

**Chiltern and South Bucks
Local Plan Examination**

HEARING STATEMENT

SUPPLEMENTAL

by

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on behalf of

Brown Not Green Chesham Ltd

Representor ID 1224822

March 2020

Public Examination Stage 1

Topic Matter # 1

Issues 1 – Duty to Co-Operate

Brown Not Green Chesham Ltd

HEARING STATEMENT – Matter No 1 supplemental

CHILTERN & SOUTH BUCKS LOCAL PLAN

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NOTE: The body of this statement has a total word count of 2,879 words excluding the Footnotes and Appendices.

1. INTRODUCTION:

- 1.1. This Examination Hearing Statement is submitted by Phillip Plato MRICS on behalf of Brown Not Green Chesham Ltd (BNG see www.brownnotgreen.com).
- 1.2. This Statement is supplemental to previous submissions by BNG and follows the decision to postpone Stage 1 Examination Hearing Sessions and it responds to the Inspector's subsequent circular of 16 March inviting comment in the interim from those Participants scheduled to attend the Hearing Session for Matter #1, Issue #1.

2. MATTER # 1

Issue # 1 - Duty to Co-Operate

- 2.1. **Slough: - At what stage did Slough Borough Council approach Chiltern and South Bucks with a request to accommodate their unmet housing needs? What process did the Councils follow in response to this request?**
 - i. This is primarily for Slough and CSB to answer however BNG consider CSB has not followed a constructive process and refer the Inspectors to BNG's original Hearing Statement for Matter I, Issue # 1, in which BNG referenced an Attendance Note dated 4 December 2017, re-attached¹, see paragraph 26. The Attendance Note confirms that even at that early stage in the process, CSB was not co-operating with Slough, nor indeed with other authorities such as Dacorum but was making assumptions ahead of any evidence base being produced and scrutinised.
 - ii. CSB recognises (see 1.6 of the DtC statement) *"there must be genuine, positive and continuous dialogue between the respective bodies, with the intention of reaching agreement and producing the most effective plans"*. This has not happened. The note records CSB's Senior Planning Officer Mr Winwright stating, *".... discussions are ongoing and there is a statutory requirement to co-operate with adjacent authorities but he highlighted it is a duty to co-operate not a duty to capitulate and he felt sure that an Inspector would agree that it was unfair for Slough to make such a requirement particularly when he felt there were other areas in the Slough district and other neighbouring authorities to the west where housing could be accommodated. He suggested that the Slough discussions would NOT further add to housing needs significantly in Chiltern & South Bucks."*² There was no justification for making such a statement at that time given the scale of need was not determined and there was no evidence to show these other areas where housing could definitively be accommodated.
 - iii. Slough's statements and evidence demonstrates no genuine, positive or continuous dialogue and no intention of reaching agreement to produce effective plans. BNG

¹ See Appendix i attached – Attendance note dated 4 December 2018

² See Appendix i attached - paragraph 26 therein

are particularly shocked that Slough's request was not even reported to CSB's Committees. The DtC statement sets out no meetings with Slough³. There is no evidence of any or any constructive consideration of what strategic policies may be necessary to provide for Slough's needs which means the minimum required by NPPF para 27 and NPPF para 11, and footnote 5 is not met.

2.2. What is the scale of Slough's housing need and what evidence is there to demonstrate that this cannot be provided within the Borough, having particular regard to the availability of sites and the capacity of existing urban areas?

- i. This is primarily for Slough and CSB to answer but BNG would refer to the Attendance Note paragraph 26. When addressing BNG's comments about Slough's proposals, CSB would not at that time have been in a position to dismiss those proposals by reference to NPPF paragraph 11 footnote 6, as that version of the Framework (referred to as "NPPF2") was not published by central Government until July 2018. Their comment was not justified, Slough's Housing Needs were unknown, and this comment suggests that any discussions with Slough were not positive or constructive.

2.3. What is the purpose of the Wider Area Growth Study (WAGS) Part 2? If the Study intends to identify unmet needs, and consider where such needs can be met, what implications will this have on the submitted Plan?

- i. This question also needs to be considered in conjunction with the answers to the next point on Statements of Common Ground.
- ii. The recent CSB Hearing Statement recites the purpose of that WAGS study and asserts, "*Once Part 2 has been completed, it will inform the preparation of the Buckinghamshire Local Plan which will commence from April 2020*"⁴. It is considered necessary that it does so. However, the same Hearing Statement by CSB also previously suggests that the WAGS is considered irrelevant by CSB who also stated that in preparation for this Local Plan, "*It has not been necessary to approach other local authorities outside Buckinghamshire.*"⁵ Yet the DtC statement⁶ says that "*there was complex relationship between population growth, patterns of migration and work areas*" in Stage 1. The point is that the WAGS process is what *should* have happened in the DtC and SA stage and this Local Plan undermines and does not aid that process by not considering those needs. The DtC statement reflects this, accepting that, "*there must be genuine, positive and continuous dialogue between the respective bodies, with the intention of reaching agreement and producing the most effective plans*". This has not happened. This is particularly stark at DtC 4.7.9

³ DtC Section 4.6, no meetings set out at 4.6.13.

⁴ CSB Hearing Statement Matter # 1 Issue 1 response to Q8 – paragraph 8.2

⁵ CSB Hearing Statement Matter # 1 Issue 1 response to Q2 – paragraph 2.1.

