 Inspector's Report para 13.2.1

<sup>469</sup> CD16 drawing P-P-004 Issue 0h [This figure includes the existing building of Saul's Farm; the appeal scheme proposes 72,498sqm of new building in the East Area]

<sup>470</sup> Counting plot numbers 2.03 and 2.05 on drawing P-P-007 Issue 1 as one stage each, and assuming that plot numbers 2.16 and 2.28 are used as stages

<sup>471</sup> Drawing P-P-007 Issue 1 [These are maximum dimensions]

<sup>472</sup> CD09 p36 Table 4; cross-examination of Mr Height

<sup>473</sup> CD57 Decision para 12, Inspector's Report para 13.2.3

<sup>474</sup> Whilst Mr Lucas preferred not to adopt this phraseology in respect of the current proposal he accepted that the spirit of the wording applied equally [Inspector's questions]

<sup>475</sup> Cross-examination of Mr Lucas

<sup>476</sup> TP8 paras 5-6

<sup>477</sup> Evidence in chief of Dr Matthews

325. In the West Area, the proposed multi-storey car park on the exiting car park area in the north-east corner (maximum footprint 5,994sqm, maximum height 9m) and a workshop to the north-west of the 007 Stage (maximum footprint 1,404sqm, maximum ridge height 8.5m) are also proposed within the Green Belt. These encroachments into the Green Belt would be additional to that which would have occurred with Project Pinewood.<sup>478</sup>

### **Green Belt purposes**

326. The appeal scheme is in conflict with four out of five of the Green Belt purposes. The only exception is the purpose of preserving the setting and special character of historic towns.

327. In respect of the first purpose, checking the unrestricted sprawl of large built-up areas, PSL acknowledges the conflict<sup>479</sup>, but (as with many of the purposes) gives insufficient weight to it. PSL focuses on the fact that Iver Heath in itself is not a large built-up area.<sup>480</sup> This fails to recognise that the large urban areas which the Green Belt in this area restricts are Greater London and Slough, as identified in the Local Plan. As the Local Plan further recognises, "*the whole of the Green Belt is important in order to keep these larger urban areas in check, not just those parts of it immediately adjacent to them*".<sup>481</sup>

328. Similarly with the second purpose of preventing neighbouring towns from merging into one another, PSL places inappropriate emphasis on the fact that the appeal scheme would not of itself lead to towns merging, despite the fact that will be rare for a single scheme to do this.<sup>482</sup> Rather there is significant conflict with this purpose for the reasons given by the Inspector in the Project Pinewood appeal, with which the Secretary of State agreed: "*continual chipping away at the Green Belt by a combination of proposals [to] extend settlements [will] threaten their individual identities and cause the sort of fragmentation already prevalent in this area of the Green Belt*".<sup>483</sup> This explains the importance of having regard to the Green Belt as a whole.

329. There is conflict with the third purpose of safeguarding the countryside from encroachment, with this accepted by PSL to be a "*significant encroachment*".<sup>484</sup> PSL's acceptance of the East Area as being countryside is more equivocal, however, with its planning witness qualifying this as "*land which can be regarded as countryside*".<sup>485</sup> This is unjustified and not found in the Inspector's conclusions on the Project Pinewood appeal in relation to this purpose. It is also not supported by PSL's landscape witness.<sup>486</sup> The appeal scheme would be a substantial urban incursion into the countryside, extending the built development of both Iver Heath and the West Area of Pinewood Studios, as well as

<sup>478</sup> SBDC1/1 paras 6.29, 6.36, 6.73, 6.90, 6.97, 6.118; drawing P-P-007 Issue 1

<sup>479</sup> PSL1/1 para 8.9

<sup>480</sup> Cross-examination of Mr Kyle

<sup>481</sup> CD30 para 3.7

<sup>482</sup> PSL1/1 para 8.9

<sup>483</sup> CD57 Inspector's Report para 13.2.7, Decision para 12

<sup>484</sup> PSL1/1 para 8.9

<sup>485</sup> CD02 para 8.28

<sup>486</sup> PSL4/1

consolidating these two areas. It would amount to urban sprawl which the Green Belt attempts to restrict.

330. Finally, the proposal would conflict with the fourth purpose of assisting in urban regeneration by encouraging the recycling of derelict and other urban land. There is insufficient evidence to conclude that, even if there is an urgent need for the development proposed for the East Area (which the Council does not accept), it can only be provided on the East Area as part of an indivisible whole as opposed to provision in less harmful locations.<sup>487</sup> To the extent that there is a need, it has not been shown that it could not be met on non-Green Belt land where it could assist in the recycling of derelict and other urban land. This applies to the proposed stage and direct production related floorspace, and even more to the Media Hub floorspace (as addressed below). In light of this, the conflict with this purpose is clear cut even though it was not on the Project Pinewood appeal, making the case against the current proposal even stronger than in relation to that proposal.<sup>488</sup>

### ***Objectives for the use of Green Belt land***

#### *Providing access and opportunities for outdoor sport and recreation*

331. Little weight can be given to the benefits of the appeal scheme which relate to the objective of providing access and opportunities for outdoor sport and recreation. The Inspector in the Project Pinewood appeal concluded that the scheme in that case was not necessary to provide such opportunities.<sup>489</sup> In the same way, the current scheme is not required to provide the permissive paths proposed now. Although there would be some benefits, they are in any event limited given that access would be provided to an area which is no longer open countryside but dominated by substantial urban structures.

332. Reliance is placed by PSL on the fact that the existing public right of way (IVE/2/1) which runs along the top of the motorway cutting is affected by noise from the M25.<sup>490</sup> However, such noise is inescapable in this part of the Green Belt given the amount of highway infrastructure. Similarly the Colne Valley Park runs along the M25 corridor<sup>491</sup>, so that a parcel of land in the Green Belt and/or Colne Valley Park being affected by noise cannot of itself justify subjecting it to impacts from development in order to improve the amenity of public rights of way.

#### *Improving damaged and derelict land*

333. The Inspector in the Project Pinewood appeal concluded that the East Area was neither damaged nor derelict.<sup>492</sup> There has been no material change in circumstances to justify a different conclusion on this appeal. PSL nevertheless claims that part of the land is damaged by reason of the former landfill cells and that therefore there would be a neutral effect on this objective.<sup>493</sup> Given the

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<sup>487</sup> SBDC1/1 para 6.101

<sup>488</sup> CD57 Inspector's Report paras 13.2.9-10, Decision para 12

<sup>489</sup> CD57 Inspector's Report para 13.2.11

<sup>490</sup> PSL4/1 para 3.40

<sup>491</sup> PSL4/2 Figure RT1

<sup>492</sup> CD57 Inspector's Report para 13.2.12

<sup>493</sup> PSL1/1 para 8.33-36

restoration of the site, there is no basis for this conclusion. The appeal scheme does not further the policy objective.

*Retaining and enhancing landscapes, visual amenity and biodiversity*

334. The landscape elements of the appeal scheme would be for mitigation only, providing no net benefit. PSL's landscape witness could identify no aspect of the landscaping which it would be beneficial to have independently of the scheme.<sup>494</sup> The proposal would therefore give rise to no enhancement of landscapes or visual amenity, contrary to this Green Belt objective.
335. In terms of retaining landscape and visual amenity, the strategy of the appeal scheme is essentially to screen the development from view by means of a 5m or 5.5m high bund.<sup>495</sup> In the southern fields backing onto Pinewood Green, office buildings would also be used to screen the taller stage buildings.<sup>496</sup> This approach of enclosure is inconsistent with the landscape guidelines in the South Bucks District Landscape Character Assessment 2011, which include: "*maintain open views across fields, and monitor the introduction of vertical infrastructure, which would adversely affect views within the landscape*".<sup>497</sup>
336. There are currently public open views across the East Area fields, in particular through the gate at the north-west corner of the site, from the rear of Pinewood Green, and (although disputed by the appellant's landscape witness<sup>498</sup>) through hedges along Pinewood Road.<sup>499</sup> The first and third of these views would be substantially altered by the creation of the bund (along with the vertical infrastructure of the tops of stages in the first view), while the second would be replaced with a view of two office buildings, all of which is contrary to the guidelines.
337. The guidelines also aim to "*conserve and manage hedgerow boundaries, which provide visual unity and intactness, and increase biodiversity, within an agriculturally dominant landscape*".<sup>500</sup> PSL's landscape witness emphasised the appeal scheme's retention of existing hedgerows but failed to pay any real regard to the fact that the hedgerows would no longer be situated in an agriculturally dominant landscape.<sup>501</sup> Without this key element, it is fanciful to suggest that there can be compliance with the guideline.
338. PSL's witness also agreed that the bunding is not characteristic of the area, but failed to accept the logical consequence: that its introduction would change the character of the area.<sup>502</sup> This change would be clear and unsurprising given the Landscape Character Assessment's emphasis on openness. For example, the current view at the north-west corner across the East Area, the whole of which has a gradient of at most 1 in 90, would be replaced with that of a bund with a

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<sup>494</sup> Inspector's questions to Ms Randall

<sup>495</sup> PSL4/1 paras 4.38-4.43; PSL4/2 Figures RT5 & RT6

<sup>496</sup> CD09 para 1217; PSL4/1 para 4.50

<sup>497</sup> CD86 p75

<sup>498</sup> Cross-examination of Ms Randall

<sup>499</sup> SBDC11 paras 6.58-59

<sup>500</sup> CD86, p.75

<sup>501</sup> Cross-examination and re-examination of Ms Randall

<sup>502</sup> Cross-examination of Ms Randall

gradient of 1 in 9.<sup>503</sup> In addition, the approach of screening the development is inconsistent with paragraph 58 of the NPPF, which provides that planning decisions should aim to ensure that developments "*are visually attractive as a result of good architecture and appropriate landscaping*". The NPPF is not encouraging of development which due to the inherent impact of its scale and design needs to be screened from its surroundings.

339. PSL seeks to distinguish the conclusions of the Project Pinewood Inspector on the basis that, as the existing Pinewood Studios site is already part of the landscape character and appearance of the area, an extension of the same would not result in any significant alteration of character.<sup>504</sup> This approach would lead to the absurdity of rolling out studios indefinitely across the countryside. Even if, as suggested by PSL's landscape witness<sup>505</sup>, the East Area can be regarded as self-contained, it is unrealistic to suggest that replacing a 44.5ha area of open countryside with large scale industrial development would not change landscape character simply because a similar sized development already exists on the other side of the road.
340. The Project Pinewood Inspector's conclusions in respect of landscape, with which the Secretary of State agreed in their entirety, are highly relevant to the current proposal.<sup>506</sup> The Inspector found that "*open fields, woodland blocks, hedgerows and intimately scaled countryside*" were characteristic of the East Area and its surroundings. Project Pinewood was an "*intensive urban extension with little connection to the open (i.e. undeveloped) landscape in which it would lie*", which is equally applicable to the current scheme. Due to the bulk and height of the buildings the harm to the Green Belt would be severe and not consistent with retaining or enhancing visual amenity or landscape. A substantial business park with large quasi-industrial sheds in the Green Belt is not made acceptable by high quality landscaping.<sup>507</sup>
341. Much reliance is placed by PSL's landscape witness<sup>508</sup> on the production of a new Landscape Character Assessment 2011<sup>509</sup> since the Project Pinewood appeal.<sup>510</sup> This is despite the fact that this did not appear in the reasons for distinguishing the Project Pinewood case in her written evidence.<sup>511</sup> There was in any event no explanation of what difference applying the new Assessment would make. She also agreed that there had been no material change in the landscape character itself since the Project Pinewood appeal. The real difference was her attempt to argue that a complete change in the character of this large site would leave that of the wider character area unaffected. That is simply an extension of her 'containment' argument which does not reflect how the site in fact contributes.

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<sup>503</sup> CD09 para 1093 (1:90 gradient); PSL 4/1 para 4.42 (1:9 gradient)

<sup>504</sup> PSL4/1 para 6.3

<sup>505</sup> Cross-examination of Ms Randall

<sup>506</sup> CD57 Inspector's Report paras 13.3.1-6; Decision para 14

<sup>507</sup> SBDC1/1 para 6.117

<sup>508</sup> Evidence in chief and cross-examination of Ms Randall

<sup>509</sup> CD86

<sup>510</sup> CD57 p156 - Document CDE/20 was the previous South Bucks Landscape Character Assessment 2003

<sup>511</sup> PSL4/1 paras 6.1-4

342. Sky views along Pinewood Road, the retention of which is relied upon heavily by PSL<sup>512</sup>, are not mentioned in the Landscape Character Assessment. The reality is that, driving north up Pinewood Road past the existing Pinewood Studios entrance, there is currently a perception of a clear boundary where Pinewood Green finishes and open countryside begins. Views of the East Area through the boundary hedge give it a rural character, which would be lost under the appeal scheme.<sup>513</sup>
343. In the West Area, the location of the proposed multi-storey car park is very close to Pinewood Road, raising concern that this structure would be difficult to screen and a highly visible encroachment into the Green Belt. The workshop on the northern backlot would compound the visibility of existing structures in this area.<sup>514</sup>
344. Accordingly, the impact on landscape and visual amenity would not be slight adverse as suggested by PSL<sup>515</sup> but significantly adverse<sup>516</sup>. No issue is taken with the landscape and visual impact methodology employed by PSL<sup>517</sup>, but these outcomes are a matter of judgement, on which the Council and the Secretary of State are perfectly entitled to reach a different conclusion to that of PSL's landscape witness.
345. Although the negative impacts on landscape and visual amenity would not in themselves justify refusal of the scheme, they weigh in favour of refusal.
346. With respect to biodiversity, the net gain that there would be as set out in the Statement of Common Ground is acknowledged.<sup>518</sup>

### **The Effect on Colne Valley Park**

347. The Colne Valley Park (CVP) provides the first taste of countryside to the west of London, and is of value to the three million people who live within ten miles of it.<sup>519</sup> The urban incursion of the appeal scheme would destroy the characteristics of the CVP on the East Area, just as it would destroy the concept of the site as open Green Belt land. The countryside character and rural landscape of the site, which has been safeguarded from urbanisation as part of the CVP for nearly 50 years<sup>520</sup>, would be permanently lost.
348. The proposal runs contrary to three of the six objectives of the CVP.<sup>521</sup> There is substantial conflict with the first objective, "*to maintain and enhance the landscape, historic environment and waterscape of the park in terms of their scenic and conservation value and their overall integrity*". For the reasons given in relation to impact on landscape and visual amenity above, the appeal scheme

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<sup>512</sup> PSL4/1 para 4.39

<sup>513</sup> SBDC1/1 para 6.58

<sup>514</sup> SBDC1/1 para 6.118

<sup>515</sup> PSL4/1 paras 5.34, 7.31-7.35

<sup>516</sup> SBDC1/1 para 6.112

<sup>517</sup> CD65 paras 9.31-3

<sup>518</sup> CD65 para 10.31

<sup>519</sup> CD52 p2

<sup>520</sup> SPP/CVP1 para 1.3

<sup>521</sup> SPP/CVP1 p7 [These objectives replace the five key aims of the CVP Action Plan (CD52 p5)]

would neither maintain nor enhance the landscape, its scenic value or overall integrity in the context of the CVP. The landscape character would be urbanised and the cohesion of the countryside lost.

349. There is likewise substantial conflict with the second objective, *"to safeguard the countryside of the Park from inappropriate development. Where development is permissible it will encourage the highest possible standards of design"*. The proposal represents very extensive inappropriate development, and the mitigation strategy of screening is not encouraged by the good design principles in the NPPF.
350. Of all the objectives, the proposals can only be said to advance the third, *"to conserve and enhance biodiversity within the Park through the protection and management of its species, habitats and geological features"*, through the net gain in biodiversity. There is limited consistency with the fourth objective, *"to provide opportunities for countryside recreation and ensure that facilities are accessible to all"*, in light of the fact that the permissive paths proposed would be set in the context of office buildings as opposed to the countryside that currently exists.
351. There would be no contribution to the fifth objective, *"to achieve a vibrant and sustainable rural economy including farming and forestry underpinning the value of the countryside"*, and only limited consistency with the sixth objective, *"to encourage community participation including volunteering and environmental education. To promote the health and social well-being benefits that access to high quality green space brings"*.
352. The proposal would therefore cause significant and permanent harm to the CVP.
353. It is agreed with PSL, however, that if the Green Belt objection is overcome, then this harm will also be outweighed.<sup>522</sup>

### **Sustainability of the Location**

354. The appeal site was not sustainable in terms of accessibility at the time of the Project Pinewood decision in 2012, and that remains the case despite all of the proposed travel plan measures.
355. The Core Strategy aims to deliver sustainable development by *"focusing new development that generates substantial transport movements in locations that are accessible by public transport, walking and cycling"*.<sup>523</sup> The appeal site is not in a location identified as suitable for growth other than expansion within the existing Pinewood Studios site<sup>524</sup>, reflecting its poor sustainability credentials. The Project Pinewood Inspector described it as an *"inherently unsustainable site"*.<sup>525</sup> Regardless of the potential differences in accessibility considerations for a residential and industrial development, many of the reasons for that assessment apply equally to the present scheme. Further, the present proposal does not make the site any more sustainable than it was in 2012.

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<sup>522</sup> Cross-examination of Mr Kyle

<sup>523</sup> CD29 Core Policy 7

<sup>524</sup> CD29 Core Policy 10

<sup>525</sup> CD57 Inspector's Report para 13.5.10

356. The characteristics of the site itself in combination with the uses proposed inevitably mean that the private car would be the overwhelmingly dominant mode of transport. The suggestion that the Council is being inconsistent with its acceptance of the 2006 Masterplan proposal is without merit: the Masterplan does not provide a legitimate comparison given that it was estimated to generate approximately half of the expected traffic of the current proposal and a different balance had to be struck.<sup>526</sup>
357. Dealing with the characteristics of the site, it is poorly served by public transport. This was agreed by PSL in the Project Pinewood appeal, where the Transport Statement of Common Ground recorded: "*It is accepted that the existing level of accessibility to the site by non car modes is low*".<sup>527</sup> This is plainly the case whether in the context of residential or industrial proposals. The site is not served by any public bus, with the nearest stops 1.2km from the site. The nearest rail station is 5km away (Langley). Although a number of other stations are under 8km away (Gerrards Cross, Iver, Denham, Slough and Uxbridge Underground Station), all require a further mode of transport to access the site.<sup>528</sup> It is too far to walk, there are currently no cycle routes from the stations to the site, and the surrounding roads are all heavily trafficked, thus making cycling inherently unlikely.
358. A shared footway/cycleway is contemplated as a potential improvement on one of the station routes: on Wood Lane between Five Points Roundabout and Langley Park Road, and from Langley Park Road up to Langley Rail Station.<sup>529</sup> However, the final crucial phase of this – a footway/cycleway along Pinewood Road from the Five Points Roundabout to the site – is not required to be completed under the transport section 106 agreement until 45,000sqm of net new floorspace has been occupied under the scheme.<sup>530</sup> This is an extremely high trigger: the first indicative five year phase of the scheme contains only 42,823sqm of additional floorspace, which itself only indicates when construction might be complete as opposed to occupation.<sup>531</sup> It is therefore likely that the cycling modal share would remain at its current very low level (2% in the 2013 survey).<sup>532</sup> This would also inhibit the potential to increase the modal share for rail, given that opportunities to access the stations from the Studios would not improve. The likely ability to take only a folding bicycle on peak hour trains would also limit linked cycle and rail use. The advent of Crossrail will improve rail services in the area, but its impact on the site's sustainability credentials will be limited due to the low potential for modal shift to rail generally.
359. Much reliance is placed by PSL on the shuttle bus as a way to increase accessibility to the rail stations, but the likely effects are far from clear. The impact of the shuttle bus historically has been limited. It has been in place since at least 2005 but still only managed to attract a 6.2% modal share of Pinewood Studios staff in 2009.<sup>533</sup> The up-to-date figures are less clear. The 2013 survey

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<sup>526</sup> PSL3/1 para 3.4

<sup>527</sup> CD12 Volume 2 Appendix A p2

<sup>528</sup> CD12 pp12-13

<sup>529</sup> CD12 p31

<sup>530</sup> CD 97 Schedule 5 para 2.3

<sup>531</sup> CD65 Table 5.4

<sup>532</sup> PSL3/1 p40 Table 7.3

<sup>533</sup> CD12 Volume 2 Appendix G p12 Table 2.3

data gives a global figure for "train/underground/public bus/shuttle bus", but as this is only 8% it seems unlikely that shuttle bus usage has gone up any further.<sup>534</sup> This is also indicated by the Framework Travel Plan (January 2013), which states that an estimated 70,000 car trips per annum are removed from the road network as a result of the shuttle bus.<sup>535</sup> PSL's evidence dated October 2013 gives a figure of 50,000 shuttle bus trips being made during 2012, which indicates that shuttle bus usage declining.<sup>536</sup>

360. The shuttle bus is the "focus of the public transport strategy"<sup>537</sup> and is proposed to be enhanced by an improved frequency of services to Slough and Uxbridge and a new service to Gerrards Cross.<sup>538</sup> However, in light of the historic lack of sustained success of the shuttle bus in changing modal share, as well as the inherent difficulties in changing modal share due to the nature of the workforce at Pinewood Studios (discussed below), it is improbable that the 20% reduction in single occupancy car journeys which is the Travel Plan target<sup>539</sup> would be achieved.

361. Turning to the nature of the workforce, it is significant in transport terms that this includes a very large freelance element. The Planning Statement explains that:

*"In the 1980s, Pinewood Studios became a facility provider rather than a fully serviced studio, laying off its permanent, in-house complement of technicians, production managers, art departments and construction workers. A highly experienced freelance workforce was then created, employed on a film by film basis rather than full-time by the studio, which is the practice that continues today".*<sup>540</sup>

The evidence indicates that of the current total of 1,712 direct on-site jobs, 850 are production company workers.<sup>541</sup> The Project Pinewood Inspector further noted that: "There is also a propensity for people working in the industry to be unattached to a workplace or employer" and that, as a consequence, that scheme was "unlikely to alter longstanding flexible patterns of working enjoyed by freelancing creative workers".<sup>542</sup> Freelance workers are likely to be far more car-dependent than employees given that they will not develop fixed commuting patterns. The contrary suggestion that "many production staff work regularly on films at Pinewood Studios (i.e. they move from one production to the next)"<sup>543</sup> can be given little weight in the absence of any underlying empirical data. Freelance workers will be more resistant to Travel Plan measures because they will be at the site less regularly and more difficult to expose to information about sustainable travel opportunities. In that context, it is noteworthy that the recent

<sup>534</sup> PSL3/1 p40 Table 7.3

<sup>535</sup> CD12 Volume 2 Appendix G para 2.14

<sup>536</sup> PSL3/1 para 4.9

<sup>537</sup> CD12 Volume 2 Appendix G para 6.25

<sup>538</sup> PSL3/1 para 6.26

<sup>539</sup> PSL3/1 para 7.11

<sup>540</sup> CD02 para 3.19

<sup>541</sup> CD05 pp48-49

<sup>542</sup> CD57 Inspector's Report para 13.5.5

<sup>543</sup> PSL3/1 para 6.35

- 2013 survey received a proportionately poor response from production employees as opposed to PSL staff or employees of tenant companies.<sup>544</sup>
362. The workforce generally is also not drawn from the local area, severely limiting the potential for modal shift to walking and cycling.<sup>545</sup> The Project Pinewood Inspector noted that *"very few people employed by or working at Pinewood Studios currently live at Iver Heath or within 3km of the studios"*.<sup>546</sup> PSL explains that employees come from a fairly wide geographical area due to the specific skill sets required and therefore this is unlikely to change.<sup>547</sup> A limited local labour supply and a relatively low level of planned housing growth in the District<sup>548</sup> further indicates that the 1,619 proposed new on-site workers<sup>549</sup> would be travelling some distance to access the site. A reliance on the 1,800 people living within the 2km walk isochrones to increase the walking modal share is therefore of little relevance to the proposal.<sup>550</sup>
363. The current transport patterns to the site reflect these factors and show a high level of single car usage of 82% in 2013.<sup>551</sup> This has increased from 67% in 2009.<sup>552</sup> Although comparison of the two figures is apparently complicated because of a different pool of respondents, it can at least be said that matters do not appear to be improving. PSL's transport witness suggested that 18% non-single car occupancy is *"encouraging"*, but it became clear that the comparators he was using were developments to which nearly all drove and that anything more than a *"chink"* in car dominance was encouraging.<sup>553</sup> This is clearly not what the NPPF envisages, which in the core principle in paragraph 17 aims *"to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations that are or can be made sustainable."*
364. The car dependency of the development is further indicated by the fact that sufficient car parking spaces are proposed such that everyone who is on site at any one time would have a parking space available.<sup>554</sup> The complete reliance on the 'carrot' of the Travel Plan, and the absence of any 'stick', i.e. with no restrictions put on the car parking, is likely to ensure that the workforce would remain largely car borne and that the development would not become more sustainable over time. Indeed the proposed parking provision simply reflects a proportionate increase on the existing.<sup>555</sup>
365. For all these reasons, PSL's suggestion that a significant modal shift away from the private car would be *"highly likely"* is not credible.<sup>556</sup> For the same reasons,

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<sup>544</sup> PSL3/1 p40 Table 7.3; cross-examination of Mr Bird - 353 surveyed of which 121 were staff, 156 tenants, and 76 production staff

<sup>545</sup> PSL3/1 para 6.35; PSL3/2 Figure 10

<sup>546</sup> CD57 Inspector's Report para 13.5.5

<sup>547</sup> PSL3/1 para 8.4

<sup>548</sup> CD29 para 3.4.11 & Appendix 5

<sup>549</sup> CD05 p57 Table 4.5

<sup>550</sup> PSL3/1 para 6.10

<sup>551</sup> PSD3/1 p40 Table 7.3

<sup>552</sup> CD12 Appendix G Table 2.3

<sup>553</sup> PSL3/1 para 7.10; cross-examination of Mr Bird

<sup>554</sup> PSL3/1 para 5.10; cross-examination of Mr Bird

<sup>555</sup> PSL3/1 para 5.12

<sup>556</sup> PSL3/1 para 7.8

the proposal does not comply with paragraph 34 of the NPPF which provides that *"decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised"*. This location does not achieve those aims. PSL relies on alleged compliance with paragraph 32, namely whether *"the opportunities for sustainable transport modes have been taken up"*.<sup>557</sup> However, regardless of whether there is such compliance, this does not avoid the paragraph 34 test. The NPPF aims to locate development in sustainable locations, rather than put development in an unsustainable location and then attempt to mitigate, which is PSL's approach.

### **Impact of the Development on Infrastructure**

366. Subject to the planning obligations and conditions, no issues are raised in relation to this matter.

### **Relationship to the Development Plan and National Policy**

367. The proposal does not accord with the Development Plan, made up of the Core Strategy adopted February 2011<sup>558</sup> and the Local Plan adopted March 1999<sup>559</sup>, as accepted by PSL.<sup>560</sup>

368. There is conflict with policy GB1 of the Local Plan by reason of inappropriate development in the Green Belt and policy EP3 by reason of the adverse impact on the character of the site itself and the locality. There is also conflict with policy CP9 of the Core Strategy due to the proposal running contrary to the objectives of the Colne Valley Park, policy CP7 due to the unsustainability of the proposal in transport terms, and policy CP10 as the scheme does not focus new employment development on a well located or existing site accessible by a variety of transport modes.

369. The Core Strategy and saved policies of the Local Plan make up a Development Plan which recognises the importance of economic growth and makes maintaining economic prosperity a key part of the spatial vision and strategic objectives. There is no suggestion that the Development Plan is not fully consistent with the emphasis on growth in the NPPF. However, both the Development Plan and the NPPF promote growth that is sustainable, and the proposal falls well short of that hurdle. In particular it does not benefit from the presumption in favour of sustainable development in paragraph 14 of the NPPF. Neither of the bullet points in that paragraph which relate to decision-taking apply on the facts.

370. The presumptions that do apply in this case are the statutory presumption in section 38(6) of the Planning and Compulsory Purchase Act 2004 and what is in effect a presumption against inappropriate development in the Green Belt. When viewed against the policies in paragraphs 18 to 219 of the NPPF taken as a whole the proposal does not constitute sustainable growth. The extent to which it would further the economic and social roles of sustainable development by

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<sup>557</sup> PSL3/1 para 10.13

<sup>558</sup> CD29

<sup>559</sup> CD30

<sup>560</sup> PSL 1/1 para. 7.4 p.28

reason of the monetary and employment benefits is both overstated by PSL and outweighed by the harm to the social and environmental roles. This harm would arise from the adverse impact on the natural environment and the particular value of that in South Bucks in terms of making the District an attractive place to live and work. There is further particular conflict with the Green Belt, transport and design sections of the NPPF.

371. Various Government and ministerial statements refer to the importance of the creative industries to the economy and in particular film, including the letter from the Secretary of State for Business, Innovation and Skills<sup>561</sup>, the speeches of other ministers<sup>562</sup>, and the Plan for Growth<sup>563</sup>. However, these reflect rather than cut across the NPPF, which embodies the Government's growth agenda in respect of planning decisions. They are all therefore subject to the emphasis on protecting the Green Belt and other considerations set out above. This was made explicit in the recent speech of the Secretary of State with the message that it is not growth at any price.<sup>564</sup>
372. The Council's case is therefore not contrary to Government policy on film and the creative industries, as PSL would wish to characterise it. The Council expressly recognises the national and international significance of Pinewood Studios in both the Local Plan<sup>565</sup> and the Core Strategy<sup>566</sup>. It supports Pinewood Studios' wish to expand and, as PSL's planning witness accepted, it has assisted with that through the Masterplan and other development approvals.<sup>567</sup> The balance, however, comes down in favour of expansion of the Studios' operation by maximising the use of the existing site rather than encroaching into open Green Belt countryside.
373. It also needs to be recognised that Government policy on growth in the film and creative industries does not take the form of a quantified target, as there is for other infrastructure. No stage space figure is given, and the policy is aspirational. This does not diminish its importance, but emphasises that it is not in conflict with the policy to decide that any specific proposal is unjustified as a result of a particular balance. Similarly, the support for the proposal from the various Local Enterprise Partnerships<sup>568</sup> is a material consideration, but in this case does not override the environmental and other objections to the scheme. In addition, it was accepted by PSL's planning witness<sup>569</sup> that the approach to the appeal site taken by one of the signatories to the Local Enterprise Partnerships letter applies an erroneous policy approach by way of a reference to "*low grade Green Belt*"<sup>570</sup>.

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<sup>561</sup> CD49

<sup>562</sup> CD44-CD47b

<sup>563</sup> CD37

<sup>564</sup> CD72 p2

<sup>565</sup> CD30 policy E2

<sup>566</sup> CD29 paragraph 2.2.23

<sup>567</sup> Cross-examination of Mr Lucas

<sup>568</sup> PSL1/2 p73-74

<sup>569</sup> Cross-examination of Mr Lucas

<sup>570</sup> PSL1/2 p76

## **Merits of PSL's Case for Expansion of the Studios**

### ***Approach***

374. The proposal is that some 44.5ha of Green Belt land which undeniably fulfils important Green Belt purposes should be freed up for development in order to meet the claimed urgent needs of PSL, which in turn would contribute to meeting national economic objectives.
375. Whilst the removal of land from the Green Belt does not form part of the current appeal decision, the inevitable consequence of a grant of planning permission for the proposal would be that on review of the Council's development plan there would have to be a radical revision of the Green Belt boundary.
376. In those circumstances it is important that, in deciding what weight should be accorded to the needs case, not only is its robustness assessed but also the level of risk attached to it. Given the harm that would result merely from the grant of planning permission to the national interest of Green Belt policy, unless the Secretary of State is satisfied that the proposed development would be built out in the predicted 15 year period<sup>571</sup> it should not be sanctioned.
377. This is without prejudice to the Council's principal contention that, even if the needs case is accepted to be robust, the scale of the harms that would result is not clearly outweighed by other material considerations. It is therefore only if this contention is not accepted that a requirement to probe the needs case advanced by PSL arises. When the evidence for this is probed, it is seen to lack robustness, to be based on highly optimistic and in some cases dubious assumptions, and to be supported by little in the way of 'hard' evidence.

