Reg 19 Consultations – Overview & Guidance by Brown Not Green

This document contains the following:

- An explanation of how to put together a response
- The mechanics of submitting a response
- A sample response

Once the Draft Local Plan is published, a six week period of public consultation will begin. In Chiltern & South Bucks (the LPA), this will begin **on 7th June and will conclude on Friday 19th July 2019**.

The LPA is required to submit the Local Plan to the Secretary of State for an Independent Examination. This process involves an independent inspector appointed by the Secretary of State whose role in the examination process is to assess whether the Local Plan has been prepared in accordance with:

- Duty to Cooperate (a duty to try and agree approaches with key public sector bodies on strategic cross boundary matters)
- legal and procedural requirements
- whether it is ‘sound’

Public responses to the Reg.19 Consultation will be collated and sent to the Inspector. Whilst previous responses you may have submitted to earlier consultations can form the basis of your Reg.19 submission, they should be **adapted to address these points and to address the key words highlighted**. As part of the Independent Examination process, the following criteria must be used to determine if the policies in the revised draft Local Plan are "sound": (NPPF Para 35)

<table>
<thead>
<tr>
<th>Positively Prepared:</th>
<th>The Local Plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.</th>
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<td>Justified:</td>
<td>The plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.</td>
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<tr>
<td>Effective:</td>
<td>The plan should be deliverable over its period based on effective joint working on cross-boundary strategic priorities.</td>
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<tr>
<td>Consistent with National Policy:</td>
<td>The plan should enable the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework (NPPF) and the supporting National Planning Practice Guidance</td>
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Comments relating to soundness must be specific in terms of how and why they believe the plan is, or is not, sound referencing the tests relevant to the comment. Comments must be supported by evidence and justification. The following notes will now explain how to comment:

Most Statutory Consultations under Reg.19 will accept responses:

- Via letters sent to the LPA by post
- By use of an online form that can either be downloaded, completed and posted or emailed
- Completed online

NB: IT IS STRONGLY ADVISED TO TAKE A COPY WHATEVER METHOD IS USED AND FOR ONLINE SUBMISSIONS IT IS BEST TO PRINT OUT A COPY BEFORE PRESSING SUBMIT/SEND BUTTON.

At the time of writing, the Chiltern / South Bucks consultation link is not yet live but after 7th June (until 19th July) it should be available from the Chiltern Planning Policy website at https://www.chiltern.gov.uk/article/7073/Emerging-Chiltern-and-South-Bucks-Local-Plan

Representations should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification; as there will not normally be a subsequent opportunity to make further submissions based on the original representation made at publication. After this stage, further submissions will be only at the request of the Inspector based on the matters and issues he/she identifies for examination.

The LPA prefer responses to be made using their form available to complete or download from the Chiltern website URL recited above. If this is not possible, or if you prefer to send a letter or a more formal submission, please ensure that your representation includes:

- your name
- address and contact details
- follows the structure of the Council’s formal representation form and adheres to the guidance and advice in this note

IMPORTANT: Please also ensure that you state on the representation form or your letter/submission, the chapter / topic / section / paragraph /or site that your representation relates to.

When drafting, consider and try to use the words or phrases emboldened or highlighted in the previous table describing “soundness”.

PLEASE NOTE: The Council are running a second consultation too. The Community Infrastructure Levy (or CIL - which sets the level of contributions demanded from developers to fund infrastructure related to development) has been approved by the Councils’ Cabinets. Publication and Consultation of the CIL document is taking place at the same time. You may wish to comment on this too (especially as BNG feel many projects are either unspecified in terms of funds or have such a wide range of cost estimates that the CIL levy is itself “unsound”). Please ensure you are responding to the correct consultation though! Any CIL consultation responses will be submitted directly from the Council to an independent Planning Examiner too.