⁶ DtC Statement – paragraph 4.6.11

referring to “sub regional DtC” meetings, which have not taken place since 29 June 2016.

- iii. The WAGS indicate how the DtC has not been carried out. The strategic intent of the Plan is lacking though not having planned properly to engage with the needs of its immediate neighbours through consideration of infrastructure and sustainability issues. The proposed Local Plan creates an unhelpful legacy for the Buckinghamshire Unitary Authority to address.

2.4. Have the Councils prepared statements of common ground with neighbouring authorities documenting the cross-boundary matters being addressed and progress in cooperating to address these? Have they been made publicly available throughout the plan-making process as required by paragraph 27 of the Framework?

- i. No, to both parts of the question. Paragraph 27 of the Framework is linked to the requirements of paragraph 11⁷ and footnote #5 therein as to how that is evidenced. It has not been met.
- ii. Not all SoCG with CSB have been available for Regulation 19 consultation and some were not even available when preparing Hearing Statements for the Local Plan Examination, other than for Aylesbury, so any co-operation that may have taken place could not be assessed then.⁸ There are now SoCG available with Dacorum District Council, Hillingdon Borough Council & Herts County Council (as Examination documents⁹). The following points are made;
 - **All** SoCG other than with Aylesbury, are dated post Regulation 19 Consultation. There has been no opportunity for the public to review. Only those who have made Local Plan representations and who were selected by the Inspectorate to participate in Day 1 Hearings are now able to make representations. These representations are being made under extraordinary conditions, most of the country is under near lock-down, elderly and vulnerable members of our community are unable to participate and it is too late for them to do so as they are likely to be constrained for 4 months or even more. The fact that such SoCG have not been made publicly available at an earlier time has deprived the public of the opportunity to comment and has not provided transparency and is not consistent with the NPPF. CSB DtC statement states at 1.7. *“It is important to ensure that a continuous process of engagement exists with all bodies, from initial thinking through to plan implementation, monitoring and review. The Council aims to ensure that within reason, everyone is given adequate opportunity to influence the document before adoption. It is for this reason that extensive consultation, both formal and informal takes places throughout the plan-making process and beyond”*. This has not happened.

⁷ As demonstrated by the reference in footnote # 5 to NPPF Paragraph 11 referring to NPPF paragraph 27

⁸ See BNG Hearing Statement dated February 2020 page 4

⁹ Examination Documents – Exam 8 to 12 inclusive

- Within the Dacorum SoCG, the Strategic Agreement is dependent on Aylesbury Vale accommodating 5,750 homes from CSB¹⁰. This is undermined by the difficulties in the delivery of the Aylesbury Vale Local Plan referred to elsewhere. Further the “agreement” between Dacorum and CSB is not reflecting assessment of the evidence of needs (including that produced by BNG following a survey) but assertions that it is not within the HMA or FEMA, when it is and there is a well located site in Dacorum that would. This is a poor strategic basis for a Plan and a poor basis for indirectly justifying extensive greenbelt release.
- Within the Herts County Council SoCG, where Herts CC is the Highway Authority for certain roads that link to CSB districts, yet no mention is made of any Motorway Service Areas either within CSB or Herts that have strategic or local affects upon either authority (see point 2.5 below).
- Within the Hillingdon SoCG dated 13 February 2020, the Statement acknowledges that Hillingdon is a participant in the WAGS seeking to consider the long term housing needs and capacity for CSB, Royal Borough of Windsor & Maidenhead and Slough District Councils but notably it does not indicate any involvement in similarly considering such needs for the current draft CSB Local Plan. This is a poor strategic basis for a plan. Hillingdon’s needs and its abilities to meet some of CSB’s needs should have been considered through the Duty to Cooperate at an earlier stage as it is part of the functional economic and housing areas. Hillingdon has not signed a SoCG and meetings were held only twice, 6 Dec 2016 and then only by telephone on 14 August 2019
- The DtC statement published in Sept 2019 (after the Reg 19 consultation) in paragraph 2.6, list the relevant local planning authorities and County Councils considered engaged by CSB under the DtC. Many of these have not signed SoCG and the dates of meetings show that little real effort has been made to engage constructively.
- The DtC statement¹¹ references London’s needs, and that the contents of the London Plan impact CSB as it is part of London’s functional travel-to-work area. It does not reference the housing relationships. It states, “*over the lifetime of the Local Plan, the Councils will therefore look to use the duty-to-cooperate to pursue closer working relationships with the Mayor of London*”. Given the above **and** importantly the three London Underground stations within CSB , this is not constructive co-operation prior to the Plan’s submission. CSB is within the “functioning” area (see 6.12). The DtC statement references that “*satisfying the duty to co-operate requires finding solutions to address the additional tensions faced by councils in the London Fringe as a result of London’s regional planning system*”¹². There has been no attempt to satisfy the duty to co-operate with the Mayor of London. This is contrary to the PPG Paragraph: 033 Reference ID: 61-

¹⁰ Examination 8 - SoCG with Dacorum dated October 2019 paragraph 4.1

¹¹ Duty to Co-Operate Statement dated Sept 2019 – CSBLP12 at paragraph 6.12

¹² At paragraph 6.11

033-20190315 (emphasis added) which provides “**Does the duty to cooperate apply in London, and other combined authority areas?** *The duty to cooperate applies in London, and other combined authority areas. Within these areas local planning authorities are required to cooperate with each other, county councils, other local planning authorities outside the combined authority area, and prescribed public bodies. The degree of cooperation needed between these parties will depend on the extent to which strategic matters have already been addressed in the spatial development strategy*”. The strategic matters around London’s housing needs and transportation in CSB have not been addressed in the spatial development strategy for CSB.