### ***Government policy***

378. It is clear from a raft of Government policy statements that there is a firm commitment to economic growth through the creative industries.<sup>572</sup> This includes, but is not limited to, the film and television industries, where the Government sees there being real potential for growth. That is reflected in the commitment to tax incentives for film and, more recently, high-end television production.<sup>573</sup>
379. Those ambitions are supported by the Council. It is firmly committed to the Government's growth agenda, and has signalled this by adopting a Core Strategy which is accepted by PSL to be up-to-date in all material respects.<sup>574</sup> However, as has clearly been stated by the Secretary of State, the Government's growth policies are not to be interpreted as sanctioning growth at any price.<sup>575</sup> Indeed, from its earliest manifestation, the growth agenda has recognised the need for continued protection of the Green Belt. That is reflected in the strong commitment to Green Belt protection retained by the NPPF, which is the Government's pro-growth planning policy.

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<sup>571</sup> CD65 para 5.37

<sup>572</sup> CD34-CD49

<sup>573</sup> CD47

<sup>574</sup> PSL1/1 para 6.4

<sup>575</sup> CD72 p2

380. This case involves, perhaps for the first time, the question of how the balance between two national interests – growth in the film and television industry and protection of the Green Belt – falls to be struck.
381. Within that context, it is important to distinguish between Government policy, Ministerial and other commentary on that policy, and the perceived needs of the creative industries. For example, PSL relies heavily on the letter from the Secretary of State for Business, Innovation and Skills.<sup>576</sup> However, apart from two sentences, the letter contains no re-statement of Government policy. Those two sentences express the policy of general support and support for skills training. Beyond that, the letter is simply a commentary of the Secretary of State's view on what the film industry required as at the date of the letter. This is an industry in which things move on quickly.
382. Ambitions are important but they are not policy. In particular, as stated above, the film industry is not one for which the Government has issued any specific planning policy or other policy identifying any existing capacity issues in quantitative terms, or in any quantitative way the nature or scale of development that should be planned for. Undoubtedly the UK needs to remain competitive, the international competition is increasing (including through incentives<sup>577</sup>), and there will be growth. However, which sector grows (film or television) or by how much is entirely unclear. Equally, whether any such growth is capable of being sustained other than in the very short term is again inherently uncertain.

### ***Need for infrastructure/capacity issues***

383. It is no part of the Council's case to dispute the need for additional capacity to service the film and television industry.<sup>578</sup> The Council has actively encouraged the development of Pinewood Studios to enable it to compete in its international market. The Masterplan permitted in 2006 is acknowledged to have led to some important and image enhancing developments (most recently the South Dock (Q) and Richard Attenborough Stages).<sup>579</sup> There is further capacity within the existing studios site outside the Green Belt for substantial expansion, by some 23%. The appeal scheme proposes 26,532sqm of floorspace on the West Area<sup>580</sup>, which has the potential to accommodate 4,894sqm of stage space<sup>581</sup>. There is also potential for significant additional stage space with some adjustment to the scheme proposals (as considered below).
384. It is also clear from the history of the Masterplan that PSL is unable to plan for the long term. What PSL saw as necessary in 2006 to sustain Pinewood Studios in the long term is now regarded as obsolete. Whilst the Masterplan permission has enabled the development of much needed new floorspace, this has often, if not usually, been by means of 'replacing' the Masterplan permitted use with

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<sup>576</sup> CD49

<sup>577</sup> CD75, pp26-27

<sup>578</sup> Cross-examination of Mr Finney

<sup>579</sup> CD65 para 6.9-6.10; PSL7/3 para 10.9

<sup>580</sup> CD16 P-P-004 Issue 0h [figure excludes the proposed multi-storey car park; the net gain would be 20,338sqm and the existing total floorspace is 111,743sqm]

<sup>581</sup> Drawing no P-P-007 Issue 1 [gives maximum footprints of 2,806sqm on plot 1.02 and 2,088sqm on plot 1.03]

another use that better meets current demand.<sup>582</sup> This puts PSL's claims that it should not, indeed cannot, be expected to live a hand-to-mouth existence in their proper context. The reality is that its business is an entirely reactive one, and one which operates in a fast changing dynamic world, never more so than at present.

385. That is demonstrated by the history of Project Pinewood. At a time when PSL was operating at capacity in relation to its stage space<sup>583</sup>, the Board decided to seek planning permission to use the only land available to them as expansion land for the purposes of a 'film town'.<sup>584</sup> That proposal involved no stage space. PSL's Property Director accepted that it was not advanced as a capacity enhancement but was seen to have qualitative advantages to PSL.<sup>585</sup> He also accepted that the only rational conclusion that could be drawn from the Board's pursuit of Project Pinewood (and his statement that had it been permitted it would have been built<sup>586</sup>), given the Studios' existing capacity issues, is one of the following:

- the Board did not believe that the demand for stage space would be sustained;
- the Board was satisfied that future demand could satisfactorily be met elsewhere in the UK;
- the Board was content for the demand to be met overseas notwithstanding Government policy; or
- the Board's ability to predict future demand is highly questionable.

386. This point matters because, as with Project Pinewood, it is the Board that has determined the nature and scale of the scheme which is now advanced.<sup>587</sup> The broad scale of the development, and the need to plan to meet the claimed requirements of being able to accommodate the making of two additional blockbuster films at the same time, is the brief set by the Board as at March 2012.<sup>588</sup> This was before it had received any advice from PwC or Amion on the market or on how any market projections might translate into floorspace. The task of the consultants was effectively to support a scale of development which had already been determined. Whilst it is said that this determination followed an appraisal of the market and took market soundings, this is not available, nor is any business plan showing the assumed occupancy profile to enable a sense check to be performed in the light of the subsequent market analysis.

387. The caution may be perfectly understandable. Although there is a capacity issue in terms of stage space at present, it is not easy to crystallise the extent of that capacity shortfall. There has been no quantitative analysis of the issue by the British Film Institute, the Government's strategic adviser on such matters, and the messages reported in the media are very mixed. Various the UK is said

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<sup>582</sup> CD65 para 6.10

<sup>583</sup> SBDC1/2 para 5.2

<sup>584</sup> CD65 paras 6.15-6.19

<sup>585</sup> Cross-examination of Mr Wight

<sup>586</sup> PSL7/3 para 10.14

<sup>587</sup> PSL7/1 paras 5.6-5.17

<sup>588</sup> CD03 p34; CD06 p10

soon to have a problem<sup>589</sup>, to having a problem “*if nothing changes*”<sup>590</sup>, to having “*instances*” of alternative stage space needing to be used to keep productions in the UK<sup>591</sup>. Given the increasingly competitive global environment and the developments progressing elsewhere in the world, there is clearly a need for something to be done. What is not clear is that what is needed is a development of the scale and composition of the appeal proposal.

388. That absence of clarity is not resolved by recourse to any of the letters from the industry and in particular from the six major studios who are PSL’s principal clients.<sup>592</sup> None descend to any detail as to what the industry requires other than (as one might expect) extolling the virtue of the premium facility which is Pinewood Studios and its offer. Even if they did, the weight to be attributed to industry views as to what they are proposing or intend to do in the future must, given the uncertainties in the business, be treated with great circumspection. This is particularly so given that PSL’s industry evidence largely appears in the form of short letters without those advancing these views being tested. The uncertainty is reinforced by the PwC market review. It is the very inability to predict the pipeline more than three or four years ahead which has led PwC to adopt the top-down modelling approach which has been used for the forecasting of future demand.<sup>593</sup>

389. Further, evidence of productions being ‘turned away’ from the UK because of capacity issues needs to be put in its proper context. There is no evidence that any UK ‘four walls studio’<sup>594</sup> would ever be able to operate viably without, at times, having to turn productions away. Pinewood Studios does not have control over the production pipeline or production scheduling. In order to meet its 70% occupancy target it operates on a first past the post system.<sup>595</sup> Productions are pencilled in the Pinewood Studios diary with no financial or other commitment from a production, and more than one production may be pencilled in for the same stage space or other facility. Equally, productions will keep their options open and may put a ‘pencil’ in at more than one Studio. There is inherent flexibility for both sides and no expectation on either side that a ‘pencil’ will convert into a contractual hire.<sup>596</sup> Turning away of ‘pencilled’ productions is therefore an entirely normal incident of the business, and Pinewood Studios’ occupancy levels do not suggest that such instances in any sense affect its reputation.

390. The issue rather is one of seeking to provide capacity to avoid, as far as possible, the loss of inward investment. However, there is no reliable industry data on what that would require. As far as can be ascertained from PSL’s evidence, it appears to be the case anecdotally that at present it may be that approximately one big budget film a year is being lost to the UK for capacity reasons.<sup>597</sup>

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<sup>589</sup> PSL1/4 Appendix 8 Film 40, 2013 article

<sup>590</sup> Ditto

<sup>591</sup> PSL1/4 Appendix 9 Location UK article

<sup>592</sup> PSL1/4 Appendix 6; PSL7/4b

<sup>593</sup> PSL5/1 paras 3.3-3.5

<sup>594</sup> SBDC2/1 p17 section 1.6 – a studio that hires out space and facilities

<sup>595</sup> PSL7/1 para.4.9

<sup>596</sup> Cross-examination of Mr Wight

<sup>597</sup> PSL7/6 section 2

391. All that can safely be concluded from the industry and its commentators is that there is a capacity issue; that part of the need is for premium studio stage space; and that, in the absence of planned rather than incremental growth, the need will not be met in a way which would preserve and enhance the UK's competitive advantage.

### ***The PwC analysis***

392. The principal concern in relation to the PricewaterhouseCoopers (PwC) modelling<sup>598</sup> is that it does not pay sufficient regard to the downside risks to which the industry is exposed. The assumptions are overly positive (save for the inflation-only case). Where risk is recognised, it is always assumed that it will be resolved in favour of continued significant global growth in film production expenditure.

393. The range of concerns in relation to the PwC forecasting may be summarised as follows:<sup>599</sup>

- a) the assumption that film production spend will maintain a stable relationship with E&M spend to 2032 may be too optimistic;
- b) it is unclear how the predicted growth rate has been identified, in particular which sectors it has relied on to contribute to growth;
- c) it relies on growth in the number and/or size of production budgets of 'tent pole'<sup>600</sup> film productions when the most recent evidence does not indicate any increase in slate or size of production budget in the future;
- d) it uses a base production spend which may be unrepresentative;
- e) it assumes a constant UK market share of global film production; and
- f) the top-down approach adopted serves to mask the risks inherent within the industry and the particular business model on which the appeal proposal is so reliant, that is the blockbuster film funded by inward investment.

394. Given the current threats and risks, the uncertainties as to how these will play out, and their effects on the demand requirements for premium studio stage space in the future, there is a need for very considerable caution in attaching any significant weight to projections of demand beyond 2020 and to any claimed benefits which are reliant on full occupancy of the appeal development materialising. The above concerns are elaborated in turn below.

#### *a) Stable relationship between E&M spend and film production spend*

395. A key assumption of PwC is that the film production spend proportion of the total E&M spend will remain stable over the next 20 years.<sup>601</sup> This then feeds into the assumption that the appeal development would be able to rely on a CAGR of 5.1% over that period.

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<sup>598</sup> CD06

<sup>599</sup> SBDC2/1 section 2

<sup>600</sup> SBDC2/1 p15 – equates to a blockbuster film

<sup>601</sup> CD06 Appendix A p79

396. However, that assumption is a high risk one. The current relationship shows a downward trend in the film production spend as a percentage of E&M spending.<sup>602</sup> PwC assume that new means of accessing film facilitated by the internet and digitisation will correct this downward decline.<sup>603</sup> However, there is little to support that optimistic assumption. PwC itself recognises that the technology is an important factor which drives demand for film production but that the nature of the changes and their impact on film production are notoriously difficult to predict.<sup>604</sup> That has never been more so than at present, with the effects of digitisation only beginning to be appreciated. The Chairman of Directors UK's evidence to the House of Lords Select Committee on Communications neatly summarised the current uncertainties:

*"We are now facing a change which, although it is much debated and much discussed, understandably, is still not, I suspect, completely understood. We are in a sense in a generation of cavalry officers trying to work out tank tactics".*<sup>605</sup>

397. Digitisation is important because of the business model of Pinewood Studios' main client base. The Hollywood studio system is a vertically integrated model. Each studio develops, owns and controls the underlying copyright of each film. They physically produce films with the assistance of hired producers, and their marketing and distribution operations then position and exploit the product through cinemas followed by DVD, Video on Demand (VOD), Pay-TV and Free TV.<sup>606</sup>

398. Historically, this model has allowed the studios to own and control as much of the profit margins as possible in the distribution and exploitation of the value chain. Coupled with the management of a slate of films, this has enabled them to manage and spread risk.

399. However, digitisation and social media trends are weakening the hold of the Hollywood studios in their role as 'gatekeepers'. Unlike video rental, DVD retail sales and sales to broadcasters, the studios are not in the driving seat with owning and controlling distribution via the internet (VOD and Subscription VOD). The global film industry's managers and key players are grappling to understand how they fit into a restructuring marketplace and market space that is increasingly complex and uncertain. Whilst the traditional film format is anticipated to remain dominant at the cinema exhibition stage, the speed of change in formats, delivery systems and user behaviour is unprecedented.<sup>607</sup>

400. The overall restructuring of the film value chain points to significant but unpredictable change in the global film industry and UK film and television industry specifically. There is a digitally driven production explosion, but rather than supporting the historic film production industry the signs are that it may be offering an entirely different business model. For example, online video, such as

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<sup>602</sup> CD06 Appendix A p86 Figure 92

<sup>603</sup> PSL5/1 paras 3.29, 4.13

<sup>604</sup> CD06 Appendix A p86

<sup>605</sup> CD75 para 133

<sup>606</sup> SBDC2/1 section 1

<sup>607</sup> SBDC2/1 section 3.1

promoted by YouTube, is about fast production and fast consumer reactions.<sup>608</sup> It is a new market dominated by content creators which has little need for the budgets of the major Hollywood studios or premium stage space.

401. PwC acknowledge that, specifically in relation to the film industry, digitisation and the growth in internet usage pose a serious threat to producers trying to capture the full value of their products, and that recent trends in consumer technology have been generally detrimental to the profitability of film producers and distributors.<sup>609</sup> To that extent, film producers are no different to those in other media industries who have witnessed the impacts of the internet age. For example, the evidence is that both print and music have seen dramatic impacts in terms of growth and the size of the respective sectors.<sup>610</sup>
402. There is no reason to believe that the film industry will remain entirely unaffected by these changes. The Council's film industry witness is the only industry expert to give evidence and he is clear as to the risks.<sup>611</sup> In contrast PwC, who are market commentators and analysts, make almost no allowance for any downside risk in their assessment. PSL's market witness was obliged to concede that the only reflection of the risk is a 0.5% downward adjustment to the historical average of filmed entertainment as a share of E&M spending.<sup>612</sup> This was made to account for what he describes as "*the blurring of the boundary with other media types*".<sup>613</sup> That is just one of the risks facing the industry. It is telling that the risk presented by technological change is set aside with the comment that:
- "Given the robust performance of film production expenditures over the past 12 years, in the face of technological changes, we make no specific allowance for technology trend changes"*<sup>614</sup>.
403. PSL seeks support for this view from Mr Hasan Bakhshi's peer review of PwC's work.<sup>615</sup> He notes that a key judgement in the work is that revenues from digital formats will complement and not cannibalise cinema attendances. Other than asserting that this is a widely held view (but not, it is to be noted, the only view), the only support for the assumption advanced by Mr Bakhshi is that it is consistent with previous episodes of disruptive technological progress.<sup>616</sup> However, it is not in fact consistent with the impact of, for example, the introduction of television, which resulted in the closure of many film studios as noted by the House of Lords Select Committee on Communications.<sup>617</sup>
404. The failure of PwC and indeed PSL to acknowledge and face up to risk and the implications of risk for the appeal proposal is marked. An extreme example was the suggestion made to the Council's film industry witness that piracy is not a

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<sup>608</sup> SBDC2/1 section 3.4

<sup>609</sup> CD06 Appendix A p86

<sup>610</sup> PSL5/2 Appendix 2 Economist Article 17 August 2013

<sup>611</sup> SBDC2/1 section 3

<sup>612</sup> Cross-examination of Mr Forrest; PSL5/1 para 3.27

<sup>613</sup> PSL5/1 para 3.30

<sup>614</sup> CD06 Appendix A p86

<sup>615</sup> PSL7/2 Appendix V

<sup>616</sup> PSL7/2 Appendix V p35

<sup>617</sup> CD75 para 22

significant issue because laws are in place to address it.<sup>618</sup> As is clear from the House of Commons Culture, Media and Sport Committee Report "*Supporting the creative economy*", illegal copying, particularly online piracy, is the greatest threat to recognition and just reward for creativity.<sup>619</sup> It records that industry experts put a figure of £400 million on foregone revenue for film and music piracy in one year alone. It is particularly rife in Asia, which is seen as a key growth driver to filmed entertainment.<sup>620</sup>

405. This key underlying assumption in PwC's analysis is therefore not robustly tested or justified, and no consideration has been given to the consequences for the projections of film production spend should it prove to be far too optimistic.

*b) The growth rate*

406. PwC's forecast of film production expenditure to 2032 assumes a CAGR for the period 2013 – 2032 of 5.1%.<sup>621</sup> However, due to PwC's top-down methodology, it is entirely unclear what contribution the various forms of filmed entertainment make to this overall CAGR. That is important because the appeal proposal has been designed to meet an ambition of being able to provide capacity for two additional blockbuster films simultaneously at Pinewood Studios.<sup>622</sup> There was some inconsistency in this by PSL, with the ambition modified to "*two more big budget productions (film and high-end television) at the same time*".<sup>623</sup> Despite the written evidence of PSL's market witness clearly indicating that high-end television productions are relied on only as an alternative way of achieving the 17% increased market share scenario<sup>624</sup>, he nevertheless sought to argue that the 5.1% CAGR included an unidentified and unidentifiable increment attributable to high-end television.<sup>625</sup>

407. It is entirely understandable that PwC should feel it necessary to seek to bolster the 5.1% figure. However, the evidence that high-end television lends any meaningful support for the long term projections of premium stage space is far from convincing. The nervousness about the 5.1% figure stems from PwC's market review. This shows that PwC's own estimate of growth for the period 2011-2016 for film revenue is just 3.1%.<sup>626</sup> The assumption that digital home video will drive growth above this figure in the future relies on the risks of digitisation not materialising to any meaningful degree.

408. It also assumes that high-end television will drive growth.<sup>627</sup> This will almost certainly be the case, given the re-focusing of television budgets to fewer but larger scale, higher budget dramas.<sup>628</sup> Whilst there is no evidence that overall television budgets are other than static<sup>629</sup>, the 'fewer, bigger, better' strategy will

<sup>618</sup> Cross-examination of Mr Finney

<sup>619</sup> CD67 para 24

<sup>620</sup> CD06 p25

<sup>621</sup> CD06 Appendix A p79

<sup>622</sup> CD06 p10

<sup>623</sup> PSL7/3 para 5.2

<sup>624</sup> PSL5/1 para 3.6 & footnote 7

<sup>625</sup> Cross-examination of Mr Forrest

<sup>626</sup> CD06 p17 Figure 17

<sup>627</sup> Cross-examination of Mr Forrest

<sup>628</sup> CD06 section 1.3

<sup>629</sup> CD06 p42 figure 54

lead to increased demand for production space for this sector. The UK stands to benefit from this re-focusing, with the Government's recently introduced tax incentive which will assist in delivering growth in this sector.<sup>630</sup>

409. However, the weakness in the PwC analysis is that it now apparently assumes that this will translate into a demand for premium stage space of the kind offered by Pinewood Studios and proposed within the appeal scheme. That is not a safe assumption, as the market assessment demonstrates. Few high-end television productions have production spends that would put them in the core market for stage space at Pinewood Studios. The typical budget is around £30M/\$50M<sup>631</sup>, which is right at the bottom end of the budget (\$55M) for films on wide release which PwC regard as being most likely to use premium facilities<sup>632</sup>. It is therefore unsurprising that the demand for high-end television resulting from the new tax incentive has apparently led to enquiries about cheaper build spaces, factories, warehouses and old industrial complexes that can be customised for film making. According to Creative England's Chief Executive (who can be regarded as informed and authoritative):

*"What they want is cheap space and they want a decent skills base. They want to be able to build something, use it for six months and leave it dormant for six months".*<sup>633</sup>

410. There is no shortage of such accommodation. Recognising this more attractive floorspace, PSL sought to limit the scope of the tax incentive to purpose built studios such as Pinewood.<sup>634</sup> That was not accepted. Whilst such floorspace may not be the preferred option of the big budget film producers, it is apparently proving sufficiently attractive to high-end television for alternatives to Pinewood Studios to be seriously considered. Other than *Penny Dreadful* (which Pinewood Studios was not able to accommodate and which went to Ireland for a variety of reasons of which capacity was not the dominant one<sup>635</sup>), there is no evidence that Pinewood Studios has secured an interest from high-end television. It is noteworthy that Creative Skillset is currently working with 16 high-end television productions that all intend to begin filming before April 2014, and none is said to be interested in premium studio facilities.<sup>636</sup>

411. It follows that, if PwC have relied on high-end television to boost their growth rate, this is at the very least highly optimistic. Further, and in any event, Pinewood Studios would need to house a very high top end television production running for more than two series to match the lowest revenue blockbuster film earner.

412. In so far as video games may be a contributor to the PwC growth rate, there is no evidence that these generate a material demand for premium stage space. Although the market analysis asserts that demand for blockbuster video games

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<sup>630</sup> CD47?

<sup>631</sup> PSL7/2 p19; CD06 p44 figure 59

<sup>632</sup> CD06 p37 figure 45

<sup>633</sup> SBDC2/1 Appendix 3

<sup>634</sup> SBDC2/1 p69; PSL7/6 para 2.4

<sup>635</sup> SBDC2/2 para 7.5

<sup>636</sup> PSL 7/4 letter of 4 November 2014

will remain strong and require use of cinematic production facilities<sup>637</sup>, the evidence is that such use has been limited only to studios TV1 and TV2 (at 832sqm each) and only three named productions.<sup>638</sup> This is clearly not a core business of Pinewood Studios, nor is it likely to be unless the tax incentive position changes, which is in the hands of the European Commission. As was noted by the House of Commons Culture, Media and Sport Committee, "... because of the incentives offered elsewhere (notably Canada) the UK video games sector continued to decline...".<sup>639</sup> This sector is not a valid prop to PwC's growth rates.

c) *Growth in film production*

413. In the absence of sight of PSL's business plan for the appeal development and the occupancy profile, it is necessary to consider film production as a whole to gauge the extent to which the assumed growth provides a sound basis for the projections.

414. The PwC market review identifies that funding is difficult to obtain for films with a budget between \$30-49.9M and that this sector is being squeezed.<sup>640</sup> That is consistent with the findings of the House of Commons Culture, Media and Sport Committee, which noted that the banks have largely withdrawn from providing debt finance and the availability of venture capital has declined sharply.<sup>641</sup> There is no evidence that the position is likely to alter. PwC concluded that films with a production spend of \$5-29.9M are relatively robust<sup>642</sup>, but these are not in the market for premium stage space<sup>643</sup>.

415. Furthermore, there is no material growth in the domestic and co-production film spend which these films represent.<sup>644</sup>

416. It follows, therefore, that in so far as PwC rely on growth in the film production spend it must be related to the big budget production inward investment films. That is entirely consistent with the citing in the market review (dated January 2013) of a recent trend for films with a budget of over \$100M as being: "*Growth due to increasing consumer demand and studios' 'safe-bet' perception*".<sup>645</sup>

417. However, the producers of films at this end of the budget scale are principally the six major Hollywood studios. It is their 'blockbuster' business model which is exposed to the effects of digitisation and which has, since PwC's market review, come under significant box office pressure.<sup>646</sup>

418. There are a limited number of titles, known franchises, 'high' concepts alongside remakes, prequels and sequels to feed the blockbuster system at a level that can be perceived as safe and coherent. As Hollywood has increased its

<sup>637</sup> CD06 section 1.4

<sup>638</sup> PSL 5/1 p24 footnote 32; PSL7/6 para 2.8

<sup>639</sup> CD67 para 104

<sup>640</sup> CD06 section 2.3 p39 figure 50

<sup>641</sup> CD67 paras 86-87

<sup>642</sup> CD06

<sup>643</sup> CD06 figure 45

<sup>644</sup> CD76 p184 figure 17.1

<sup>645</sup> CD06 p39 figure 50

<sup>646</sup> SBDC2/1 section 2.9

annual commitments to blockbuster production, the levels, scale, quantity and falling quality of such productions has in turn presented the major studios with a serious business model problem. The summer of 2013 demonstrated this. Key launch dates have been so pressurised that the blockbusters cannibalized each other. Six blockbusters failed, which is a previously unheard of scale of failure.<sup>647</sup>

419. The consequence to be expected is that the major studios will be forced to cut back blockbuster production over the next three to five years. A recent announcement by Sony (a major client of Pinewood Studios) confirms that there is now 'franchise fatigue'.<sup>648</sup> This demonstrates the weakness of relying (as PwC do) on growth of both budgets and the number of blockbusters being made over a 15 year period.

420. None of this should be surprising. The Chief Executive of the British Film Institute (again who can be regarded as informed and authoritative) told the House of Commons Culture, Media and Sport Committee that:

*"... by and large, there is a trend towards films with smaller budgets, and if you are in the US, they will tell you that".*<sup>649</sup>

Whilst the Committee identifies that there will be significant growth in demand for studio space, it has been careful to focus this conclusion on the high-end television demand rather than big budget film demand.<sup>650</sup>

421. As is clear from information on Marvel's occupancy of Shepperton Studios, PSL is highly dependent for its occupancy on a handful of clients and productions.<sup>651</sup> The appeal development is planned to be similarly reliant, and is a high risk business model. Any reduction in blockbuster production would free up thousands of square metres of stage space. PSL has no control over the production pipeline and the pipeline is in no sense guaranteed.

422. In this context, it is important to note that the output of PwC's modelling is that film production expenditure in its 'most likely' base case scenario increases from £1,129M to £2,922M.<sup>652</sup> PSL's market witness accepted that this would involve a combination of a greater number of more expensive films.<sup>653</sup> However, he was unable to answer whether any reality check had been undertaken of the number of films this would assume and whether theatrical release windows would be available to accommodate them. The top-down model prevents any such reality check because it is impossible to identify what the output is in terms of the number of films produced.

423. Another problem with this assumed increase in expenditure is that it is directly contrary to the evidence provided by the submitted letters from major film producers.<sup>654</sup> All of these refer to strict and increasing controls on budgets, and none identify any plans to increase the number of blockbusters they produce. At

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<sup>647</sup> Evidence in chief of Mr Finney

<sup>648</sup> SBDC2/1 p37; SPP13

<sup>649</sup> CD67 Evidence p119

<sup>650</sup> CD67 para 129

<sup>651</sup> PSL7/6 para 2.1 & Appendix 1

<sup>652</sup> CD06 p78

<sup>653</sup> Cross-examination of Mr Forrest

<sup>654</sup> PSL1/2, PSL1/4, PSL7/2, PSL7/4 Appendix II, PSL7/4b

best, this evidence can be said to indicate more of the same. Indeed, that is consistent with the recent history of blockbuster production, which shows no sign of exceeding the level of approximately 25 such films made a year in the period up to 2012.<sup>655</sup> If anything, the number would appear to be reducing, with just 16 identified for release in 2015.<sup>656</sup>

424. It follows that the assumed 5.1% growth rate may well be significantly overstated. It is certainly the result of a process that does not adequately address the downside risks and, by reason of the top-down modelling approach, is entirely lacking in transparency as to a number of key assumptions.
425. It could be expected that, if the blockbuster model declines, any growth at Pinewood Studios would need to be supported by other sources of demand. The recent Co-production Film Treaty between the UK and China may well assist in sustaining demand in such circumstances.<sup>657</sup> However, it would be imprudent to regard this as necessarily an 'additional' source of demand as PSL would suggest. The extent to which it would generate a requirement in the UK for stage space appears to be presently un-assessed.

*d) Base year production spend*

426. PwC assumes a 2013 base case forecast production spend of £1,129M, which it then applies its growth assumptions.<sup>658</sup> The base figure is calculated from an average taken over just four years (2009-2012).<sup>659</sup> This period is justified by PwC on the basis of striking a balance between the need for currency (the risk of a longer period) and distortion (the risk of too short a period).
427. However, the balance is not well struck. Firstly, the years selected include 2011, which was the peak year of film production in the UK and since when production spend has fallen back.<sup>660</sup> Secondly, it includes 2012, a year that (according to PwC) was distorted by scheduling issues and in which production spend fell dramatically from its previous high.<sup>661</sup>
428. As with the growth rate, there is an in-built optimism in the analysis. A more prudent and robust approach would have been to take a longer period to derive the average, since this would be more likely to reflect the currency over a longer term.

*e) UK market share*

429. Inherent in the base case is that the UK's market share of film production spend remains static.<sup>662</sup> In the '17% market share' case it increases by some three percentage points.<sup>663</sup> Whilst the ambition of Government is that the UK film industry (and PSL as part of that) should increase its global market share, it

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<sup>655</sup> CD06 p38 figure 48

<sup>656</sup> PSL7/3 para 3.5

<sup>657</sup> PSL7/8

<sup>658</sup> CD06 p78 table 12

<sup>659</sup> CD06 p81; PSL5/1 para.3.20

<sup>660</sup> CD06 p36 figure 44; p80

<sup>661</sup> PSL5/1 p11 figure 1, p12 table 1

<sup>662</sup> PSL5/3 paras 2.14-2.17

<sup>663</sup> CD06 p79

is again optimistic not to allow for any scenario in which the acknowledged global competition outperforms the UK. The UK's international competitors are building new studios. For example, the USA and Canada are building principally to cater for their own domestic productions, over which they have a high degree of control.<sup>664</sup> The Pinewood group is also investing in studios overseas.<sup>665</sup> The Chinese market and how it will affect the international market remains an imponderable.

430. What distinguishes all of the international competition from the UK is the UK's heavy reliance on inward investment.<sup>666</sup> Highlighting the risks to growth in the UK is therefore not inconsistent with the developments that are taking place in other countries elsewhere in the world, where the film industry has a quite different essential foundation.

*f) Top-down approach and forecasting period*

431. It is necessary to determine the weight to be given to the long term projections which are advanced in support of PSL's case and substantially relied on for the scale of benefit that it is claimed the development would deliver.

432. The film industry is a high risk business, and its products are high risk.<sup>667</sup> There are high barriers to entry, and the industry is presently at a point of potential significant disruption as a result of digitisation. It is also affected by the difficult global economic conditions and access to finance.<sup>668</sup> Even at less uncertain times, there is no ability to predict the pipeline of productions more than 3-4 years ahead, and Pinewood Studios, as a 'four walls studio', has no control over that pipeline.

433. There is also a paucity of high quality data upon which to base forecasts.<sup>669</sup> For example, there is no estimate of global film production expenditure<sup>670</sup>, nor any detailed breakdown of historical production expenditure by studio upon which to base any studio market share analysis<sup>671</sup>.

434. The top-down approach to modelling has allowed for the real risks facing the industry to be understated and for projections to be advanced on a highly optimistic basis. It also prevents any scrutiny by way of a reality check of the outputs.

435. It is no part of the Council's case that PSL should not plan for the future. The permitted Masterplan development shows that the Council is very keen for Pinewood Studios to grow in a planned way. However, as the history of the Masterplan has shown, in such a fast moving industry demands can change both dramatically and swiftly.<sup>672</sup> There is a particular risk of a paradigm change at

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<sup>664</sup> PSL 7/3 para 6.6

<sup>665</sup> SBDC2/1 section 2.4

<sup>666</sup> CD06 p80 table 87; PSL7/1 para 2.7

<sup>667</sup> CD03 paras 2.27-2.28

<sup>668</sup> CD06 p80

<sup>669</sup> PSL7/2 p34

<sup>670</sup> CD06 p87

<sup>671</sup> CD06 p89

<sup>672</sup> SBDC1/1 section 7

present.<sup>673</sup> This inevitably affects the weight that should be given to longer term forecasts. It is not suggested that the benefits of what might happen in the future if the proposed development is realised are ignored. However, there should be a large degree of caution in attaching any significant weight to the benefits given that they are relied upon to justify an enormous, permanent incursion into the Green Belt.

