

## **PRESENTATION**

By Phillip J Plato FInstD DipSurv MRICS

On behalf of Brown Not Green Chesham Ltd

At Open Meeting in Chesham Town Hall

**On Saturday 14 October 2017**

Ladies & Gentlemen,

Whilst I am most grateful to Cheryl Gillan not only for being here today & for Chairing today's event, I should say that she has been slightly over generous in describing me as the founder or person behind BNG. I am obviously involved but this campaign is far bigger than just me. I am ably supported by several other hard working volunteers who represent the full Brown Not Green Committee and who are now Directors of Brown Not Green Chesham Ltd. In addition there are many others who do invaluable work for BNG such as distributing leaflets that make today's meeting possible. As such it is heartening to see such an amazing turnout and I hope you can all hear me?

The Brown Not Green campaign believes that any significant expansion of our town should look to brown field opportunities first and not Green Belt. I must stress that we recognise that Chesham MUST do its part in contributing to the supply of new housing but we feel the proposal to take some 145 acres of Green Belt NE of the town in order to expand the town & provide 900 homes is not sustainable. Put simply, our view is that it is too much of the wrong type of housing in the wrong place.

Many of you made comments to the Council after the last consultation in December last year. A lot of you attended a few public gatherings where I explained the process of adopting a new Local Plan and I have previously used the analogy that this is a marathon & not a sprint. Well there has been progress albeit at a glacial pace. Frankly, the Local Plan process makes Brexit look supersonic in comparison!

At the risk of torturing my marathon metaphor, I can summarise things by saying we have been jogging along at a slow speed for quite a few miles now but the pace is

starting to pick up however the route ahead is far from clear and there is a risk this could develop into an ultra marathon! In the last 10 months, there have been various suggestions that a response on the local Green Belt issue would be forthcoming, but sadly we still know little more than we did 10 months ago so we felt it was time the community received some sort of update, and so Brown Not Green has organised today's meeting to try to give you some news;

Specifically over the next 25 mins or so I hope to tell you;

- What has BNG been doing in the last 10 months?
- Where are we in the Local Plan process?
- What has Chiltern & S Bucks been doing?
- Why are we still discussing this issue if our case is so strong?
- How can we combat the ongoing threat to the Chesham Green Belt ?

In this last respect I warn you now I will also be talking about our Fundraising campaign which we are officially starting today. Many of you kindly offered to pay funds to us last year and we declined those offers as frankly we were not ready & we did not know if they would be needed. Unfortunately, I feel we do now need to create a war chest of funds & hopefully what I am about to say in the next 20 minutes or so will explain why?

Basically, the news today is a bit mixed. Although we have collectively presented a very solid case, we are concerned by some things we have seen emerging in the Council's Evidence Base. Whilst we are still hoping for the best, we feel in light of what I am about to explain, we must plan for the worst.

Just to set the scene for those who are new to this local planning issue,

South Bucks District Council and Chiltern District Council have jointly agreed to pursue a single Local Plan which will cover both the South Bucks and Chiltern districts. This has not been done on a whim. All Local Planning Authorities are required by law to produce a Local Plan which directs where development should & should not take place and how planning decisions should be made.

The Local Plan is a VERY important document as planning law says that *“any determination made under the Planning Acts, must be made in accordance with the Plan unless material considerations indicate otherwise”*. The new Local Plan, when adopted, will prevail for at least 20 years until 2036.

Now again for the benefit of those who are new to this issue, or who possibly might have forgotten some of what has gone on, the Local Plan considers all sorts of things including the need for development of areas of Business & Employment, and areas of recreation and amenity, but as you are probably all aware from the National Press, the country has a housing shortage and particular need for affordable & social housing. It is unsurprising therefore that provision of Housing would be a key part of the emerging Local Plan for this area.

In early 2016, we saw the process begin with publication of some early evidence documents and the release of an initial “Issues & Options” consultation. To the dismay of many, development proposals in the Green Belt were tabled from the outset. Two of which were to the NE of Chesham; one between Ashley Green and Lye Green involving a couple of hundred hectares for employment land , the other representing a similarly sized area to the South of Lye Green & straddling across Lye Green Road, for housing.

Many of us made individual comments and thankfully the Employment Option was dropped.

But a subsequent second non statutory consultation on Green Belt Option was concluded in December of 2016, which considered a reduced area of Green Belt land for provision of 900 houses on about 58 Ha or just under 145 acres. On this occasion, many more of you responded against this proposal, probably because publicity surrounding the issue was slow to take off, but it is this site that we now await an announcement upon. Namely, whether it will be retained in the final Draft Local Plan for housing development.