- Transportation and sustainability is a major concern to BNG¹³ The GB site which principally concerns BNG is poorly located to the London Underground station in Chesham¹⁴. The housing and transportation strategy, and related needs, are not adequately planned for within the spatial strategy, as indicated by the lack of identification of London’s displaced needs and the allocation for development without regard to location, topographical constraints and a lack of a suitable sustainability strategy¹⁵.

Infrastructure for Transport -

2.5. Is the provision of roadside services a strategic matter for the purposes of subsection (4)(a) of Section 33A of the Planning and Compulsory Purchase Act 2004?

- I. Yes, they are a strategic concern.
- II. Roadside services, particularly Motorway Service Areas (MSAs) have a wider impact than their immediate locality. They have a “significant impact” upon “*at least two planning areas*”, they are “*in connection with infrastructure that is strategic*” and the development is *usually a “county matter”* and has “*a significant impact on a county matter*”.¹⁶
- III. This is because highways matters fall within the remit of a County Council; and MSAs usually impact across local planning areas because of the nature of the strategic road network. Here, roadside services on the M25 insofar as they may relate to land in CSB districts, will impact the local economy and traffic within neighbouring authorities of Hertfordshire County Council (inc Dacorum & Three Rivers Councils) as well as in Buckinghamshire County Council. MSAs are usually of a significant size.

¹³ See BNG Reg 19 submissions, on lack of sustainability including paragraphs 7.10 & 7.11 as well as SLR Consulting’s Evidence in Annex 6 therein inc sections 3.4, & 4.4 (notably public transport access inc access into London- specifically para 4.4.2).

¹⁴ To be dealt with in other Hearing sessions but see BNG Reg 19 paragraphs 7.10 to 7.16.

¹⁵ See BNG Reg 18 Consultation highlighting that Chesham has only 2 trains to London at peak times, as opposed to 8 trains per hour from Amersham, Chalfont and Chorleywood.

¹⁶ Subsection (4)(a) of Section 33A of the Planning and Compulsory Purchase Act 2004

MSAs impact the local economy and traffic congestion both on the roads they serve (often some distance away), other local roads nearby, and local air quality. BNG have made representations on traffic congestion & local air quality¹⁷ given the centre of Chesham is an AQMA and the lack of planning for sustainable transport in the allocations. Like most developments they have an impact on the landscape character, wildlife & habitats and the wellbeing of those living in settlements nearby.

- IV. Around CSB that will involve use of Green Belt Land thereby also potentially impacting upon the character of remaining GB or AONB. BNG have made extensive representations on GB impacts and the flaws of the GB appraisals. MSAs invariably cause traffic to gravitate into and away from those areas including HGVs and frequently provide a base for essential highways facilities such as traffic police, roadside recovery and gritting, and other facilities such as ambulances. Their impact is illustrated by the comments from Thames Valley Police to a current MSA application under consideration within CSB¹⁸. Namely, *“Motorway service stations concentrate a mix of activities, shops, restaurants, hotels and petrol stations in one location producing a high volume of calls for service to the police. Beaconsfield Services at Junction 2 of the M40 (in S Bucks) produces a high level of demand on police resourcing and is currently representing one of the biggest crime hotspots for the Local Policing Area (LPA). A significant number of these calls are considered to be time critical due to high level of threat, risk and harm. Calls for service are varied relating to crime, antisocial behaviour and fear for personal welfare, relatively few in comparison relate to road traffic offences or incidents”*.

2.6. The Council’s Duty to Cooperate Statement refers to discussions with Highways England and the need to consider... motorway services on the M25. How have the Councils engaged constructively, actively and on an ongoing basis with neighbouring authorities in the preparation of the Plan, ...on the provision of motorway services?

- i. They have not. It is an issue of great concern to BNG that given the strategic importance of MSAs and their potential impact upon the Green Belt in CSB and neighbouring areas, that there has been **no** reference to MSA provision within this Local Plan. This is astonishing given the DtC Statement (CSBLP12) acknowledges the strategic importance of Local Plan Proposals and the Strategic Road Network and indicates that Highways England have offered input but does not highlight their issues of concern relating to MSA’s. It seems unsound that the Local Plan does not reflect those comments nor provide any guidance to MSA providers if development proposals are to come forward. Neither does the Plan provide any indication to the public about the proposals. The references in the DtC statement are oblique at best

¹⁷ See BNG Reg 19 submission paragraphs 7.13, 7.15 and related Annexes.

¹⁸ See Appendix ii attached – Thames Valley Police comments re MSA proposal between J 16 & 17 M25

and do not reference the detail. As above, it follows that most of the public are unaware of this issue.

