

**Chiltern and South Bucks
Local Plan Examination**

HEARING STATEMENT

by

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on behalf of

Brown Not Green Chesham Ltd

Representor ID 1224822

February 2020

Public Examination Stage 1

Topic Matter # 1

Issues 1 - 4

Brown Not Green Chesham Ltd

HEARING STATEMENT – Matter No 1

CHILTERN & SOUTH BUCKS LOCAL PLAN

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NOTE: The body of this statement has a total word count of 2,996 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) in respect of the Chiltern & South Bucks draft Local Plan.
- 1.2. Section 2 of this statement addresses only the Matters & Issues from the relevant MIQs specified herein together with any Questions raised by the Inspectors or any other information that has emerged since the Regulation 19 consultation.
- 1.3. BNG are a co-signatory to a Statement of Common Ground (SoCG) signed by various other organisations or community groups (See Appendix i attached). In the interests of brevity, BNG will cross refer to the SoCG as necessary when responding to certain Issues but this statement will attempt to offer only additional comment to the SoCG.

2. **MATTER # 1**

Issue # 1 - Compliance / Duty to Co-Operate

- 2.1. **Question 1** – *Re: Aylesbury Vale’s agreement to take 5,725 dwellings from CSB. “What is this figure based on, how has it been calculated & what alternatives were considered...?”*
 - It is not clear what alternatives to this figure were considered as part of the preparation of the Plan or whether it could be higher (which would then require less Green Belt release within CSB).
- 2.2. **Question 2** – *Have the Councils approached other local authorities to assist in meeting any potential unmet housing and economic needs?*
 - No. The duty to co-operate requires Local Authorities to engage constructively, actively, and on an on-going basis.
 - The attached SoCG explains¹ that BNG and others have serious concerns that CSB have not approached all neighbouring authorities or they done so belatedly with little constructive or conclusive output and therefore that the Duty to Co-Operate has not been fulfilled.

¹ See Appendix i SoCG attached - paragraphs 1.1 to 1.6 inclusive

- Approaches have been made to Slough Borough Council which appear to have commenced in late 2016 and its Regulation 18 document² (dated Jan/Feb 2017) sought information on a Northern Expansion and yet discussions remain inconclusive at this time.
- CSB have wrongly considered that it was not required to consult with all other neighbouring authorities on the (incorrect) assertion that it only needed to consult with authorities in what CSB considered to be the Functional Market Area (FMA) of Bucks.
- BNG raised concerns with CSB in 2017 (see Appendix ii - Attendance Note of meeting 4 December 2017), with Mr Winwright & another Planning Officer, specifically about Dacorum. Mr Winwright indicated there was no necessity for CSB to co-operate with certain other neighbouring authorities in a different Functional Economic Marketing Area (FEMA)³. This is wrong. There is considerable evidence of economic interrelationship between the neighbouring Local Authorities of Chiltern & Dacorum⁴ as well as Three River DC in terms of employment, shopping and recreation. The consequences included that strategic options close to the borders of Chiltern District have not been considered to meet the unmet housing and economic development needs within CSB.
- This includes a potential strategic site for both Dacorum & Chiltern that is within Dacorum but beside the boundary with Chiltern district (illustrated in Appendix iv)⁵. There are likely to be others, unexplored. However, the former WW2 airfield at Bovingdon is a sizeable site. This is clearly a strategic area, including potentially for locating/relocating industrial uses (e.g. requiring HGV access which are problematic within small towns like Chesham) or other employment uses. There is strong local support for such a strategy resulting in other sites currently used for industrial purposes within Chesham becoming available for brownfield housing development in the town centres. A similar benefit may occur in other nearby towns in Dacorum district too.
- At the same meeting in December 2017, Mr Winwright also indicated that discussions with Slough at that time had only recently commenced but were

² See http://www.slough.gov.uk/downloads/SBC_IO_ConsultatioDoc160117.pdf para 4.3.12

³ See Annex 1 Attendance Note of Meeting with CSB paragraph numbers 27 to 29 inclusive.

⁴ See BNG Reg 19 Submission dated Aug 2019 – Annex 1 survey of residents July 2019

⁵ Appendix iv attached – See maps therein with aerial photograph of Bovingdon.

ongoing⁶. This of course also contradicts the earlier assertion that CSB were only required to consult within what CSB considers is it's FEMA.

