

Brown Not Green Chesham Ltd

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“Protecting the Green Belt around Chesham”

Proud members and supporters of:



RESPONSE TO CONSULTATION
CALLED BY
BUCKINGHAMSHIRE COUNCIL
Re the
Proposed Statement of Community
Involvement (SCI)

CONSULTATION RESPONSE

Prepared by
Phillip Plato MRICS
on behalf of
Brown Not Green Chesham Ltd

Brown Not Green Chesham Ltd is a not for profit private company limited by guarantee

Registered in England - Company Number 10810899

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1. INTRODUCTION:

1.1. This Statement is submitted by Phillip Plato MRICS on behalf of Brown Not Green Chesham Ltd (BNG) and refers to one Annex that is attached herewith¹.

1.2. Phillip Plato is a Chartered Planning & Development Surveyor with over 22 years post qualification experience who has also been a local resident of the Chesham for over 20 years and whose property investment business is based in the town.

1.3. Brown Not Green Chesham Ltd (BNG) is a not-for-profit private company limited by guarantee created by the community around Chesham in Buckinghamshire. BNG's principle stated objective is to protect the Green Belt around Chesham and the surrounding area. See www.brownnotgreen.com .

1.4. BNG has circa 1,800 supporters as recorded on their petition submitted to Chiltern & South Bucks District Councils in January 2016 when making representation at that time and at every subsequent stage during the Regulation 18 & 19 Consultations relating to the former Chiltern & South Bucks Draft Local Plan and also during 2019/20 when making representations in preparation of the Local Plan Examination in Public prior to *that* former Local Plan being withdrawn in 2020.

1.5. PLEASE NOTE: Regrettably, this Statement must open with a **complaint**. Despite BNG's active engagement with the former Chiltern & South Bucks Council for more than 4 years between 2016 and 2020, BNG wishes to complain that it has received *no notification* of this consultation and only became aware of it by chance when a local

¹ ANNEX 1 – The previous Joint SCI published by Chiltern & South Bucks District Councils (CSB) in April 2019

resident himself heard of it from colleagues within the Beaconsfield Society and forwarded news of this proposed Statement of Community Involvement (SCI) to the BNG Board of Directors.

1.6. Accordingly, BNG have had to prepare this submission within barely 3 working days of the deadline for the SGI Consultation. It should be mentioned in passing that the absence of paragraph numbering on the proposed SCI also does *not* aid the ability to comment other than by lengthy reference to page number and reciting the paragraphs therein in full. This is in stark contrast to the Joint SCI published by Chiltern & South Bucks District Councils (CSB) in April 2019 attached herein as ANNEX 1 where all paragraphs are numbered.

1.7. BNG must therefore highlight the fact that this exercise which purports on the Council website to outline how Buckinghamshire Councils proposes *“to explain how we will involve local communities at each stage of the planning process”* and engage with the Local Community, and questions why the Council has *omitted* to notify our sizeable well-established community group?

1.8. In the limited time available to BNG, it has not been possible to confer with other active community groups that we know of, but it appears that at least one group was similarly unaware of this exercise and this failure must compromise the validity of this SCI Consultation. The omission of BNG immediately casts a question over the sincerity of the comments on Page 4 of the SCI². Most notable is the inconsistency with the concluding

² Namely, under the heading, **“Why is the Statement of Community Involvement Relevant?”** - *“...we want to involve communities as early in the process as possible.... There are many benefits for involving communities in planning matters.... planning decisions are informed by local knowledge.... increased community understanding”*

comments on Page 5 that state, “*We aim to make consultation and involvement in planning transparent, accessible, collaborative, inclusive and consistent.*” Given that BNG were not notified of this SCI Consultation yet *were* notified of another separate Brownfield Consultation by email from the Council’s retained consultants (DLP Planning) on 16 February 2021 and also received a direct email notification from the Council on 19 February 2021 of yet another separate Biodiversity Consultation, BNG is most concerned how it could have been overlooked from this important Consultation. As the SCI sets the tone for *all* subsequent consultations for the next iteration of the Bucks Council Local Plan it is important this is widely promulgated and subjected to public scrutiny before adoption.

1.9. Clearly, BNG are already included in whatever “contacts database” the Council holds and the fact that our omission from this SCI Consultation does not appear to be an isolated example is most disturbing. We regard to the Council’s omission to properly notify BNG of the SCI Consultation, as unacceptable and raises questions about the integrity of this SCI consultation. It completely undermines the Council’s “*Principles & Vision*” described on Page 6 of the SCI document.

1.10. For the avoidance of doubt, we respectfully request that the Council *must* ensure that the contact details of the author of this Statement are included in list of consultees for *any* future further consultations regarding the emerging Buckinghamshire Local Plan

of how planning policies are developed... creates a sense of ownership of key policy documents” (Our underlining for emphasis). How are these aims furthered by ignoring a sizeable community group like BNG?

and that all such local groups are notified promptly of important consultations such as this in future.