- ii. This is important as three MSA's are now under consideration and apparently have been so for some time within the administrative area of CSB or within close proximity. These are;
 - o On M25 near Iver (within S Bucks District) between Junctions 15 & 16 (land described variously as Elk Meadows or Woodlands Park), - NOTE In February 2020, Buckinghamshire County Council agreed to lease land they owned at Iver Heath to Welcome Break.¹⁹
 - o On M25 near Chalfont St (within S Bucks District) between Junctions 16 & 17 (land described as Warren Farm)²⁰ - NOTE an outline application was submitted to CSB on 12 July 2019.²¹
 - o On M25 south of Kings Langley (within Hertfordshire) near Junction 20 M25 (Land South West Of Junction 20 Of M25 and West Of A41 Watford Road Hunton Bridge Herts) – NOTE an Outline application was submitted to Three Rivers DC on 5 April 2019²²
- iii. BNG feel that if provision of such a strategically important facility is to be planned effectively, it should be considered as a Local Plan allocation and not left to be determined by operators/developers, for reasons of the above impacts.
- iv. However, there appears to have been no discussions or co-operation undertaken on such issues of strategic importance between CSB and the neighbouring authorities in relation to these impacts and is further suggestive that the Duty to Co-Operate has not been fulfilled by CSB.

3. CONCLUSION:

BNG submit the aforementioned illustrates that the Plan is not sound by virtue of the fact that the Duty to Co-operate has not been undertaken.

¹⁹ See <https://motorwayservicesonline.co.uk/Iver>

²⁰ See https://motorwayservicesonline.co.uk/Chalfont_St_Peter & <http://www.beaconsfieldnow.org.uk/content/pages/documents/1545395017.pdf>

²¹ See Outline Application to CSB at <https://pa.chilternandsouthbucks.gov.uk/online-applications/applicationDetails.do?keyVal=PTYZ48ESFGT00&activeTab=summary>

²² See <https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?keyVal=PPHEIOQF0D100&activeTab=summary>

Attendance Note of Meeting

Mr Graham Winwright and Ms Shereen Ansari

Chiltern and South Bucks District Planning Department

And Phillip Plato, Richard Biddle and David Lansdowne

Of Brown Not Green Chesham Limited

At Chiltern District Council Offices, King George V Road, Amersham

Monday 4th December 2017 11am.

Introduction:

The meeting had originally been arranged for 27th November but was rescheduled to 4th December due to illness. The meeting had been at the invitation of Mr Graham Winwright in response to email exchanges between himself and Phillip Plato on the 7th November in response to the Councils joint committee meeting of the same date.

The following points were discussed:

1. P Plato thanked Mr Winwright for the opportunity to discuss the concerns of Brown Not Green. He explained that Brown Not Green has become a sizeable organisation with over 1800 supporters and several hundred members on its mailing list and therefore is not just represented by P Plato. It was explained that as a local Chartered Planning Surveyor he has become the mouthpiece for this organisation. Mr Winwright acknowledged this and said it is helpful to have the community engaged in the consultation process and David Lansdowne pointed out that BNG was created out of frustration by local people who felt they had not been consulted when the Green Belt plans first appeared.
2. P Plato attempted to start the meeting by enquiring whether the attempts by Slough Council to deflect 10,000 homes into the South Bucks area was the reason for Mr Winwright's team proposing that the Lye Green site for "safeguarding". Mr Winwright said that he would prefer to park that question for the moment and wanted to start discussions on a different topic as he felt that the reason for inviting BNG to meet with the Council today was for him to address what he perceived as two areas where he felt BNG had a "misunderstood" the Council.
3. Mr Winwright felt that the two areas BNG are misunderstanding are:
 - BNG's assertions about the Council's prematurity of testing Green Belt options.
 - BNG's assertions that there is sufficient brownfield land to meet housing need.
4. Mr Winwright said he would address both points by reviewing the sequence in which Council's evidence has been prepared. He explained that no decisions have been made yet and no formal recommendation has yet been made to Councillors but that the latest Preferred Green Belt Options report published in November 2017 is an indication of "*the direction of travel*" but that the Evidence Base still needs to be completed.
5. He went on to explain that there is a revision of the National Planning Policy Framework (NPPF) which is due to go out for consultation early in the new year and is hoped will be announced by the end of March. In addition there is a proposal to introduce new standard methodology for calculating Objectively Assessed Needs (OAN) and it is hoped that this will be finalised between March and May of next year too.
6. P Plato said he was aware of this but also raised two points; first that the LPA had only recently started to compile a brownfield register but had been looking at Green Belt sites for years. Second that there have already been clear indications from Central Government that Green Belt protection should be maintained or possibly enhanced and although impossible to predict what

the new NPPF will say he quoted from the Chancellors autumn Budget statement which he said combined with the wording in the Housing White Paper earlier in the year strongly suggests that there is little likelihood that Local Authorities will be encouraged to look to the Green Belt to meet their housing needs.