- Other than for Aylesbury, statements of common ground are not available for review so any co-operation that may have taken place cannot be assessed.
- This failure to co-operate constructively, actively, and on an on-going basis with all neighbouring authorities, cannot be rectified post-submission⁷ of the draft Local Plan. Accordingly, this is a critical failure of this draft Plan because;
 - The scale of proposed Green Belt releases may be shown to incorrect once a full duty to co-operate exercise is completed,
 - The potential impact upon Spatial policy &
 - Longer Green Belt impacts in relation to Slough and its Northern Extension not being considered.
- BNG have concluded that CSB has not fulfilled their duty to co-operate.

2.3. **Question 5 – ...Is there agreement on how Slough's potential unmet needs will be accommodated?**

- No. In response to the Inspectors Initial Questions, CSB referred to the NPPF paragraph 11 and the related footnote #6 therein, to explain why CSB should not release Green Belt to meet Slough's unmet needs and how Objectively Assessed development needs do not need to be met when doing so would run contrary to that reference in the NPPF⁸.
- Whilst BNG recognises this argument⁹, it highlights the Local Authority's **inconsistency** on this issue as CSB have also rejected similar arguments made by BNG (and others) making similar reference to the NPPF as to why the Green Belt should not be allocated in the Local Plan for exactly the same reasons.
- This position is not justifiable nor is it reasonable that such reasons are used to answer questions relating to CSB's Duty to Co-Operate therefore¹⁰.

⁶ See Annex ii - Attendance Note of Meeting with CSB Dec 2017 - paragraph number 26

⁷ See PPG Paragraph: 031 Reference ID: 61-031-20190315 Revision date: 15 03 2019

⁸ NPPF footnote to para 11 b - The policies referred to therein include land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty.

⁹ As recited by BNG in their Regulation 19 Submission page 3, point vii & paragraph 3.1 – August 2019

¹⁰ See CSB responses to Inspectors Initial Questions – para #'s 4.4, 4.8, 4.10 & 4.11.

2.4 Question 9 – “Have all necessary Statements of Common Ground been prepared...?”

- BNG feel unable to comment as these are not on the Examination website or in the Evidence base as at the date of preparing this statement. However, this suggests the answer is no; see below re “pausing” the examination for evidence.

2.5 Question 10 – “How have the Councils co-operated with other relevant organisations (Bucks & Milton Keynes Natural Environment Partnership)?”

- BNG feel unable to comment as relevant information is not on the Examination website or in the Evidence base as at the date of preparing this statement. However, this suggests the answer is no; see below re “pausing” the examination for evidence.

2.6 Question 11 – “Has the Duty to Co-operate under s.22(5)(c) &33A of the 2008 Act & Regulation 4 of 2012 Regulations been complied with etc?”

- BNG feel the answer is “No” and refer to responses herein.

Conclusion re Issue # 1 :

- BNG recognise that issues not critical to the Plan’s soundness and other legal requirements should not cause unnecessary delay¹¹.
- However, BNG are deeply concerned about the duty to co-operate and sustainability appraisal in Matter 1 and are grateful to the Inspectors for identifying these “fundamental concerns” at the earliest possible opportunity. Unfortunately, the Council’s responses do not properly address these.
- BNG would request that the “potential for pausing the examination” should be fully considered, so that, for example,
 - CSB can produce evidence to demonstrate its Duty to Co-operate for appraisal, in particular with other neighbouring authorities and relevant organisations.
 - The new reorganised local government can take this forward and be fully considered etc with appropriate work streams identified.

¹¹ PPG Paragraph: 050 Reference ID: 61-050-20190315 Revision date: 15 03 2019

- BNG are however concerned that given the failures this may not be workable, but it requires frank acknowledgment of the failings to date by the Local Authority so that they can be corrected.

Issue # 2 - Sustainability Appraisal (SA)

2.7 Question 1 – “How did the Councils determine the scale of housing etc...”

- The method and reasons for determining the scale of housing are not clear in the SA. To avoid repetition, BNG would refer to the comments within the SoCG¹² to this question.