436. PSL seeks to argue that the concerns of the Council's film industry witness over long term forecasting are based on his experience as an independent film producer and the risks involved with this, and that this has no relevance to the growth prospects of a four walls studio.<sup>674</sup> However, the essence of his evidence is that the effects of the summer blockbuster failures in 2013, coupled with the other risks affecting the industry, are such that there is a real risk that the aggregate market on which PSL is so dependent will change in a way that will affect future demand. Film producers are not immune from the risks, as is borne out by the recent experience of Sony.<sup>675</sup> PwC sensibly identifies that there is a key relationship between levels of consumption of film and film production.<sup>676</sup>
437. None of the examples relied on by PSL as supportive of attaching significant weight to its forecasts are remotely comparable to a film studios with just six principal, footloose clients.<sup>677</sup> There should be extreme caution about the forecasting, particularly given the outline nature of the application and the inherent flexibility sought.<sup>678</sup>

### ***Translation of spend projections to space requirements.***

#### *Stage space*

438. The PwC expenditure projections have been used to derive estimates of the required future amount of stage and ancillary space by Amion.<sup>679</sup> In terms of the base case, all that has been done is to take the percentage increase in film production expenditure between 2013 and 2032 represented by the forecast (62%<sup>680</sup>) and to apply this to the floorspace of the existing 12 studios capable of accommodating big budget films<sup>681</sup>. This gives a demand for an additional 74,296sqm of stage floorspace.<sup>682</sup>
439. The flaw in this approach is that the expenditure which is the output of PwC's forecasting is the total expenditure on film production. It includes all sums expended on whatever production requirement arises, from stamps and stationery to hotels and talent costs. It also includes the costs of SFX and CGI. Many of the costs will have no relationship whatever to the studio stage space requirement. Typically, the studio costs (excluding set construction) are between

<sup>673</sup> SBDC2/1 section 2.9

<sup>674</sup> PSL7/3 paras 2.4-2.6

<sup>675</sup> SPP13

<sup>676</sup> CD06 pp84-85

<sup>677</sup> PSL5/1 para 2.6; PSL5/2 Appendices 1 & 2

<sup>678</sup> PSL7/1 paras 5.15-5.16; CD16

<sup>679</sup> CD05 pp22-25; PSL6/1 section 3

<sup>680</sup> CD05 p24 table 3.2; PSL6/1 p5 table 3.1 & para 3.9

<sup>681</sup> PSL6/1 p5 footnote 9 gives the list of studios with a total floorspace of 120,000 sqm

<sup>682</sup> CD05 p24 table 3.3; PSL6/1 para 3.9

just 4% and 6% of the total production spend.<sup>683</sup> The spend may be heavily influenced by the use of technologies which give rise to little or no studio space requirement.<sup>684</sup> Neither PSL's Property Director nor its business witness could identify any established relationship between production spend and the floorspace requirements of film.<sup>685</sup> Although larger budget films are likely to use more studio space, the methodology utilised by Amion is not robust and does not provide a sound forecast of floorspace demand.

440. There are other weaknesses in the analysis. The key one is that it ignores the current sensitivity of producers to cost. Whilst PSL is keen to focus on quotations from the industry letters regarded as supportive, it is far less willing to acknowledge those aspects which should sound caution. For example:

*"... the budgets, complexity and risks have become very significant. Controlling resources, time and costs are central to the business of film production".*<sup>686</sup>

441. Despite the evidence that this is an increasingly price sensitive sector of the market and that budgets are being driven down, the Amion analysis assumes no increase in efficiency of use of studio space over the next 15 years even in its base case. That is an overly optimistic assumption, and one which does not appear to have been picked up in any of the reviews of the Amion work.

#### *Ancillary space*

442. An equivalent criticism may be made of the ancillary workshop and office space requirement. Again the process appears to have been crude and not altogether consistent. Amion's original work identified a stage space to ancillary workshop/office space ratio of 1:1.<sup>687</sup> This was based on information provided in PwC's market review, which indicated that this was a market requirement and reflected the average requirement of productions at Pinewood Studios.<sup>688</sup> The appeal proposal, however, is based on a ratio of 1:1.5, justified on the basis that overlapping production requirements necessitate a degree of flexibility.<sup>689</sup>

443. In the context of modern purpose built studios, the evidence supplied by PSL (which relates to only two studios - Indomina Studios, Dominican Republic and Atlanta, Georgia), is not supportive of the workshop space ratio of 1 or the office floorspace ratio of 0.5.<sup>690</sup> Indomina Studios has in effect a reverse ratio in favour of office space, whilst Atlanta has a ratio of 1:1.2. This more efficient model may well reflect the trend that budgets are decreasing in the USA.<sup>691</sup> The evidence of modern studio construction does not lend any material support to use of a 1:1.5 ratio for a forward projection over 15 years.

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<sup>683</sup> CD06 p41 figure 53

<sup>684</sup> Cross-examination of Mr Wight

<sup>685</sup> Cross-examination of Mr Wight and Mr Russell

<sup>686</sup> PSL1/2 Appendix 4 p107 letter of 27 September 2013 from Lucasfilm Ltd

<sup>687</sup> CD05 p5 para 2.3.1.5

<sup>688</sup> CD06 p75 & p55 figure 71

<sup>689</sup> PSL7/1 para 3.4; PSL7/6 para 4.3

<sup>690</sup> PSL7/6 attached email dated 5 December 2013

<sup>691</sup> CD67 Evidence (Amanda Nevill) p119

444. In addition, the evidence of PSL's design witness was that the design was informed by a hypothetical model layout for a typical large scale production and that this allowed for approximately 1,400sqm of offices.<sup>692</sup> His understanding was that this did not alter much with the size of production.<sup>693</sup> Assuming that the appeal development would facilitate the simultaneous production of four blockbusters, this would give rise to a production office requirement of some 5,600sqm. It is not possible to gauge this against the ancillary requirements supplied by PSL of Marvel's productions at Shepperton Studios because these do not disaggregate the workshop and office requirement.<sup>694</sup>
445. However, the total office floorspace at Pinewood Studios were the proposal to be permitted and constructed would be some 77,531sqm.<sup>695</sup> Deducting the existing Media Hub office space (24,922sqm)<sup>696</sup> would leave available office space of some 52,609sqm. Even allowing for an expansion to the Media Hub of 23,434sqm<sup>697</sup>, this would leave some 29,175sqm of production office space, which appears very generous against the 'typical' example of PSL's design witness.
446. The most significant issue is, however, the assumption that this scale of office space would be reflective of the demands of the increasingly cost sensitive sectors which PSL is hoping to serve over the next 15 years.

#### *The Media Hub*

447. There is a lack of clarity in relation to the Media Hub floorspace as both existing and proposed. The floorspace occupied by the existing Media Hub is not identified in any application document, and the size of the floorspace increment to it as part of the appeal development is not expressly identified in the floorspace schedule.<sup>698</sup> Instead it has to be found in Amion's economic assessment, where the employment benefit of the floorspace required analysis.<sup>699</sup>
448. Irrespective of the conclusion on this issue, were permission to be granted it is important, in the light of the evidence of PSL's Property Director and design witness, that office space be kept available for productions and not occupied by Media Hub tenant companies. There could otherwise be further pressure on the Green Belt in the event that production offices cease to be available, as illustrated by the lease given to Panalux<sup>700</sup>, and the Council's suggested planning conditions 29 to 31 are advocated in this respect.<sup>701</sup>
449. The PSL case in relation to the Media Hub is confused. The scheme's design, as is clear from the Design and Access Statement, identified the Media Hub

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<sup>692</sup> CD08 p82

<sup>693</sup> Cross-examination of Mr Height

<sup>694</sup> PSL 7/6 para 2.1

<sup>695</sup> CD16 P-P-004 Issue 0h

<sup>696</sup> PSL 7/6 para 2.7

<sup>697</sup> CD05 p56 para 4.5.2.3; PSL1/1 p10 footnote 15 gives a different figure of 20,875sqm, said by Mr Lucas in cross-examination to be illustrative

<sup>698</sup> CD16 P-P-004 Issue 0h

<sup>699</sup> CD05 p56 para 4.5.2.3

<sup>700</sup> SBDC1/1 para 7.7

<sup>701</sup> SBDC4

elements of the scheme as buildings 1.01, 1.07, 2.30 and 2.31.<sup>702</sup> That was entirely logical, because these are the locations furthest away from stage space and workshops and least able to provide the efficiencies which productions require.

450. PSL's Property Director, however, eschewed any such relationship between the Amion assumed floorspace (which equates to the use of these four buildings as Media Hub) and the expanded Media Hub.<sup>703</sup> Instead the notion was presented that there is no real distinction between Media Hub and production offices and that the Media Hub space could (and would) occupy any office space which PSL chose to lease to it.<sup>704</sup> This desire for near total flexibility entirely undermines the suggestion that the appeal proposal should be regarded as a planned and settled response to a national infrastructure requirement. It echoes the incrementalist approach to the Masterplan and reinforces the nature of the industry as being one where demand is wholly unpredictable.
451. The more substantive objection to the inclusion of the additional Media Hub floorspace, much of which would be within the Green Belt, is that it is simply not justified in any meaningful way. There are some references to the benefits of the Media Hub in a number of the industry letters, but some see it as a "bonus"<sup>705</sup> rather than a requirement, and others do not mention it at all<sup>706</sup>. Whilst it is no doubt attractive to Media Hub occupiers to be located at Pinewood Studios and some productions find the Media Hub an attraction, there is no evidence that it is essential for it to expand in conjunction with stage space expansion.<sup>707</sup>
452. The evidence is that the Media Hub services both Pinewood Studios and non-Pinewood Studios productions. There is no evidence as to how the business of the Media Hub companies divides in this respect and no evidence of any need in those companies for further floorspace to service additional productions. More importantly, there is also no evidence that co-location is necessary for such companies to service productions at Pinewood Studios. PSL's own description of itself indicates the exaggeration of this element of its case:

*"The Pinewood Studios Group is a leading destination for the world's most exciting and innovative producers of creative content and the definitive production and post production facility in the UK offering over 1.5 million sq ft of studio space and facilities.*

*Nearly 300 independent media and production support companies are based across its three studio lots. Providing services to productions, each other and complementing the Group's own facilities, this co-location of skills creates a unique studio village environment."*<sup>708</sup>

In the context of co-location equating to three different studios separated by many miles, it is difficult to understand why it is so essential to have an

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<sup>702</sup> CD08 pp107, 145-148

<sup>703</sup> Cross-examination of Mr Wight

<sup>704</sup> Cross-examination of Mr Lucas

<sup>705</sup> For example PSL7/2 Appendix II p12 letter from Twentieth Century Fox

<sup>706</sup> For example PSL7/2 Appendix II letters at pp 10, 11, 14

<sup>707</sup> SBDC1/2 para 5.3

<sup>708</sup> CD58 p42 Box 5.1

expanded Media Hub on the Pinewood Studios site. This is particularly so given PSL's emphasis on how accessible the site is to London<sup>709</sup>, which is the true UK film hub. PSL is keen to promote Pinewood Studios as the critical hub of the UK film industry. Although hugely important, it is not the UK hub.

453. This issue was considered extensively at the Project Pinewood inquiry.<sup>710</sup> The Inspector concluded:

*"... evidence confirms that the main screen industry cluster is concentrated in London and the South East, of which Pinewood Studios is one of a number of smaller scale agglomerations".*<sup>711</sup>

No new substantive information or evidence justifies a different conclusion now being reached, in spite of the case made by PwC for a Greater West London Film Cluster with Pinewood Studios as the main hub.<sup>712</sup>

454. PwC's analysis of Pinewood Studios' supplier base shows that this is spread all over London and the South East (as is the industry which it is serving).<sup>713</sup> It does not need to be co-located with production at Pinewood Studios to function successfully, nor is there any evidence that such co-location has any identified sustainability advantages having regard to the Media Hub's clientele. It is not a justified component of the scheme.

### **Alternatives**

455. The Council does not advance any specific alternative site on which the appeal proposal could be accommodated should the Secretary of State be satisfied that a need for the scale and mix of the development has been demonstrated. It does not have the resources to undertake such an assessment. However, the onus is firmly on PSL to show that there is no suitable or available alternative.

456. It is not accepted that a need for the scale of the development proposed has been made out, or that there is any need for the inclusion within it of the expansion of the Media Hub. PSL's alternative sites assessment has focused exclusively on meeting the needs of a development of the scale and composition of the appeal scheme.<sup>714</sup> It is therefore an alternative site assessment that is dependent on the need case being accepted in full. There was no agreement given by the Council's witnesses on the need for the full development, or on that such need as there is could only be met at Pinewood Studios.<sup>715</sup> PSL's assessment is also dependent on the assertion that the scheme is a single, indivisible proposal that can only be accommodated on and adjacent to the existing Pinewood Studios. For that reason, the operation by PSL of a satellite UK studio is ruled out.

457. The 'single and indivisible' claim does not stand up to scrutiny given the way the PSL Group operates, particularly the synergy and marketing of Pinewood with

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<sup>709</sup> PSL3/1 para 8.2

<sup>710</sup> For example CD57 Inspector's Report paras 7.9.24-7.9.25

<sup>711</sup> CD57 Inspector's Report para 13.8.27

<sup>712</sup> CD06 Appendix B

<sup>713</sup> CD06 pp103-104

<sup>714</sup> CD02 pp97-123; PSL1/1 paras 8.104-8.117; PSL1/3 section 3; PSL1/4 Appendices 2 & 3

<sup>715</sup> Cross examination of Mr Kyle and Mr Finney

Shepperton.<sup>716</sup> There is clearly scope for satellite facilities to provide for the needs of the blockbuster market within the Pinewood brand.

458. It is also clear that the alternative site assessment is based exclusively on the needs of the blockbuster market and not those of high-end television. For example, the highest end of the high-end television market (*Game of Thrones*)<sup>717</sup> is produced in converted industrial space in Belfast which is ruled out as a relevant alternative in PSL's assessment.<sup>718</sup>

459. The assessment of the alternatives is therefore a rigid and inflexible one, and does not take into account that demands may change over time. It assumes, contrary to the evidence of both Leavesden and Longcross, that studios with international reputations are incapable of being developed other than at Pinewood Studios.<sup>719</sup> Were that correct, a grant of permission for Project Pinewood would have created inevitable problems. It would also mean that the Chairman of the British Film Commission's recommendation to the BFC advisory board that it should attract 50% growth in inward investment films by 2017 is unrealisable.<sup>720</sup> The appeal development would not be able to accommodate that, even if it could be built by then. It must follow that the BFC see real potential in alternatives elsewhere.

### **Very Special Circumstances**

460. PSL's very special circumstance case is a cumulative one. What is less clear is the extent to which each of the claimed very special circumstances in fact contributes to the cumulative case relied upon.

461. The written evidence of PSL's planning witness states:

*"The VSC case embraces each of the four elements of VSC1-4 described above. Together they provide the underlying justification for the PSDF scheme to be weighed against the Green Belt policy constraint."*<sup>721</sup>

His oral evidence effectively resiled from this position and sought to argue that VSC3 and VSC4 are not required in order to clearly outweigh the identified harms which the proposal would give rise to.<sup>722</sup> That was a surprising contention given the clear inter-relationship between each of the VSCs relied upon, and it demonstrates some nervousness about these latter two VSCs.

462. The Council's starting position is that, even if the Secretary of State attached full weight to the VSC case argued by PSL, it does not clearly outweigh the harms. The Council's planning witness, who was the case officer for the appeal planning application, was of the view that the proposal should be recommended for refusal on that basis. Other officers concluded that the balance was finer and allowed Members to decide where the balance lay, and the application was

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<sup>716</sup> PSL7/1 section 2; CD58 p42 Box 5.1; SBDC2/1 para 4.9

<sup>717</sup> CD06 p44 figure 59 - \$6M dollars an episode

<sup>718</sup> PSL1/4 Appendix 2 (Titanic Studios, Belfast)

<sup>719</sup> SBDC2/1 p59

<sup>720</sup> PSL1/4 Appendix 8 BFC letter dated 31 October 2013

<sup>721</sup> PSL1/1 para 8.152

<sup>722</sup> Cross-examination of Mr Lucas

reported in that manner.<sup>723</sup> There is no scope for marginality in applying the Green Belt test, since the outcome of the balance must be clearly in favour of the grant of planning permission if very special circumstances are to be accepted.

463. The absence of robustness of the film industry case, the inherent risks in the project, and the components which lack any adequate justification, all simply serve to reinforce the Council's position.
464. This is not to deny that, were it to happen, the appeal development would deliver the benefits shown by the Amion analysis.<sup>724</sup> In those circumstances, the UK film industry and the economy generally would benefit significantly (including through enhanced skills training). However, the key caveat is "*were it to happen*". For the reasons set out above, the demand projections may well prove to be too optimistic in relation to film production, and the sectors where growth may be more significant, for example high-end television, may choose to use the many alternatives available to them. The issue is whether or not the Green Belt in this case is of insufficient importance to justify the gamble inherent in the proposal.
465. In terms of VSC4, demonstration of this assumes that VSC1 and VSC2 are made out. That in turn is dependent on acceptance of the 'indivisibility' case. For the reasons given above, the PSL case is simply too inflexible and therefore overstated. It is also important to note that PSL has withdrawn from the claim made in its written evidence that, in the absence of consent for the appeal scheme, it would "*cap*" its investment at Pinewood Studios.<sup>725</sup> That was an inherently implausible claim given the opportunities available for development in the West Area of the site which, on the evidence, would provide for floorspace of the same quality as that which could be provided on the East Area.<sup>726</sup> PSL's Property Director confirmed that, were permission not to be granted, PSL would not wilfully refuse to invest at Pinewood Studios.<sup>727</sup> There is scope for a 23% increase in the floorspace at the Studios without any need to build in the East Area.<sup>728</sup>
466. That would not on any assessment be incremental growth. There might be some short term commercial difficulties to be endured whilst construction takes place on the western area, in view of the high levels of occupancy. However, the building of the South Dock (Q) and Richard Attenborough Stages has shown that substantial development can take place at the Studios without affecting its global reputation for quality, and with the result that its offer is materially enhanced in the long term.<sup>729</sup> These are the typical balancing decisions that any business seeking to expand its existing premises has to make.

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<sup>723</sup> SBDC1/1 para 1.3; evidence in chief of Mr Kyle; CD21

<sup>724</sup> CD05

<sup>725</sup> PSL7/1 para 5.21

<sup>726</sup> Cross-examination of Mr Height

<sup>727</sup> Evidence in chief of Mr Wight

<sup>728</sup> CD16 P-P-004 Issue 0h [Based on appeal scheme proposing 26,532sqm in the west area excluding the proposed multi-storey car park; the net gain would be 20,338sqm and the existing total floorspace is 111,743sqm]

<sup>729</sup> PSL7/1 para 1.5

467. Whilst it is no part of the Council's case that all of the floorspace of the appeal proposal could be provided on the West Area, there is clearly scope for a sizeable increment of stage space, which is identified as being the most pressing capacity issue at present.<sup>730</sup> That was also the view of Gina Fegan, who even in the context of the optimistic growth assumptions concluded that:

*"If [PSL] upgrade the existing facilities and utilise existing planning under the 'Master Plan', they might well be able to handle capacity for the next 5-10 years ...".*<sup>731</sup>

She went on to say:

*"...but [PSL] have indicated that they would lose the commercial desire to invest at all".*

However, that qualification can be discounted in the light of the PSL Property Director's acceptance that this is not the case.<sup>732</sup>

468. Judged as a whole, even if substantial weight is accorded to the VSC case, it does not clearly outweigh the harms. With the caveats and cautions raised by the evidence, the balance weighs even more heavily in favour of refusal.

### **Overall Balance**

469. For all these reasons the harm by reason of inappropriateness and the other harms identified are not clearly outweighed by the material considerations relied upon by PSL, whether individually or cumulatively, and dismissal of the appeal is invited.

## **THE CASE FOR STOP PROJECT PINWOOD**

### **Introduction**

470. The damage that the proposal would cause to the Green Belt, and therefore to the national and public interest, as well as damage to the quality of peoples' lives and their environment and the interests of future generations, significantly outweighs any limited and speculative benefits contended by PSL.

471. Stop Project Pinewood (SPP) fully supports the case put forward by the Council in the appeal, and adopts its evidence and submissions to the inquiry.

472. It is accepted that if PSL's case for very special circumstances is established, then objections based on damage to the Colne Valley Park and adverse impacts on transport and traffic fall away. However, the advice in paragraph 6 of the NPPF, that paragraphs 18-219 should be taken as a whole when considering what is meant by sustainable development, is noted.

473. By way of illustration regarding transport, the NPPF advises at paragraph 32 that *"Development should only be prevented or refused on transport grounds where the residual cumulative impacts are severe"*. It is not SPP's case that the appeal should be dismissed solely on transport grounds. However, the impacts

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<sup>730</sup> SBDC1/1 para 7.45; SBDC1/2 para 4.5; CD91

<sup>731</sup> CD27 p26

<sup>732</sup> Evidence in chief of Mr Wight

of the generation of significant amounts of movement by the development, as accepted by PSL by way of preparation of the Transport Assessment and a Travel Plan, should be considered as part of the overall planning balance. Consequently these effects need to be considered against the overall aims and objectives of the NPPF in promoting sustainable development.

474. When set against that background, sustainable development is the criterion against which the appeal should be determined. The relevant questions are whether the scheme constitutes sustainable development, and whether the site is a sustainable location for the uses proposed when assessed against the policies set out in the NPPF as a whole.
475. As accepted by all parties, the proposal represents 'inappropriate development' in the Green Belt, which is, by definition, harmful to the Green Belt, constituting unsustainable development, and such development may only be permitted in 'very special circumstances'.

### **Transport and Highways Issues**

476. Transport issues are a particular concern of SPP, particularly in respect of the likely impacts of the proposal on the local network and the compliance of the scheme with transport planning policy as set out in the NPPF and the relatively recently adopted Core Strategy.
477. Despite the withdrawal of objections to the development by Buckinghamshire County Council as the local highway authority (other than on the routing of HGV construction traffic)<sup>733</sup>, the actual evidence on transport related matters must be judged against national planning policy as set out in the NPPF and articulated at a local level in the recently adopted Core Strategy<sup>734</sup>. The key objectives of national policy include the promotion of more sustainable transport choices; the promotion of accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling; and reduction in the need to travel, especially by car.
478. Modal shares of travel patterns may be taken as a good indicator of the inherent sustainability of an employment site. The existing situation at Pinewood Studios, and one that appears to have prevailed for some time, is less than encouraging.
479. The most up-to-date data is taken from staff surveys in January 2013.<sup>735</sup> There were 353 responses to the survey, the vast majority of which were from PSL staff or tenants.<sup>736</sup> Notwithstanding the inadequacies of the surveys, the results are hardly impressive in terms of sustainable transport. 87% of the respondents travel to work by car (82% single occupancy, 5% car share). Of sustainable modes, only 8% travel by a combination of rail/underground/bus/shuttle bus, 2% cycle and 1% walk.
480. This is despite various iterations of a travel plan having been in place for a period of at least 8 years, the encouragement that PSL has already provided to

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<sup>733</sup> CD64 [see below under 'Conditions']

<sup>734</sup> CD29 Core Policy 7

<sup>735</sup> PSL3/1 p40 Table 7.3

<sup>736</sup> Cross-examination of Mr Bird

employees working at the site, and the existing provision of various modes of sustainable transport, including shuttle buses from Slough and Uxbridge Stations.<sup>737</sup>

481. The fundamental problem is that the site is simply not well located for sustainable transport, and fails to meet the requirement in paragraph 34 of the NPPF that "*Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised*". Whether or not the advice to take account of other policies particularly in rural areas qualifies this requirement, such qualification should not apply to what is a non-rural employment land use in an area with an essentially urban density of public transport, most of which is not used by the existing workforce.
482. The NPPF core principle in paragraph 17 (penultimate bullet) sets a slightly different test, which is to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable. In practice, not a great deal can be done to increase walking and cycling if there are low numbers of employees within walking and cycling distance, as is clearly the case here.<sup>738</sup> Whilst public transport can be made more accessible either by better local provision or shuttles to public transport nodes, this will never be as good as locating near a node in the first place.
483. PSL's case is that, even if the site is not sustainable in transport terms at present, it can be made so with the implementation of the sustainable transport strategy. The following measures are put forward.<sup>739</sup>

### ***Pedestrian strategy***

484. A footway along Pinewood Road and signalised pedestrian crossings at Five Points Roundabout are proposed.<sup>740</sup> These would have little or no effect in encouraging walking to the site, leaving aside the question of where employees are supposedly walking from in order to go to work. The walk is relatively long, and would remain unpleasant along a busy road with a 50mph speed limit in places. Crossing even one leg of Five Points Roundabout could add significantly to journey times and involve being marooned on splitter islands.
485. The 2km isochrones are measured from the proposed site entrance on Pinewood Road, such that actual distances to the place of work would be longer and in some cases considerably so.<sup>741</sup> In reality a lunchtime walk from one of the offices on the site to local facilities could take around 50 minutes.<sup>742</sup> Despite the presence of on-site facilities<sup>743</sup>, there is no evidence on how well used these facilities are, or of how many workers leave the site during working hours and by what modes of transport.

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<sup>737</sup> PSL3/1; cross-examination of Mr Bird

<sup>738</sup> PSL3/2 Figure 10

<sup>739</sup> PSL3/1 Section 6

<sup>740</sup> PSL3/1 paras 6.7-6.10

<sup>741</sup> PSL3/1 para 6.10

<sup>742</sup> Cross-examination of Mr Bird

<sup>743</sup> PSL3/1 para 10.8

## **Cycling strategy**

486. PSL's reference to Department for Transport advice on cycle trip distances is both optimistic and disingenuous.<sup>744</sup> Whilst the list of potential enhancements to the cycle network appears impressive, only 80 cycle parking spaces would be provided for the total development.<sup>745</sup> There is little or no prospect of the extent of improvements indicated being carried out, or funded by PSL, to encourage only a handful of cyclists spread across several possible routes. The cycleway/footway along Pinewood Road would be more likely to be used by cyclists than pedestrians, but they would still need to deal with Five Points Roundabout and a poor cycling environment south of the Roundabout before even getting to Pinewood Road. The Pinewood Road shared cycleway/footway is the only committed off-site element of the cycle strategy, and in practical terms would be a cycleway to nowhere.

## **Shuttle bus**

487. It is estimated that the shuttle bus currently removes 70,000 car trips per annum.<sup>746</sup> At 35,000 return trips, which equates to around 150 per day, this is barely noticeable in terms of traffic volumes on the local road network. Furthermore, a figure of 50,000 trips in 2012 is given<sup>747</sup>, translating to about 135 people per day.<sup>748</sup>

488. The actual usage figures are therefore unclear, but whichever are taken as accurate, the modal share of only 8% using a combination of rail/underground/bus and shuttle bus is not impressive. Although enhancement of the shuttle bus provision is envisaged, details are not provided, making any assessment of likely impacts difficult to undertake.

489. In response to a point made that many employees do not use the shuttle buses because at peak hours they are full, only being able to take 13 passengers at a time, PSL's transport witness suggested that this was something PSL could address.<sup>749</sup> However, there is a cap on shuttle bus spend of £400,000 per year set out in the section 106 agreement, which has to include the provision of a new shuttle bus service between Gerrards Cross and Pinewood Studios, and existing services already cost £190,000 per year which would need to double under the proposal.<sup>750</sup> Purchasing larger buses would therefore appear to be out of the question. This is a striking example of PSL making up sustainable transport strategy as they go along.

## **Travel Plan**

490. A Travel Plan was produced at the inquiry.<sup>751</sup> However, the final details of this, as with so much else of the appeal proposal, remain subject to further revisions and will "*evolve over time*".<sup>752</sup>

<sup>744</sup> CD12 para 5.11

<sup>745</sup> PSL3/1 paras 5.8; 6.11-6.21

<sup>746</sup> CD12 para 2.42

<sup>747</sup> PSL3/1 para 6.24

<sup>748</sup> CD97 Schedule 7; cross-examination of Mr Bird

<sup>749</sup> Question by Mr Rossetti to Mr Bird

<sup>750</sup> Cross-examination of Mr Bird

<sup>751</sup> CD92 Appendix A

491. For example, it states that revisions will be prepared when more information is available on the home location of workers.<sup>753</sup> The Transport Assessment distributed newly generated traffic according to the place of residence of existing workers<sup>754</sup>, and therefore it is not clear why this information cannot be used for the Travel Plan.
492. The nearest to a specific, measureable target in the Travel Plan is that a 20% reduction in car use by workers of the development by 2033 would be reasonable but challenging.<sup>755</sup> However, the target applies only to new workers, on the basis that it would be easier to influence their travel behaviour from the outset. Whilst this is true, 20% over 20 years is a feeble target, and such a target for existing workers over 5 years would be challenging but reasonable for a travel plan that aims to be effective.
493. Since it is expected that staff numbers would approximately double with the proposal<sup>756</sup>, a 20% reduction for new workers would be a 10% reduction in overall employee car use over 20 years. This amounts to a 0.5% shift per year<sup>757</sup>, a target which lacks ambition.
494. There is no indication of from where the reduction in car use would come. The modal share of walking (1% currently<sup>758</sup>) is incapable of increasing; cycling (2% currently<sup>759</sup>) could more than double and still only have a modal share of 5%<sup>760</sup>; car share is already high and would be unlikely to increase significantly (and is still, in any event, car use).
495. Consequently, public transport would have to account for most of the 20% modal shift away from car use. However, there are no specific public transport measures, and no reasoned explanation of how any measure under consideration might achieve the necessary modal shift. Notwithstanding future improvements that may occur as a result of Crossrail, the electrification of the GWR or a new rail link from Slough to Heathrow<sup>761</sup>, any workers or visitors would still need to get from the stations to the site. Under the scheme, shuttle buses are the only means by which this would be possible.
496. It is wholly unacceptable, specifically under the terms of the NPPF core principle set out at paragraph 17 to "*focus significant development in locations which are or can be made sustainable*", to present a planning application that is so lacking in detail on how it is proposed to make this unsustainable location sustainable, and which ultimately does not even present a target modal split across all modes that might demonstrate how a 'sustainable transport' scenario could be achieved.

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<sup>752</sup> CD92 Appendix A para 1.5

<sup>753</sup> CD92 Appendix A para 1.5

<sup>754</sup> CD12 para 7.15

<sup>755</sup> CD92 Appendix A para 5.11

<sup>756</sup> CD12 para 6.5

<sup>757</sup> Cross-examination of Mr Bird

<sup>758</sup> PSL3/1 p40 Table 7.3

<sup>759</sup> PSL3/1 p40 Table 7.3

<sup>760</sup> CD10c p27 para 4.28 (provision of 80 cycle parking spaces, for up to 5% of staff)

<sup>761</sup> PSL3/1 paras 6.28-6.41

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### **Traffic generation and parking**

497. There are, in addition, problems with the traffic generation forecasts. Notably, there is a lack of differentiation between different types of floorspace in generating employment and therefore trips, and a discrepancy between the forecast employment increase (approximately doubled) and the increase in parking spaces (a 38% increase).<sup>762</sup>
498. In the context of parking provision, PSL's Property Director advised that live television show audiences attract between 1,200 and 1,500 visitors each time.<sup>763</sup> PSL's transport witness confirmed that these trips had not been factored in to his traffic generation forecasts.<sup>764</sup> He claimed that, with these, 2 to 3 people share cars and that "a lot" of people travel by taxi from stations.<sup>765</sup> However, there would still appear to be potential for overspill parking in residential areas and on Pinewood Road at periods when live television shows take place at the same time as film production.
499. Claims are made for robustness in PSL's analysis on the basis that the modelling assumes no modal shift.<sup>766</sup> Since there is no evidence to underpin the modal shift nevertheless expected, such robustness has a dubious foundation.
500. A signalised roundabout as proposed at Five Points Roundabout has a higher capacity and would handle traffic more efficiently. However, this in itself would alter the baseline traffic levels at the roundabout, before considering newly generated traffic. There would be reassignment of traffic which at the moment takes other routes to avoid periods of congestion at the roundabout, and a likely release of suppressed demand (trips that are not taking place because of current congestion). The assessment of performance of the roundabout should model any changes in flow arising solely as a result of signalling the roundabout, and then add traffic generation due to the proposed development. It appears that the modelling simply adds generated traffic and future growth to current baseline flows in Assessments 2 and 3 respectively.<sup>767</sup> This will almost certainly be inaccurate and underestimate the degree of congestion at the roundabout. It is revealing that PSL's transport witness was ambiguous about whether the release of suppressed demand had been factored into the traffic modelling.<sup>768</sup>
501. In Assessment 2, several junctions along Denham/Church Road, notably Bangors Road North and Thornbridge Road, are shown to be already near or above capacity, and worsen with additional traffic generated by the development.<sup>769</sup> The TA attempts to underplay these problems by claiming that the junctions are only close to capacity, queues will only exist over a period of around half an hour a day, and that the modelling is robust<sup>770</sup>.

