

Examination of the Chiltern and South Bucks Local Plan

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Dear Mr Jaggard,

Initial Questions for Examination

1. As you will be aware, we have been appointed by the Secretary of State to conduct the examination of the *Chiltern and South Bucks Local Plan 2036*. We have commenced our preparation and have a number of initial questions which are set out below.

Duty to Co-operate

2. The *Duty to Co-operate Statement* (Ref CSBLP12, dated September 2019) provides an overview of the cooperation that has taken place with Aylesbury Vale District Council in seeking to meet the full objectively assessed housing and employment needs from Chiltern, South Bucks and Wycombe districts. In summary, it confirms that Aylesbury Vale District Council has agreed to accommodate 5,725 dwellings from Chiltern and South Bucks. Please can the Councils provide an update on the latest position regarding the Vale of Aylesbury Local Plan and explain how it seeks to address the scale and distribution of unmet housing needs from Chiltern and South Bucks?
3. The Duty to Co-operate Statement also refers to the cooperation that has taken place with Slough Borough Council. It states that Slough Borough Council is seeking to promote a 'Northern Extension' to help meet its unmet housing needs, although the overall scale of growth is yet to be determined.

4. Please can you provide more information regarding the ongoing discussions that have been held with Slough Borough Council on this issue? In particular, has a request been made to accommodate unmet housing needs, and what work has been carried out to assess how, where and when such needs might be met? It would also be useful if the Councils could provide details of any meetings or correspondence with Slough Borough Council, including actions and outcomes.
5. We note from the Duty to Co-operate Statement that Statements of Common Ground and/or Memorandums of Understanding are still being prepared with a number of neighbouring local authorities. This includes the London Borough of Hillingdon, Slough Borough Council and the Royal Borough of Windsor and Maidenhead Council. Please can you confirm when these documents will be available?

Spatial Strategy and Sustainability Appraisal

6. Paragraph 20 of the National Planning Policy Framework ('the Framework') requires strategic policies to set out an overall strategy for the pattern, scale and quality of development. Firstly, does the Plan include any strategic policies which set out the minimum number of new dwellings required over the plan period? Do any of the strategic policies include a trajectory illustrating the expected rate of housing delivery, as required by paragraph 73 of the Framework?
7. Secondly, is it clear to decision-makers, developers and local communities what the spatial strategy of the Plan is, and where the majority of new development will be located? Is there a settlement hierarchy and/or other policy mechanism which seeks to actively manage patterns of growth to focus significant new development in locations which are or can be made sustainable, as required by paragraph 103 of the Framework?
8. In answering the questions in paragraph 7 above, please can the Councils identify how the scale and distribution of growth has been determined as part of the plan-making process? What alternative strategies have been considered? The *Sustainability Appraisal of the Chiltern and South Bucks Local Plan Volume 1 of 2: Main Report ('SA')* (Ref CSBLP7, dated June 2019) states that 12 spatial options for the distribution of housing and employment were considered in 2016, but this did not identify a best performing option due to uncertainties surrounding the size and location of new development. Paragraphs 5.3.1-5.3.3 state that the spatial options were revisited by the plan makers in 2019 and presented as a suite of four options. However, the four options relate to the local housing need figure and the issue of exporting housing to Aylesbury Vale. How were the decisions on the scale and distribution of development taken forward? What evidence is there to substantiate the conclusion that the proposals in the submitted Plan are an appropriate strategy given the reasonable alternatives available?
9. In considering reasonable alternatives the SA moves onto individual site assessments, identifying 37 sites in total. Table 5.7 provides a summary of sites that were rejected and sites that are allocated. However, please can

you point to where the evidence makes a correlation between the allocated sites and the spatial strategy of the Plan? Paragraph 138 of the Framework states that when drawing up or reviewing Green Belt boundaries the need to promote sustainable patterns of development should be taken into account. How has this been considered as part of the strategy for the area?