7. P Plato raised the point that “*the direction of travel*” Mr Winwright refers to therefore seems premature to all BNG members as it appears that Chiltern and South Bucks District Councils are already looking to the Green Belt to meet their housing need despite Govt advice. Mr Winwright responded by saying that he interpreted the Government statements as applying more to development control rather than development planning (namely that Local Authorities should resist development pressures coming from specific developer led applications in the Green Belt but that LPA’s would still be free to entertain Green Belt modifications when reviewing local plans.) P Plato commented that he saw little difference particularly given that the prevailing NPPF does require “*exceptional circumstances*” for Green Belt boundary modifications in Local Plans. P Plato also pointed out to Mr Winwright that the delays in even starting to identify brownfield land and the sort of response he had just given enrages local residents as there is the appearance that the rules are applied differently when it suits the Local Authority’s end.
8. David Lansdowne made the point that the initial public consultation on the Green Belt had got people angry because so many people were unaware of what was being proposed and were shocked that land designated for Green Belt upon which it has been so difficult historically to get planning consent was now so expediently being reviewed to meet housing needs. Graham Winwright said it was for this reason that he welcomed the BNG input as “we are getting people involved” and it is very difficult to engage people in the consultation exercises leading up to a Local Plan review.
9. Mr Winwright said that he felt the first area of misunderstanding was the assertion suggested by BNG that the Local Authority had been premature in targeting Green Belt options. He referred to the start of the process in 2014 and explained that a HELAA (Housing and Economic Land Availability Assessment) had been drafted in 2014 and responses collated in 2015 which included a call for sites in both districts including Brownfield Land. Accordingly, Mr Winwright said that the Local Authority had not been premature in targeting Green Belt as they had been seeking to identify all development opportunities from the outset including Brownfield.
10. He went on to explain that by October 2015 the draft HELAA was identifying a potential for 4,000 dwellings to be provided from land coming forward in both districts which he explained was pitifully short of their expected Objectively Assessed Need. He went on to explain that accordingly it was not premature for the Local Authority to then start to look at the Green Belt and to identify any areas that were not performing well under the five criteria for inclusion within Green Belt designation as such areas might provide further opportunities for housing provision.
11. Mr Winwright then went on to talk about the second area where he felt BNG had misunderstood matters. He referred to the fact that the BNG message is always consistent in that BNG feel that Local Authority should be building on Brownfield not Greenfield with the implication that there is adequate Brownfield land to meet the housing needs of the area. He said this is misleading to the public and wrong.
12. He explained that the combined districts of Chiltern and South Bucks have an Objectively Assessed Need of 14,900 dwellings. He explained that under the duty to co-operate an agreement has been reached with Aylesbury Vale District Council for 5,750 homes to be taken

by Aylesbury. This would leave an unmet requirement of 9,150 (though at the meeting he quoted the figure of 10,500) new homes which would need to be accommodated on Brownfield land. He explained that the recent consultation on the Brownfield register was in response to a more recent Government regulation and in view of his previous comments about the fact that Brownfield land had been considered when preparing the HELAA in 2014/15, he did not feel that it was accurate for BNG to be claiming that the Local Authority had not been looking at Brownfield sites first.

13. He went on to say that the recent Brownfield consultation for the register had only revealed 14 new brownfield sites across both districts which even assuming a building density of 40 homes per hectare this would only produce another 700 dwellings and as some of these sites are in the Green Belt, that sort of density is an unlikely expectation. Accordingly, he concluded by saying that there simply is not sufficient Brownfield land to meet the housing needs of the area and that any housing requirement over 9,500 is inevitably going to require a review of the Green Belt.
14. On this point P Plato appreciated what Mr Winwright was saying but questioned why some Brownfield proposals and in respect of Chesham the most notable relates to the Chesham Masterplan by Chesham Renaissance CIC did not appear, to be included in the potential housing supply. Accordingly, P Plato asked whether the Council & Chesham Masterplan were indeed looking at the same sites.
15. Graham Winwright said they are and suggested that there is an element of double counting as all of the sites that have been earmarked by the Chesham Masterplan are already in the HELAA. However, Phillip Plato said that there appears to be a significantly more optimistic estimate of dwellings that could be provided from comments made about the Chesham Masterplan than some of those densities of development being suggested by the Local Authority in the HELAA on these sites and Mr Winwright agreed. However, he said that there are certain things that he cannot agree with in the Chesham Masterplan and that these are areas of "conflict". He quoted Watermeadow car park as one example where the Council could not support the development being proposed by Chesham Masterplan simply because it is in the floodplain. Richard Biddle said but if the housing is elevated the flood risk is mitigated to which Mr Winwright said that then renders the proposal unviable. (Comment was made by R Biddle that such requirements had not render a nearby commercial development unviable which went unanswered.)
16. G Winwright also said that there are other differences relating to transport and the Chesham Masterplan's proposals to relocate some employment land sites to outside of the town which he warned, might possibly be onto the very Green Belt that BNG are seeking to protect.
17. Phillip Plato then referred to the Green Belt assessment methodology in the interests of moving the discussions forward. He expressed concerns on behalf of BNG about the Green Belt assessment process. He questioned whether the Part One Appraisal had been applying a consistent methodology and why sites in a similar area, sometimes involving the same land but just considered as larger parcels were getting significantly different scores against the five criteria for being included within Green Belt designation.
18. Mr Winwright explained that the Part One Assessment had been undertaken by ARUP as an independent third party consultant operating under the guidance of a steering group of planning officers within the Council.