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<sup>762</sup> PSL3/1 para 5.13; CD12 Chapter 6

<sup>763</sup> Cross-examination of Mr Wight

<sup>764</sup> Cross-examination of Mr Bird

<sup>765</sup> Responses to Inspector's questions

<sup>766</sup> CD12 Chapter 7; PSL3/1

<sup>767</sup> CD12 para 8.6

<sup>768</sup> Cross-examination of Mr Bird

<sup>769</sup> CD12 Tables 7.13-7.16

<sup>770</sup> CD12 Chapter 7

502. These arguments do not stand up to scrutiny. The measure of congestion used is the Ratio of Flow to Capacity (RFC). Whilst a RFC of 1.0 is theoretical saturation point, for practical purposes a RFC of 0.85 is taken as the level at which a junction is under stress (principally because it is at this level that the junction will on occasion, within the range of daily variation, fail to handle the volume of traffic).<sup>771</sup> On this basis, the Bangors Road North and Thornbridge Road junctions are already on the brink of stress at peak hours, as confirmed by local evidence.<sup>772</sup> They would become significantly worse under Assessment 2 with development traffic only, which excludes any background traffic growth. With any further extraneous traffic growth the situation would become still worse.
503. Assessment 3 models the network with an allowance for background traffic growth (TEMPRO) factored in.<sup>773</sup> However, it seeks to portray this as an overestimate, with the appeal development traffic only a marginal incremental addition to what are modest increases in RFCs.<sup>774</sup> This is not realistic. Traffic conditions are already bad, especially on the A412 Denham/Church Road, as evidenced by junctions being near or above RFC 0.85 in the baseline year and confirmed by local residents. Conditions are likely to worsen due to some additional traffic growth even without the Pinewood development, whether or not the TEMPRO forecast is reliable. The appeal development and its generated traffic will add to this worsening of local congestion. This is shown by Assessment 2, in which existing RFCs around 0.85 at junctions along Denham/Church Road move to regularly above 0.85 even without background traffic growth.
504. Assessment 1 makes the obvious point that the appeal development would generate less traffic than the Project Pinewood proposal with its 1,400 houses and other elements.<sup>775</sup> PSL argues that, since the traffic impacts of the previous proposal were accepted by the County Council, there is no reason why the lesser impacts now forecast are not also acceptable. However, the current scheme should be decided on the merits of the evidence presented, and not on the past history of a different proposal.
505. The Transport Assessment (TA) claims that rat-running through Pinewood Green would diminish even with the additional appeal scheme traffic, because the improvements to Five Points Roundabout would remove the incentive to avoid it.<sup>776</sup> That is a dubious assertion, since the route via the roundabout would remain considerably longer and the extent of congestion relief at the roundabout is questionable (as set out above). The inbound journey to Pinewood Studios also involves going right round the roundabout to the final exit, which with a signalised roundabout usually involves stops at lights.
506. The TA is also contradicted by the Environmental Statement, which assesses the traffic impacts on other road users.<sup>777</sup> It shows Pinewood Green as

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<sup>771</sup> Cross-examination of Mr Bird

<sup>772</sup> Evidence in chief of Ms Lowe and Dr Matthews

<sup>773</sup> PSL3/1 para 9.18; CD12 paras 7.12, 7.120

<sup>774</sup> CD12 paras 7.118-7.121

<sup>775</sup> PSL3/1 paras 9.21-9.24

<sup>776</sup> CD12 paras 7.122-7.131 9.21

<sup>777</sup> CD09 Chapter 15

experiencing over 30% increase in traffic with the proposal by comparison with the 2033 baseline without the development.<sup>778</sup> The increase is greater still compared with the 2012 baseline, at around 47%.

507. The matter of whether the assumption that there will be no significant background traffic growth over the next 20 years is tenable is ultimately a question of judgement. Extrapolating from the last 4 years of traffic monitoring on Denham Road for 20 years into the future over the entire network is not a sound basis for assuming no future growth.<sup>779</sup> PSL's transport witness clarified that his interpretation of "*no committed development*" refers to developments with the benefit of planning permission.<sup>780</sup> This does not warrant assuming that developments which generate significant traffic movements will not come forward in the future.
508. A Transport Evaluation of the Core Strategy was undertaken to examine the impact of the Spatial Strategy on the road network. This concluded that the development proposed in the Core Strategy would exacerbate some existing traffic problems in the Iver area, among others, which would need appropriate mitigation.<sup>781</sup> The Core Strategy also acknowledges "*growth in background traffic levels*"<sup>782</sup>, which is wholly contrary to PSL's assumptions.
509. The suggestion that, if there is future traffic growth, there would be gridlock without the improvement measures arising from the appeal development is also unrealistic. Any future proposals that would result in significant traffic growth would require the approval of the highway authority, which would be responsible for ensuring that they are compliant with the transport objectives of the NPPF.
510. The appropriateness of the use of the IEMA guidelines in assessing the transport impacts of the development is questionable.<sup>783</sup> The guidance is 20 years old, and has been superseded by a series of other guidance, not least the NPPF itself. At the time the guidance was introduced, sustainable development was barely mentioned.<sup>784</sup> Whilst the methodology of using matrices of sensitivity of receptors against magnitude of change is conventional, the thresholds are arbitrary and open to challenge. Impacts are deemed negligible if there is an increase in overall traffic or HGV volumes of less than 30%, and then rise in steps of minor/ moderate/ substantial impact for increases of 30+/ 60+/ 90+ %.
511. Pinewood Green is assessed as being of substantial sensitivity and experiences an overall 36% increase in traffic<sup>785</sup>, which is classed as 'minor': minor change on an area of substantial sensitivity is classed as a moderate adverse impact, which is deemed significant. However, after mitigation (additional traffic calming measures) the increase in traffic falls below 30% and so is classed as negligible,

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<sup>778</sup> CD09 Tables 15.25 & 15.27

<sup>779</sup> PSL3/3; evidence in chief of Mr Bird

<sup>780</sup> Cross-examination of Mr Bird

<sup>781</sup> CD29 para 3.2.53

<sup>782</sup> CD29 para 3.2.53

<sup>783</sup> CD09 para 1730

<sup>784</sup> Re-examination of Mr Bird

<sup>785</sup> CD09 Table 15.22

and a negligible effect on an area of substantial sensitivity is classed as a minor adverse impact, which is deemed not significant.<sup>786</sup>

512. PSL's transport witness agreed that this is a mechanistic assessment.<sup>787</sup> The difference between a significant impact and an insignificant impact is the difference between 29% traffic growth and 30% traffic growth. It is not reasonable to regard growth of less than 30% as negligible. The extent of the effects of traffic growth depends on several factors relating to the nature of the road and traffic speeds, whereas the sensitivity applied is based largely on user classes (for example, the elderly and children are more sensitive) and land uses (for example, schools and hospitals are high sensitivity). In addition, it is clear that previous traffic calming measures in Pinewood Green have proven to be ineffective<sup>788</sup>, and it is highly questionable that any further measures put in place would have the desired effect.
513. Core Policy 7 of the Core Strategy is a reflection of the overall spatial strategy for the District.<sup>789</sup> This seeks to protect the Green Belt, and focus new development on previously developed land within existing settlements, in particular Beaconsfield, Gerrards Cross, and (to a lesser extent) Burnham. The explanatory text acknowledges that the implications for South Bucks of the proposals for the Heathrow Hub, a new rail station in the Iver area and HS2 are still uncertain.<sup>790</sup>
514. The Core Strategy also acknowledges adverse environmental and amenity impacts arising from HGV movements in Iver Village, and as a result development and redevelopment is to be focussed in the South of Iver Opportunity Area.<sup>791</sup>
515. Taking all this into account, Core Policy 7 requires new development that generates substantial transport movements (such as the appeal proposal) to be focussed in locations that are accessible by public transport, walking and cycling.<sup>792</sup>
516. In summary on transport grounds, the proposal fails to comply with the key objectives of sustainable development as set out in the NPPF, and is also in conflict with Core Policy 7 of the adopted Core Strategy.

### **Green Belt and Merits of Case for Expansion**

517. The current policy position in respect of Green Belt is unequivocal.
518. Despite the Government's Growth Agenda, no national planning policy has actually been revoked, and at the time of the adoption of the Core Strategy there had been no amendment of those national policies. Furthermore, there is nothing to indicate a lessening of support for the plan-led process to

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<sup>786</sup> CD09 para 1861 Table 15.31

<sup>787</sup> Cross-examination of Mr Bird

<sup>788</sup> Evidence in chief of Ms Lowe

<sup>789</sup> CD29 para 3.2.55

<sup>790</sup> CD29 para 3.2.57

<sup>791</sup> CD29 para 3.2.59

<sup>792</sup> CD29 p37

development or for Green Belt protection, including the need to show that very special circumstances exist in order to justify inappropriate development.

519. As recently as July this year the Secretary of State stated that: "*You can plan for growth, but not at any price*", and that sometimes "*politicians in particular forget*" the reasons to protect the Green Belt.<sup>793</sup> Irrespective of Government policy in respect of specific sectors of the UK economy, such as that set out by the Secretary of State for Business, Innovation and Skills<sup>794</sup>, the Secretary of State's speech was "*about planning measures helping to achieve economic growth*", and should be regarded as such.
520. Around 70% of UK film production arises from imports, most of which come from the USA.<sup>795</sup> A big question is how secure that business is.
521. PSL's case assumes that historic trends will continue within the parameters of normal market fluctuations. However, the structure of the global film market is changing. USA production imports are not secure, with the existing business model under threat, or even 'broken' according to industry leaders.<sup>796</sup>
522. Given current market volatility, PricewaterhouseCoopers' (PwC's) projections<sup>797</sup> based on government and other source documents are by their nature, historic, and fail to take account of current realities. Gina Fegan's report describes PwC's forecasts for PSL as "*optimistic*", yet concludes that downside risks might be offset by even more optimistic outcomes.<sup>798</sup> That is not creditable and her report should be dismissed.
523. Film has always been and remains a high risk business, operating against a volatile global backdrop. Emerging market competitors, with China in particular but also other low cost territories, show the extent to which the global market is changing shape and becoming even less stable. With the addition of changing viewing habits and higher than normal failure rates, it can be seen why the stable model of USA dominance is crumbling. The UK is very much in the slipstream, and as only a studio operator PSL is even more exposed to inevitable downside events.
524. None of the conclusions of SPP's film industry witness were challenged in cross-examination.<sup>799</sup> The conclusions were reached independently but are very similar to those of the Council's film industry witness.

### **Global screen market**

525. PSL's growth assumptions state:

*"Within this overall global growth, revenues from screen-based media revenue are forecast to increase in all regions, with the large emerging BRIC markets –*

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<sup>793</sup> CD72

<sup>794</sup> CD49

<sup>795</sup> PSL7/1 para 2.7

<sup>796</sup> SPP8 para 5.3

<sup>797</sup> CD06 Appendix A

<sup>798</sup> CD27 p7

<sup>799</sup> Cross-examination of Mr Gears

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*Brazil, Russia, India and China – all projected to see compound annual growth in excess of 10% between 2011 and 2016.*<sup>800</sup>

IMF evidence is that Emerging Market growth is slowing to a more sustainable level, and this is a very questionable assumption.<sup>801</sup>

526. The film business is of an unpredictable nature, and there is anxious investor concern at poor returns and losses.<sup>802</sup> There is no reference in PSL's forecasts to India, which is the world's largest film producer, despite that country's ambitions to increase its firmly established global market share which includes the UK.<sup>803</sup>

527. China, which is about to dislodge the USA's second slot, is also omitted. It has ambitions to become a leading global player, with major investment and plans that include productions for non-Chinese audiences. The USA's largest distribution chain has been acquired and a bid for one of Hollywood's big studios would not be surprising.<sup>804</sup>

528. Optimism at the news of a bi-lateral agreement on British and Chinese films<sup>805</sup> will be tempered by realisation that the UK will need to produce more of its production in China. It must be questioned how many Chinese films will be made in the UK when so much new capacity is planned in China, and PSL is assisting in that process. Joint Ventures clear the hurdle of Government quotas on imports, but the agreement is for a two-way exchange that does not necessarily mean more production in UK studios.

529. Emerging markets with their size and lower production costs have increasing power to shape market trends and compete for Western productions.<sup>806</sup> A parallel can be drawn with the impact of Japanese cars in the USA on its once dominant car industry, and the film industry is not immune to a similar process. Conversely, there is no evidence of a surge of Western imports into emerging markets, with the evidence pointing towards consumer preference for indigenous productions.<sup>807</sup>

530. PSL's increasing number of franchise arrangements tacitly acknowledges this reality. Joint ventures raise the spectre of reversing the one-way direction of Western productions, thus threatening these.<sup>808</sup>

### ***Production drivers and trends***

531. Statements by leading industry figures reflect that all is not well with the film industry. This is confirmed by the increasingly global tax break battle between states and countries, which is typical of stagnant or declining markets chasing limited or shrinking demand.<sup>809</sup>

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<sup>800</sup> CD06 p14

<sup>801</sup> SPP8 p5 para 1.3

<sup>802</sup> SPP8 paras 2.1-2.2

<sup>803</sup> SPP8 paras 2.3-2.9

<sup>804</sup> SPP8 paras 2.10-2.12

<sup>805</sup> PSL7/8

<sup>806</sup> SPP8 para 3.10

<sup>807</sup> SPP8 paras 2.13-2.14

<sup>808</sup> SPP8 para 2.14

<sup>809</sup> SPP8 paras 3.1, 3.8

532. Tax incentives have been a big success but are effectively currency subsidies. With others joining in, their effectiveness is destined to decline in value. This risk is confirmed in PSL's annual accounts and as well as by Government and other 'independent' data.<sup>810</sup> The furthering of the scope of allowances in the Autumn Statement has no doubt been influenced by the recent rise in sterling.<sup>811</sup> There are limits to the extent that this device can be employed to maximum effect.

533. The speculative risk inherent in all film productions ensures a direct correlation between cost and risk in location choice.<sup>812</sup> This is underlined by examples of UK producers selecting low cost overseas locations.<sup>813</sup>

### ***The impact of shifts in viewing trends***

534. Important changes are taking place in consumer tastes and viewing habits, for example: current formats losing their appeal; doubts about how long the vogue for animation and fantasy productions will last; and concerns that technology is 'overtaking the story'. Digital technology will speed the transfer of skills to emerging markets. The ease with which a film can now be made could in time lead to a loss of quality and with it the appeal of cinema-going. There is a general feeling that the existing USA model no longer works.<sup>814</sup>

### ***Pinewood forecasts***

535. The absence of normal risk assumptions in PwC's work is a serious concern. Known and possible risks outside PSL's control are not considered. It is normal business practice to apply upside and downside risk assumptions for each of three basic scenarios in any important development:

- Optimistic case (all best case assumptions are exceeded)
- Best/probable case (acceptable risk parameters)
- Worst case (failure of best case assumptions, with cost recovery a minimum benchmark).

Given the proposed 20 year time frame of the development, the absence of this discipline raises serious concerns about PSL's sales, employment and other forecasts.<sup>815</sup>

536. The assumed correlation between global CAGR and UK production does not have substance. There is no evidence to support that GDP growth of emerging markets has resulted in any increase in USA or UK production. The West is selling its existing productions into those markets but no countries are increasing their production capacity. For example, the USA has exported films to China since 1994 but there is no evidence of increases in USA production.<sup>816</sup>

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<sup>810</sup> CD80 p24

<sup>811</sup> CD95

<sup>812</sup> SPP8 para 3.2

<sup>813</sup> SPP8 para 3.5

<sup>814</sup> SPP8 paras 3.11-3.24

<sup>815</sup> Evidence in chief of Mr Gears

<sup>816</sup> SPP8 paras 4.12-4.20

537. PSL is a property company that lets out studios.<sup>817</sup> No evidence has been provided of producers being committed to take-up of studio time either in the medium or long term. There is no security beyond mainly one-off productions in the pipeline. PSL has a small number of large clients, namely the major Hollywood studios. They are primarily studio operators, and filling their own capacity is their first priority. Over-provision of studio space is a high risk strategy.<sup>818</sup>

538. The USA is the UK's and PSL's biggest single customer. According to PSL's annual report risk statement:

*"The Group's largest customers account for a high percentage of revenues. If 'big budget' filmmakers cease to choose the Group's facilities this would reduce revenues."*<sup>819</sup>

A small niche market is critical to Pinewood business, with PwC identifying that:

*"While Pinewood is used to produce a variety of media, feature filmmakers are the largest users of its facilities – especially makers of feature films with budgets of over US\$100 million".*<sup>820</sup>

However, the evidence is of slowing USA blockbuster productions and postponements.<sup>821</sup>

### ***The case for building new studios***

539. The assumption that adding new studios will automatically attract more production imports is not plausible.

540. In the unlikely event that that recent volumes of big budget films<sup>822</sup> are maintained, for six or seven productions to reach the UK in the foreseeable future would be a considerable achievement. The UK can easily cope with these numbers.

541. There are many both established and less obvious options for studio space around the UK such as redundant warehouses, and unexplored possibilities such as the Olympics site in East London. PSL hardly mentions Titanic Studios in Belfast, which is important in regional development terms and in the national interest. These lower cost options are entirely compatible with producers' desire to offset risk with lower costs.<sup>823</sup>

542. The industry thrives on innovation. Having a purpose-built studio is not essential for film production and the UK is well versed in adapting capacity to need.

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<sup>817</sup> SPP8 p5

<sup>818</sup> SPP8 paras 4.8-4.11

<sup>819</sup> CD80 p23

<sup>820</sup> CD06 p2

<sup>821</sup> SPP8 paras 4.10 and 11

<sup>822</sup> CD06 p3 figure 4

<sup>823</sup> SPP8 para 4.26; TP5/2

### ***Conclusions on the expansion case***

543. The threat from emerging market producers and other increases in world-wide capacity are dislodging the dominance of the USA, which is Pinewood Studios' prime customer. A new global order is emerging. All established UK producers, including Pinewood Studios, represent potential takeover targets, and in that event there is no guarantee that the proposed development would continue under present ownership.
544. PwC's forecasts are questionable. However, Amion and Turley Associates have employed them to construct optimistic extrapolations without the caution of downside risks, worst case scenarios, or cognizance of UK or international competitors. The prospect of fully utilising the new capacity in the scheme is remote, and completion of its entire construction would be unlikely. The proposal addresses PSL's problems and interests, and not the national interest.
545. The proposal does not stack up, and is nothing more than another imaginative attempt to build something, or anything, on Saul's Farm.

### **Very Special Circumstances**

546. PSL's case for very special circumstances is almost identical to that put forward at the Project Pinewood appeal. Firstly, that the proposed development would maintain Pinewood Studios at the forefront of the international film industry and give a sign that the UK is 'open for business'. Secondly, that if permission is refused the competitive tide would rise around the UK film industry, with the implication that in a relatively short space of time it would disappear beneath the waves. Thirdly, that it would bring exceptional benefits to the local, regional and national economy by way of the increased production and ancillary space at the site.
547. A preliminary question is what is so special about a proposal which entails the doubling of floorspace for an industry situated in the Green Belt, and why it is so necessary to locate it there.
548. PSL's answer is doubtless that it, and the UK film industry, is a very special case in itself. In this the edges between where PSL ends and the UK film industry begins have been somewhat blurred, to the point that sometimes no distinction at all is made between the two. PSL is thus presented as the UK film industry itself.
549. There is no doubt that Pinewood Studios is one of the world's leading and most successful studio facilities, which is of global significance and does not have a near competitor of this standing in the UK.<sup>824</sup> However, in the context of the UK it does not stand alone. Warner Brothers Studios at Leavesden, the Titanic Studios in Belfast and the embryonic film and television industry in Scotland can all be noted.
550. The recent Autumn Statement makes reference to the creative industries sector, but also to 11 industrial sectors for which sector strategies have been published.<sup>825</sup> Any of these industrial sectors could attempt to make out a similar

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<sup>824</sup> PSL1/1 para 8.73, 8.77

<sup>825</sup> CD95 para 1.189

very special circumstances case, such as for fracking, nuclear power generation, scientific research, manufacturing or retail, on the basis of Government policy statements supporting the particular sectors.

551. Issue is not taken with the arguments that Pinewood Studios is a success story, that it has made many award winning films, and that the UK Government is wholly supportive of the UK creative industries. However, it needs to be borne in mind that PSL is a private company, not a publicly owned industry, whose primary responsibility is to its shareholders and to maximise its profitability. In this context it is perfectly valid to ask whether assisting a private company to maintain its predominant position in its particular industrial sector by means of the destruction of Green Belt land constitutes a 'very special circumstance' in itself.
552. There is much evidence on the macro-economics of the British Film Industry as a sector of the UK economy<sup>826</sup>, but no disaggregated evidence of PSL's specific contribution to that sector. In particular, there is no cost-benefit analysis, risk analysis, indication as to what element of the global total would remain in the UK, or testing of the assumptions on which PwC's projection is based, other in the most general terms.<sup>827</sup>
553. In summary, there are no reliable objective economic data made available by PSL on which any great confidence can be placed. There is no basis upon which the viability and deliverability of the scheme can be assessed. This 'back of an envelope' approach may be acceptable within the film industry, but is no basis on which to grant planning permission for a major development within the Green Belt. By comparison, were the proposal a major transport scheme, established to be in the national interest, in the Green Belt, it would still have to be subject to a rigorous cost-benefit analysis over a 60 year period before being granted permission to proceed. The local experience of HS2 illustrates the point. In the absence of this type of evidence the first very special circumstance component cannot be established with any degree of confidence, and consequently should be rejected.
554. The need for the whole scheme is based on what PSL perceives as a need to double studio space at Pinewood Studios. Everything else flows from that purported need, comprising ancillary space, offices, and parking. All of the claimed benefits also arise from projections based on this need, in terms of the contribution to employment, revenues, the UK film industry and the local and national economy. All potential disbenefits, such as the increases in traffic and commuting, the need to mitigate these effects by means of improvements to infrastructure, and the need for constant monitoring and review, can similarly be traced back to the 'need' to double studio space.
555. However, evidence to firmly establish the need to double studio space at Pinewood Studios, at apparently any time over the next 15 years, remains lacking.
556. There is written evidence from Hollywood film studios, wide support from various other sectors of the industry in the UK, and generally expressed support

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<sup>826</sup> PSL5/1

<sup>827</sup> PSL7/2 Appendix V

from the Secretary of State for Business, Innovation and Skills and other members of Government.<sup>828</sup> Concrete, objective evidence to support and justify the doubling of studio space, rather than assertions, is not thought to be found. The foundations of the scheme based on this perceived need are not supported.

557. The 'need' appears to reflect a desire on the part of PSL to realise what it perceives as an underused asset in the Green Belt, and to realise its potential value to PSL as the landowner of the site. Having been frustrated in its previous attempts to maximise its returns from this land with the rejection of Project Pinewood, this proposal is designed, on the face of it, to be more acceptable than building 1,400 houses on the land in order to achieve the same end.
558. The scheme depends on a surprisingly conservative view of an industry which is characterised by a high degree of technological change. It assumes that in this fast changing world that many things will remain the same over the next 15 years. These include: the ratios of studio to ancillary space, the spatial requirements of the production of big-budget films and high-end television, employment levels, the need for parking spaces, background traffic in the area. Internationally, if change is assumed at all, this is that change in international markets will only be to the benefit of PSL (provided it is able to proceed with the proposal), but entirely in the opposite direction in the absence of the scheme.
559. Based on the evidence, the 'no-change' scenario is not very realistic. The effect of this on the various assessments of impacts and benefits arising from the scheme is not known, because it has not been considered by PSL.
560. Illustrative of this is the response of PSL's Property Director to a news report of staff layoffs at DreamWorks Animation.<sup>829</sup> He suggests that the real reason for the laying off of 16% of staff is merely "*conventional business restructuring due to technological advances rather than because of the failure of one particular production in their slate*".<sup>830</sup> If he is right, then it only serves to prove that technological advances can result in substantial changes to employment levels within the industry in a very short space of time. This directly contradicts one of the basic assumptions of the appeal proposal, which is that the structure of employment in the sector will not change significantly over the next 20 years. If he is wrong, then this proves the volatility of employment within the big budget sector of the industry, again over a very short term.
561. He also misunderstands the point about a report on the filming of *Dracula Year Zero* in Northern Ireland.<sup>831</sup> It is accepted that it is not PSL's case that films should not or cannot be made anywhere else in the UK. However, the point is that not only are major films being made elsewhere in the UK without being in a close spatial relationship with the London cluster (to which PSL attaches significant weight<sup>832</sup>), but also at a time when, as PSL's Property Director points out, in Northern Ireland the Titanic Studios are fully occupied with *Game of Thrones*.

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<sup>828</sup> PSL1/2, PSL1/4, PSL7/2, PSL7/4 Appendix II, PSL7/4b; CD62; INSP1; CD44-49

<sup>829</sup> SPP14

<sup>830</sup> PSL7/7 para 1.9

<sup>831</sup> SPP14; PSL7/7 paras 2.1-2.6

<sup>832</sup> PSL1/1 paras 8.79-8.82

562. In summarising the VSC case, PSL makes reference to: the world-leading reputation and performance of Pinewood Studios and its unrivalled presence in the UK; the priority given to this (the creative) business sector by Government; the extensive and powerful positive impacts in socio-economic terms; and the structural harm that would result from a refusal.<sup>833</sup>
563. In the Project Pinewood appeal, PSL highlighted the importance of the UK creative industries to the national economy, the importance of Pinewood Studios to the UK creative industries, the need for Pinewood Studios to innovate, the importance of Project Pinewood to the screen-based creative industries and the national economy, nationally significant economic benefits, and securing economic growth and employment.<sup>834</sup> The present claims parallel those arguments.
564. The economic case relied on by PSL in Project Pinewood, heavily dependent on the streetscape component, was found by the Inspector in terms of likely demand, costs and revenues to be "*...largely speculative and based almost entirely on the say-so of those currently working in the industry...*".<sup>835</sup> She further observed that "*Claims of growth and contributions to the national economy of the remaining wealth and job creating elements could apply to any development of the size proposed, and cannot be accorded a unique status or significance at national level.*"<sup>836</sup>
565. The Secretary of State also agreed with the Inspector in her analysis of the economic case of PSL, finding a lack of tangible data or evidence of demand, and according little weight to the claims of employment benefits of the scheme.<sup>837</sup>

## Conclusions

566. The same conclusions in respect of the current VSC case can reasonably be drawn. The economic case still lacks tangible data and reliable evidence of demand. The same contributions in terms of the national economy apply to any development of the size proposed, and cannot be accorded a unique status at a national level. The economic case remains largely speculative.
567. In the same way, the harm likely to be caused by the proposal can be predicted with a reasonable degree of certainty, whereas the benefits put forward by PSL are highly speculative, uncertain and unpredictable. It is known that the development would result in the irretrievable loss of over 40ha of Green Belt. The scheme conflicts with planning policies at a national and local level, and is therefore contrary to both national and public interests.
568. What is not known is whether the development would be viable, deliverable, financially secure or sustainable, or over what period of time. Also, how many jobs would actually be created, or when, and the actual impact on the local and national economy. Despite the modelling and mitigation, it is not known what the actual levels of traffic generated by the scheme would be, the effects on the

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<sup>833</sup> PSL1/1 para 8.155

<sup>834</sup> CD57 Inspector's Report paras 9.8.1-9.8.33

<sup>835</sup> CD57 Inspector's Report para 13.8.42

<sup>836</sup> CD57 Inspector's Report para 13.8.46

<sup>837</sup> CD57 Decision para 21

transport network, or the effects of the success or otherwise of the public transport improvements and Travel Plan.

569. It is suggested that, without the proposal, the competitive tide would rise around Pinewood and the UK.<sup>838</sup> Were it to do so, PSL is clearly best placed of all companies in the creative industries to survive, given its predominant position, and in a far better position than the smaller companies in the sector. With the Government's stated policy support for the creative industries, it is unlikely that it would stand by and let the industry sink.

570. For these reasons, and all those set out above, the appeal should be dismissed.

## **THE CASES FOR OTHER PARTIES WHO GAVE EVIDENCE AT THE INQUIRY**

### **Luisa Sullivan<sup>839</sup>**

571. Ms Sullivan is a South Bucks District Councillor for Iver Heath ward.

572. Many residents are proud and respectful of the heritage, history and prestige of Pinewood Studios. It has supported many community groups and events, which is sincerely recognised and appreciated.

573. However, residents are concerned that the current proposal would have a detrimental effect on the everyday lives of residents, the surrounding villages and amenities. There is concern about Pinewood's long term intentions in view of the case made for the inclusion of 1,400 residential units in the previous refused scheme and the very large, industrial size buildings now proposed.

574. No special circumstances can compensate for the damage and loss of this green belt area forever. There would be a precedent on national level.

575. The local road structure has trouble spots, and congestion would be exacerbated. Local roads are predominantly residential access routes and not capable of taking the traffic the development would generate, for example there is existing rat funning in Thornbridge Road. The application assessment does not truly reflect what is already a road network under pressure and operating to capacity.

576. There would be a wholly unacceptable timescale of disruption. Future change of use applications could be generated.

### **Ruth Vigor Hedderly<sup>840</sup>**

577. Ms Vigor Hedderly is a Buckinghamshire County Councillor for Iver ward and Deputy Cabinet Member for Transportation, a South Bucks District Councillor, a Parish Councillor, and a long-term resident.

578. Land adjoining the site is leased by Iver Parish Council from South Bucks District Council, with an undertaking to maintain it for residents to enjoy. It is widely used.

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<sup>838</sup> CD27 p27

<sup>839</sup> TP1

<sup>840</sup> TP2

579. Much of the area surrounding Iver is subject to blight from potential development. There are some major infrastructure proposals which are a real threat. Residents choose to live in the area for the rural, pleasant environment near to London.

580. A significant area of concern is the volume of traffic, which has increased significantly over the past decade. The proposal would generate additional volumes, including HGV traffic, which cannot be sustained by the local roads. Residents are directly affected by vibration, noise and air pollution. Data shows that Pinewood Green is used as a cut through to the strategic road network.

581. Construction and development traffic should be routed via Sevenhills Road. This should not wait for trigger points but be the subject of a strict condition.

582. The need for economic growth is understood, but the Green Belt should be defended and protected.

**Carol Gibson**<sup>841</sup>

583. Ms Gibson is a Parish Councillor and local resident.

584. Green Belt land is to prevent urban sprawl, and needs to be kept open and undeveloped. It is under constant threat from developers. Any development on Green Belt raises further expectations. The appellant has laid an unlawful roadway on the east site, demonstrating a cavalier attitude to the Green Belt.

585. The natural history of the UK is under real threat and building on Green Belt is no way to stop the decline. This previously disturbed site should be allowed to serve as a reservoir for wildlife. Mitigation is offered to achieve no net loss of biodiversity, but this may take 40 years to be demonstrated, and success cannot be guaranteed.

586. There are huge amounts of HGV traffic in the area, for which local roads are not suitable. Residents suffer noise, vibration and general disturbance. The 2006 Masterplan would have triggered contributions for improvements to the Five Points Roundabout, which may be a reason it has not been fully implemented.

587. It is extraordinary that the current proposal reflects a complete change in what is sought for the site after merely five years, yet it is predicted that the market for blockbusters is certain for 20 years.

588. The proposal should be refused permission.

**Paul Graham**<sup>842</sup>

589. Mr Graham is Chairman of Iver and District Countryside Association.

590. The Association has been involved in protecting Iver's countryside and rights of way since 1973. While the local film industry is supported, the proposal would be an unacceptable erosion of the Green Belt. The case has not been made for any overriding need for expansion, especially as the trend now is towards smaller

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<sup>841</sup> TP3

<sup>842</sup> TP4

sets and digital effects. The alleged need to expand is a flimsy cover for developing the land into an industrial park.