This guidance document is directed towards those wishing to make comments on the Draft Local Plan under the Reg 19 process.
An example of a Consultation Response to the draft Local Plan now follows:

**SAMPLE REGULATION 9**

**Consultation Response**

**NOTE:** This is just an example that is not using the Councils online Form – please do not just copy and paste but use your own words or adapt this example to suit what you want to say. Many of the points recited might be expanded upon by each personal submission. To illustrate the utilisation of **key words and phrases** that point to soundness, these have been highlighted in **yellow** but obviously would not be so highlighted in any actual submission.

FROM Mr & Mrs Anybody  
101 Lye Green Fields  
Chesham Bucks HP1 2YZ  
Tel: 01494 123456  
Email Anybody101@hotmail.com

Date: 7 June 2019

Dear Sir/Madam,

I wish to comment on the Draft Local Plan which I have concluded is **unsound**.

The proposals to release Green Belt land to meet housing targets are not **justified** from the evidence submitted.

The Councils have stated that release of some Green Belt is necessary as part of an overall three part strategy involving:

1. focus on built-up areas to build dwellings on previously developed land  
2. an exported proportion of housing need to go to the Aylesbury District  
3. through Green Belt releases where sustainable built area extensions can be achieved without unacceptably harming the purposes or integrity of the Green Belt

I question the **soundness** of such a general policy and whether all the **brownfield land** opportunities have been identified and/or whether the Council should be looking at higher densities of development on such sites which are generally **closer to the town centre** that are more **sustainable** locations than Green Belt sites and in particularly the **Green Belt site North East of Chesham at Lye Green**.

The development of such Green Belt sites involving many hundreds of homes will generate increased **traffic** and although some highways improvements are suggested they are insufficient. For example, in Chesham the evidence shows that most of the road junctions and infrastructure is already operating above capacity.

Chesham cannot accommodate any significant highways improvements due to the already limited verges and space beside the highway and combined with the topography of the town this means that there will be **increased traffic congestion** with further worsening **air quality**.

**Air pollution** is a particular concern in Chesham due to the already poor air quality along Bekhamstead Road where there is a designated **Air Quality Management Area** that already is recording air quality that is considerably worse than EU safe levels. Adding more homes outside the
town on the Green Belt will generate more traffic which in turn will make the air quality even worse. Insofar as this relates to the Green Belt site at Lye Green NE of Chesham, this cannot be sustainable nor justified nor is it in accordance with Government policy.

The Green Belt site NE of Chesham is not a sustainable location. It is over 2km away from the train station and slightly further still from the town centre but anyone who cares to walk or cycle this distance also has to negotiate a very steep hill in either White Hill or Nashleigh Hill. Such an unsustainable location cannot be made sustainable merely by upgrading a couple of public footpaths within the site into bridleways to facilitate cycling. Neither does adding a bus stop address the geography or topography of the area especially if the promised enhanced bus service (which is already infrequent) either does not materialise or if it subsequently fails to be maintained after a few years.

Further doubt is cast upon the “soundness” of this Plan by virtue of there being conflicting policies within it. The Council seem to think that the Green Belt site NE of Chesham is sustainable and provides easy access to public transport including the tube station yet the same Plan promotes a considerable increase in retail development in the town (local draft plan policy SP EP3), part of which would be built on the very car park that serves the Chesham tube station. This is inconsistent and unsound.

For this Plan to sound it must also be effective. Unfortunately, further review of the proposal to remove land NE of Chesham at Lye Green from Green Belt designation is not effective as there are serious questions about the deliverability of this land. The main landowner is a farmer who has asserted publicly and in a letter to the editor of Your Chesham magazine that he is not prepared to release all of the land in his ownership for development. The land is also potentially an Asset of Community Value and upon confirmation of this designation it would afford a community group the right to bid for the land. The community group (Brown Not Green) have stated their intention is to preserve the land given that many hundreds of local people have habitually used the fields at Lye Green as of right for various informal outdoor recreational purposes. These uses themselves may mean that many local individuals may have acquired easements over and across the land through prescription (20 years uninterrupted use) not least of whom would be the many private residences bordering the fields that have rear garden gates onto the fields at Lye Green. These easements and prescriptive rights may render the land very difficult to develop and make it undeliverable in planning terms. It is perverse that the Local Authority would promote such a valued community asset for development and undermines the objectives of the Localism Act 2011. As such this aspect of the Plan is unsound.