19. Phillip Plato said that it appeared as though the Part 1 Assessment had been written with certain preconceptions in mind to justify certain sites being moved forward and he went on to say that Part Two Assessment which he has only seen in draft, appears to have only been written by Officers from Chiltern and South Bucks District Councils.
20. Mr Winwright said that was correct and the final Part Two Assessment is hopefully due to be published by the end of December 2017 though he stressed this publication date is subject to a separate publication of a wider strategic Green Belt Assessment which is also awaited and therefore it would be premature to publish the final Part Two Assessment until that strategic review is completed.
21. Phillip Plato commented further he had noted criticisms by ARUP in the annex to the draft Part Two Assessment highlighting the very facts that he had alluded to previously namely that Objectively Assessed Need was appearing to be the sole justification or exceptional circumstances to warrant some of these sites being removed from Green Belt designation and he noted that ARUP were highlighting to Chiltern & Souths Bucks Councils that need alone is not sufficient to justify exceptional circumstance. Mr Winwright agreed but pointed out that the Part Two Assessment is still only in draft.
22. With regards to need, Mr Winwright also commented that if the new national methodology is adopted as currently drafted he anticipates housing need to rise by a further 1400 to approximately 16,300.
23. Phillip Plato again expressed his frustration over the Green Belt assessment. He explained that he and many members of BNG did not understand how it was that issues like flooding could appear to exclude a Brownfield location like Watermeadow from further consideration but the same concern is not sufficient to stop a Green Belt site being considered for development such as at Lye Green where the field does flood and in view of the topography of the town the water will flow downhill from any development further adding to strain on the towns drainage and flooding in the town itself.
24. Mr Winwright explained that all locations will be subject to viability assessment but equally before any site can be developed there must also be a development brief which in the case of Lye Green would require a sustainable drainage system to be incorporated. Phillip enquired who would pay for that and Mr Winwright explained it would be the developer. Phillip Plato expressed his scepticism given that there is a stated objective of trying to provide 40% affordable housing on the Lye Green site which constrains the developer's ability to fund such expensive infrastructure especially if they have to fund other S.106 obligations. If development can ONLY be facilitated by other expensive infrastructure or design requirements paid for by the developer, he felt there is a very real risk that the developers and their legal advisors will chip away at all these other important infrastructure considerations and the community's worst fears will be realised. He said that the very same argument that Mr Winwright had raised recently about viability at Watermeadow would be recited by Lye Green developers with the risk that vital infrastructure would not be delivered.
25. Mr Plato highlighted the fact that many members of BNG are extremely concerned about the strain on infrastructure within the town particularly relating to water treatment and mains drainage and he said it is all well and good asking developers to fund expensive drainage systems but if they are either not viable or impractical there is a danger that inappropriate development will result. Mr Winwright said that on this matter BNG are asking for details about something that won't be agreed until very near the end of the process.

26. Phillip Plato then asked about the effects of the duty to co-operate with other local authorities. He mentioned that there had already been reference to the duty to co-operate with Aylesbury but has been concerned about what he has heard about Slough. Specifically, a requirement to put 10,000 homes from Slough into South Bucks. Graham Winwright said discussions are ongoing and there is a statutory requirement to co-operate with adjacent authorities but he highlighted it is a duty to co-operate not a duty to capitulate and he felt sure that an Inspector would agree that it was unfair for Slough to make such a requirement particularly when he felt there were other areas in the Slough district and other neighbouring authorities to the west where housing could be accommodated. He suggested that the Slough discussions would NOT further add to housing needs significantly in Chiltern & South Bucks.
27. Phillip Plato then made an enquiry about Dacorum where he knows they are currently starting their Regulation 18 consultation too. He asked specifically whether there is a duty to co-operate with Dacorum and whether Dacorum will be looking to displace housing needs into Chiltern or visa versa. There is also an opportunity to displace employment sites from Chesham onto the disused Bovingdon Airfield (just inside the nearby Dacorum boundary) which would free up brownfield land for more sustainable housing provision.
28. Mr Winwright explained that Dacorum is part of Hertfordshire and although there is a duty to co-operate it has been agreed that Dacorum has a different Functional Market Area to Buckinghamshire and hence why Aylesbury have taken the amount of housing it has from the Chiltern area.
29. Phillip Plato asked specifically whether there may be opportunities for Chiltern to displace some of its needs into Dacorum given the proximity of the Bovingdon airfield which although Green Belt, is still previously developed land and being so close to the boundary with Chiltern may provide an opportunity. Mr Winwright said that discussions are ongoing but he did not anticipate a significant scope for displacing development from Chiltern to Dacorum for the aforementioned reason of differing Functional Economic Market Area (FEMA).
30. Phillip Plato asked Mr Winwright why the Lye Green site specifically, is being safeguarded (as opposed to being proposed for development) in the Plan period. Mr Winwright explained that there are concerns about deliverability though he said they are in discussions with the land owners and was aware that the principle land owner still does not wish to release more areas of land other than those already under option to a house builder. However, he said that situation may change. Mr Plato said that it sounds like they are waiting for Mr Mash to die and Mr Winwright said that is not what they are hoping for.
31. He went on to say that another reason why the land is only being safeguarded is that there are concerns about traffic generation. He acknowledged that the site will generate traffic and further work and evidence needs to be gathered before the site could be brought forward for development.
32. He said another reason for safeguarding was concerns about air quality. The aforementioned comments about traffic generation are likely to result in a further degradation of air quality locally and he said would be necessary to commission a further report to confirm this. Mr Richard Biddle interjected and found it astonishing that the Council felt the need to spend tax payers money writing a report confirming what common sense would already confirm, namely that more traffic generated from the site will result in degradation in air quality.