591. Traffic is a particular concern. The area is poorly served by public transport, and traffic has adverse effects in terms of congestion, road safety, air quality and noise. The additional traffic could not be accommodated.
592. The site is within the Colne Valley Park, and the loss of this area to development would adversely impact on amenity use by residents. This is the narrowest and most vulnerable point of the Park. The development would destroy the only countryside corridor between London and Iver Heath.
593. There would be an adverse impact on a wide range of local infrastructure and amenity. The proposal is contrary to policies on sustainable development. There is no mitigation possible that would relieve the appearance of the buildings or protect what Green Belt remains.

**John Rossetti**<sup>843</sup>

594. Mr Rossetti is a nearly retired UK film and television industry freelancer and a local resident.
595. The east site has only recently had any restrictions on access. Residents have not been kept informed on this.
596. The land to the south of the Studios (the Quarry site) would be more suitable for the proposal.
597. The scheme is to keep up with Warner Brothers Studios at Leavesden. It could also be related to potential proposals for alternative development at Shepperton Studios.
598. Pinewood is an important part of the UK film industry but not the centre, the industry is now so fragmented. Where a film is made depends on a number of factors, not just where the studios are. It is worth asking whether productions need studios at all, given the buildings that have been used for filming. Tax relief alone will not bring a film into the country. The story line and available suitable locations are key factors. Crews and technicians are also important, the UK has some of the best and they are in great demand.
599. Work on the Pinewood site involves varying numbers and long hours, and unless traffic figures are surveyed over a full industry work period a false picture could be given. Public transport cannot be used for many journeys. There are local traffic blockages already, and with the proposal there could be 1,900 additional people arriving and leaving on the local roads, not including any television audiences. Photographs show existing parking and congestion problems<sup>844</sup>. Access for HGVs along Pinewood Road is also a problem.
600. The film industry fluctuates, with previous difficult times that nearly caused Pinewood to come near to closing. There appears to be no alternative plan were the proposed space no longer to be needed for filming, with the equivalent of almost half an airport left.

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<sup>843</sup> TP5, TP5/1, TP5/2

<sup>844</sup> TP5/1

601. With building on both the new and existing sites, there would be long term disruption.

602. Loss of trees is a concern. This is a narrow part of the Green Belt, with extensive development threats. The east site currently allows for expansive views. Restricted permissive walks would not be an amenity.

603. There is space for more development on the existing site. The project is not as important as keeping existing fields as green and pleasant land.

**Paul Griffin**<sup>845</sup>

604. Mr Griffin is a local resident.

605. HGVs blight the local area. Local roads are not suited to these. The proposal would generate more trucks, which would cause more noise, congestion and road damage.

606. The ambition of Pinewood to become a world leading centre of excellence in the film industry is supported by most people in the area, but not any further impact on the community and infrastructure as a whole. Exacerbating traffic risks is not acceptable.

607. The proposed expansion is not needed. Popular opinion is that the stages would be proved redundant, with the land becoming housing.

608. Pinewood's credibility in delivering a sound, environmentally aware, socially capable and respectable expansion plan is at best dubious. The local impact would be vast and insufferable.

**Michael Nye**<sup>846</sup>

609. Mr Nye is a resident of Colnbrook, which is to the south of Richings Park and within the Colne Valley Park.

610. Exceptional circumstances to allow the development on Green Belt land have not been adequately demonstrated. Openness of Green Belt land is important. The proposed bunds and planting would not distract the eye from the proposed 18m high structures, which would be like industrial warehouses.

611. The importance of the Green Belt of the Colne Valley Park cannot be overstated. It is used by many people and a countryside place of escape for those living in densely populated towns and cities. Were the proposal successful it could trigger other developments.

612. If Project Pinewood had been developed, it is questioned where the current proposal would be located, and also what makes the predictability of a 15-20 year period certain when only 4 years ago the emphasis was so different.

613. If approved, there should be suitable compensatory reparations to the community affected and to compensate for the loss of Green Belt land.

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<sup>845</sup> TP6

<sup>846</sup> TP7

**Rt Hon Dominic Grieve QC MP<sup>847</sup>**

614. Dominic Grieve is the Member of Parliament for Beaconsfield and the appeal site is wholly within his constituency.

*Background*

615. The Beaconsfield constituency, situated on the edge of the London conurbation, is a place where there are frequent concerns over the environment and inappropriate development. Most of the area outside of settlements lies in the Green Belt. It has been the consistent policy of South Bucks District Council to protect the Green Belt from encroachment and this is reflected in the Core Strategy, a policy with overwhelming support from local residents.

616. The issue of the protection of the Green Belt and anxiety over the progressive deterioration of the environment is particularly marked in the South East of the constituency, including Iver Heath and Iver. This is because it has been under much more pressure, or threatened pressure, than elsewhere in the District. There are continuing anxieties about rail proposals, and also a strong, correct perception that the general environment in the Iver/Iver Heath area is deteriorating. This is seen in the progressive disappearance of good farmland maintenance and husbandry, as land is acquired by developers on a 'hope' value and then poorly looked after, and the continuing loss of land to mineral extraction. There is also a high volume of complaint and concern about traffic levels on all roads. This is a reflection not only of the high levels of domestic road users but also of the extensive use of the network of smaller roads by passing traffic to avoid traffic jams on the main roads and the M25. In addition Iver, in particular, has a concentration of industrial sites, which places heavy goods lorries onto an essentially rural road network for which they were not designed.

617. In consequence local residents feel beleaguered by changes that are seen as having an adverse impact on their quality of life. An area that has been regarded as a leafy and attractive place to live is felt in the widest sense to be under threat. This perception has increased in the last few years, and concerns about these issues are frequently raised.

618. Local residents appreciate the need for commercial activity. Pinewood Studios has extremely good relations with the local community, and these quite quickly revived after the previous appeal was turned down. There is great local pride from the presence of the Studios and interest in the films being made there. Pinewood Studios has supported local community and charitable projects and been accessible to residents and local schools. The Studios is, in many ways, a model of how a local business can make a positive contribution to a locality.

*The nature and strength of the objections*

619. With a total of 168 letters and emails received, this places the level of objection to the present scheme at close to that of the previous scheme that was submitted by Pinewood, and at the very highest end of all opposition to development in the constituency over 16 years. Many people will write to the local Council rather than to the MP on local planning matters. The level of

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<sup>847</sup> TP8

opposition is clearly very significant. Also received have been 58 positive letters of support, of which 22 originate within the constituency, but of these 10 are from persons employed on the existing Pinewood site.

620. Key areas of concern have repeatedly been expressed.
621. Firstly, the loss of Green Belt open landscape in the Colne Valley Park, in a location where the Green Belt is seen as under exceptional pressure from degradation and fragmentation and constitutes a relatively narrow corridor keeping open the rural landscape round London and between existing settlements. This is particularly the case because the scale of the development in relation to the site is so massive. The nature and scale of the eight large warehouses proposed, along with the ancillary and other buildings, are of a major industrial development.
622. Secondly, there is a continuing lack of trust in Pinewood Studios' arguments for the exceptional need for the development. The previous proposal to develop the site was presented on the basis that it was essential to Pinewood's commercial future as a film studio through the use of the permanent film sets that would be erected. The housing then proposed was seen as an ingenious ancillary use that was 'Green' because it maximised the use of land that would be needed for film industry development in any event. It was argued by Pinewood that the development of the site exclusively for use as film studios and sets could not be justified on financial cost and likely usage.
623. Local residents now consider that they are being told something different. In particular, the scale of the development intended exclusively for use as part of the film industry is seen as a turnaround from the previous position. Local residents have doubts about this analysis and its justification for the development. A frequent fear is that the site, if developed, would never be used entirely by the film industry, and that there would come a point when alternative uses for the site are sought. The presence of warehouse buildings on the scale proposed raises fears that the site would be put to other industrial use which will be even more damaging to the local environment through traffic movements. As it is understood that Pinewood seeks planning permission on the basis of an exceptional need by the film industry which should override Green Belt policy, this is a source of particular disquiet. There is a belief that the Green Belt, Colne Valley Park and the Core Strategy along with the visual attractiveness of the landscape would all be sacrificed on a flawed basis.
624. Thirdly, there are serious concerns on the infrastructure impact of the proposal. Notwithstanding the County Council's highway authority's conclusions that the scheme is viable, local residents believe it would have a serious adverse impact on the locality. The changes to the highway at the Five Points Roundabout and at the entrance to the site reflect, in their view, the need to accommodate substantial traffic movements. The consequences in visual terms are clearly going to be a suburbanisation of these junctions, but there is also anxiety that the volume of extra traffic which it is designed to accommodate would have serious adverse consequences for the surrounding road network. Even if that network is able to cope with the numbers, it would be at the cost of more noise, pollution and occasional traffic jams outside their homes. These concerns have been especially marked in the Pinewood Green area where local residents have long complained of the extent to which their road network is used

as a rat run between the Denham Road and Pinewood Road. An attempt was made over a decade ago to resolve this problem by preventing a through route, but this caused such inconvenience to local residents that it was removed. One issue to consider is whether or not there is local demand for the through route to be blocked up again were the development to go ahead.

### *Personal views*

625. As the MP, the District Council in implementation of its Core Strategy and its policy of protecting the Green Belt has always been supported, precisely because it is under such threat. The efforts that have been made to slowly develop the assets of the Colne Valley Park as a key environmental and recreational corridor along the western edge of London have also been supported.
626. Business, which alone generates the wealth on which we depend, is also supported wherever possible. The arguments that have been put forward by Pinewood on the importance of their existing site to the British film industry, and their desire to expand and create a global hub for film making of economic advantage to the country, are understood. However, the present proposals are viewed with considerable misgiving. Quite apart from the loss of open landscape, the adverse visual impact and the traffic that would be generated, it is feared in particular that this development would set a precedent for further applications that will eventually undermine the Green Belt in this part of the constituency altogether. Noteworthy is the receipt since Pinewood's original proposals were submitted of a number of representations from local land owners with agricultural Green Belt land adjacent to the site indicating their desire to develop their land along similar lines. A desire to maximise the value of one's property is perfectly natural, but the fragility of the Green Belt locally means real concern that it could be eroded irreparably, and quickly, if further development in the area were to be allowed based on Pinewood as a precedent.
627. The frequently repeated concerns of constituents about the motives behind the planning application are not expressed as a personal opinion on that aspect. However, this key issue should be fully explored so that, whatever the outcome of the inquiry, local residents will be satisfied in relation to it.
628. The generation of employment is a factor to be taken into account, but there is no evidence that this has carried any weight in the local community, which is not surprising as local rates of unemployment are low.
629. For the reasons already given, serious concerns are held on the impact on traffic that the development would generate.

### *Conclusion*

630. While mindful of the arguments put forward by PSL, it seems that there would be a very substantial cost in relation to the environment and quality of life for the neighbourhood were the development to go ahead, and it raises possible precedents that could progressively undermine the Green Belt and the Core Strategy. Whether the alleged benefits advanced for the development clearly outweigh the obvious harm that would result from it needs to be carefully considered. There is an overwhelming sense locally that the harm levels are unacceptable, and that assessment appears to be accurate.

## WRITTEN REPRESENTATIONS

### Representations Made at Appeal Stage<sup>848</sup>

631. Representations **in support** of the proposal have been received from Fiona Mactaggart (Member of Parliament for Slough), Dan Jarvis (Member of Parliament for Barnsley Central and Shadow Minister for Culture, Media and Sport), Baroness Bonham-Carter of Yarnbury and John Leech MP (Co-Chairs of the Liberal Democrat Parliamentary Party Committee on Culture, Olympics, Media and Sport), the Mayor of London, Buckinghamshire Business First, GTV6 (The Greater Thames Valley Local Enterprise Partnerships), British Film Commission, British Film Institute, UK Screen Association, Creative Scotland, Northern Ireland Screen, Creative Industries Council, The Production Guild, the CBI, and 8 companies and individuals. These generally reflect the case made by the appellant, stressing the importance of the proposal to the UK film industry and economy.
632. Representations **against** the proposal have been received from the Campaign to Protect Rural England (Penn Country District), Colne Valley Park Community Interest Company, and occupiers of 18 local residential properties. These raise objections on grounds of Green Belt, traffic impact, insufficient justification, and other arguments against the proposal similar to those put forward by the Council, Stop Project Pinewood and the individuals who appeared at the inquiry as set out above.
633. The **Highways Agency** advises that it has no objection. The **Environment Agency** recommends conditions to be attached to any grant of permission to deal with flooding and drainage. **Buckinghamshire County Council** refers to its policy of opposing development in the Green Belt but also its strong policy of encouraging and supporting the growth of high value jobs within Buckinghamshire, citing Pinewood as a key employer. It emphasises that the disadvantages of the proposal should be fully weighed against the many economic benefits that it is recognised would accrue.

### Representations Made at Application Stage

634. The representations received by the Council as a result of its consultation on the planning application were attached to its appeal questionnaire<sup>849</sup> and referred to in the Committee report<sup>850</sup>. The report records that in total **letters in support had been received from 254 sources** and **letters of objection from 212 sources**. The main points raised in the representations are summarised in the report. The responses from **consultative bodies** to the application are also recorded in the report.
635. The representations generally raised grounds that have been repeated at appeal stage and are set out in the above reporting of the cases. The appellant draws attention to an analysis of the representations that it has carried out.<sup>851</sup>

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<sup>848</sup> INSP1

<sup>849</sup> Copies of responses in INSP2 & INSP3

<sup>850</sup> CD21

<sup>851</sup> PSL1/1 paras 11.8-11.11

## CONDITIONS

636. Several versions of suggested planning conditions in the event of the appeal being allowed were put forward at the inquiry by the appellant and the Council<sup>852</sup>, and these were discussed. While there was substantial agreement on most of the proposed conditions, there remained disagreement on certain matters.
637. The first area in contention relates to the question of phasing. The Council's preference is for approval of a phasing plan for the whole development to be required prior to the first submission of reserved matters in order to provide for enforceability and clarity.<sup>853</sup> The appellant argues that the scheme cannot be divided into independent phases but would be implemented in a sequence and in accordance with demand.<sup>854</sup> A requirement for a programme to be submitted at the same time as the first of the reserved matters is suggested, with scope for this to subsequently be updated, which it is argued would avoid unnecessary pre-commencement conditions.<sup>855</sup>
638. As a particular aspect of phasing, the Council wishes to control provision of Media Hub floorspace. In addition, conditions are suggested to restrict the maximum extent of Media Hub floorspace.<sup>856</sup> The appellant, relying on its evidence on this matter, considers that this is not justified. The appellant puts forward an alternative restriction to media uses for the whole development, which accords with that imposed on the 2006 Masterplan permission.<sup>857</sup>
639. A third main area in dispute relates to construction traffic. The County Council advocates<sup>858</sup> a condition requiring all traffic associated with construction to access the site only via Sevenhills Road, with further control over construction traffic vehicle routeing.<sup>859</sup> This was supported by Stop Project Pinewood. The appellant argues that the restrictions are not necessary based on the highway evidence.<sup>860</sup>

## PLANNING OBLIGATIONS

### First Legal Agreement<sup>861</sup>

640. The first submitted legal agreement is between South Bucks District Council, the appellant (owner of the West Area land), Pinewood PSB Limited (owner of the East Area land) and Lloyds Bank Plc (the Mortgagee). The planning obligations contained in its Schedule 3 are as follows.
641. **Construction – Local Labour and Skills Training.** This requires steps to be taken for the recruitment of local people (from within 8km of the site) and the provision of apprenticeships for the construction.

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<sup>852</sup> PSL10, PSL13, PSL14, SBDC4, SBDC5

<sup>853</sup> SBDC4 condition 2

<sup>854</sup> PSL1/1 paras 4.16-4.18

<sup>855</sup> PSL14 conditions 2 & 5

<sup>856</sup> SBDC4 conditions 2c) & 29-31 and as argued in paragraph 448 above

<sup>857</sup> PSL14 condition 30 and footnote; CD55 Condition 17

<sup>858</sup> A conditions session at the inquiry was attended by Ian Marshall, Senior Development Management Officer of Buckinghamshire County Council

<sup>859</sup> SBDC5 conditions 12 & 27

<sup>860</sup> CD09 pp1848-1850, 1857

<sup>861</sup> CD98

642. **Construction – Local Businesses.** This requires step to be taken to provide opportunities for local businesses during construction.

643. **Operation – Skills Training.** This requires steps to be taken through a Memorandum of Understanding on training of local people to provide opportunities for employment in the development and apprenticeships.

644. **Internships and Sponsorships.** This contains requirements for a percentage of all interns to be local people and for sponsorship.

### **Second Legal Agreement**<sup>862</sup>

645. The second agreement is between Buckinghamshire County Council, the appellant, Pinewood PSB Limited and Lloyds Bank Plc.

646. Schedule 4 deals with **Contributions**, and sets out timing requirements for payment of the additional transport contribution (£300,000), sustainable transport contribution (£500,000), ecology contribution (£68,114 for use in the Langley Park Proposed Enhancement Area) and ecology maintenance contribution (£109,888.10).

647. Schedule 5 deals with **Highway Works**. It sets out requirements for provision of the approved Five Points Roundabout works, and Footway/Cycleway works along Pinewood Road.

648. Schedule 6 on **Footpaths** requires provision for public access to footpaths within the development subject to certain restrictions.

649. Schedule 7 relates to the **Proposed Shuttle Bus Services**. It contains requirements on provision (to a maximum spending of £400,000 per annum), use by employees and residents, monitoring and variation.

650. Schedule 8 on **Traffic** deals with traffic monitoring (for the payment of an additional mitigation contribution of £1,750,000) and timing of the Sevenhills Junction improvement and secondary access should this be required.

651. Schedule 9 contains requirements relating to the setting up of a **Transport Review Group** and its terms of reference, with specific points relating to the shuttle bus services, additional mitigation, unforeseen impacts, and a travel plan.

652. Schedule 10 is on the **Travel Plan**, containing timing and operating requirements.

653. Schedule 11 contains the **County Council's covenants** relating to the use of contributions, the transport review group, monitoring and implementation of the Sevenhills Junction improvements together with use of additional mitigation contribution or part of it for the Pinewood Green Area traffic management.

654. Clauses in both agreements deem that the obligations shall not apply if found by a Court or the Secretary of State not to meet the tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

655. The District Council and the appellant submitted an agreed statement of justification for all of the obligations having regard to the local and national policy

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<sup>862</sup> CD97

framework and the requirements of Regulation 122.<sup>863</sup> This provides in each case a reference to relevant policies and a statement on how the obligations are considered to comply with the tests in Regulation 122.

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<sup>863</sup> CD99

## CONCLUSIONS

656. The numbers in square brackets in this section of the Report are references to previous paragraphs which are particularly relied upon in reaching the conclusions.

### Main Considerations

657. Having regard to the Council's reasons for refusal of the application, the relevant policy context and the evidence to the inquiry, the main considerations that need to be addressed are as follows:

- i) The impact the proposal would have on the Green Belt, including openness, purposes, the use of land and visual amenity;
- ii) The effect the proposal would have on the Colne Valley Park;
- iii) Whether the development would be sustainable in transport terms;
- iv) The impact the proposal would have on highway conditions;
- v) The merits of the appellant's case for expansion of Pinewood Studios;
- vi) The planning conditions and planning obligations that are required in the event of permission being granted and the likely effectiveness of these with respect to mitigation of impacts on infrastructure and the environment;
- vii) Whether the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify such inappropriate development.

#### **i) The impact the proposal would have on the Green Belt, including openness, purposes, the use of land and visual amenity**

658. The appeal site lies within an area to the west of London where there is extensive designation of land as Metropolitan Green Belt. The site includes the existing Pinewood Studios on the west side of Pinewood Road. The central part of the Studios where its building development is concentrated is excluded from the Green Belt. However, the remainder of the existing Studios site to the north and south of this, and the entirety of the part of the appeal site on the east side of Pinewood Road, are within the Green Belt. The latter area of land is of a similar size to the existing Studios, extending to some 44.5ha. [10,13,76,319]

659. The proposal in the Green Belt of the East Area includes some 72,498sqm of new building development, comprising stages, workshops, offices and other accommodation. Within the West Area, a multi-storey car park and a workshop building are proposed in the Green Belt adjacent to existing buildings, as well some new development within the non-Green Belt part of the existing Studios. [15,16,76,322,325]

660. Paragraph 89 of the National Planning Policy Framework (NPPF) requires the construction of new buildings in the Green Belt to be regarded as inappropriate other than for limited, specified exceptions. There is agreement between all parties that in this respect the proposal amounts to inappropriate development in the Green Belt. According to paragraph 87 of the NPPF, inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances. [64(12), 76,318,475]

661. Policy GB1 of the South Bucks District Local Plan 1999 takes a similar approach. More specifically, under policy GB4 proposals to establish new

employment generating or other commercial sites or extend the curtilages of existing sites will not be permitted in the Green Belt. The spatial strategy of the South Bucks Core Strategy 2011 aims to protect the Green Belt. The proposal is contrary to these policies of the development plan. [45,55,261,320,368]

662. Paragraph 79 of the NPPF indicates that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

### ***Green Belt openness***

663. The Green Belt land of the East Area is semi-improved grassland and pasture, divided and enclosed by a number of hedges and trees, together with an area of woodland (The Clump). Other than the Saul's Farm buildings in the north corner, it is undeveloped and generally without physical structures. This includes the part historically used for landfill, which blends into the surrounding grassland. In Green Belt terms, the land has the characteristic of openness to a substantial degree. [13,42,322]

664. Although the appeal relates to an outline planning application, considerable information is available on the likely physical form of the proposed development in the East Area. There would be up to 10 new sound stages (2 of which would be workshop/stages) of up to 3,680sqm footprint with ridge heights of up to 21.5m. While smaller in area (but at maximum slightly higher) than the largest existing stage (the '007 Stage'), these would be substantial structures of an industrial/warehouse nature, as illustrated by the existing development of the Studios. There would also be other warehouses and office buildings, parking and circulation areas. Sizeable zones would remain without permanent buildings as backlot space, and such areas are within designated Green Belt on the west side of the road. Parts would also be undeveloped landscaping, especially in the southern fields, and The Clump would be retained. Overall, however, there is no doubt that the existing openness of the East Area land would essentially be lost. [15-20,80-82,322]

665. In the West Area, the proposed multi-storey car park on an existing surface car parking area and the workshop within the existing northern backlot would also erode Green Belt openness. [325]

666. The previous Project Pinewood proposal, dismissed at appeal by the Secretary of State on 19 January 2012, related to the current East Area part of the site. That scheme comprised extensive residential development (1,400 units) and other mixed uses including creative industries floorspace, but no stages. The Secretary of State agreed with the Inspector that the loss of openness from the development would not only be visually apparent, but would all but destroy the concept of the site as part of open Green Belt land. There are considerable differences in the nature of the development now proposed, including that Project Pinewood included relatively dense housing whereas there would be a spread of individual buildings in the current scheme. However, that assessment also validly applies to the present proposal. [39-41,82,323]

### ***Green Belt purposes***

667. Paragraph 80 of the NPPF sets out five purposes served by Green Belt, and the proposal as it relates to the Green Belt falls to be assessed against these.

#### *To check the unrestricted sprawl of large built-up areas*

668. There is agreement that the proposal constitutes a form of urban sprawl that this purpose is seeking to constrain. Iver Heath, together with the central part of the existing Studios excluded from the Green Belt, do not in themselves comprise a large built-up area, but lie between the urban masses of Uxbridge on the edge of London to the east and Slough to the south-west. The Local Plan describes this area as the most seriously fragmented of the Metropolitan Green Belt, and such fragmentation was recognised by the Project Pinewood Inspector. The Local Plan also sets out that the whole of the Green Belt is important in order to keep these larger urban areas in check, and not just those parts of it immediately adjacent to them. The defined and relatively robust nature of the boundaries to the proposal therefore does not negate the additional urban sprawl that would result. [86-87,318-319,327]

#### *To prevent neighbouring towns merging into one another*

669. Conflict with this purpose is also agreed. The development would not in itself result in the merger of towns, but that would rarely be the outcome of any single proposal. Fairly extensive open tracts of Green Belt would remain between settlements. However, that between this part of Iver Heath and other settlements would be reduced, and having regard to the fragmentation of the Green Belt in the area, the conflict with this purpose would be significant. This was the conclusion of the Secretary of State on Project Pinewood. [89-90,328]

#### *To assist in safeguarding the countryside from encroachment*

670. There is agreement that the proposal would be a significant encroachment in this respect. The East Area land is properly regarded as countryside, despite the historic landfill of part and the relatively low-key agricultural use. [13,91,329]

#### *To preserve the setting and special character of historic towns*

671. There is no dispute that this purpose is not relevant to the case. [92]

#### *To assist in urban regeneration, by encouraging the recycling of derelict and other urban land*

672. The appellant's contention that there is no conflict with this purpose is based on the argument that the development is geographically fixed with no alternative location or scope for disaggregation. In the context of a similar argument made on Project Pinewood, the Secretary of State agreed with the Inspector that the effect of the proposal was less clear-cut than the assessment on the other purposes. In the absence of specific identified alternatives to the proposal that would involve the recycling of urban land, it is difficult to regard a negative outcome on this purpose as being more clearly established than with Project Pinewood. Conversely, the potential indirect/secondary effects of the scheme would also be uncertain in terms of the nature of land that might benefit from any associated new development, and this factor carries little weight. Overall the proposal cannot be said to materially advance this purpose. [93-95,330,455]

### ***Beneficial use of the Green Belt***

673. According to paragraph 81 of the NPPF, enhancement of the beneficial use of Green Belt should be sought. Examples given are looking for opportunities to provide access and for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.

#### *Access, outdoor sport and recreation*

674. There are no existing public footpaths in the East Area, and this is private land without rights of access despite the local use that has been made of it in the past. [13,595]

675. The proposal provides for a network of pedestrian routes through the southern part of the East Area and The Clump woodland, and along the southern and northeast boundaries, which would be for controlled public use. The existing public footpath alongside the M25 is affected by road noise. Although such noise is not unusual in this area of the Green Belt, the proposal would provide a part alternative to this. It would also create a new pedestrian route alongside Sevenhills Road. The footpaths would not be set in open countryside and the nature of the provision would reflect the security requirements of the Studios. In addition, the development is not an essential prerequisite for access to be allowed through permissive paths. Nevertheless, the certainty of provision would be a gain in terms of access and recreation that can be given some weight in favour of the proposal in line with this beneficial use. [24,96-97,331-332]

#### *Biodiversity*

676. The expert evidence, including consultee responses, confirms that the proposal would provide for a net gain in biodiversity within the site and enhanced habitats off-site. This also carries some positive weight. [64(23),98,346]

#### *Damaged and derelict land*

677. Previous restoration of the part of the East Area affected by landfill has taken place. The Project Pinewood Inspector found that the East Area was not damaged or derelict, and there has been no subsequent change in this respect. The proposal would provide no benefit on this matter. [13,333]

#### *Landscapes and visual amenity*

678. The effect of the proposal in relation to landscape and visual amenity overlaps with the effect on Colne Valley Park, which follows below as the second main consideration. Under the current heading the matter is addressed in general Green Belt/landscape terms, with the specific objectives and policies for the Park dealt with below.

679. There is an up-to-date (2011) Landscape Character Assessment for the District. The site falls within a landscape character area identified in this as being one in which the landscape is largely dominated by settlement and existing development, including Pinewood Studios, and with characteristics of discordance and fragmentation. Nevertheless, open views across fields are also a feature which the guidelines in the document seek to maintain, together with

conservation and management of hedgerows within an agriculturally dominant landscape. [104,335,337,341]

680. Consistent with this there are currently open views across the fields of the East Area. These views are especially from around the junction of Sevenhills Road with Pinewood Road at the north-west corner of the site, from the rear of Pinewood Green, and through hedges along Pinewood Road. The latter was confirmed by my site visits, although the degree of visibility will vary on a seasonal basis with the thickness of the vegetation. The views are of open, agricultural type land. [7,336,342]
681. The proposal includes an extensive set of landscaping measures, including substantial ground shaping and tree planting in the East Area. However, the primary purpose of this would be to screen the development. In that respect it seeks to mitigate the impact of the development, and there is no evidence to suggest that the landscaping would represent an enhancement of visual amenity in its own terms. [27,103,334-335]
682. The screening would be by way of bunds up to 5.5m high along sections of the site boundaries together with new planting. Bunding is not characteristic of the area, and the effect of such enclosure would be to reduce the existing open views across fields which the guidelines seek to maintain. This would be particularly so as seen from the north-west corner of the East Area, where the existing low gradient would be replaced by a relatively steep bund with some glimpses of buildings beyond. Along Pinewood Road the existing sky views would be retained, but long views through the boundary hedge would be lost. An erosion of rural character would also result from retained hedgerows no longer being within an agriculturally dominant landscape but largely between developed plots, contrary to the guidelines. In the views in which the proposed buildings would appear, due to their size and nature the development would be perceived as having the character and appearance of a business park, in contrast to the existing undeveloped and open landscape. The new buildings in the Green Belt of the West Area would, with new landscaping, be more satisfactorily assimilated in visual terms due to the existing built context. [100-104,335-344]
683. The appellant's application of established landscape and visual impact assessment methodology is not in dispute. The key test is not the effect of the proposal on the site itself but on the surrounding area. The East Area is relatively well contained within the landscape and the effect on long-distance views would be minimal, with only one such viewpoint identified, from where the development would not easily be perceived. The appellant assesses that the effect of changes in near views would also be limited and in character with the surrounding landscape, leading to a finding of no more than slight adverse impact on landscape and visual amenity. [64(16),100-103,335-344]
684. However, this conclusion reflects an over-emphasis on the existing negative features of the landscape, in particular the effects of built development, and underplays the features of open views and agricultural dominance that the District's Landscape Character Assessment also identifies and seeks to promote. Having regard to this, the outcome would be more than slight adverse, although not as much as the significant adverse contended by the Council, which over-concentrates on the change that there would be within the site itself. Moderate adverse would be a reasonable description of the effect, resulting in conflict with

policy EP3 of the South Bucks Local Plan due to the impact on landscape character. [53,261,368]

### **Conclusion on Green Belt**

685. In addition to harm to the Green Belt by definition as a result of the inappropriate development, the proposal would therefore give rise to Green Belt harm by reason of loss of openness, clear conflict with 3 of the 5 Green Belt purposes, and a moderate adverse effect on landscape and visual amenity. Minor Green Belt benefits would arise from new footpaths and gains to biodiversity.
686. Concern has been expressed about precedent in terms of further proposals that might follow from approval of the appeal development and consequent difficulty of resisting these. Given the unique circumstances of the proposal, and consistent with the conclusion reached in the Project Pinewood case, the weight of policy considerations applicable to proposals for development in the Green Belt would not be diminished should planning permission be granted. [88]
687. Nevertheless, protection of the Green Belt is a national policy objective to which great importance is attached. As part of that, permanence is a key element. There is strong local recognition of the value of Green Belt and objection to the proposal on this ground. Paragraph 88 of the NPPF requires that substantial weight be given to any harm to the Green Belt. While the appellant and the Council identify some differences in their respective approaches to analysing the harm in this case, there is agreement (recorded in the Statement of Common Ground) that the scale of harm arising from the conflict with Green Belt policy is "*substantial and adverse*". That is a fair statement of the position, but it is important also to emphasize the geographical extent of Green Belt land that would be affected. The proposal represents a very large swathe of development in the Green Belt, which would approximately double the area of the existing Pinewood Studios and to a large degree replicate its existing physical form on undeveloped Green Belt land. The harm to the Green Belt in this case, and the conflict with the development plan in that respect, is therefore a matter that should be accorded very serious weight in the decision. [64(13),77-79,271,318-321,324,374-376,571-635]