The foregoing also points to flawed methodology of Green Belt site selection used by the Local Authority which is neither effective, justified nor consistent with national policy and as such is unsound. Specifically, the selection of the land NE of Chesham at Lye Green for removal from Green Belt designation is inconsistent with National Planning Policy Framework (NPPF).

Paragraph 136 of the latest NPPF asserts that Green Belt boundaries should only be modified in “exceptional circumstances”. The courts have held that unmet local housing needs of an area are themselves not exceptional circumstances. The Council engaged third party consultants to undertake the Part 1 Green Belt assessment and they identified numerous sites for “further consideration” where exceptional circumstances “might” exist but expressly recommended further review of their assessment of each site against the 5 purposes of land being in Green Belt of all these sites. Unlike the neighbouring Local Authorities, the Part 2 Green Belt assessment was not undertaken by third party consultants but by the Local Authority itself who notably then did not undertake all the recommended reviews of each site including the land NE of Chesham at Lye Green. Accordingly, this oversight in the Part 2 Green Belt assessment placed premature focus and fixation on releasing land at Lye Green NE of Chesham from Green Belt designation. The subsequent identification of the Chesham site for release is therefore unjustified.

The primary aim of Green Belt land (as recited in NPPF 133) is to prevent urban sprawl and to preserve the openness of the area. The Lye Green site self evidently performs this function well and has done so for decades.
Another aim of Green Belt land stated in NPPF paragraph 134 is to prevent neighbouring towns and settlements from merging into one another. The Green Belt land NE of Chesham performs exceptionally well in maintaining a distinct separate between settlements of Chesham and Lye Green as well as helping to maintain separate identities of other nearby communities at Orchard Leigh, Botley, Whelpley Hill and Ashley Green. It is perverse and inconsistent with national guidance to allocate this land for removal from Green Belt in light of these facts especially when the land also represents good quality agricultural land and an environment for many species of wildlife that will be lost if earmarked for development.

A further aim of Green Belt designation as stated in the NPPF at paragraph 134 (e) is to assist in urban regeneration by encouraging the recycling of derelict and other urban land. By allocating Green Belt land NE of Chesham for development, undermines this aim within Chesham. A community lead not-for-profit organisation called Chesham Renaissance CIC has been striving to create a Chesham Masterplan that would not only provide many genuinely affordable homes in more sustainable locations nearer the town centre but which would also regenerate some of the more deprived wards within Chesham. The Local Authority’s proposals are inconsistent with this local initiative and are therefore also inconsistent with national guidance and are consequently unsound.

The Council have asserted that Government planning policy requires local councils to review Green Belt boundaries when considering how to accommodate the development needed in their areas. Just because the Council may be required to look does not mean the Council should review Green Belt boundaries which as previously stated should only be modified in "exceptional circumstances".

National Planning Policy Framework (NPPF) as revised only last year, states in paragraph 11(b), directs “plan makers” to create policies that are required in Local Plans for housing and other uses unless Framework policies (expressly including Green Belt) “provides a strong reason for restricting the overall scale type or distribution of development in the plan area”. Accordingly, I submit that given all of the above the land being proposed for release from Green Belt designation around Chesham is unjustified and contrary to national guidance.

I am supportive of the Brown Not Green organisation’s initiative to have the land listed as an Asset of Community Value and I feel they speak for me in respect of their objections to the draft Local Plan. Accordingly, I request that any representations made by them at any future examination in public regarding the soundness of this Local Plan be considered as an extension of my own comments herein.

I feel the land NE of Chesham is an unsustainable location for development, that has been habitually used by the community for improved health & wellbeing for decades and the land performs well against Green Belt aims and objectives. Exceptional circumstances for reviewing Green Belt boundaries at this location either do not exist or are insufficient to warrant the removal of this land from Green Belt designation as required by Govt Policy and therefore the plan is unsound.

Yours faithfully,

Mr & Mrs Anybody