Residential Site Selection Process and Methodology

10. Appendix B of the SA includes assessments for each of the 37 sites identified as reasonable alternatives. It confirms that the sites were derived from the *Green Belt Assessment Part Two* (Ref CSBLP15.3, dated April 2019). Table 5.8 and Appendix E cover the SA findings for the preferred site allocations.
11. Please can the Councils provide further information on the process and methodology for selecting the preferred sites and the reasonable alternatives. How did the sub-areas in the Part Two Green Belt Assessment inform the allocation of land for new development? In addition:
 - a. Are the reasons for selecting the preferred site allocations and rejecting others clear and justified? Do the reasons given in the SA comprehensively and consistently explain why the site allocations were selected or rejected? What other evidence is available to support this?
 - b. Have all reasonable alternatives been considered that could deliver the housing and economic needs in the area over the plan period? Please can the Councils prepare a list of submitted sites that have not been taken forward, usually referred to by representors as 'omission sites'. It would be helpful if the list includes details of each representor, the allocation/use of the land proposed in the plan, the allocation/use of the land being sought and a map showing their location.
 - c. Does the submitted evidence as a whole demonstrate that the sites have been selected on the basis of a robust, consistent and objective approach?
12. It would also assist the examination if the Councils could prepare a position statement or topic paper for each of the allocated sites (for both housing and employment sites). This should provide a brief description of the site, the justification for its inclusion in the Plan, a summary of any material planning considerations and whether the site(s) has planning permission. This will assist when discussing relevant issues at the hearing sessions.

Approach to Green Belt Release

13. The Part Two Green Belt Assessment refers to the difficulty in assessing impacts on the wider, strategic importance of the Metropolitan Green Belt which spans numerous local planning authorities. In particular, the use of General Areas at Stage 1 made it difficult to assess cumulative impacts, especially around the southern parts of South Bucks. The *Strategic Role of the Metropolitan Green Belt in Chiltern & South Bucks* (Ref CSBLP15.2, dated March 2018) therefore provides a high-level consideration of the performance of the Green Belt over a larger area.

14. How does the spatial distribution of growth in the Plan relate to the strategic assessment in Examination Document CSBLP15.2? How does the strategy respond to conclusions on the importance of strategic gaps acting as a means of preventing coalescence and preserving the setting and special character of historic towns?
15. Before concluding that alterations would be required to Green Belt boundaries, have the Councils considered the potential for previously developed land to be reused within existing urban areas? Have the Councils examined fully all other reasonable options, including making use of suitable brownfield sites and optimising the density of development?
16. Where it has been concluded that it is necessary to release Green Belt land for development, paragraph 138 of the Framework states that Plans should give first consideration to land which has been previously developed and/or is well served by public transport. Plans should also set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land. How is the Plan consistent with these requirements of the Framework?
17. Specific questions regarding allocated sites will be published in our *Matters, Issues and Questions for the Examination* ahead of the hearing sessions. However, at this stage please can the Councils explain why the Plan seeks to release more land from the Green Belt than the proposed allocations at:
 - a. Chesham;
 - b. Amersham Old Town (London Road West);
 - c. Chalfont St Peter (North East);
 - d. Chalfont St Peter (South East); and
 - e. East of Ridgeway Business Park, Iver.
18. What use will the areas outside the allocations, but proposed to be removed from the Green Belt, have?
19. What is the justification for removing the villages from the Green Belt as shown on the *Proposed Changes to the Adopted Policies Maps* (Ref CSBLP5)? Is this consistent with paragraph 140 of the Framework which states that if it is necessary to restrict development in a village primarily because of the important contribution that its open character makes to the openness of the Green Belt, then it should be included in the Green Belt. However, if the character of the village needs to be protected for other reasons, other means should be used, and the village should be excluded from the Green Belt. When seeking to remove those villages from the Green Belt how were the boundaries established? Are they clearly defined using physical features that are readily recognisable and likely to be permanent?
20. When defining Green Belt boundaries, paragraph 139 of the Framework states that, where necessary, plans should identify areas of safeguarded land between the urban area and the Green Belt in order to meet longer-term

development needs stretching beyond the plan period. It also states that plans should be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period. How have the Councils considered longer-term development needs, and is it necessary to identify areas of safeguarded land in Chiltern and South Bucks?