### **ii) The effect the proposal would have on the Colne Valley Park**

688. The entire site lies within the Colne Valley Park, which is a sub-regional level landscape designation. The Park provides an important area of countryside to the west of London. [64(15),107,347]
689. Core Policy 9 of the South Bucks Core Strategy 2011, which sets out aims for the conservation and enhancement of the landscape characteristics and biodiversity resources of the District, is relevant. As set out above, there would be a net gain to biodiversity, and therefore the objectives of the policy in this respect would be achieved. With regard to landscape character, as also concluded above there would be moderate harm and conflict with the guidelines of the Landscape Character Assessment. The policy allows for exceptions where the harm is outweighed by the importance of the development or the development cannot reasonably be located on an alternative site. As already indicated, that is an assertion in the appellant's case, which will be considered further below under the case for expansion. [47,112-113,118]

690. Core Policy 9 specifically seeks to improve the rural/urban fringe through initiatives in the Colne Valley Park Action Plan. That document is expired, and there is agreement that the proposal should be assessed against the six objectives established by the Colne Valley Park Community Interest Company. This is carried out as follows. [117,119,348]
691. *To maintain and enhance the landscape, historic environment and waterscape of the Park in terms of their scenic and conservation value and their overall amenity.* With the moderate harm to landscape as set out above, there is material conflict with this objective. [120,348]
692. *To safeguard existing areas of countryside of the Park from inappropriate development. Where development is permissible it will encourage the highest possible standards of design.* On the basis of the proposal comprising substantial inappropriate development in the Green Belt, there is significant conflict with this objective. [121,349]
693. *To conserve and enhance biodiversity within the Park through the protection and management of its species, habitats and geological features.* The ecological measures in the proposal would meet the aims on biodiversity. [122,350]
694. *To provide opportunities for countryside recreation and ensure that facilities are accessible to all.* This would be achieved by the new permissive paths which, although not in open countryside, would to a large extent be set in the retained open areas of grassland and woodland and outside the parts of the site with new buildings. [123,350]
695. *To achieve a vibrant and sustainable rural economy, including farming and forestry, underpinning the value of the countryside.* While the proposal would create significant employment on the site, and generate off-site supply-chain benefits, it would not form part of the rural economy in terms of a need for or appropriateness of a rural location. The proposal does not therefore gain support from this objective. [124,351]
696. *To encourage community participation, including volunteering and environmental education. To promote the health and social well-being of benefits that access to high quality green spaces brings.* The access improvements would be consistent with this objective. [125,351]
697. In overall terms, the proposed substantial physical development within a large area that is existing countryside would have a significant adverse effect on the Colne Valley Park given the essential countryside protection and enhancement objectives underlying this. This is despite the evidence that there has not been a trend of erosion of compatible uses within the Park, or that some expressed concerns are based on anticipated future large-scale infrastructure developments rather than previous developments. Similarly, the funding contributions made by the appellant towards the Park, while these can be regarded as beneficial to its operation, do not negate the substantial incursion into countryside. [126-129,352]
698. The Inspector in the Project Pinewood appeal noted that, if the positive aspects of the proposal were concluded to clearly outweigh the harm to the Green Belt, then the same considerations would equally apply and outweigh the harm to the Colne Valley Park. That approach is endorsed by the main parties in this case

and can be adopted, and applies similarly to the application of Core Policy 9. In addition, the Council accepts that the negative impacts on landscape and visual amenity that it identifies would not in themselves justify a withholding of permission. Nevertheless, there would be significant harm from the development to the Colne Valley Park. This is to be weighed in the balance, but with the proviso that, to the extent that the harm relates to landscape, it is the same as that identified under Green Belt impact rather than being additional. [109-111,130,261,345,352-353,472]

### **iii) Whether the development would be sustainable in transport terms**

699. The Council's reason for refusal on sustainable development grounds focuses on the degree of accessibility of the site. [3,132]

700. The site is located in an area to the west of London that is well served by rail lines and stations, and significant improvements to services will be brought about in particular by the advent of Crossrail in 2019. Evidence shows that workers travel to Pinewood Studios from across an extensive geographical area. This factor, reflecting the particular skills employed, can be expected to continue with the proposal, and apply to the new employment that would be generated at the site. In this respect the general location within an area with such good rail connectivity is beneficial for the potential use of public transport by workers, and also by visitors. [9,141,149,361]

701. However, the site itself is in a semi-rural location which is relatively remote from public transport facilities. The nearest station (Langley) is 5km away. No bus routes pass the site, and the nearest bus stops are 1.2km away. There are no dedicated cycle routes to the nearest stations. The scale of the appeal scheme would generate extensive additional travel. The proposal in this respect does not accord with the objective included in Core Policy 7 of the Core Strategy of focussing new development that generates substantial transport movements in locations that are accessible by public transport, walking and cycling, and is similarly in conflict with Core Policy 10 on employment. [3,46,48,140,156,357,368,513,516]

702. The shortcomings of the location in terms of public transport were identified by the Project Pinewood Inspector. She found that the site is in an "*inherently unsustainable location*", as recognised in the Core Strategy settlement hierarchy. The Secretary of State adopted that description. It was given in the context a proposal for mixed use development which included a substantial residential component, and therefore reflected access to facilities needed by residential occupiers as well as journeys to work. The sustainability of the location for the current proposal falls to be assessed on the basis of the specific development contents and transport-related improvements put forward. [133,136-138,354-355,357]

703. Nevertheless, to the extent that the description reflected the quality of public transport facilities in the near vicinity, it gives a general measure of the nature of the location within a policy framework of seeking more accessible sites for major development.

704. A central part of the appellant's case is that the proposed development is not footloose, in that it can only be located adjacent to the existing Pinewood Studios. This contention is to be considered below in the later examination of the

merits of the case for expansion. However, it can be noted at this stage that no specific potential alternative locations for the development have been put forward, and therefore there are none to provide the basis for a comparison of public transport accessibility with the appeal site. Conversely, little weight can be given to the appellant's argument that the appeal site location is preferable in transport terms to any alternative, in view of the assertion that it would not take place other than here. In addition, there is no firm evidence to support the claimed transport sustainability benefits of a co-location of existing and new facilities on the basis of film making being an integrated process, for example by way of specific information on trip patterns and lengths. In this situation, the relative sustainability of the proposed development at the appeal site by comparison with other possible scenarios, having regard to the requirement of paragraph 34 of the NPPF, cannot effectively be tested. The only matter that can be assessed is the transport sustainability of the proposal in more absolute terms. [155-156,365,455,481]

705. The most recent information indicates that some 87% of existing workers at the Pinewood Studios site travel to it by car (including 5% car share). Only 2% cycle and 1% walk. A combined figure of 8% is given for rail/underground/bus/shuttle bus. The latter element of this is PSL's own free service that has been operating a link with Uxbridge and Slough stations since 2005. This is a valuable provision towards facilitating rail journeys, and with 50,000 trips made by the shuttle bus in 2012 it is a significant contribution to sustainable transport. However, there is some evidence that the number has more recently fallen, or at least not been rising. [140,151,154,359,363,479,487-488]
706. Even without clear comparative examples, the 82% proportion of single car occupancy journeys can be regarded as reflecting a heavy reliance on the private car as opposed to more sustainable modes. PSL's description of the existing modal split as "*encouraging*" in sustainable transport terms is the best that is claimed; the breakdown is not indicative of a site that is well served by public transport. This is irrespective of the on-site facilities that are available to workers. [131,151,154,363,478-480]
707. The proposal puts forward a raft of measures aimed at achieving a sustainable modal shift in association with the new development, comprising both funding for new provision and promotional support including through a Travel Plan. However, the success of these measures is likely to be somewhat limited. Although a relatively large population lives within walking distance, the geographical distribution of the Pinewood Studios workforce suggests that there is little potential for a material increase in the proportion of pedestrian trips. The proposed cycleway provision would make cycling safer and more pleasant, and offers more promise. However, with the relatively low percentage cycling at present despite the numbers living within the cycling catchment area, even a large increase in proportion would not bring about a major change. In addition, the Pinewood Road footway/cycleway is not required to be completed under the planning obligation on this matter until a substantial amount of the new development is occupied. [142,146-147,358,361-362,484-486,647]
708. The proposed shuttle bus improvement, although with a maximum spend limit, offers clearer potential benefits by way of both enhancement of existing routes to

Uxbridge and Slough stations and a new link to Gerrards Cross station.  
[140,148,359-360,487-489]

709. However, the only target put forward on modal shift is a 20% reduction in single car occupancy use by the time the full development has taken place (2033). Even this somewhat modest degree of change, while claimed by the appellant to be achievable, is described as challenging, and therefore there must be doubt about the extent to which its deliverability can be relied upon. Moreover, the target applies only to workers of the new development. Although existing workers could be expected to benefit from the measures, this does not indicate a high degree of confidence in changing existing travel modes.  
[154,365,489,492-495]
710. Consistent with a scenario of continued substantial dependence on car travel is the proposed level of parking provision. While there are sound reasons for seeking to avoid overspill parking in nearby residential roads, the proposal for an increase in existing on-site parking that is proportionate with the scale of development, resulting in a total of 3,000 spaces, does not suggest an effective curtailment of propensity to travel by car. The limitations of public transport and a consequent high dependence on private car travel could also be expected to continue to apply to visitors to large-scale live events that are held at the Studios. [18,157,364,498]
711. The proposed transport measures have been developed in conjunction with the County Council, and are agreed by it to make the proposal sustainable from a transport perspective. However, with the continuing likely dominance of car reliant travel, the proposal cannot be fully considered to amount to a focussing of significant development in a location which is or can be made sustainable as sought by paragraph 17 of the NPPF. The proposed availability of the transport measures to members of the local community would be a welcome contribution to sustainable travel more generally, but there is no evidence on the likely extent to which this would be taken up, and only limited weight can be given to this factor. [66-68,131,134-135,152,156,158,355,365,477,481-482,490-491,496,513,515-516]
712. With around a doubling of the numbers employed at the Studios expected as a result of the proposal, based on the above analysis it would give rise to a substantial increase in journeys reliant on the private car, with a much greater number than the approved Masterplan development. This would be a negative outcome of the proposal, and a matter to be drawn into the overall balance of benefit and harm. [36,139,356,362]

#### **iv) The impact the proposal would have on highway conditions**

713. The Council has no objection to the proposal on traffic grounds, but it is a matter raised by Stop Project Pinewood (SPP) and many local parties. It can be noted, though, that SPP does not argue that traffic impact in itself would warrant resisting the proposal. [3,160,366,473,571-635]
714. The traffic likely to be generated by the development has been appropriately modelled based on surveys of the existing situation and the floorspace increase. This enables an assessment of the impact on junctions in the vicinity after the completion of the development in 2033. [161-162,497]

715. The Five Points Roundabout to the south of the site is a relatively complex junction which currently operates with pressure on capacity. The proposal would bring forward a signalisation scheme for the roundabout which would result in a significant increase in capacity. Permission has been granted for this scheme, and its implementation is the subject of a planning obligation. The modelling includes junction interactions and indicates that the upgrade would provide adequately for the additional traffic that would be generated by the development, even allowing for other new traffic taking advantage of the additional capacity. [22,23,67,164,500,647]
716. Of the other junctions tested, capacity issues arise in relation to the mini-roundabouts along Church Road and Slough Road and at the Wood Lane/Langley Park Road junction to the south of Five Points Roundabout. The analysis of the existing traffic flows shows that congestion occurs at these, as confirmed by local evidence. The appellant's Assessment 2, which adds the development traffic to the baseline, indicates that the proposal would result in additional queuing at peak hours. When an allowance for background traffic growth based on TEMPRO forecasts is made (Assessment 3), a number of junctions would exceed capacity and local congestion would worsen with the proposal. No capacity improvements are proposed for these junctions in association with the development. [164-167,501-503]
717. However, the additions to queuing would be relatively small, and the effects of the development traffic would be restricted to short periods. There is disagreement over whether it is necessary to add in the allowance for future background traffic growth. While there could be developments during the assessment period which are not currently firm proposals, the appellant reasonably points out that those which would generate significant traffic could be expected to be accompanied by their own mitigation. Furthermore, the assessments assume no modal shift away from the private car. Although achievement of the full target on this is not certain, as set out above, the potential for a degree of modal shift adds an element of robustness to the assessment by way of an over-estimate of development traffic. [165-167,499,501-503,507-509]
718. While the current proposal requires assessment on its own merits, it is also relevant to note that, as shown by Assessment 1, it would generate substantially less traffic than the Project Pinewood development. That proposal was not found to be unacceptable on traffic impact grounds. [41,163,504]
719. The planning obligations provide for the option of a secondary staff access on Sevenhills Road were identified traffic thresholds to be reached. The supplementary Transport Assessment on this indicates that, with the accompanying junction improvements at Denham Road and increased use of Sevenhills Road, this would reduce flows on Pinewood Road and Church Road, and in Pinewood Green. [22-23,168]
720. An alternative under the obligation would be funding for traffic management in Pinewood Green. Rat running through this residential area takes place, and the proposal without mitigation is forecast to add around a third extra to this. Although in traffic terms the increased number of vehicles would be modest, the effect in terms of resident sensitivity, even with mitigation, would be reasonably

classified as more than minor, although less than serious. [2,168,505-506,510-512]

721. HGV traffic is of considerable local concern. It is a matter addressed in the Core Strategy, but in relation to certain specific local sites, of which Pinewood Studios is not one. The evidence confirms that the proposal would have only a minor impact in this respect. [169,514,571-635]
722. A further local concern is with regard to parking, and in particular the potential for overspill parking in the surrounding area on occasions of there being insufficient on-site parking to deal with peak demand. The proposed level of provision, with appropriate management of events, would appear to provide the basis for avoiding such unwelcome parking on local residential roads. [18,157,497-498]
723. The County Council regards the proposal as acceptable in traffic terms with the proposed package of obligations and conditions. There is no expert assessment to counter this position. Indeed, as already noted, SPP does not argue that the proposal should be turned down on transport grounds. [67,473]
724. Advice in paragraph 32 of the NPPF is that development should only be prevented or refused on transport grounds where the residual cumulative impacts are severe. There is no evidence that the impacts in this case would reach that threshold. However, the addition to local congestion and rat-running would be a moderate harm that falls to be taken into the overall balance. [170-171,505-506]

**v) The merits of the appellant's case for expansion of Pinewood Studios**

725. The proposal, totalling some 109,683sqm net additional accommodation, involves around a doubling of the size of the existing Pinewood Studios, both in term of site area and floorspace. Stage space would account for about just over a quarter of the new floorspace, with most of the remainder divided between workshop and office accommodation. Large stages are the principal component of the scheme. There would be 8 new stages and 2 stage/workshops in the East Area, with 2 further stages in the West Area. In this respect the proposal differs considerably from the Project Pinewood scheme, which included film set streetscapes but no actual new stages. The appellant advises that the additional stage space would enable Pinewood Studios to increase its current capacity of handling 2 big budget productions at any one time to 4. Some flexibility is indicated here by reference also to accommodating high-end television production as well as films. [16-17,39-40,200,202,385,406]
726. The appellant in support of the proposal argues that the new development represents a nationally important element of infrastructure, that there is no alternative to it, and that substantial benefits would flow from the development and, conversely, there would be disbenefits from a withholding of permission. Similar arguments were made in the Project Pinewood case. That may have a bearing on the weight given to some aspects of the supporting case now put forward in the context of differences in the content of the schemes, but the current proposal nevertheless falls to be assessed on its own merits. [192-193,272,385,546,562-563]

### ***Role of Pinewood Studios***

727. As recorded in the Statement of Common Ground (SoCG), there is extensive agreement on the profile and status of Pinewood Studios. The SoCG identifies it as the only production complex of its size, scale and international profile in the UK. It is agreed to be a leading provider of film, television and related services to the global film and television industry, and is ranked in the top three studio facilities in the world. Pinewood Studios has in recent years had a particular prominence in large budget film productions (over \$100m budget). As well as one of the most comprehensive ranges of production facilities on one site, Pinewood Studios offers a collection of related businesses which provide equipment and services to the creative industries. [64(4,5,6),178-180,383,549]
728. It is also common ground that the core film industry makes a substantial contribution to the UK economy, with Pinewood Studios an essential component of this industry. As such there is agreement that Pinewood Studios generates significant economic activity for the UK and has and will continue to be a major contributor to the Government's economic policy objectives. [64(7,8),181]
729. The eminence of Pinewood Studios within the film industry is attested to by a number of letters from major Hollywood film studios and industry bodies, demonstrating a high regard for it as a provider of premium studio space and supporting facilities. Its leading status is echoed in many other representations and statements, and the valuable local economic role it performs is highlighted by the Local Enterprise Partnerships. [175,631,634]
730. The importance of Pinewood Studios is expressly acknowledged in the development plan. Paragraph 10.17 of the South Bucks District Local Plan states that the site is of national and international significance for the production of films, and that the retention of this unique site for film production is extremely desirable. Similarly, paragraphs 1.2.28 and 2.2.23 of the South Bucks Core Strategy recognise the national and international importance of Pinewood Studios as a location for film and television production. [50,52]

### ***National policy on the economy and the film industry***

731. Key statements of Government policy, both in written and spoken form, attach great significance to the delivery of sustainable economic growth. In terms of the translation of this into planning policy, the NPPF identifies the important role that planning should play in supporting economic development and growth. Paragraphs 17, 19, 20 and 21 in particular have been referred to in this respect. [60-61,182,193,263]
732. In addition, the National Infrastructure Plan 2013 highlights the importance of infrastructure to growth. [192]
733. The relationship of these economic objectives with Green Belt policy, and the balance to be struck in a particular case, will be considered below in the final concluding section of the Report. [320,371,517-519]
734. More specifically in relation to the UK film, television and screen-based creative industries, the SoCG notes that policy for these is set collectively across several Government departments including HM Treasury, the Department for Business, Innovation and Skills and the Department for Culture, Media and Sport. Again, a range of relevant reports, speeches and statements is identified. There

is no dispute that the thrust of the policy framework is to attach high importance to the creative industries, and specifically film, to the economy. In quantitative terms it can be noted that the overall contribution of the industry to UK GDP, employment and tax revenues for the year 2011 was: (a) a total of 117,400 FTE jobs; (b) a contribution of over £4.6 billion to UK GDP; and (c) a contribution of over £1.3 billion to the Exchequer (gross). [62-63,64(7),182-191,264-265,378-379]

735. In summary, the collective policy has the objective of attracting film and television production to the UK and encouraging the development of the UK film and television industry. A key aspect is the use of a favourable tax incentive regime to attract inward investment. The long-standing incentives relating to film production have recently been extended to what is known as high-end television. The Autumn Statement of 2013 emphasises the importance of the creative industries as an industrial sector offering significant growth opportunities. Adjustments have been made to film tax relief to increase the attraction of the UK and additional funding is in place for the National Film and Television School, with skills provision an important element of the support. [183-186,190-191,254]
736. The locational dimension of the film-industry policy, including with respect to the Green Belt, is again left for later consideration in the Report.

### **Capacity**

737. That there is a current capacity issue in the UK film industry, specifically in terms of a shortage of studio stage space to meet present demands for film and high-end television production, does not appear to be in contention. [194,383]
738. Indeed, the Council states explicitly that it is no part of its case to dispute the need for additional capacity to service the film and television industry. In this context it argues that it has actively encouraged development at Pinewood Studios to enable it to compete in its international market, with the planning permission granted for the Masterplan in 2006 and subsequent developments referred to in that respect. [36-38,383]
739. The existing pressure on stage space capacity is substantiated by a range of evidence. There are a number of film industry letters from major film-makers who are the main users of Pinewood Studios referring to difficulty in securing facilities. The British Film Commission and Film London as authoritative bodies make reference to business being lost from the UK as a result of inadequate production space. In addition, the operational evidence of the appellant indicates the degree to which the existing facilities at Pinewood Studios are occupied to what can reasonably be regarded as full capacity. The House of Commons Culture, Media and Sport Committee recently noted that a lack of studio space is already resulting in the loss of international inward investment, and the Government's response to its report acknowledges this concern and the importance of addressing it. The overall picture of such pressure on capacity is convincing. [174-175,183-184,190,194-195,202,387,540]
740. In spite of its acceptance of a current capacity issue, the Council nevertheless questions the extent of this. It correctly points out that none of the sources of evidence referred to above quantify the degree of shortfall. There is also no quantified target for additional studio space set out in Government policy. In

relation to the capacity specifically of Pinewood Studios, it also reasonably argues that the multiple booking of future productions, put forward as an indicator of excessive demand, appears to be a normal business practice. Further, it is fairly noted that the Project Pinewood scheme, containing no stage space, was pursued at a time when Pinewood Studios was similarly operating at stage space capacity, implying that this was not then assessed as a critical issue. [373,382,385,387-388]

741. The Council goes on to suggest that there may be around one big budget film a year presently being lost to the UK for capacity reasons. The anecdotal nature of the evidence does not enable a firm view to be reached on the accuracy of this estimate of the current situation, although no other estimate has been put forward. [195,390]
742. However, it is clear that the appeal scheme is intended to provide additional capacity for the longer-term rather than simply respond to a short-term situation. Thus, the appellant advocates it as a desirable alternative to a 'hand-to-mouth' incremental approach that makes use only of the existing Pinewood Studios site. The proposed development has an anticipated 15 year delivery timescale commencing in 2015, with substantial ground works to take place before any new stage space would be completed. The need for capacity that the proposal seeks to address is therefore one which it is contended by the appellant would arise in the longer term, and the scheme is not put forward just to deal with an existing immediate pressure on facilities. [27,31-32,247,292,304,384,391]
743. On the Project Pinewood proposal, the Secretary of State, agreeing with the Inspector, found that there was an absence of tangible data or evidence of demand for the streetscapes included within that scheme. The appellant, in the light of that background, states that the importance of providing a robust evidence base in support of the current proposal has been recognised. Although it appears that the Pinewood Board determined the basic scale of the proposal prior to the receipt of specialist business advice, the case now put forward by the appellant is underpinned by relevant analysis, and it falls to be assessed based on that evidence. [201,386,565]
744. The appellant's quantification of future demand for studio and related floorspace and the potential benefits of this is now examined in that context.

### ***The appellant's analysis***

745. The appellant's analysis is essentially in two parts. The first is an assessment of UK film production expenditure growth over the period 2012-2032 (by PricewaterhouseCoopers). The second is a translation of this projected growth into a quantification of requirements for space (by Amion). [173]
746. There are separate growth projections based on three different scenarios. The first is an 'inflation only case', in which growth is at a long-term estimate of inflation. This would require no increase in studio capacity. The appellant regards this scenario as highly unlikely given historic growth rates. [205]
747. In the second, growth is based on trends in broader entertainment and media spending growth. The appellant treats this as the 'base case' on which it is said the highest degree of confidence can be placed. In real terms (2013 prices) total UK production expenditure is predicted to grow by £699million, an increase of

62% over the 20 year period. This is translated into a demand for an additional 74,296sqm of stage floorspace, with a further demand for an additional 111,444sqm of ancillary space (including workshops and production offices). This leads to a total projected demand of around 186,000sqm of additional production-related space (stage and ancillary). [205,215,224-226]

748. The third scenario is a '17% UK market share case', in which UK-produced productions increase their share of global film box office receipts from 14% to 17%. The appellant regards this scenario as representing an outcome at an upper end of a range of reasonable assumptions. Under it, total UK production expenditure would grow by £1,062 million (94%) by 2032, requiring a total additional production-related floorspace of 282,000sqm (112,879sqm stage space and 169,318sqm ancillary space). [205,213,215,224-226]
749. A further part of the appellant's case is an assessment of the economic and employment benefits expected to flow from the development. These are (at 2012 prices): private sector investment of some £194million; some 3,100 net additional jobs at the national level including multiplier and other wider effects; £149m net additional GVA per annum at UK level; net additional contributions to the Exchequer of £36m; net additional exports of £37m. More generally, it is argued that the proposal would help to ensure that Pinewood Studios remains one of the premier global studio brands, and contribute substantially to the continued success and growth of the UK's creative industries, a key driver in the Government's Plan for Growth. [227]
750. Criticisms have been made of various aspects of the appellant's analysis, with associated doubts raised by the critics about the reliability of the projections which underlie the proposal. These are now considered under relevant sub-headings.

#### *Uncertainty and the value of long-term projections*

751. The first matter to deal with relates to the general value of longer term projections of the film-production industry given its particular nature. As indicated by the first step of the appellant's analysis, involving a review of historical UK film production expenditure, there is a significant year on year variation in this, driven largely by the particular timing of filming schedules for big budget films. Expenditure is dominated by a relatively small number of such films, which are critical to overall film production expenditure in the UK. These involve inward investment, which is essentially governed by decisions of the major Hollywood studios. [207,417-418,430,432,520-523,537-538,558-559]
752. In this context attention is also drawn by critics to the apparent shifts in the appellant's own expectations of future demand, having regard to the promotion of the 2006 Masterplan and subsequent modified proposals and the absence of new stage space in the Project Pinewood scheme. [384-386,435-437]
753. The Council's written evidence included the suggestion that, in these circumstances, any projection beyond a 5-year horizon should be rejected or substantially discounted. However, large-scale capital investment projects are dependent on financial returns over a long period. As such they require a view to be taken on likely demand levels some time into the future, as recognised in the National Infrastructure Plan. The Council's submissions finalised its position on this point as advocating a need for very considerable caution in attaching any

significant weight to projections of demand beyond 2020. Determining the weight to be attached to such projections is a reasonable approach, rather than simply rejecting the use of long-term projections because of uncertainty. Clearly the time period and uncertainty involved will affect the degree of confidence that can be placed on projections to 2032, but the exercise of assessing long-term future demand has essential value in capital project planning.  
[192,222,242,244,383-385,394,435-437]

#### *Calculation of the base year figure*

754. The base year expenditure figure for the projections (attributed to the starting point of 2013) uses a four-year average drawn over the period 2009-2012. These four years include both a peak figure (2011) and the following year of 2012 with a substantially lower expenditure level. Although criticised as being too short a span, the four year average provides a reasonable foundation for a base figure given the record of underlying growth over a long period and year-on-year fluctuations within that. [209,426-428]

#### *Relationship between GDP, E&M spend and film production expenditure*

755. The appellant's top-down modelling approach derives projections for overall market growth, before disaggregating into more specific components of the market. The disaggregation assumes that the relationships between GDP, Entertainment and Media (E&M) spend and film production remain stable over the projection period. The appellant regards this as a reasonable assumption, primarily due to the strong historical relationships between these variables.  
[204,219]

756. No specific criticism has been made of the assumed rates of global and UK GDP growth, which are derived from well-established sources. In addition, no reasoned objection appears to have been raised to the projections of total E&M spending based on the historic relationship between this and GDP growth. This includes with respect to the appellant's downward adjustment of 0.5 percent to allow for historical growth in both UK and global E&M spending being slightly below the equivalent growth rate of nominal GDP. [207,210]

757. Strong criticisms, however, have been made of the assumptions regarding the filmed entertainment spending share of total E&M spending. The share averaged around 6% at global and 7.5% at UK level between 2000 and 2011. The appellant acknowledges that these shares are currently trending downwards as other forms of media entertainment out-grow film, but argues that some faster growing media types such as video games require studio facilities and so are likely to contribute to future studio based production expenditure. A downward adjustment of 0.5 percent was made to the historical average of filmed entertainment as a share of total E&M spending for use in the long-term projections. While in practice this share is expected to vary on a yearly basis, as particular forms of media gain and lose popularity, the appellant considers that over the longer term it is reasonable to assume that the share is constant.  
[211,393,395]

758. The criticisms identify a number of areas of uncertainty in this respect.

759. There is no firm evidence to corroborate the appellant's assumption that video games and other media types will make up for a declining share of filmed

entertainment and require studio facilities in the same way. The precise effects that digitisation is likely to have on the industry are hard to predict. In this respect the appellant explicitly acknowledges a further assumption that there will be no major technological development that fundamentally changes the way in which films are produced. In support of this it is argued that technological developments in the film industry in the recent past have had greater impact on the distribution and consumption of film than on its production. [211,221,256,396]

760. A number of relevant considerations that could affect the reliance on this assumption have been referred to. The Hollywood Studio model has traditionally given the producers of films a high degree of control over the means of distribution as well as production. A loss of control over distribution as a result of digital delivery and the potential detriment to income of producers in this respect could have unknown effects on film production spending growth. Fair parallels with the substantial effects of distribution changes on the print and music sectors have been drawn. The potential impact of piracy at an international level as a significant threat to profitability is also an unknown. [397-404,521-523]
761. Another notable current change involves new forms of production and distribution with an emphasis on speed of production and consumer access. Such technologically driven models, especially linked to the internet, are unlikely to involve the budgets and studio requirements of traditional films. The historic closure of many film studios at the time of the introduction of television has been cited as a previous episode of change associated with technological development. [400-403,534]
762. As well as the potential effects of these new developments on traditional Hollywood studios, their model of film production itself is subject to evident pressures. The unpredictable fortunes of individual big-budget films at the box office is not a new matter. However, current concerns about budgets, constraints on launch dates/release windows, and competition within the market are potential factors that could limit future expansion of production expenditure. While the information available from the studios is anecdotal in this respect, it supports that there is pressure on budgets and does not provide any firm indication of an increasing number of blockbuster films, with no guaranteed pipeline of such films. There is also evidence of funding constraints on middle budget films (\$30-49.9m). [414-423,525-528,533,537,560]
763. Set against these uncertainties in the film sector, there is clear evidence of growth in high-end television production, although there is some doubt about the assumed contribution of this to overall growth in the appellant's analysis and the degree to which it requires premium studio facilities. The potential for expansion in film production internationally, with China in particular cited, provides support for production expenditure growth at global level. [183,194,251-253,259,406,408,412,425,527-528]
764. Turning specifically to the UK share of production expenditure growth, a further assumption acknowledged by the appellant is that both this (and Pinewood Studios' share of the UK market) will remain stable over the projection period, with the UK maintaining its existing share in the base case. The appellant recognises a possibility that global investment in both facilities and other film production requirements will outpace the UK and therefore present a risk of loss

- of market share to the UK. However, it is argued that the UK film production industry has demonstrated strong growth over a long period, and that a range of competitive drivers are favourable for the UK. [220]
765. Countering this confidence is that the UK is relatively exposed to big budget film productions given the degree to which these contribute to inward investment, which is the major share of total expenditure. There is therefore a risk factor associated with the future prospects of such productions, with Pinewood Studios seemingly exposed in this respect based on its existing and assumed continuing business profile. [429-430,436,536-540]
766. However, tax incentives appear to be secure, and have also been extended to high-end television productions. These incentives have played an important role in attracting inward investment and can be expected to do so in the future. This is particularly so given the recognised skills base available in the UK which is also an evident attraction. Uncertainty arising from exchange rate fluctuation appears to be only a minor factor in affecting inward investment. The recent co-production treaty with China provides evidence of the scope for the future prospects for the UK share of global expenditure to be reinforced by expansion into new markets, even as a two-way exchange. [186,254-255,259,301-302,378,408,531-532]
767. Extensive development of new studios is taking place in many countries, including by the Pinewood Group. However, the base case projections allow for the growth of foreign studios as the international market expands, with only the upside projection providing for a relative increase in the UK market share (from 14% to 17%). In addition, such global investment demonstrates an international confidence in film production expenditure growth. [213-214,220,243,429,530]
768. Taken overall, a number of uncertainties in relation to future film expenditure have been identified, which generally have been acknowledged by the appellant. There has been no attempt to specifically quantify the potential individual effects of these factors, which is not surprising given their evolving and interactive nature. The difficulty of modelling the variables provides methodological support for the logic of the appellant's top-down approach to projections. [204,422]
769. Nevertheless, in the face of the uncertainties, the question is the degree to which the appellant's projections derived from a top-down assessment can be regarded as robust. Supporting that they are, it can be noted that the 2013-2032 average projected growth rates under both the base case (5.1%) and the 17% market share case (6.1%) are significantly less than the recent average historical growth rate of 9.6% (2002-2011). For the base case, it is also below the average growth rate for the period 2002-2012 of 5.3%, which included the materially lower level of production in 2012. These figures also substantiate the appellant's view of the inflation-only case as a very conservative scenario, and it can be regarded as one which provides a reasonable encompassment of downside risks. [205,217,407,431-434,522,535]
770. In addition, the reasonableness of the appellant's forecasts has been endorsed through independent expert assessments. Specifically, these comprise a review carried out for the Council at application stage by Gina Fegan; one by Hasan Bakhshi which was commissioned by the appellant as part of the appeal; and a third review by the Research and Statistics Unit of the British Film Institute, referred to in its appeal representation. There is no questioning by the Council of

the authority and relevant expertise of these reviewers. In summary they advise that the appellant's forecasts provide a fair assessment of likely future performance, which takes into account the risks arising from uncertainty. While seemingly optimistic, the appellant's assumptions are confirmed as providing a reasonable basis for a realistic base case forecast. Although the sources of uncertainty have been well articulated in the cases of the Council, SPP and others, there is no alternative countervailing quantitative assessment. Overall, the base case projection of future expenditure growth can be given considerable weight. [229-236,377,393,396,405,411,429,434,464,522,535,544]

#### *Translation of expenditure growth to stage space and ancillary space*

##### Stage space

771. Following preparation of the expenditure growth projections, the appellant has assessed the additional stage space requirements expected to arise from the additional UK expenditure. The calculation involves applying the percentage increase in film production expenditure over the period 2013-2032 to the combined floorspace of the existing 12 UK studios that are able to accommodate major film making. From this are derived estimates of the additional floorspace required. [224,438]

772. Studio costs (excluding set construction) are generally between just 4% and 6% of total film production spend. The appellant's calculation assumes a fixed relationship between studio costs and total expenditure, so that demand for this rises by the same proportion. It is suggested in criticism that price sensitivity and budget restraints would require an increase in efficiency of use of studio space over the projection period. Nevertheless, there is no evidence of such a change in the relationship. [228,439-441]

773. High-end television does not necessarily require premium stage space of the type that is proposed in the appeal scheme. There is evidence of the current use of cheaper facilities, including space built for other purposes that is converted to studios. It is also not established that video games making has extensive stage space requirements. These factors lead to some reservations about the likely reliability of the appellant's stage space demand projections. [409-412,541-542]

##### Ancillary space

774. Demand for additional ancillary space (including workshops and production offices) in the appellant's analysis is derived by applying what is said to be the existing ratio of stage to ancillary space at Pinewood Studios of 1:1.5 to the stage floorspace projections. [225]

775. While individual film productions may require less than this ratio of provision, a sound point is made by the appellant that the needs of overlapping productions warrant the higher level, with evidence on occupation to support this. Nevertheless, reasonable doubts have been raised about the application of the fixed ratio to the entire projection period to 2032. There may well be scope for a more efficient model, as suggested by some evidence from new international studios, and especially in the context of pressure on budgets. [442-446,558]

776. Taking into account all of the above aspects of the conversion of the expenditure projections into floorspace requirements, it appears that the appellant's analysis makes no allowance for a varied outcome on the lower side.