Brown Not Green as well as many of you individually, pointed out to the Council that development on this scale and at this location will cause harm to the wider town. This is because;

- The existing roads cannot cope, not just around the site but elsewhere in the town.
- This proposal will generate significantly more traffic (Bucks CC Highways estimate a 400% increase in traffic waiting times in the whole town!) This is not an easy fix as there simply is not the land around these road junctions to re-engineer them.
- The increased traffic in the town will further worsen the air pollution in the town particularly along Berkhamsted Road which is already the subject of an Air Quality Assessment.
- Other infrastructure in the town is already at capacity notably the drains for both surface water & sewerage,
- Development of this site will result in loss of high quality agricultural land and it will threaten the wildlife & flora that have become established there. – We are advised that RSPB & Bucks Wildlife Trust have confirmed that 8 different species of bird alone have been spotted on the Conservation Red List at that location.
- For years National Guidance has been to look to Brownfield sites first for development and green field sites last. Green Belt should be the last of all yet in this case that guidance has been ignored as the Council have been looking at

Green Belt options from the start. Curiously, we only say a consultation draft Local Register of Brown Field land published about 10 days ago, yet we have been debating Green Belt options for almost 2 years!

- If the Lye Green site is removed from Green Belt for housing it will result in loss of openness and will represent outward sprawl of Chesham. This will impact upon the neighbouring Green Belt areas and will consume the hamlet of Lye Green which will lose its own identity thereby threatening other small community nearby areas such as Orchard Leigh, Botley, Ashley Green etc.

Perhaps most troubling issue is the fact that this area is unsustainable for such development. Sustainability is a prime consideration in all planning matters. Amongst other things any development is unsustainable if it encourages car usage and is too far away from public transport. So lets just look at that :

We can see that at its closest, using the light blue line I have marked on the OS plan before you, the site at Lye Green is 1.8 Km from Chesham Tube Station & it is a similar distance from the Town Centre. If we measure from the centre of the site, the realistic distance is 2.26 Km or just over 1.4 miles. I should highlight whilst negotiating a steep hill too! Generally, sustainable locations are ones within a 1.5km or less. Interestingly, current adopted local policy within Chiltern District Council follows this principle, so you may ask why the Council could even begin to think of this site as sustainable.

So after all that recap, where are we in the Local Plan Process?

The Initial Consultation was started back in January last year,

Then we had the Green Belt consultation in December last year which we are still awaiting the Council's response to.

The Councils website asserted that they hoped to publish the final Draft Local Plan either this month or next BUT

we have since heard in the last few weeks this has now been deferred until March or April next year for various reasons. Partly due to the Duty to Co-Operate with neighbouring Local Authorities, (notably Aylesbury & Slough) and partly due to ongoing evidence & research that frankly we think the Council should have done previously anyway .

Lurking beneath all this is the methodology for calculating the Housing & Economic needs of the area. New standard methodologies are coming in for all Local Authorities but if Local Plans are at an advanced stage Councils do not have to recalculate their numbers, but I am told that after a couple more months, Chiltern & South Bucks will have to review their HEDNA and I am further advised the new methodology, will likely see a significant increased housing target number for the combined districts. I was horrified when Cheryl referred to it possibly resulting in 16,000 extra homes and (*after further input from Cheryl*) I am relieved to hear it is actually an additional 1,600 homes. I had been advised it was likely to be over 2,000 additional homes but either way this is going to be a considerable further challenge that flows directly from the lack of progress by the Council. I have to say if that happens, it will be a spectacular own goal by the Council that will put further pressure on them to look at Green Belt options!

Quite what effect that will have on the rest of the Local Plan timetable is unclear. At present the Council website is still saying it hopes to submit a draft plan to the Secretary of State in March with an Examination in Public (which I still call a Local Public Planning Inquiry) in June next year. Personally I am skeptical & fear that final adoption may well slide back into 2019.

So that's where the Council are, but what have we been doing ?                      Well, we have continued to lobby Councilors – I have yet to meet one District Councillor in Chesham who asserts this proposal is a good thing!

- We presented a petition signed by 1,800 people from all across Chesham & neighbouring areas to the Chiltern District Council in January.
- We have tried to keep the Press informed of our efforts too.
- We continue to engage with the Chesham Society & the Chesham Renaissance Company as we feel they have a more thoughtful & positive alternative. They will be the first to admit there is still work to do and it is not a perfect solution but it is a more joined up approach for providing housing in the town that will aid in regeneration of the high street and improve the vitality of the town as a whole.
- We have also been monitoring the Council Website & any additions to the Evidence Base and frankly we do not like what we see.
- As such this motivated us to get prepared for an ongoing battle and so during the summer we adopted a formal Constitution for BNG & then incorporated as a not for profit private company limited by guarantee. I will explain why and what that is shortly.
- We have also done some research at Land Registry and we have had a number of productive exchanges with the principal landowner, and farmer, Mr Doug Mash.