21. Paragraph 3.5.7 of the Plan suggests that further consideration may need to be given to the Green Belt boundary north of Slough through an early review. What is the justification for this, and what is the justification for seeking to deal with this issue through a review, and not as part of the Plan?

Habitats Regulations Assessment and Appropriate Assessment

22. The *Habitats Regulations Assessment of the Chiltern and South Bucks Local Plan* ('HRA') (Ref CSBLP32, dated June 2019) states that increased recreational pressure has the ability to change the structure and function of habitats at the Burnham Beeches Special Area of Conservation ('SAC'). The greatest risk is posed from new residential development within 400m of the SAC. Elsewhere, new housing within 5.6km of the SAC is considered likely to have an impact on the integrity of the site from increased visitor pressure.
23. The *Addendum to the Regulation 19 HRA Report* (Ref CSBLP33, dated September 2019) states that there should be a presumption against any new development within 500m of the SAC. Please can the Councils confirm what implications, if any, this change has for development proposed in the Plan? Does the Plan include any allocated sites within 500m of the SAC?
24. For development beyond 500m of the SAC, but within 5.6km, Policy DM NP3 requires financial contributions towards the Burnham Beeches Access Management Scheme. Paragraph 8.5.6 of the HRA states that the Councils are currently working to "...devise an appropriate scheme and charging schedule to be finalised prior to the Local Plan Examination." Please can you advise what the current status of the mitigation strategy is, when it is likely to be available and what involvement Natural England has had in its preparation? Is it sufficiently clear to developers, decision-makers and local communities what types of development would be subject to the mitigation strategy, and what would be required?

Economic Development

25. Paragraph 6.6.7 of the Plan states that there is a requirement for 40,000 square metres of Use Class B1a/b floorspace (offices and research and development) and 48,000 square meters of Use Class B8 floorspace (storage and distribution). What are these figures based on and are they justified by up-to-date evidence?
26. The *Housing and Economic Development Needs Assessment Update 2016 Addendum Report* ('HEDNA') (Ref CSBLP27, dated September 2017) states that in meeting quantitative needs, there must be "...a co-ordinated approach across the FEMA local authorities to consider the extent to which needs in districts can be met by surplus elsewhere." How have the Councils considered the need for additional employment land through discussions with

neighbouring authorities under the Duty to Cooperate, and how have you taken into account the surplus of land in neighbouring districts?

27. The HEDNA Update Report also recognises that the need for employment land should be considered in the context of housing needs being transferred from south to north, as this will have implications for the labour force and need for employment. How, therefore, have the Councils taken this into account? How has it shaped the spatial strategy to ensure that the planned growth in jobs will be accessible to existing and future residents?
28. In seeking to meet the identified need for employment land what process did the Councils follow and how did this differ from the residential site allocations referred to above? What alternative employment sites have been considered and where is this set out?
29. Paragraph 85 of the Framework states that planning policies should allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed, looking at least ten years ahead. Where suitable and viable town centre sites are not available for main town centre uses (which includes offices), planning policies should seek to allocate appropriate edge of centre sites that are well connected. If edge of centre sites cannot be identified, then policies should explain how identified needs can be met in other accessible locations that are well connected to the town centre. Please can the Councils explain how the allocations for new office developments have followed this approach, and how they are consistent with national planning policy in this regard?
30. Finally, Policy DM EP3 refers to Strategic Economic Sites, Key Economic Sites and Other Economic Sites. How have the sites been categorised? Are they based on an up-to-date assessment of market indicators? Where is this set out?