777. However, an important point is that the appeal proposal (stage plus ancillary space) would provide for only some 38% of the required new capacity as calculated by the appellant under the base case (25% under the 17% market share case). If the base case projection is accepted as a fair reflection of the likely growth, this adds a significant robustness to the floorspace demand conversion, since under this the scheme would accommodate only a limited portion of the available national growth. As explored below, there is little by way of identified firm alternatives to the appeal scheme to provide for substantial new premium stage space. There would therefore be scope for considerable variation in the outcome of overall demand for new production space with there still being a requirement for that in the appeal scheme. In the base case it is assumed that Pinewood Studios would retain its existing share of big budget film productions in the UK (around 35%), with this share increasing only in the 17% share case. [225-226]

778. Conversely, it should be noted that under the inflation-only projection there would be no requirement for an increase in studio capacity, but a need only for existing capacity to be maintained. This can be regarded as a reasonable representation of downside risks with the proposal. In this respect attention is again drawn to the independent analyses, which endorse the appellant's base case as a realistic forecast of likely future demand. [205,229-236]

#### *Media Hub*

779. The existing combined office and workshop floorspace at Pinewood Studios is around 71,921sqm (43,586sqm + 28,335sqm), which is more than double the existing stage space (32,360sqm). This clearly exceeds the ratio of 1:1.5 for stage to ancillary space which is said to presently exist. The balance is accounted for by what is described as the Media Hub, referred to in the Statement of Common Ground as a collection of related businesses which provide equipment and services to the creative industries. The existing floorspace figure given by the appellant for the Media Hub is 24,922sqm. Deducting this from the total office/workshop space (to leave 46,999sqm) gives a ratio of stage space to offices/workshops of some 1:1.45. [11,64(5),225,445]

780. The above calculated figures of requirements for additional floorspace including ancillary space that would result from the growth projections are stated by the appellant not to include the additional floorspace required to accommodate businesses providing services to productions. The latter equate to Media Hub type businesses. The appellant asserts that it is likely there would be a substantial increase in demand for floorspace for these based on the other projections. [226]

781. No UK requirement figure is produced for this, but the proposal makes provision within the development for additional floorspace to accommodate Media Hub businesses. The appellant's information variously quantifies the extent of this as both 20,875sqm and 23,434sqm. The total combined office and workshop floorspace after the development of 134,979sqm would again be around just more than double the stage space of 63,451sqm<sup>864</sup>, and the ratio of stage to

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<sup>864</sup> Figures from CD16 drawing no P-P-004 Issue 0h (134,979sqm total is 77,531sqm office + 57,448sqm warehouse)

ancillary space after deducting the Media Hub total from the latter<sup>865</sup> would be 1:1.4 or 1:1.37. In effect the proposal would approximately carry forward the existing ratios, with the Media Hub increased in proportion to its existing size. [16-17,445]

782. The explanation given for the inconsistency in the appellant's information is that the Media Hub floorspace would be flexible in terms of an overlap with the use of offices and workshops for immediate production purposes. As now, businesses would not be fixed in location but move around to meet the demands of particular productions and accommodate them in the most appropriate locations. Thus, in the proposed development, whilst new buildings 1.01, 1.07 (in the West Area) and, in particular, 2.30 and 2.31 (in the East Area) might seem the most obvious to be occupied by Media Hub tenants due to their relative remoteness from stages, that would not necessarily define the geographical location of the Media Hub. It is argued that there is not a clear distinction between production space and Media Hub space, but it is intended that all of the development would be subject to a restriction by condition to media use. [293-297,447-450]
783. The availability of Media Hub businesses at Pinewood Studios is evidently a valued aspect of its overall offer and seen as part of its attraction to film makers, as indicated by the various industry letters. However, there has been no modelling of likely future demand for Media Hub floorspace, other than an assumption that it should grow in proportion with the Studios and reference to a waiting list of potential occupiers. [180,200,451]
784. In addition, the degree to which it is essential for Media Hub businesses to be located at Pinewood Studios has reasonably been questioned. The evidence of the Pinewood group's own promotion of services located separately at its Pinewood and other studios, and the geographical spread of the supplier base of Pinewood Studios across London and the South East, are relevant points strongly suggesting that co-location is not essential for all potential occupiers. The inclusion of a similar facility in a proposal for expansion of Leavesden Studios is not in itself a justification for the extent of accommodation proposed in the appeal scheme. [258,297,451-454]
785. There is therefore a weakness in the appellant's justification for the extent of non-stage floorspace included in the proposal. However, the new Media Hub floorspace is limited to around 20% of the total net floorspace of the development. In addition, about 45% of the additional office floorspace proposed within the development would be sited within the West Area outside the Green Belt.<sup>866</sup> Therefore, even if the questioning of the expansion of the Media Hub is agreed with to its fullest extent such that none of the expansion is regarded as properly justified, this relates only to a limited proportion of the overall proposed development within the Green Belt. A more measured assessment is that, with the clear benefits of the Media Hub to the overall functioning of Pinewood Studios and the additional demand for on-site facilities that it can be anticipated would arise from the new studio space, at least some expansion of it is warranted as an integral part of the overall development. [10,13,16,17,64(5,6),180,200,451]

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<sup>865</sup> 134,979sqm less 45,797sqm or 48,356sqm to give 89,182sqm or 86,623sqm

<sup>866</sup> 14,239sqm of the total of 31,964sqm net office increase

### *Economic benefits*

786. It is common ground that the appeal development has the potential to deliver a significant range of economic benefits at national, regional and local levels, in accordance with Government policy for sustainable economic growth and the screen-based creative industries, including skills training. Further, it is agreed that a number of the objectives of the Local Enterprise Partnership fully support the appeal proposal, including stimulating sustainable business growth and bringing forward business-critical infrastructure. [64(10,11),464]
787. The appellant's quantification of the benefits has been outlined above. There is no evidence to counter the assessment. However, delivery of the benefits to this level is dependent on full implementation and occupation of the proposed development. [227,464]

### *Alternatives*

788. As agreed in the Statement of Common Ground, and already referred to, Pinewood Studios is the only production complex of its size, scale and international profile in the UK. It can readily be accepted that its global high reputation would add particular value to an extension of facilities through a physical expansion of the existing site, thereby assisting in the continuing attraction of the UK to inward film investment. Thus there is credibility in this respect in the appellant's assertion that Pinewood Studios is the natural focus of expansion within the industry. [64(4,6),197]
789. However, the appellant goes further. It is argued that the proposal is not footloose, but must be located at Pinewood Studios, such that there is no alternative. As a point of principle, that proposition is not consistent with the existing distribution of studio facilities in the UK. Pinewood Studios is not the only location where big-budget inward investment films are made, indeed large-scale and successful facilities exist at the Pinewood group's own Shepperton Studios, as well as at Leavesden and Longcross. Pinewood Studios has only 36% of the UK's major film stages, although being the single most important concentration. [179,214,247,459,549]
790. It therefore is not the case that the potential for additional big-budget film studio capacity in the UK is locationally restricted to Pinewood Studios. In addition, the evidence of film making on split sites, and of the use of alternative spaces such as redundant warehouses, while there may be particular reasons for this in individual cases and these options will generally not be preferred, indicates that there is some flexibility in spatial and physical requirements. [245-246,285-286,409-410,456-458,540-542,561]
791. However, with the identified capacity requirement to a great extent relating to the capturing of big-budget inward investment film production growth, it is reasonable for the consideration of alternatives to focus on those options able to provide a concentration of premium facilities. The assessment of alternatives carried out by the appellant contains specific criteria on scale of production capability and existence of on-site production infrastructure. These are realistic requirements in terms of a need to achieve a critical mass of facilities and supporting services. A deliverability criterion is also warranted to test whether the provision could actually be achieved. [281]

792. The final criterion in the appellant's assessment is a location within the West London studio cluster. The existing four major studio sites in the UK are all within this general area. In the Project Pinewood appeal the Inspector concluded that the main screen industry cluster is concentrated in London and the South East, of which Pinewood Studios is one of a number of smaller scale agglomerations. In that context the appellant's current identification of a Greater West London Film cluster with Pinewood as the main hub is disputed. Notwithstanding this debate, the evidence supports that the supplier base of Pinewood Studios shows a particular focus across London and the South East. The Secretary of State for Business, Innovation and Skills has identified the role of existing centres of excellence and supply chain clustering as strong influences on future growth in the sector. In this context, the focus on options within the area of search is reasonable, having regard also to the clear link of existing skills to the success in attracting inward investment. [175,188-190,281,452-454]
793. The appellant's assessment concludes that there is no alternative to the appeal proposal. While exploring the potential of alternatives in its evidence, the Council's submissions expressly record that it is advancing no specific alternative sites that could accommodate the scale and mix of the proposal. It is notable that no other party has brought forward a credible alternative. On the contrary, many representations express strong support for the scheme in general or on the particular site. This includes support from bodies that are concerned with promoting the film industry in Scotland and Northern Ireland. No serious regional policy case on the basis of a need to spread investment across the UK has been made against the proposal. [175,248,286,455,541,631,633-634 ]
794. It is of course to be recognised that the appellant's alternatives assessment is based on achieving the scale of provision proposed in the appeal scheme. The base case for the future capacity requirement has been accepted as realistic above, such that the search restriction to alternatives that would make a substantial contribution towards meeting that requirement is justified. Although some reservation has been expressed about the case for the entire Media Hub content, that represents a relatively limited proportion of the overall development. Clearly, were there to be more substantial doubt about the scale of additional capacity needed, that would affect the weight given to the alternatives assessment. [456,540,544,554]
795. Under the base case there is considerable potential for additional studio facilities elsewhere in the UK as well as the appeal proposal, including for television production and making use of buildings originally developed for other purposes. It is noted above that, if the appellant's calculation of requirements is accepted, the appeal scheme would capture only a minority proportion of this. [226,409-410,458,541-542]
796. A particular matter to consider is the scope for additional development within the existing Pinewood Studios site. The Statement of Common Ground identifies that there is 55,115sqm (net) of undeveloped committed floorspace under the 2006 Masterplan planning permission. Within the constraints of a tightly developed operational studios site, construction work can obviously be disruptive. Nevertheless, the recent construction of the South Dock (Q) and Richard Attenborough Stages has shown that substantial development can successfully be undertaken, and that the longer term benefits of new facilities can outweigh the

short term disruption. Policy E2 of the Local Plan supports such use of the site. [38,52,287,466]

797. However, the appellant's detailed analysis of all the remaining sites/plots of the Masterplan permission indicates strong limitations in what could still be provided under this. In particular, most of the residual floorspace comprises approved multi-storey office buildings with a built form that would be unsuitable for large stages. The lease granted to Panalux, an important company engaged in film production, provides an understandable justification for the appellant not proceeding with the development of the part of the site it occupies to provide an approved stage. [250,289-290,448]
798. The appeal scheme itself proposes 26,532sqm of floorspace on the West Area (excluding the multi-storey car park and overlapping with the sites of the residual Masterplan approvals). This could provide up to a maximum of 4,894sqm of stage space (4,645sqm expected). The Council suggests that there is potential for significant additional stage space with some adjustment to the proposal. However, there has been no appraisal of the achievable scale of this to counter the appellant's more detailed conclusions on the constraints of the West Area. Although the Gina Fegan review suggests that sufficient capacity to handle capacity for the next 5-10 years could be provided, there is no firm assessment of what the West Area could accommodate other than the appeal evidence. Whether or not further development within the existing Studios site would amount to an incremental approach, the Council accepts that not all of the floorspace of the appeal proposal could be provided on the West Area. [16,288-291,383,465-467]
799. To conclude on alternatives, there are various options for new studio development in the UK to meet future requirements for existing capacity, including on the existing Pinewood Studios site. However, based on the available evidence, there is no identifiable alternative to the appeal site that could provide an equivalent development of premium studio facilities of the nature and scale of the proposal. If the need for such an extent of development is not accepted, this alternatives assessment will carry less weight.

### ***Conclusions on the case for expansion***

800. Pinewood Studios has a leading global status, and is an essential component of the UK film industry, which makes a substantial contribution to the UK economy. Government policy seeks sustainable economic growth, and as part of this attaches high importance to the creative industries and specifically film.
801. The proposal would approximately double the existing Pinewood Studios in terms of size and capacity. There is a widely acknowledged current shortage in UK studio capacity, with strong industry support for the proposal. In addition to this, the proposal is backed by a proper business assessment of future requirements. The appellant's analysis takes a long-term view which is appropriate for major capital project investment. Under the base case projection there would be substantial growth in film production expenditure by 2032.
802. The top-down methodology makes a number of explicit assumptions, and there are uncertainties in these respects that potentially bear on the weight that can be given to the base case forecast. These particularly relate to the specific nature of the film industry and unknowns regarding the future of the traditional

Hollywood film model, which is a key element in UK inward investment film production expenditure, and such factors as digitisation and the studio requirements of television production. The shifting nature of development proposals brought forward by the appellant is indicative of changing expectations of future requirements. Nevertheless, the base case projection appears to be robust, having regard to long term trends and its endorsement in independent assessments. It can be regarded as the most likely future outcome based on current best information, carrying substantial weight. The inflation-only case provides an appropriate representation of the downside risks.

803. In terms of the translation to stage space requirements, there are some reasonable reservations about this element of the appellant's analysis, in particular with regard to high-end television and the scope for efficiencies in the use of ancillary space. However, there is a further considerable degree of robustness in that the proposal would provide for only 38% of the projected UK floorspace requirement under the base case. On the risk side, under the inflation-only case there would be no requirement for additional floorspace.
804. There is some weakness in the justification for the Media Hub expansion, but the qualitative benefits of this are convincing, and it relates only to a limited part of the proposal within the Green Belt.
805. The proposal would deliver substantial economic benefits if implemented and occupied in full.
806. Alternatives have been reasonably considered by the appellant. There is no firm evidence to undermine the conclusion that there is no identifiable alternative site that could accommodate the scale and nature of the appeal proposal, although options for a lesser provision of new studio space exist.
807. Overall there is a very strong, credible economic case for the proposed expansion. While recognising that there is a degree of risk arising from uncertainty, the case is sufficiently compelling to be given substantial weight in support of the development.

**vi) The planning conditions and planning obligations that are required in the event of permission being granted and the likely effectiveness of these with respect to mitigation of impacts on infrastructure and the environment**

***Conditions***

808. Suggested conditions to be imposed on a grant of permission were put forward and discussed at the inquiry. There was a large measure of agreement on these, but also differing views on some matters. The conditions fall to be considered against the advice in national planning guidance and the model conditions in Circular 11/95. Taking into account that advice and the views expressed on the proposed conditions, and the above conclusions, a set of amended conditions that are recommended in the event of the appeal being allowed is included in an Annex. [636-639]
809. A number of minor detailed changes to the suggested conditions have been made to improve the wording. A justification for the conditions is now set out under the headings of the groups into which the recommended conditions are arranged.

### *Time Limits, Periods and Plans*

810. Conditions appropriate to an outline permission are required. In view of the scale of the development it is reasonable for details to be brought forward for different parts in steps. However, control over certain site-wide matters at the initial step, and ensuring inclusion of a significant element of the approved floorspace, are warranted to mitigate the impact of the development and reflect the very special circumstances case. Although, with the proposed cross-site works, the development does not divide into distinct parcels, the approach of an indicative phasing which allows for some flexibility is an agreed matter. The proposal is intended to be delivered over a 15 year period reflecting the anticipated growth in demand over that time. In these circumstances, some control over a programme of delivery, with scope for this to be reviewed as the development progresses, is justified; the wording of Conditions 2 and 5 has been adjusted to ensure that there is no development prior to approval of the programme in the interests of enforceability and clarity. The time periods accord with the early initial delivery in the context of the very special circumstances case. [31,32,64(3),637]

811. The submitted plans should be incorporated in the permission so that this is consistent with the scheme assessed.

### *Materials and Tree Protection*

812. These aspects of the development should be controlled to ensure that its appearance and landscape impact are satisfactory.

### *Energy centre*

813. Requirements on the energy centre are necessary in the interests of sustainable development.

### *Ecological Management and Monitoring*

814. Requirements on ecology to secure the application supporting details are needed in order to safeguard biodiversity with appropriate protection and mitigation measures.

### *Drainage and Ground Contamination*

815. These conditions, again reflecting the submitted assessments, are necessary to protect the environment of the site and surrounding area.

### *External Lighting*

816. Control over lighting is needed to safeguard the amenity of the area.

### *Archaeology and Building Recording*

817. Requirements on these matters are necessary to protect heritage interest as identified in the submitted assessments.

### *Construction Management*

818. The proposal is for a development of substantial scale and a number of requirements relating to construction management are justified to minimise impact on the surrounding area. However, there is no evidential basis on which

to warrant a condition to control construction traffic routing, and the suggestions of the County Council in this respect are not included. [639]

### *Highways*

819. A number of conditions on access are needed to safeguard highway conditions.

### *User Occupation*

820. Requirements relating to uses of external areas within the site are needed to safeguard amenity and the environment.

821. A general limitation on occupation of the development for media related uses is justified having regard to the very special circumstances case. The evidence relating to the Media Hub does not warrant the specification of a maximum floorspace for this, having regard to the likely flexibility of occupation in serving the varying requirements of film productions and the difficulty of enforcing such a restriction. Any future proposals for further development would need to be assessed on their own merits. [638]

### ***Obligations***

822. The NPPF sets out policy tests for the seeking of planning obligations, and there are similar statutory tests contained in Regulation 122 of the Community Infrastructure Levy Regulations (2010) which must be met for obligations to be given weight. Core Policy 6 of the Core Strategy on providing for local infrastructure needs is also relevant. The submitted obligations have been considered in the light of these requirements and the joint evidence put forward in support of them. [640-655]

823. The obligations in the first legal agreement, involving the District Council, all relate to local labour and skills training. Economic benefits, including to the local area, are an important element of the very special circumstances case, and the use of local labour would reduce the need for travel in line with sustainable transport objectives.

824. The second legal agreement, involving the County Council, contains a number of obligations relating to transport matters. These divide into those intended to secure delivery of off-site highway works, and others directed towards sustainable transport measures. The obligations are required to help mitigate the impacts of the development in line with national transport policy objectives, as well as local ones set out in policy TR5 of the Local Plan and Core Policy 7 of the Core Strategy. Footpath provision within the site would help meet objectives for the use of land in the Green Belt and the Colne Valley Park.

825. Other obligations in the second agreement deal with ecological matters. These are needed to secure biodiversity interests, consistent with Core Policy 9 and national policy.

826. All of the above obligations meet the tests of being necessary, directly related to the development and fairly and reasonably related to it, and therefore can be given weight in support of the proposal.

### ***Infrastructure and environmental effects***

827. The Statement of Common Ground records agreement that, subject to conditions and obligations, the proposal is acceptable in terms of a range of amenity, environmental and heritage impacts. The Council expressly raises no infrastructure objections to the development on the same basis. The above conditions and obligations deal satisfactorily with these matters.  
[64,65,266,366]

828. The Statement of Common Ground also notes that the Environmental Statement meets relevant requirements. The submitted environmental information can be regarded as adequate to enable assessment of the likely significant environmental effects of the proposal. [64(1)]

### **vii) Whether the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify such inappropriate development**

#### ***Summary of harm***

##### *Green Belt harm*

829. The proposal is inappropriate development in the Green Belt. In addition to harm to the Green Belt by definition, it would give rise to further Green Belt harm by reason of a large-scale intrusion on openness, clear conflict with 3 of the 5 Green Belt purposes, and a moderate adverse effect on landscape and visual amenity. Minor Green Belt benefits would arise from new footpaths and gains to biodiversity.

830. Precedent is not a reason for rejecting the proposal, but it would have a substantial and adverse effect on the Green Belt, and the sheer geographical extent of the proposed development in the Green Belt is to be borne in mind. The proposal is in clear conflict with policies GB1, GB4 and EP3 of the South Bucks District Local Plan in these respects. The Green Belt harm is a matter that should be accorded very serious weight in the decision.

##### *Colne Valley Park harm*

831. The proposed substantial physical development within a large area that is existing countryside would have a significant adverse effect on the Colne Valley Park. The negative impacts on landscape and visual amenity would not in themselves justify withholding permission, but there would nevertheless be significant harm from the development to the Colne Valley Park.

832. In these respects there would be conflict with Core Policy 9 of the South Bucks Core Strategy. The policy allows for exceptions where the harm is outweighed by the importance of the development or the development cannot reasonably be located on an alternative site, so that this is a matter to be taken into the overall balance. This is also with the proviso that, to the extent that the harm relates to landscape, it is the same harm as that identified under Green Belt impact rather than being additional.

### *Sustainable transport harm*

833. The site is located within an area that is generally well served by public transport, with significant future improvements to services imminent. However, the site itself is relatively remote from public transport facilities. The scale of the appeal scheme would generate extensive additional travel. The proposal in this respect does not accord with the objective included in Core Policy 7 of the Core Strategy of focussing new development that generates substantial transport movements in locations that are accessible by public transport, walking and cycling.
834. The existing modal split of travel to the site shows a heavy reliance on the private car. The proposal puts forward a raft of measures aimed at achieving a sustainable modal shift, which have been developed in conjunction with the County Council, but the success of these is likely to be somewhat limited, with a continued substantial dependence on car travel. In the absence of comparisons, the relative sustainability of the development on this site cannot properly be tested. However, in absolute terms it can be expected that the proposal would give rise to a substantial increase in journeys reliant on the private car, which is a negative outcome.

### *Traffic harm*

835. The likely traffic impact of the proposal has been properly modelled. The County Council regards the proposal as acceptable in traffic terms with the proposed package of obligations and conditions, and no objection is raised on this ground by the District Council. Although there is considerable local concern about traffic, the effect in terms of local congestion and additional rat-running would be limited. It would not in itself justify turning down the proposal, but would be a moderately harmful impact.

### ***Development Plan position***

836. The relevant elements of the development plan comprise the South Bucks Local Development Framework Core Strategy Development Plan Document 2011 and the South Bucks District Local Plan 1999 (saved version). The proposal is in conflict with a number of up-to-date policies in the development plan as set out above. While there are many other policy areas where no conflict has been identified, the proposal is overall not in accordance with the development plan. [43-59,64,261-262,266,367-369]

### ***National policy position***

837. The NPPF highlights the importance of achieving sustainable development, with the Government's view of what this means in practice set out by the policies in paragraphs 18 to 219 taken as a whole. Given that the proposal constitutes inappropriate development in the Green Belt, which is contrary to an up-to-date development plan and can only be approved on the basis of very special circumstances, the provisions for applying a presumption in favour of sustainable development in decision-taking set out in paragraph 14 do not apply in this case. Nevertheless, given the goal of sustainable development, the performance of the proposal in this respect is a matter to be addressed, dealing with the economic, social and environmental roles of the planning system in this. [268-270,369-370]

838. The design and technical aspects of the development would meet sustainability criteria, and a gain in biodiversity would be delivered. The incursion into Green Belt and loss of undeveloped land would be a negative environmental effect. There would also be an adverse social impact with respect to the concern expressed in widespread local objection to such an intrusion. Conversely, with the recognised cultural contribution made by Pinewood Studios and the film industry, it can be considered that there would be a boost to this which would be a positive social aspect of the expansion. [266-267,299,475,571-635]
839. The proposal does not fully represent a focussing of significant development in a location which is or can be made sustainable as sought by paragraph 17 of the NPPF. The extent to which it would give rise to an increase in journeys reliant on the private car would be a negative outcome. However, an increased demand for travel is a general consequence of new development.
840. In terms more specifically of the economic dimension of sustainable development, there is a strong national commitment to economic growth and support for the film industry. The potential economic benefits of the proposal would contribute significantly to these national objectives. However, there is no general dispensation for economic development to override the Government's continuing firm commitment to Green Belt protection. There is also no such provision for the film industry in particular, with the support for this not quantified or location specific in terms of new studios development. The requirement for very special circumstances to be established remains applicable for any exception to be made. [320,371-373,378-379,518-519]
841. Subject to such very special circumstances being accepted, including a requirement for the proposal to be in the particular location of the appeal site, it can be concluded that the proposal would be reasonably consistent with sustainable development objectives but with a significant reservation on transport.

### ***Other considerations***

842. The appellant has put forward four components of what are referred to as individual very special circumstances, and the Council has responded on a similar basis. The NPPF states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. These components should therefore be regarded as 'other considerations' rather than very special circumstances, which cannot be identified until the end of the balancing exercise. [271-272,461]
843. The first consideration is "*delivering sustainable economic growth through the appeal scheme to a world-leading business in a priority sector for the UK*". This relates to the merits of the case for expansion of Pinewood Studios, as explored above, with the conclusion reached that there is a very strong, credible economic case. In the context of Government policy, this consideration can properly be described as one of national interest. It could be expected that a grant of permission for the scheme would provide a widely reported message in support of this interest. [273-278,379,465,550-559]
844. The second consideration is "*the absence of a credible and viable alternative*". On the basis of the available evidence, the case on this is made out. The point is

reiterated that this is with the premise that the full extent of the development is needed in pursuit of the national interest. [279-298,465-467]

845. The third consideration is "*the range and scale of the socio-economic and other benefits from the appeal scheme*". These would arise at both a local and national level, and include those relating to education, skills and culture. The quantification of the benefits has not been challenged, but the degree to which they are delivered would again be dependent on the extent of implementation of the full scheme. [299-302,464]

846. The final consideration is "*the harm to the PSL business and the creative industries sector that would arise from a rejection of the appeal proposal*". The interests of the PSL business and the overall sector do not directly coincide, and the business does not equate to the UK film industry as a whole. The appellant's assertion that in the event of permission not being forthcoming for the appeal scheme it would cap its investment at Pinewood Studios was not sustained at the inquiry. There would be scope for further development within the existing site, and inward film investment could be expected to continue. There could be some adverse effect from negative publicity, but it is difficult to gauge the likely extent of this or how long it would last, and the reputation of the Pinewood brand would remain an asset. However, without the appeal scheme the benefits identified under the first and third considerations would not be realised to the degree possible with the proposed development. In the context of international competition in the film industry, the lost opportunity would represent a harmful outcome of the development not being permitted. [64(9),303-306,465,548-549,569]

847. While these four considerations are put forward individually by the appellant, it is clear that they are interrelated and contribute collectively to the supporting case. On the basis of the above assessment each carries substantial weight, leading in turn to a substantial cumulative weight of considerations in favour of the proposal. [307-309,460-461]

### ***The Green Belt balance***

848. There are extensive representations both for and against the proposal. Among the latter there is understandable scepticism about the appellant's arguments in the context of changes from earlier proposals. However, the appeal is to be determined on the basis of the evidence now available and on the particular case. The Green Belt balancing exercise is a matter of judgement on which different views can legitimately be reached. It can be noted that the officer report on the planning application to the Council's Planning Committee made no recommendation on the decision but indicated that the balance could be struck either way. The test, however, is for the harm to be clearly outweighed, rather than being achieved on a marginal basis.

849. The proposal can be regarded as an ambitious scheme with a 15 year implementation timescale. Uncertainty relating to the future of the film industry cannot be excluded. Risk is a feature of investment decisions, but if future demand for the proposed facilities is not as expected, and is instead as indicated by the appellant's alternative inflation-only downside case, the result could be that the full development is not implemented. The anticipated benefits would then not be realised in full, while the intrusion into Green Belt and harm to the national interest that it represents would be permanent. However, the evidence

indicates a strong likelihood of a level of demand such that it is possible to be satisfied that the permitted development would be taken up. [376,297,380,462]

850. In drawing the balance between the two national interests, I consider that, notwithstanding the degree of uncertainty, the potential harm to the Green Belt and the other identified harm is clearly outweighed by the other considerations. The characteristics of the particular site, the relationship to the existing Pinewood Studios, the individual circumstances of the film industry, and the details of the supporting economic case, taken together provide a distinguishing combination of features. Overall, very special circumstances exist to warrant allowing the inappropriate development, overriding the identified conflict with the development plan.

### **RECOMMENDATION**

851. That the appeal be allowed and planning permission be granted subject to the conditions set out in the attached Annex.

*T G Phillimore*

INSPECTOR

## **ANNEX: RECOMMENDED CONDITIONS**

### *Time Limits, Periods and Plans*

- 1) No part of the development hereby permitted shall be begun until details of the appearance, landscaping, layout, scale and internal access of that part (hereinafter referred to as the "reserved matters") have been submitted to, and approved in writing by, the local planning authority. The development shall not be carried out otherwise than in accordance with the approved details.
- 2) The first application for approval of reserved matters shall be made to the local planning authority no later than 2 years from the date of this permission and shall include details of the following:
  - a) major distributor roads/routes within the site, including vehicular access;
  - b) strategic foul and surface water features within the site;
  - c) structural landscaping/planting provisions within the site;
  - d) ecological mitigation and management measures as set out in conditions 11 and 12;
  - e) the site entrance junction/roundabout to be formed with Pinewood Road and the access to be formed with Sevenhills Road;
  - f) ground works including site profiling and the formation of perimeter bunds within the site;
  - g) stage floorspace of at least 12,090sqm (gross external area), workshop floorspace of at least 12,407sqm (gross external area) and office floorspace of at least 15,905sqm (gross external area); and
  - h) a programme ("Programme") which sets out the proposed order of construction of the matters listed at a) - g) above and all of the new stage, workshop, office and other floorspace hereby permitted, for the entirety of the application site.

All such details shall accord with the parameter plans listed in condition 4. No part of the development hereby permitted shall be begun prior to approval of all of these details. Development shall be begun before the expiration of 1 year from the date of the approval of the last of the details to be approved pursuant to this condition and shall be carried out in accordance with the approved details.