33. Mr Winwright offered little explanation other than saying they have to do such reports but he said that the Council are hoping a report will reveal in the longer term certainly about improved air quality as one gets beyond the Emerging Plan period (2036) given the move to electric cars may mean that there is a "tipping point" whereby extra traffic will beyond a certain date, not generate worsening air quality.
34. Mr Plato asked Mr Winwright if there were any other reasons why the site should be safeguarded and Mr Winwright said that he felt "he had said enough".
35. He concluded by saying that work is ongoing and referred to a sustainability appraisal for the Green Belt Preferred Options by Lepus produced in September 2017. He said this sustainability appraisal plus future viability appraisals and other ongoing evidence work may yet reveal that the site is deliverable but equally it may conclude it is not. Similarly, further work on sustainability, viability and other aspects of the evidence base may conclude that the site should continue to be safeguarded or that it might remain in the Green Belt. However, he again repeated that there is a "direction of travel" the Council are moving towards and he hoped that the information he has provided to BNG today will save them "wasting their money" on a barrister.
36. Phillip Plato referred to the sustainability appraisal by Lepus and thanked Mr Winwright for raising it because he felt this again pointed to concerns about methodology. He pointed to serious concerns in the Lepus Report relating to sustainability and quoted various extracts including the observation that the Lye Green site is "*close to the Chilterns AONB potentially adversely affecting the setting of the AONB*". He highlighted that unlike many other Green Belt sites where the public have limited access to the land, the Lye Green site is recognised by Lepus as a location where "*several public footpaths traverse this option, the views from which may be adversely affected by development*".
37. Mr Plato went on to highlight the fact the Lepus report on the Lye Green site refers to a significant loss of green infrastructure (GI) "*resulting in a reduction in the natural air filtering qualities and some of the carbon sink in the local area*". Mr Plato highlighted that Lepus suggested that greenhouse gas emissions could increase significantly and also that Lepus highlighted that the extent of the risk from surface water run off is "*currently not known*".
38. Mr Plato also pointed out the Lepus report on sustainability refers to the land having an agricultural land classification of 3. (Though it is not stated if it is grade 3 a or 3b) Mr Plato said that the landowner feels that the quality of land is higher than that and in any event Lepus report states that the site is believed to have clay mineral deposits which could be seen as a valuable asset for the area. Ms Ansari commented that the County Council, who are the mineral authority for the area, have expressed no reservations about this.
39. Mr Plato said that the Lepus report on sustainability referred to the Chesham Air Quality Management Area and he highlighted the fact that a recent decision involving Gladman Developments vs the Secretary of State and CPRE (Kent) earlier this year reinforced the importance of air quality in planning matters and Mr Plato pointed out that Lepus refer to further road congestion exacerbating the existing air pollution again reinforcing Richard Biddle's point querying why another air quality assessment is needed?
40. Mr Plato said that there are many other comments about the sustainability of this site reported by Lepus which makes one wonder why the Lye Green site continues to be under consideration for safeguarding or removal from Green Belt designation. This question is further made when

reviewing the Landscape Capacity & Character Assessments published by Terra Firma where the Lye Green site is recognised as incapable of providing little more than 100 homes without compromising the open views into & from the neighbouring Green Belt & AONB.

41. Although Mr Plato felt many facts recited by Lepus should indicate the Lye Green site is not sustainable, he concluded by highlighting one fact he takes issue with in the Lepus Report. Namely, that proximity to health services is optimistically reported to be just 1 kilometre from the Gladstone Road doctor's surgery in Chesham. Phillip Plato said he has measured this digitally and when one measures the various routes from the site the distance is more like 1.8 kilometres. Mr Winwright thanked Mr Plato for that observation and said that needed to be checked but he did suggest to Mr Plato that the Lepus report should be further reviewed by BNG as he felt there is a separate section dealing with how all the aforementioned concerns Mr Plato had recited would be mitigated, avoided or addressed. Mr Plato said that he would review that further.
42. David Lansdowne asked whether the County Council have responded to the request indicated by Chiltern and South Bucks in the post preferred Green Belt Options Report of November 2017 for further information from Bucks Country Council about their concerns. Mr Winwright's said that he is not aware of a response from them at this time.
43. Mr Winwright said that he hoped that today's meeting had helped BNG to understand some of the facts and he hoped had offered some reassurance. Mr Plato said that certainly some facts had emerged but he didn't feel that he had heard anything today that was reassuring or going to change the widespread view of the community that this much loved area of Green Belt is inappropriate for the type of development proposed as it is in an unsustainable location and will cause harm to the wider town. Mr Winwright said that that is not an unusual response and he understood the position.
44. Mr Winwright then raised a number of concerns about information that appears on the BNG website and which in light of the aforementioned discussion he felt could now be shown as inaccurate and which he hoped BNG would correct. Specifically,
 - He referred to the need to update links to the current position to reflect the latest documents in the Evidence Base.
 - He also suggested that comments that Aylesbury Vale's agreement to take the housing that they have from the Chiltern area is clearly not sufficient to offset the need for looking at Green Belt.
 - He asserted to Mr Plato that the deliverability of Brownfield Land will not in itself meet the housing needs and that there is an element of double counting with the Chesham Masterplan.
 - He also said that he was concerned at comments that Chilterns and Bucks were not following national guidance.
45. The meeting then concluded with an agreement that both parties would endeavour to stay in touch. Mr Winwright said that with so many objectors throughout the wider district it is not possible to always engage in meetings such as the one today but if there are any further questions he is happy to take them by email.
He also offered to proof read any announcements that BNG may wish to make on their website in future. Mr Plato, Mr Biddle and Mr Lansdowne thanked him for his time and said they would consider everything he has said.
46. The meeting concluded after 1 hour 20 minutes.