Statement of Consultation (Regulation 22(1)(c) Statement)

31. Examination Document CSBLP3 confirms how the Councils have complied with the requirements of the Town and County Planning (Local Planning) (England) Regulations 2012 (as amended). Page 12 states that following the Regulation 18 consultation, where appropriate, comments from representors have been used to "*...modify and shape the plan policies*". Please can you provide further information? In particular, how have representations made pursuant to Regulation 18 been taken into account in the Plan's preparation?

Affordable Housing – Policies DM LP2 and DM LP3

32. What is the justification for requiring developments of between 5 and 9 dwellings to provide 40% affordable housing under Policy DM LP3? Is this consistent with paragraph 63 of the Framework which states that the provision of affordable housing should not be sought for residential developments that are not major development, other than in designated rural areas? Has the cost of providing 40% affordable housing on small sites been considered through viability testing?

33. How has the method for calculating an off-site financial contribution towards affordable housing in Appendix LP2 been determined? What is it based on and is it justified by supporting evidence? What provision does the Plan make for considering development proposals that do not provide 40% affordable housing, for example due to site viability?

Housing Standards – Policy DM LP6

34. What is the justification for requiring 25% of market homes, and all affordable homes, to be built to the higher accessibility standards set out in Building Regulations Part M4(2), of which 10% must be provided to category M4(3) standards? How have the Councils taken into account the likely future need for housing for older and disabled people, the accessibility and adaptability of existing housing stock, how needs vary across tenures and the overall impact on viability?
35. Likewise, what is the justification for requiring all specialist housing for older people to be constructed to M4(2) standards, of which at least 25% must meet category M4(3)? Is this policy intended to apply to those types of housing listed under paragraph 5.8.2?
36. Is the wording in Policy DM LP6 sufficiently flexible to ensure that the policy does not undermine the viability and delivery of residential development in the Plan area, particularly when taking into account site specific factors? Have the standards in Policy DM LP6 been tested to ensure that all new residential development will remain viable, particularly in relation to smaller sites and those with lower land values?

Older Persons, Specialist and Supported Living – Policy DM LP7

37. How have the Councils considered the size, type, and tenure of housing needed for older people over the plan period, and how is this reflected in the Plan as required by paragraph 61 of the Framework? What is the requirement for the number of specialist homes needed for older people over the plan period and how does the Plan ensure that these needs will be met?

Internal Space Standards – Policy DM DP17

38. Footnote 46 of the Framework confirms that planning policies may make use of the nationally described space standards, where the need for an internal space standard can be justified. Please can you point to where the evidence base justifies the requirements of Policy DM DP17?

Equipped Play Areas – Policy DM HP3

39. Is the wording in Policy DM HP3 sufficiently flexible to ensure that the policy does not undermine the viability and delivery of residential development in the Plan? Have the requirements in Policy DM HP3 been tested, alongside other policy requirements, to ensure that new residential development will remain viable?

Topic Papers and Evidence Base Documents

40. The Councils' covering letter, dated 26 September 2019, states that some additional topic papers will be submitted. Please can you provide an update on the preparation of the topic papers and the likely timescale for their completion?
41. The submissions and representations also refer to a Settlement Capacity Study that does not appear to have been submitted. Please can the Councils confirm whether this is different to the *Review of Settlements within the Green Belt* (Ref CSBLP15.5, dated April 2019), and if so, provide a copy for the examination website?

Next Steps

42. So that the examination is not unduly delayed, we would be grateful if the Councils could provide a timetable for the production of any necessary information required to answer the questions above. As you will appreciate, until we have received and considered the Councils' responses it is difficult to establish dates for the examination hearing sessions. We will therefore confirm in due course any indicative dates for the sessions to be held.
43. In the meantime, if you have any questions please do not hesitate to contact us through the Programme Officer. We have asked the Programme Officer to upload this letter to the examination website, but we are not seeking representations from any participants at this stage.

Yours Sincerely,

Matthew Birkinshaw and David Troy

Inspectors