2. **RESPONSE TO SCI CONSULTATION**

2.1 Under the Heading on Page 10 of the SCI *“How you can get involved in the Local Plan”* is a text box stating on the Council’s behalf that, *“As a minimum, we will involve all those required by legislation in the various stages of Local Plan preparation and will reach out to other groups and agencies as appropriate to the matter being discussed.”* (Our underling for emphasis & reference)

2.2 BNG is concerned by the qualified nature of this undertaking. Specifically, to only *“reach out”* to other groups and agencies *“as appropriate”*, is vague and unclear. If the Council are serious about their earlier stated intentions on Page 4 to *“involve communities as early in the process as possible”* (see our previous comments & footnote herein) the policy should be more aspirational and clearer. Setting an objective to do the legal minimum is not supportive of the laudable objectives recited by the Council on Page 4 especially as the stated objective is euphemistically merely phrased to *“reach out”* to other community groups and agencies which is also vague and unclear.

2.3 Indeed, the phrase *“reach out”* is repeated throughout the proposed SCI and BNG contend this is ambiguous at best and arguably could be satisfied by a variety of means which BNG contend would be unacceptable. For example, is *“reaching out”* satisfied merely by making a social media post or press announcement?

2.4 **RECOMMENDATION:** That all assertions to “*reach out*” to the community or local groups are deleted and replaced with a clearer affirmative undertaking to at least.

“Use all reasonable methods of written communication to notify...”

2.5 The current proposed SCI is in stark contrast to the former Joint SCI published by Chiltern & South Bucks District Councils (CSB) in April 2019 attached herein as ANNEX 1, which states (in paragraph 3.6 on Page 8 therein) that “*During the public participation stage(s) in the production of development plan documents, supplementary planning documents and the Statement of Community Involvement the Councils may draw on a number of methods to engage with the public.*” These were illustrated to include.

- *Sending out questionnaires to households and businesses in the two Districts. This can be achieved by a variety of methods by targeted leaflet drop, mailshot to every household and business in the Districts or by targeting specific areas or interest groups. We can also host interactive consultations on the Council websites;*
- *Holding public meetings and seeking the views of the attendees;*
- *Holding focused discussion workshops with key local stakeholders and community groups;*
- *Occasionally, subject to the content of the particular development plan document and the resources available to the Councils at the time, each household and business in the District may be directly notified by letter or leaflet of the public consultation and the key matters for consideration.*

Without any explanation as to why, none of this is incorporated or suggested within the current proposed SCI, accordingly the proposed SCI thereby fails to satisfy its own aspirations on Pages 4 & 5 previously recited herein or the “*reach out*” and engage with the community. Why is the current proposed SCI so different to its predecessor that itself

was only adopted in April 2019 when there has been no relevant interim changes to primary legislation?

2.6 Further contrast with the former Joint SCI published by Chiltern & South Bucks District Councils (CSB) in April 2019 attached herein as ANNEX 1, are appropriate which includes on Page 25 in Appendix 3, information on how members of the public or community groups can request to be added to the former Council's Planning Policy Consultation Database³. No such opportunity is offered to individuals or community groups in the latest proposed SCI other than a reference on Page 11 that the Council "may" (not will) "*prepare a specific platform online so that people can get involved interactively*". The clear implication is that it will now be incumbent upon individuals and local community groups to actively monitor the Councils extensive website for announcements regarding emerging planning policy. This is unfair. Most local people have other work or family commitments and community groups like our own are operated by teams of unpaid volunteers who do not have the resources to maintain such vigilance.

2.7 Shifting the obligation upon the community to actively monitor the Council for announcements made online⁴ is also arguably *discriminatory* as it excludes all those who might not have broadband or internet access, or computer devices (often the elderly or those living on low incomes or in areas of deprivation and those with disabilities are also

³ Also see Paragraphs 3.12 to 3.14 inclusive of the former SCI within Chiltern & S Bucks Council dated April 2019.

⁴ Especially when the SGI is also generally only indicating it "may" issue press statements or "may", "reach out" to community groups via social media etc.- see pages 11 & 12 of proposed SGI.

known to frequently have limited online access too). As such the current proposed SCI offends the requirements and aspirations of equality recited on Page 7.

2.8 RECOMMENDATION: That the aforementioned text box is amended to now read
“The Council will involve all those as required by legislation in the various stages of Local Plan preparation and will also consult as widely as possible using all reasonable methods of communication and notification to engage with other individuals, groups and agencies regarding the matters being discussed. In so doing, the Council will update its contacts for all local community groups and individuals and will publish and offer opportunities for anyone seeking to express interest on future Council consultations to register their details on the Planning Policy Consultation Database so the Council can notify them of future consultations and developments from time to time.”

2.9 Under the Heading on page 11 of the SCI *“Plan preparation stage”* the proposed SCI asserts that: *“We will:*

- get in touch with consultees to say we intend to produce a Local Plan and invite them to say what they think the plan should contain;*
- advertise our intention to produce a Local Plan, including a notification on the Council’s website, so that the public and organisations may register their interest; and*
- issue information through press releases.”*

2.10 For similar reasons to those recited earlier herein, BNG do not feel this assertion is sufficiently aspirational to support the Council’s objectives recited on Page 4.