Land Between Junctions 16 and 17 Of The M25, Near Chalfont St Peter, Buckinghamshire
Outline Application for the erection of a Motorway Service Area with all matters reserved
with the exception of access from the M25, comprising a facilities building, fuel filling
station, electric vehicle charging, up to 100 bedroom hotel, service yard, parking facilities,
vehicle circulation, landscaping, woodland and amenity spaces, Sustainable Drainage
Systems (SuDS)/attenuation, pedestrian and cycle links, retaining structures and
associated mitigation, infrastructure and earthworks/enabling works.

Thank you for consulting with me on the above planning application. I have reviewed the submitted documentation and consulted my colleagues from the Local Policing Area, Roads Policing Unit, Traffic Management and Driver Training.

Taking into consideration the likely impact on police resources, response times and more importantly the safety and security of future MSA staff and service users, I do not believe that it meets the requirements of 'The National Planning Policy Framework' and therefore must object to this application.

This objection relates specifically to the proposed access only from the M25 carriageway and could be addressed with an additional access/egress route independent of the motorway. Justification for this objection is provided below.

Motorway service stations concentrate a mix of activities, shops, restaurants, hotels and petrol stations in one location producing a high volume of calls for service to the police. Beaconsfield Services at Junction 2 of the M40 produces a high level of demand on police resourcing and currently representing one of the biggest crime hotspots for the Local Policing Area (LPA). A significant number of these calls are considered to be time critical due to high level of threat, risk and harm. Calls for service are varied relating to crime, anti-social behaviour and fear for personal welfare, relatively few in comparison relate to road traffic offences or incidents. As the proposal for this development includes similar facilities it is not unreasonable to expect a comparable level of demand or crime type to be associated with this new development.

Resourcing incidents at these locations will fall to the LPA officers although they do not routinely police the motorways. For a local unit in close proximity 'as the crow flies' the requirement to enter the motorway is likely to significantly impact their response time, not only in reaching the MSA but in terms of redeployment from this location. Motorway closures and congestion on the carriageways would exacerbate the problem further.

LPA officers are not advanced driver trained, a requirement for Roads Policing Officers that routinely police the motorway networks, allowing them to safely negotiate the carriageways at speed when responding to incidents. The cost to Thames Valley Police and the impact on resourcing to provide this training to all LPA officers would be substantial.

Whilst our Roads Policing Officers patrol the motorways, they are a limited and specialist resource with high performance vehicles equipped to deal with motorway incidents. These officers are trained not only to a high driver standard but to deal with serious injury and fatal collisions whilst protecting the strategic road network (which does not include

motorway service areas) to reduce economic impact. Deploying these officers as the closest resource to the MSA to address the time delays could have serious implications.

I ask that an emergency services access route is provided to the site without the need to enter the motorway. This should be accessed controlled with rising bollards to prevent unauthorised entry with key code access. A manually operated gate or arm barrier is not sufficient being invariably left insecure or forcibly damaged.

Whilst it is appreciated that this is an outline application specifically relating to the access and egress from the motorway the following comments are provided to the applicant as an area of concern that should be addressed moving forward.

Pedestrian routes

In general safe pedestrian routes should be

- wide (a minimum of 3m) to allow people to pass easily
- with good natural surveillance (clear sightlines)
- as straight as possible to allow people to assess the route ahead
- lead to where people want to go ensuring a high level of legitimate activity that will safe guard the area from crime and anti-social behaviour
- devoid of potential hiding places
- well-lit to reduce the fear or crime and facilitate surveillance.

From the submitted plans there are numerous footpaths connecting neighbouring communities to the motorway service area. Although connectivity is important to the site this will provide a high level of permeability which could allow those intent on criminal activity to enter and leave potentially unseen and unchallenged.

Using the principles of CPTED (crime prevention through environmental design) to evaluate the plans I have significant concerns that these footpaths will be underutilised and are likely to be problematic in terms of crime, anti-social behaviour and unauthorised activities.

There are large areas of the footpaths which are un-surveyed from any neighbouring building or appropriate activity therefore surveillance should be present from other legitimate users. The footpath to the south of the site lacks any surveillance aggravated by the underpass which reduces any clear line of sight to pedestrian users. This area is likely to appeal to those intent on unauthorised activities unlikely to be observed or interrupted.

Formalising and upgrading these routes implies that they are promoted as safe pathways for cyclist/pedestrians therefore the potential for crime and ASB must be addressed.

Finally, I would urge the applicant to seek further consultations and advice with Thames Valley Police at the earliest opportunity to ensure the learning from Beaconsfield MSA,

relating to crime and ASB, is incorporated in the design and layout of this application preventing the need for further objections or delays.