- 3) Application for approval of the last of the reserved matters shall be made to the local planning authority before the expiration of 10 years from the date of this permission.
- 4) The development hereby permitted shall accord with the approved parameter plans and drawings comprising:
  - P-B-000/0h - Application Site Boundary
  - P-B-001/0h - Existing Site Plan
  - P-B-002/0h - Baseline Plan
  - P-A-001/0a - Proposed Demolitions
  - P-A-002-1 - Tree Removal Plan 1
  - P-A-002-2 - Tree Removal Plan 2
  - P-A-002-3 - Tree Removal Plan 3

- P-A-003/D - Site Access: Pinewood Road Main Entrance Plan
- P-A-004/E - Site Access: Sevenhills Road Emergency and Secondary Controlled Vehicular Access Plan
- P-P-001/0h - Green Space Parameters
- P-P-002/0h - Landscape and Ecology Parameters
- P-P-003/0h - Development Zones and Level Parameters
- P-P-004/0h - Areas by Development Zone Parameters
- P-P-005/0i - Site Access and Circulation Parameters
- P-P-006/0h - Building Plot Parameters
- P-P-007/1 - Areas and Dimensions by Plot Parameters

- 5) An up-to-date Programme shall be maintained at all stages of the development hereby permitted and shall accompany each application for reserved matters approval that is submitted pursuant to this permission. Those subsequent parts shall not commence until the Programme has been approved and the development shall thereafter be carried out in accordance with the approved up-to-date Programme.

#### *Materials*

- 6) No part of the development hereby permitted shall be begun until a schedule of the materials to be used in the external elevations of the building(s) within that part has been submitted to, and approved in writing by, the local planning authority. The development shall thereafter be carried out in accordance with the approved schedule.

#### *Tree Protection*

- 7) No part of the development hereby permitted shall be begun until an arboricultural method statement, tree constraints plan and tree protection plan in relation to that part has been submitted to, and approved in writing by, the local planning authority. The submitted details shall accord with the BS:5837 (as current) and shall include:
- a) plans showing the trees to be removed, identified by number;
  - b) plans showing trees to be retained, identified by number, with canopies plotted;
  - c) details identifying root protection areas of retained trees within, adjacent to, or which overhang the site;
  - d) the precise location and design details for the erection of protective tree barriers and any other physical protection measures; and
  - e) a method statement in relation to construction operations.

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

- 8) No part of the development hereby permitted shall be begun until fencing for the protection of any retained tree within, adjacent to or which overhangs that part has been erected in accordance with details previously approved in writing by the local planning authority. The fencing shall be retained for the duration of the construction period of that part of the development until all equipment, materials and surplus materials have been removed from that part. Nothing shall be stored or placed in any fenced area approved in accordance

with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made without the written consent of the local planning authority.

- 9) No part of the development hereby permitted shall be begun until details of the position and proposed depth of excavation trenches for all services (including cables, pipes, surface water drains, foul water drains and public utilities) within that part (together with their means of installation which pass underneath the canopy of any retained tree within, adjacent to or which overhangs that part) have been submitted to, and approved in writing by, the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

#### *Energy Centre*

- 10) No part of the development hereby permitted shall be occupied until details of the energy centre, as shown on the Building Plots Parameter Plan P-P-006/0h (together with a programme for its implementation) have been submitted to, and approved in writing by, the local planning authority. The energy centre shall thereafter be completed in accordance with the approved details and programme.

#### *Ecological Management and Monitoring*

- 11) The first reserved matters application submitted pursuant to condition 2 shall include an ecological management plan in respect of the site covering a period of not less than 25 years. The ecological management plan shall:
- a) include details of public access, acid grassland, lighting, reptile habitat, protection and translocation, bats and the construction of green roofs;
  - b) incorporate the matters listed in: (i) section 8.9, paragraph 644 (including the proposals for mitigation in table 8.22 and table 8.24); (ii) section 4.3.2 of appendix 8.3; and (iii) section 4.3 of appendix 6 of the Environmental Statement dated February 2013 as submitted in support of the development hereby permitted;
  - c) include details of the creation and management of the embedded ecology measures set out in: (i) the Ecology Strategy dated February 2013; (ii) section 8.2 of the Environmental Statement; and (iii) plan 004/P1, all as submitted in support of the development hereby permitted;
  - d) include details of mitigation, creation and management of habitats within the site prior to, during and post construction of the development hereby permitted;
  - e) provide for the creation of all habitats as early as possible so as to minimise the time lag between construction of the development hereby permitted and the creation of replacement habitat;
  - f) require the updating of surveys of all species, which are identified as requiring protection, no later than 12 months prior to commencement of the works within each part of the development, as detailed in section 8.9, paragraph 639 of the Environmental Statement dated February 2013 as submitted in support of the development hereby permitted;
  - g) require the annual review of the ecological management plan to reflect any changes in baseline conditions or the establishment of habitats, to be submitted to and approved in writing by the local planning authority;

- h) require the provision of remedial measures if monitoring indicates that the effects of the development hereby permitted on protected and BAP species are greater than predicted in the Environmental Statement dated February 2013 as submitted in support of the development hereby permitted;
- i) require the annual submission of protected species records, collated during construction and monitoring surveys, to the local Environmental Record Centre;
- j) include details of the construction method, planting scheme and management of green roofs and details and location of any features installed for invertebrates;
- k) include details of: (i) the specification and location of bat boxes and insect hotels; and (ii) the creation and location of hibernacula created for reptiles, all as proposed in section 8.9, paragraph 637 of the Environmental Statement dated February 2013 as submitted in support of the development hereby permitted;
- l) include details of the reptile translocation strategy including details of proposed receptor sites and their suitability and ability to support additional reptiles;
- m) include the location and specification of nest boxes proposed in section 8.9, paragraph 646 of the Environmental Statement dated February 2013 as submitted in support of the development hereby permitted; and
- n) a programme for implementation.

No development hereby permitted shall be begun until the ecological management plan has been submitted to, and approved in writing by, the local planning authority. The development shall thereafter be carried out in accordance with the approved ecological management plan.

- 12) The first reserved matters application submitted pursuant to condition 2 shall include an ecological monitoring plan in respect of the site. The ecological monitoring plan shall include a regime for monitoring the impacts of those species and habitats identified as being important, including the time period over which such monitoring will occur, as detailed in section 8.9 (paragraphs 640 to 642) of the Environmental Statement dated February 2013 as submitted in support of the development hereby permitted. No development hereby permitted shall be begun until the ecological monitoring plan has been submitted to, and approved in writing by, the local planning authority. The development hereby permitted shall thereafter be carried out and managed in accordance with the approved ecological monitoring plan.
- 13) No clearance of bird breeding habitat in preparation for (or during the course of) the construction of any part of the development hereby permitted shall take place during the bird nesting season from March to August inclusive, unless a nesting bird survey has been submitted to and approved in writing by the local planning authority to establish whether that part of the site is being used for bird nesting. Should the survey reveal the presence of any nesting species then no development shall take place within that part of the site during the period specified above.

### *Drainage*

- 14) The first reserved matters application submitted pursuant to condition 2 shall include details of a surface water sustainable drainage scheme in respect of the site. The scheme shall: (i) be based on the Flood Risk Assessment dated January 2013 revised April 2013 (as submitted in support of the development hereby permitted); (ii) include a programme for its implementation; and (iii) restrict surface water run-off to greenfield discharge rates for all areas of the site that are currently undeveloped and where existing buildings and areas of hard-standing are to be demolished and replaced, together with arrangements for on-site surface water storage. The development hereby permitted shall thereafter be carried out in accordance with the approved details and programme.
- 15) Surface water drainage in respect of the development hereby permitted shall not be permitted to infiltrate into the ground other than with the express written consent of the local planning authority (which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters).

### *Ground Contamination*

- 16) No part of the development hereby permitted shall be begun until supplementary contamination ground investigation surveys for that part (as specified at paragraph 839 of the Environmental Statement dated February 2013) have been carried out to ascertain the presence of any contaminants on or under the surface of that part of the site and to determine its potential for the pollution of the water environment. The survey details shall include measures to prevent pollution of ground water and surface water, including provisions for monitoring. No part of the development hereby permitted shall be begun until the surveys, together with any necessary remedial works to render that part of the site fit for occupation, have been submitted to, and approved in writing by, the local planning authority. The development hereby permitted shall thereafter be carried out in accordance with the approved measures, which shall thereafter be retained.
- 17) No part of the approved backlot within the East Area of the development hereby permitted shall be used until an environmental management procedure (as specified in paragraphs 842 and 843 of the Environmental Statement dated February 2013 as submitted in support of the development hereby permitted) has been submitted to, and approved in writing by, the local planning authority. The objectives of the procedure shall be to ensure that:
- a) activities carried out on the backlot area do not pose a risk of harm to users arising from landfill gas emissions; and
  - b) temporary construction on the area does not affect the integrity of the clay cap or perimeter containment of the underlying landfill cells.

The environmental management procedure shall include: (i) a risk assessment of all proposed activities within the backlot area; (ii) details of a prior approval procedure (to be undertaken by the applicant) for all construction activities in the area; (iii) auditing for compliance with permitted activities and ensuring that all site users are briefed before using the backlot. The use and operation of the backlot area shall thereafter be carried out in accordance with the approved environmental management procedure.

### *External Lighting*

- 18) No part of the development hereby permitted shall be occupied until details of all external lighting proposals for that part have been submitted to, and approved in writing, by the local planning authority. All external lighting proposals shall comply with: (i) the lighting mitigation measures included in section 14.8 of the Environmental Statement dated February 2013; and (ii) the ecological mitigation measures set out at paragraph 645 of the Environmental Statement dated February 2013. No part of the development hereby permitted shall be occupied otherwise than in accordance with the approved details.
- 19) The main beam angles of all external lighting units within the development hereby permitted shall be below 70° from vertical. Light trespass received at the boundary of the development hereby permitted with residential properties shall be no more than a maximum of 5 lux m<sup>2</sup>.

### *Archaeology and Building Recording*

- 20) No part of the development hereby permitted in the vicinity of: (i) Fields F1 and F2 in the East Area; and (ii) Heatherden Hall in the West Area shall be begun until details of an archaeological watching brief for that part have been submitted to, and approved in writing by, the local planning authority. The development hereby permitted shall thereafter be carried out in accordance with the approved details.
- 21) No demolition works hereby permitted shall be carried out within the site until a photographic record of the buildings listed in table 10.8 of the Environmental Statement dated February 2013, and shown on the approved Demolition Plan P-A-001/0a, has been submitted to and approved in writing by the local planning authority. The record shall accord with a Level 1 Survey as specified in the English Heritage guidance '*Understanding Historic Buildings*' 2006.

### *Construction Management*

- 22) No part of the development hereby permitted shall be begun until a Code of Construction Practice and Management Plan for that part has been submitted to, and approved in writing by, the local planning authority. The Code of Construction Practice and Management Plan shall include:
- a) site supervision arrangements and procedures;
  - b) details of construction method statements, working practices and environmental and health and safety protection measures;
  - c) details of construction working hours;
  - d) operation of construction plant and machinery and the implementation of noise and vibration mitigation measures in accordance with paragraphs 1472 to 1476 and 1481 of the Environmental Statement dated February 2013 as submitted in support of the development hereby permitted;
  - e) details and use of construction lighting to be carried out in accordance with the mitigation listed in table 14.5 and at paragraph 1681 of the Environmental Statement dated February 2013;
  - f) arrangements for the protection of areas of ecological sensitivity and importance in accordance with the mitigation set out at paragraphs 634 to 645 of the Environmental Statement dated February 2013 (and in

accordance with the ecological management plan and ecological monitoring plan as approved pursuant to conditions 11 and 12;

- g) methods for the control of dust and air pollution in accordance with the dust mitigation measures listed in paragraphs 410 and 411 of the Environmental Statement dated February 2013;
- h) methods for the protection of landscape features and visual receptors in accordance the measures set out at paragraph 1201 of the Environmental Statement dated February 2013;
- i) methods for the prevention of dust, dirt, debris and other deposits on the highway;
- j) methods for the management of materials and prevention of waste in accordance with the sustainable waste management principles listed at paragraph 1995 of the Environmental Statement dated February 2013; and
- k) details of construction site compounds, the location and storage of plant, materials and fuel, access arrangements and security hoardings.

The development shall thereafter be carried out in accordance with the approved Code and Management Plan.

- 23) No part of the development hereby permitted shall be begun until a site waste management plan for that part (including a scheme for recycling and/or disposing of waste resulting from demolition and construction works) has been submitted to, and approved in writing by, the local planning authority. The development hereby permitted shall thereafter be carried out in accordance with the approved management plan.
- 24) No part of the development hereby permitted shall be begun until a construction traffic management plan (including details of vehicle parking for site operatives and visitors, wheel washing arrangements and plant and materials delivery/despatch times) for that part has been submitted to, and approved in writing by, the local planning authority. The development hereby permitted shall thereafter be carried out in accordance with the approved management plan.

### *Highways*

- 25) No part of the development hereby permitted shall be occupied until the highway works, which are shown in principle on drawing number P-A-003/D (including speed gates relocation, roundabout access and a Toucan crossing) have been completed and are available for use in accordance with details that have previously been approved in writing by the local planning authority.
- 26) No part of the development hereby permitted shall be occupied until the highway works, which are shown in principle on drawing number P-A-004/E (including a secure commercial emergency vehicular access), have been completed and are available for use in accordance with details that have previously been approved in writing by the local planning authority.
- 27) Notwithstanding the provisions of Part 2 of the Second Schedule to the Town and Country Planning (General Permitted Development) Order 1995) or any Order revoking or re-enacting that Order) no gates, fences, walls or other means of enclosure other than those shown on the approved plans shall be erected along the frontage to the site within 18 metres of the carriageway.

### *User Occupation*

28) Prior to the first use of the external areas and land within the site to be used for outdoor filming, a management and operational plan for those parts of the site shall be submitted to, and approved in writing by, the local planning authority. The plan shall include details of the management and mitigation of the impacts of outdoor filming (including noise disturbance, artificial lighting and parking and access requirements on adjacent residents, the landscape and ecology within the site). The plan shall also include reference to:

- a) the noise mitigation and local liaison measures listed at paragraphs 1487 to 1489 of the Environmental Statement dated February 2013; and
- b) the potential effect of filming activities on ground nesting bird habitats and the mitigation measures at paragraph 645 of the Environmental Statement dated February 2013.

No external areas and land within the site shall be used for outdoor filming otherwise than in accordance with the approved plan at all times.

29) The development hereby permitted shall be used only for uses directly connected with media, including film, television and video games production, and associated services and industries.

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Simon Bird QC Assisted by Hugh Flanagan of Counsel	Instructed by Joanna Swift, Head of Legal and Democratic Services, Chiltern and South Bucks District Councils
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He called:

Stephen Kyle BSc(Hons) DipTP MRTPI Angus Finney PhD MA PGDip BA(Hons)	Area Team Manger, Development Control Unit, South Bucks District Council Consultant
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### FOR THE APPELLANT:

Martin Kingston QC Assisted by James Corbet Burcher of Counsel	Instructed by Ian Ginbey, Clyde & Co LLP
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He called:

David Wight MA(Cantab) DipPD MRICS Nicholas Forrest BSc(Hons) Graham Russell BSc(Hons) DipTP MBA MPhil David Height MA DipArch RIBA Pauline Randall BSc(Hons) MALA FLI David Bird CEng MICE Robert Lucas BSc(Hons) DipTP MRTPI	Property Director, Pinewood Studios Group; Director, Pinewood Shepperton Ltd Director, PricewaterhouseCoopers LLP Partner Director, Amion Consulting Project Director, Arup Associates Partner, Randall Thorp Director, Vectos Chief Executive, Turley Associates
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### FOR STOP PROJECT PINEWOOD:

Charlie Hopkins MA(Oxon) Dip Law	Planning and Environmental Consultant
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He called:

Sylvie Lowe Dr Wendy Matthews Pauline Vahey Mitch Gears Michael Woods	Chair, Stop Project Pinewood Chair, Iver Parish Council Chairman, Fulmer Parish Council Local resident Director and Company Secretary, Colne Valley Park Community Interest Company
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## INTERESTED PERSONS:

Luisa Sullivan	South Bucks District Councillor
Ruth Vigor Hedderly	Buckinghamshire County, South Bucks District and Parish Councillor
Carol Gibson	Local resident and Parish Councillor
Paul Graham	Chairman of Iver and District Countryside Association
John Rossetti	Local resident
Paul Griffin	Local resident
Michael Nye	Colnbrook resident
Rt Hon Dominic Grieve QC MP	Member of Parliament for Beaconsfield

## CORE DOCUMENTS

### **Planning Application Core Documents**

CD01	Application forms and certificate
CD02	Planning Statement by Turley Associates
CD03	Pinewood Studios: The Case for Expansion by Turley Associates
CD04	Pinewood Studios: Behind the Scenes by Turley Associates
CD05	Pinewood Studios: Business Case and Economic Impact Assessment by Amion Consulting
CD06	Market Review by PricewaterhouseCoopers
CD07	Site Audit and Development Capacity Assessment by CBRE
CD08	Design and Access Statement by Arup
CD09	Environmental Statement Volume 1 (Main Text) by Arup
CD10a	Environmental Statement Volume 2 (Appendices - Part I) by Arup
CD10b	Environmental Statement Volume 2 (Appendices - Part II) by Arup
CD10c	Environmental Statement Volume 2 (Appendices - Part III) by Arup
CD11	Environmental Statement Volume 3 (Non Technical Summary) by Arup
CD12	Transport Assessment by Vectos
CD13	Energy Statement by Arup
CD14	Ecology Statement by Arup
CD15	Landscape Access Management Plan by Stephenson Harwood and Turley Associates
CD16	Pinewood Studios Development Framework: Principles and Parameters by Arup
CD17	Pinewood Road and Sevenhills Road Proposed Access Plans by Vectos
CD18	Pinewood Studios Development Framework: Illustrative Masterplan by Arup
CD19	Statement of Community Involvement by Soundings
CD20	Draft Heads of Terms Planning Obligation by Stephenson Harwood and Turley Associates
CD21	Officer Report to South Bucks District Council (SBDC) Planning Committee on 15 May 2013
CD22	Minutes of SBDC Planning Committee Meeting of 15 May 2013
CD23	Additional information and correspondence submitted to SBDC during the consideration of the planning application
CD23a	Additional Archaeological Evaluation Report for Fields F1 and F3, AOC Archaeology, April 2013
CD23b	Revised Flood Risk Assessment, Arup, April 2013

CD23c	Response to SBDC Environmental Health consultation, Turley Associates, April 2013
CD23d	Response to SBDC Landscape consultation, Turley Associates, April 2013
CD23e	Response to SBDC Planning Policy consultation, Turley Associates, April 2013
CD23f	Response to SBDC Sustainability consultation, Turley Associates, April 2013
CD23g	Response to SBDC Heritage consultation, Turley Associates, April 2013
CD23h	Response to SBDC Independent Film Industry Expert Review, Turley Associates, April 2013
CD23i	Response to SBDC Committee Report, Turley Associates, April 2013
CD23j	Response to Bucks County Council Ecology consultation, Arup, April 2013
CD23k	Response to Bucks County Council rights of way, greenspace, minerals consultation, Turley Associates, April 2013
CD23l	Report on Statutory Consultation, Soundings, May 2013
CD24	Amendments to the Sevenhills Road access plans and documents
CD24a	Turley Associates letter dated 30 September 2013 and revised description of development
CD24b	Revised Site Access and Circulation Parameter Plan drawing no P-P-005 Issue 0i
CD24c	Revised Sevenhills Road Access Plan drawing no P-A-004 Revision E
CD24d	Supplementary Transport Assessment
CD24e	Supplementary Environmental Statement
CD24f	Non-Technical Summary of the Supplementary Environmental Statement
CD25	Environmental Impact Assessment: Scoping Report, Arup, 21 August 2012
CD26	SBDC Scoping Opinion, September 2012
CD27	Pinewood Studios: Independent Review commissioned for South Bucks District Council by G Fegan (D-Media Network Ltd), March 2013
CD28	SBDC Decision Notice dated 16 May 2013
	<b>Policy Documents</b>
CD29	South Bucks Local Development Framework: Core Strategy Development Plan Document (Adopted February 2013)
CD30	South Bucks District Local Plan (saved version) (Adopted March 1999 and Consolidated September 2007 and February 2011)
CD31	Bucks County Council Minerals and Waste Core Strategy (November 2012)
CD32	Bucks County Council Minerals and Waste Local Plan 2004 - 2016 (saved version) (2006)
CD32a	Bucks County Council Minerals and Waste Local Plan supplementary guidance note (2006)
CD33	National Planning Policy Framework (2012)
CD34	The Coalition: our programme for government, Cabinet Office, May 2010
CD35	Transforming the British economy: Coalition strategy for economic growth speech given by Rt Hon David Cameron PM, May 2010
CD36	The Path to Strong, Sustainable and Balanced Growth, HM Treasury and BIS, November 2010
CD37	The Plan for Growth, HM Treasury and BIS, March 2011

- 
- CD38 Planning for Growth: Written Ministerial Statement by Rt Hon Greg Clark MP, Minister of State for Decentralisation, March 2011
- CD39 Britain Open for Business: Growth through international trade and investment UK Trade and Investment, May 2011
- CD40 Prime Minister's speech to the Confederation of British Industry Conference by Rt Hon David Cameron PM, November 2012
- CD41 Autumn Statement 2012, HM Treasury, December 2012
- CD42 Budget 2013 and Plan for Growth Implementation Update, HM Treasury and BIS, March 2013
- CD43 Investing in Britain's Future, HM Treasury, June 2013
- CD44 The future of the UK film industry speech given to BAFTA by Ed Vaizey MP, November 2010
- CD45 Next Gen: Transforming the UK into the world's leading talent hub for the video games and visual effects industries, NESTA, February 2011
- CD46 A future for British film: it begins with the audience - a UK film policy review for DCMS, January 2012
- CD46a Speech by Rt Hon David Cameron PM at Pinewood Studios, January 2012
- CD46b Speeches by Rt Hon Vince Cable MP and Hon Ed Vaizey MP at Pinewood Studios, May 2012
- CD47 Consultation: Creative Sector Tax Reliefs, HM Treasury, June 2012; Response, December 2012
- CD47a Why film and TV are key to economic growth, DCMS blog by Hon Ed Vaizey MP, October 2012
- CD47b Speeches by Rt Hon George Osborne MP and Hon Ed Vaizey MP: Creative Sector Tax Reliefs Implementation, April 2013
- CD48 Film Forever - Supporting UK film: British Film Institute Plan 2012 to 2017, British Film Institute, October 2012
- CD49 Ministerial Letter dated 15 May 2013 by Rt Hon Vince Cable MP, Secretary of State for Business, Innovation and Skills
- CD50 Buckinghamshire Green Infrastructure Strategy - Buckinghamshire Green Infrastructure Consortium, April 2009
- CD51 Plan for Sustainable Economic Growth in the Entrepreneurial Heart of Britain 2012 to 2031: Growing Buckinghamshire's Contribution to National Prosperity - Buckinghamshire Thames Valley LEP, November 2012
- CD52 Colne Valley Regional Park Action Plan 2009 to 2012 - Colne Valley Partnership, March 2009 and email dated 12 July 2013 from the Colne Valley Park Programme Manager to SBDC confirming the Action Plan is no longer a current document
- Other Documents**
- CD53 Tree Preservation Order: South Bucks District Council No 23 made July 2009
- CD54 Tree Preservation Order: Bucks County Council No 3 made September 1950
- CD54a Tree Preservation Order: South Bucks District Council No 24, made 2009
- CD54b Tree Preservation Order: Eton Rural District Council No 2, made 1970
- CD55 The 'Masterplan' outline planning permission 04/00660/OUT granted 12 April 2006
- CD56 Officer report to SBDC Planning Committee meeting of 11 May 2005 for the 'Masterplan' outline planning application 04/00660/OUT
-

- CD57 Project Pinewood appeal decision (ref. APP/N0410/A/10/2126663), DCLG, 19 January 2012
- CD58 The Economic Impact of the UK Film Industry, Oxford Economics, September 2012
- CD59 Draft Memorandum of Understanding between the Appellant and Amersham and Wycombe College dated 14 January 2013
- CD60 Consultation response from Colne Valley Park Community Interest Company via email forwarded to the Appellant by SBDC dated 17 April 2013
- CD61 Letter to PSL from Mr S Kyle SBDC dated 29 July 2013
- CD62 Letter submitted to Rt Hon Eric Pickles MP and PINS by GTV6 (the 6 no. Thames Valley region LEPs) dated 16 August 2013
- CD63 Glossary of terms and abbreviations used in the appeal
- CD64 Agreed Statement on Transport Issues
- CD65 Planning Statement of Common Ground
- CD66 Letter of 23 July 2013 from BCC to PSL with regard to a Private Bill to permit temporary road, footway and footpath closures for filming on the highway
- CD67 Supporting the Creative Economy - House of Commons Culture, Media and Sport Committee, 'Volume I of the Third Report of Session 2013 – 14', 26 September 2013 and Evidence
- CD68 DTZ Pieda Consulting letter to SBDC dated 12 May 2004
- CD69 Planning Statement prepared by DTZ dated March 2007
- CD70 Rebuttal Proof of Evidence of Ivan Dunleavy (reference PSL/ID/2.1) dated 21 March 2011
- CD71 Project Pinewood Document 1: Planning Statement dated May 2009
- CD72 Royal Town Planning Institute Planning Convention 2013: Speech given by The Rt Hon Eric Pickles MP on 11 July 2013
- CD73 Maud Mansfield report on the British Film Industry for Shadow DCMS, November 2009
- CD74 Oxford Economics, The Economic Impact of the UK Film Industry, 2010
- CD75 House of Lords Select Committee on Communications: 'The British Film and Television Industries – decline or opportunity' - 1st Report of Session 2009-10
- CD76 BFI Statistical Yearbook 2013
- CD77 Pinewood Annual Reports for 2010
- CD78 Pinewood Interim Annual Reports for 2011
- CD79 Pinewood Annual Reports for 2012
- CD80 Pinewood Annual Reports for 2013
- CD81 Inspector's Report on the examination into the South Bucks Core Strategy Development Plan Document, 31 January 2011
- CD82 Consultation response from Buckinghamshire County Council Ecology Advisor dated 7 October 2013
- CD83 Marche Du Film Focus, 2013: World Film Market Trends
- CD84 Angus Finney, The International Film Business: A Market Guide Beyond Hollywood (1st ed) 2010
- CD85 Paper By Joanna Lenart and Ana Sofia Jacinto, Maastricht University, Faculty of Law 2012: State Aid & Public Procurement in the EU: State Aid and EU Cultural Policy - the Example of Films
- CD86 South Bucks District Landscape Character Assessment, October 2011
- CD87 Britain is Hollywood's home away from home - article dated 11 November 2013 from the LA Times

CD88	Letter from DTZ to South Bucks District Council dated 12 May 2010
CD89	Letter dated 19 November 2013 from BFI
CD90	Warner Bros Studios Leavesden: Site Allocations Local Development Document material
CD90A	Warner Bros Studios Leavesden: Timeline
CD90B	Warner Bros Studios Leavesden: New M Sound Stage: extracts from Design and Access Statement
CD91	Planning permission ref 07/00454 and plans (Deluxe Film Processing Facility)
CD92	Draft s106 Agreement (with Buckinghamshire County Council)
CD93	Draft s106 Agreement (with South Bucks District Council)
CD94	Letter from South Bucks District Council to Clyde & Co dated 30 September 2013
CD95	Extract from HM Treasury Autumn Statement 2013
CD96	Extract from HM Treasury National Infrastructure Plan 2013
CD97	S106 Agreement dated 12 December 2013 (with Buckinghamshire County Council)
CD98	S106 Agreement dated 12 December 2013 (with South Bucks District Council)
CD99	Community Infrastructure Levy compliance note
CD100	Government response to CMS Select Committee Report on the Creative Economy: Third Report of Session 2013-14

#### **INQUIRY EVIDENCE AND SUBMISSIONS – LOCAL PLANNING AUTHORITY**

SBDC1/1	Mr Kyle's proof
SBDC1/2	Mr Kyle's rebuttal proof
SBDC1/3	Mr Kyle's points of clarification/correction
SBDC2/1	Mr Finney's proof and Appendices
SBDC2/2	Mr Finney's rebuttal proof
SBDC2/3	Mr Finney's errata
SBDC3	Council's opening statement
SBDC4	Draft conditions
SBDC5	Draft highway related conditions (put forward by Buckinghamshire County Council)
SBDC6	Closing submissions

#### **INQUIRY EVIDENCE AND SUBMISSIONS – APPELLANT**

PSL1/1	Mr Lucas's proof
PSL1/2	Mr Lucas's Appendices
PSL1/3	Mr Lucas's rebuttal proof
PSL1/4	Mr Lucas's rebuttal Appendices
PSL1/5	Mr Lucas's overlay of 2006 Masterplan/2013 PSDF plans
PSL2/1	Mr Height's proof
PSL2/2	Mr Height's supplementary proof
PSL3/1	Mr Bird's proof
PSL3/2	Mr Bird's Figures & Appendices
PSL3/3	Graph of traffic flows on Denham Road
PSL3/4	Plan 110125/A/48 FRP – Five Points Roundabout Pedestrian Routes
PSL4/1	Ms Randall's proof
PSL4/2	Ms Randall's Appendix 1

PSL4/3	Ms Randall's Appendix 2
PSL5/1	Mr Forrest's proof
PSL5/2	Mr Forrest's Appendices
PSL5/3	Mr Forrest's rebuttal proof
PSL6/1	Mr Russell's proof
PSL7/1	Mr Wight's proof
PSL7/2	Mr Wight's Appendices
PSL7/3	Mr Wight's rebuttal proof
PSL7/4	Mr Wight's rebuttal Appendices
PSL7/4a	Letter from Saffery Champness dated 13 November 2013
PSL7/4b	Letter from Universal Studios dated 11 November 2013
PSL7/5	Mr Wight's film sets note and plan
PSL7/6	Mr Wight's answers to inquiry questions
PSL7/7	Mr Wight's response to Stop Project Pinewood's documents
PSL7/8	Mr Wight's note on UK/China Co-Production Film Treaty
PSL7/9	Mr Wight's note on Mr Rossetti's article
PSL8/1	Lord Puttnam's proof (treated as written statement)
PSL9	Appellant's opening statement
PSL10	Draft conditions
PSL11	Suggested route for site visit
PSL12	3D plan of studios
PSL13	Revised draft conditions
PSL14	Further revised draft conditions
PSL15	Closing submissions

## **INQUIRY EVIDENCE AND SUBMISSIONS – STOP PROJECT PINEWOOD**

SPP1	Ms Lowe's proof
SPP2	Ms Lowe's summary
SPP3	Ms Lowe's Appendices
SPP4	Dr Matthews's proof
SPP5	Dr Matthews's summary
SPP6	Ms Vahey's proof
SPP7	Ms Vahey's summary
SPP8	Mr Gears's proof
SPP9	Mr Gears's summary
SPP/CVP1	Mr Woods's proof
SPP/CVP2	Mr Woods's summary
SPP/CVP3	Mr Woods's Appendices 1,2,3
SPP10	Stop Project Pinewood's opening statement
SPP11	Email dated 25 November 2013 re: Statement of Common Ground
SPP12	Suggested routes for site visit
SPP13	LA Times article dated 21 November 2013
SPP14	Bundle of articles
SPP15	Closing submissions

## **INQUIRY EVIDENCE AND SUBMISSIONS – THIRD PARTIES**

TP1	Ms Sullivan's statement
TP2	Ms Vigor Hedderly's statement
TP3	Ms Gibson's statement
TP4	Mr Graham's statement

TP5	Mr Rossetti's statement
TP5/1	Mr Rossetti's photos
TP5/2	Mr Rossetti's article from Regional Film & Video Volume 17 Issue 10
TP6	Mr Griffin's statement
TP7	Mr Nye's statement
TP8	Mr Grieve's statement

### **INSPECTOR'S DOCUMENTS**

INSP1	Folder of appeal written representations
INSP2	Folder of statutory party responses to South Bucks District Council at application stage
INSP3	Folder of third party responses to South Bucks District Council at application stage



## Department for Communities and Local Government

### **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, Queens 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 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**

Decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged under this section. 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 under this section must be made within six weeks from the date of the decision.

#### **SECTION 2: AWARDS OF COSTS**

There is no statutory provision for challenging the decision on an application for an award of costs. The procedure is to make an application for Judicial Review.

#### **SECTION 3: 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 report of the Inspector's report of the inquiry or hearing within 6 weeks of 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.