Our research into the land ownership reveals there are three main interests in the majority of the site at Lye Green; two freeholders & one option holder.

Many people here will know that over 70% of the site is owned by the Mash family farm, but the other substantial area representing the remaining land to the West of Deer Park Walk, is owned by a private company registered in Gibraltar who have owned it since 2010. They are called Geltex Properties Ltd. I have been unable to find out who the shareholders of Geltex are, presumably that is why it is registered in Gibraltar, but I have assumed they will be promoting the release of this land from Green Belt.

The other interested party is a house builder called Countryside Properties Plc. They don't own any land yet but they have an option on about 40% of the land that is still owned by the Mash Family farm. Now I have spoken with Mr Doug Mash and he has been very open and he has made it clear to me that he is not prepared to release other parts of the site for housing. Indeed he has asked me to relay this message to the community which is why I mention it today. This is VERY significant because;

- The area under option to Countryside could not by itself provide the 900 homes envisaged.
- More importantly, when land is taken out of Green Belt designation, there must always be a "defensible boundary" with the remaining Green Belt. In this case Chiltern & South Bucks feel that the roads around the site provide this defensible boundary and therefore either the whole site must be removed from Green Belt or nothing should be removed.

As you can imagine, Countryside Properties will be fighting hard against this and will have considerable resources to argue this point.

I believe Mr Mash is an honorable man and he has been very open with me and I have also seen emails from him & his advisors to the Council making it clear he will NOT release other areas of the site. You may be forgiven for thinking this would be the end of the matter. I share those views but ironically it is this continued discussion about the Lye Green site that heightens my concern that there is still a serious threat to the Green Belt here because if the situation were as clear as I have just described, surely the Council would have dropped this proposal by now.

I fear Mr Mash is coming under pressure from both Countryside & Geltex and possibly the Council too. To illustrate my concerns I would just like to read a short section from pages 45 & 46 of a 105 page report that only recently appeared in the Evidence Base that was produced by some consultants called Wessex Economics. They had prepared a

Housing Delivery Report which they published in August. They reported to the Council most of what I have just told you and they specifically highlighted concerns about whether the site was deliverable because of *“the landowner’s unwillingness to make the whole site available for development”* but they went on to say, *“It should be noted that local authorities have Compulsory Purchase Powers. Under Section 226 (1) of the Town and County Planning Act 1990, local authorities can use CPO powers to achieve objectives in the interests of the proper planning of an area in which the land is situated.”*

So, as welcome as Mr Mash’s assurances are, I have to consider that he may not have the final say in this and from this report we need to consider that the land is still under threat at this time.

These are the reasons why in mid summer, BNG decided that we should get prepared to retain a specialist planning barrister who might later need to represent all BNG supporters at the Examination in Public.

To do this, involves raising money & we targeted £20,000 to ensure we have enough to cover the worst whereby the barrister appears and represents us at the Local Plan Inquiry or Examination in Public. To be able to ask for such donations, we needed to ensure we had a proper system of governance & an appropriate bank account for holding your donations.

I mentioned earlier that during the summer, we had incorporated as a not for profit company limited by guarantee and if you go onto our website you will find copies of our Constitution, our Articles of Association, and details of all the Directors on the Board of BNG.

We have also opened Community bank accounts for this company at Metro Bank and also at TSB in which donations will be kept safely and which can easily be checked & reconciled. (That process alone took nearly 8 weeks!)

I must stress that there are no shareholders, none of the directors are paid and anyone donating funds into the company will become a “Member” of Brown Not Green Chesham Ltd.

All this has been done with a view to seeking funds and donations from all of you in order to pay for a specialist lawyer to represent us **IF** we are told that the Lye Green site is still to be included in the final Draft Local Plan.

Who will this specialist person be? At present we have not appointed any individual but the Board felt it had to be a barrister rather than a solicitor or planning consultant, to be an effective advocate. One of the few privileges of being a Chartered Surveyor is that I have direct professional access to the Bar Council who represents barristers. This means BNG do not have to engage a solicitor to instruct the barrister thereby saving us several thousand pounds.