2.11 **RECOMMENDATION:** That the aforementioned text and bullet points are amended to now read⁵, “We will:

- ~~get in touch with~~ notify all statutory consultees and known community groups either by letter or email to say we intend to produce a Local Plan and invite them to say what they think the plan should contain;
- advertise our intention to produce a Local Plan, including a notification on the Council’s website, as well through advertisements in the local press and by email to those registered on the Council database of consultees or interested parties so that the public and organisations may register their interest; and
- issue information through press releases and social media channels.”

2.12 It is a point of very serious concern to BNG that on Page 11 of the proposed SCI the Council are now only asserting that they “may” publish a draft plan for public consultation. Whilst it is acknowledged that the publication of some consultation draft plans is proposed to be dispensed with in a recent Planning White Paper, the Government has yet to publish its findings on the publication into that White Paper Consultation. BNG understand that some 46,000 responses have been received by the Government to that recent White Paper Consultation and although the Government are yet to publish the responses to the White Paper consultation, many of the responses are widely reported to be negative. Accordingly, the decision on whether or not this White Paper recommendation will be taken forward is unclear. It is therefore premature to assume that future legislation will be supportive of such a proposal. Even if it is, to support the Council’s previously stated objectives as recited on Page 4, the Council

⁵ Deletions shown with double ~~striketrough~~ & insertions as underlined.

should commit to publication of (as currently) a Regulation 18 consultation draft local plan.

2.13 **RECOMMENDATION:** That the Council should add a further bullet point under the sub heading on page 11 of “*We will*” to include the assertion that the Council will, “*publish a draft plan for public consultation*” and delete the similar assertion under the sub heading of “*We may*”.

2.14 It is a point of further serious concern to BNG that the current proposed SCI contains no undertaking to report or publish consultation responses. Again, this is in stark contrast to the former Joint SCI published by Chiltern & South Bucks District Councils (CSB) in April 2019 attached herein as ANNEX 1, which previously included a clear undertaking⁶ to publish and report on consultation responses. Again BNG question why such an undertaking no longer prevails when there has been no interim change to primary legislation.

2.15 **RECOMMENDATION:** That the Council should incorporate an undertaking within the proposed SCI similar to that adopted by the former Chiltern & South Bucks Council, namely, “*After each public participation stage, the Councils will collate, record and consider the representations received in deciding how best to go forward. In respect of development plan documents, details of the main issues arising from the representations and how these issues have been*

⁶ See Para 3.8 on Page 9 of former SCI by CSB April 2019

addressed in the production of the development plan document will be made available at the time that document is formally published.

2.16 It is notable that the proposed SCI includes no undertaking to reflect any the Duty to Cooperate with neighbouring authorities. Whilst it is acknowledged that the “Duty to Cooperate” is widely reported to be abolished in its present form, BNG are not aware of any legislation being passed that changes the current requirement and as previously explained, the Government responses to the public consultation to the planning White Paper is still await. As such to omit all reference to liaising with neighbouring authorities is inappropriate and premature.

3. CONCLUSIONS:

3.1 The proposed SCI by Buckinghamshire Council requires modification as outlined herein in order to satisfy its own aspirations of engaging with the community.

3.2 The proposed SCI by Buckinghamshire Council is unclear, vague and insufficiently aspirational to adequately engage with individuals and local community groups. It implies that it will now be largely incumbent upon the community to actively engage and monitor the Council’s extensive website and by so doing is arguably discriminatory.

3.3 The omissions and differences in the current proposed SCI when contrasted with the former SCI published by Chiltern & South Bucks Councils in April 2019 (in Annex 1 herein) are not highlighted, explained and as such are unjustified and premature in terms of adopting White Paper proposals that the Govt has not yet reported or legislated upon and as such could give rise to legal challenge to subsequent local planning policy.

3.4 The most serious concerns to BNG, relate to the significantly *reduced* undertaking to publish consultation documents and to notify local community groups and thereafter to publish consultation responses. Effectively the community must assume responsibility for monitoring emerging planning policy and will have just 6 weeks to respond to a draft Local Plan that itself will require analysis and critique of thousands of pages of supporting text. In so doing, this proposed SCI will undermine transparency and community engagement and thereby further reduce public confidence in the Local Plan making process.

3.5 BNG therefore strongly advocates the Statement of Community Involvement is amended as recommended herein.

3.6 BNG must again highlight its latest **complaint** herein within paragraphs 1.5 to 1.10, namely that BNG was excluded from being notified about this SCI consultation despite demonstrably already being listed on the Council's database, and BNG is concerned we are not the only local group who has been so excluded from this and other recent consultations by Buckinghamshire Council. Such behaviour casts doubt on the validity and relevance of this, and other consultation exercises being undertaken by the Council and raises further questions about the Council's sincerity to seek community involvement in the planning process.

Phillip J Plato MRICS

ON BEHALF OF BROWN NOT GREEN CHESHAM LTD

20 March 2021

Attached ANNEX 1