There are many fine sets of barristers who do planning work but only a handful are regularly reported in the big headline planning cases. Of these, **Landmark Chambers** really stand out. Consequently, I have had several conversations with the Senior Clerk there & I have written a preliminary Brief. Landmark Chambers are located in Fleet Street just above Inner Temple. The set excels at planning law, environment, & local government law work but planning accounts for around 60% of their revenue. They have over 30 QCs or Queens Counsel, which frankly we cannot afford but they also have over 50 Junior barristers, all with a reputation for excellence and I believe all their Juniors are on the Attorney General’s Panel for Counsel to the Crown.

Now, if I exercise my Direct Access privileges, I have to assume personal financial liability for the barrister's fee. Whether you think that is fair or not is possibly immaterial as I suspect the barristers Clerk will also want proof that BNG has funds to pay the barrister's fees and probably will want a small retainer once we start to ask for advice. That is why today we have launched our Fundraising Campaign.

Frankly, I hope we don't have to spend a penny of your money and that in 6 months or so BNG can return everyone's money in full. This is because we will only incur costs with the barrister if required. If we spend some of the money but not all, then at the end we will repay what is left to everyone on a pro rata basis and our Treasurer is keeping very careful records of all donations.

Donation sheets are available for you to take as you leave. If you do not get one or lose it, full details are also on the BNG website.

We may also launch a crowdfunding website on a portal known as **CrowdJustice.com** . This is a credit card system of pledging and funds are not taken until a target sum by all donors is reached. However, BNG don't get all the money pledged as there is a 5% charge. We are not quite ready to launch this just yet and indeed we need to do a few more checks on that system ourselves so please don't count on this being an option just yet but if we get it live, announcements will go out by email to anyone registered on the BNG website. As I said it does cost us 5% of the funds raised so it does have a cost. Direct contributions do not, so I urge you to consider making a donation now.

We have set an initial overall target of £20,000 which should comfortably cover initial advice & the barristers attendance at the Examination in Public (if it is necessary).

We did a soft launch of the fundraising campaign a couple of weeks ago and I am delighted to report we are off to a great start as we have already raised over £5,000 in

the first 2 weeks. It is a huge moral boost to myself and my colleagues to see the community expressing its confidence in what we are all working towards. So thank you to all who have contributed already.

Now, many other people have asked, how much do you want me to give? Frankly, we have deliberately not quoted a figure as that really depends on your personal circumstances. We have had several 4 figures donations which is wonderful but we have also had a number of smaller sums too which is also fine. To try to give you some guidance though, I always ask people to reflect on what value they put on their home and the environment we enjoy today and if I can guide you further just consider this; If everyone in this room donated £200, we will have smashed our fundraising target!

So what happens now?

Well the Council website said there was to be a Council Meeting on 7<sup>th</sup> November. Originally they hoped to publish the Final Draft Local Plan, but as you already know, that is postponed til the spring next year.

However, we are advised that meeting will make an announcement on which strategic Green Belt options officers are likely to be recommending. As you can see from the slide, I have recited what appears on the Council website & I have highlighted the conditionality that will apply to any announcement on that day. Basically, if the Chesham site is not carried forward, we still have to monitor the process in case further evidence results in subsequent reconsideration.

So there are a number of potential options & courses of action;

Looking at this slide, on the left hand side, if common sense prevails & the Council's announcement asserts the Lye Green site is NOT to be carried forward, then those

options on the left side of the slide will result in minimal or no cost to us. But we will continue to monitor matters just in case the site slips back into the process at a late stage.

However, if the Council has decided to retain the Lye Green site as an option in the Draft Local Plan, then sadly we will have to incur costs and engage the barrister at an early stage.

I should say that one other aspect of having a barrister monitoring the process is that if the Council should not follow proper procedure or if evidence is shown to be ignored or the principles of natural justice are offended, we would be ready to seek Judicial Review very promptly, though as it is expensive, I really hope not!

In conclusion, I appreciate there is a lot to take in and the news is rather mixed, BUT we DO have a VERY good case. However, the Council are distracted and we need your donations now to ensure we are represented and not ignored. I do hope you can help? Now I am happy to take any questions in a moment but before we do, you will have noted this presentation has been filmed and should be available on our website in about a week for you to review or for anyone you know who was not able to get here today or who could not get in!

Thank you all for listening.

We have decided NOT to film the general Q & A session but; *“Cheryl, perhaps you could answer one opening question from me just to get things started; BNG have yet to find a single District Councillor in Chesham who thinks that building on the Green Belt is a Good Thing. However, one local Councillor has suggested to me that this is rather a response to a Central Govt directive for them to build more houses in the Chiltern district. As I cannot find anything in the Evidence Base supporting this assertion that it is Central Govt who are specifically directing for “X” Number of houses to be built within Chiltern let alone Chesham, would you care to comment on this extraordinary suggestion?”*