2.8 Question 2 – Options; “Where does the SA consider the geographic distribution etc...?”

- Please see the relevant comments within the attached SoCG¹³. Similarly, please see comments in subsequent Hearing Statement on spatial strategy¹⁴.
- All reasonable alternatives have not been thoroughly investigated. This is particularly relevant for Chesham because an obvious “reasonable alternative” exists there, namely the Chesham Masterplan that should have been properly assessed and which represents an initiative that could be replicated in other towns within the Plan area.
- To be lawful,¹⁵ reasonable alternatives must be considered in the SA and be given the same level of analysis as the preferred option. This has not been done.
- The SA does not properly consider the option of increasing density of development and BNG refer to their Regulation 19 Submission on Policy DM DP7¹⁶ which questions how compatible this policy is with proposals for developing brownfield or previously developed land.
- Annex 2 of the BNG Reg 19 Submission recited some examples of brownfield land with potential for delivering reasonable numbers of dwellings; The second example therein has secured consent at appeal but it demonstrates how the HELAA grossly underestimated the delivery of homes from

¹² See Appendix i - SoCG paragraphs 2.3i to vii inclusive.

¹³ See Appendix I - SoCG – Para 2.3 Sub point viii & points a to c inclusive

¹⁴ See Hearing Statement by BNG for Matter 3 Issue 1 Q 6 – distribution of growth.

¹⁵ See *Save Historic Newmark v Forest Heath DC* [2011] JPL 123 and *Heard v Broadland DC* [2012] Env LR 233

¹⁶ See Page 18 BNG Reg 19 Submission – paragraph 7.39 (Design & Efficient Use of Land)

brownfield land as it secured consent for circa 175% more dwellings than the HELAA originally estimated, illustrating that higher densities *can* realistically be achieved thereby minimising or potentially removing the need for Green Belt allocations.

2.9 Question 3 – SA Appendix b – 37 sites: “What process did the Councils follow to determine which sites were taken forward...?” & “Did the Council consider sites on a consistent and transparent basis?”

- BNG refers to the attached SoCG¹⁷ which asserts that the Councils were not consistent in their approach to determining which sites were taken forward.
- BNG have provided considerable detail on this matter within their Regulation 19 Submission¹⁸ and would also wish to refer to further comments on “methodology” in response to MIQs Matter 4, Questions 7 to 11 as evidence the process followed was inconsistent, unjustified and flawed.

2.10 Question 4 – “How have figures from the updated Settlement Capacity Study been derived?”

- It is unclear how these figures in this document that was published post Regulation 19 have been derived. They do not appear to follow on from any established or tested spatial strategy. Ironically BNG note the reference to Chesham Masterplan¹⁹ therein but this appears only to recognise transport infrastructure improvements proposed by CRCIC and not the substantial number of homes they feel they can deliver on brownfield and PDL.

2.11 Question 5 – “Has there been a material change of circumstances since the latest iteration of the SA?”

- Yes
- **Climate Emergency.** The SA does not take into account that CSB have declared a Climate Emergency²⁰. This requires proper, adequately evidenced carbon footprint appraisal of all alternatives (all reasonable alternatives, as above and in SoCG). This declaration by CSB, has the aims to be carbon neutral by 2030. This reflects changing professional practice and public opinion²¹. This was also highlighted to CSB in an open letter from CPRE and

¹⁷ See Appendix i SoCG - Section 6 - Green Belt.

¹⁸ See BNG Reg 19 Submission Aug 2019 - Section 4 and Annex 3

¹⁹ See CSBLP 58 Settlement Capacity Study published January 2020 – Page 34 fourth paragraph

²⁰ See Appendix v attached - extract from Chiltern Council meeting 23 July 2019 declaring Climate Emergency

²¹ See <https://cieem.net/wp-content/uploads/2019/09/Climate-Emergency-and-Biodiversity-Crisis-Declaration-1.pdf>

others²² pointing out that the Plan was inconsistent with the climate emergency declaration and that other authorities similarly to CSB have abandoned their Local Plan to better focus on reaching such fundamental strategic targets. Review of strategic policies is required to choose a strategy which will enable reaching this correct and aspirational target.

- Further policies DM DP5 and DM DP 6 are now grossly inadequate to address such issues and the Plan therefore needs plan wide specific policies to reduce the carbon footprint and the SA needs a new strategic policy on housing.
- **Biodiversity crisis.** The extent of the biodiversity crisis is pressing, in the UK particularly, through reduction of habitat and loss of invertebrates and soil.²³ The SA does not adequately assess the biodiversity impacts of alternatives in that critical national and global context. Critically, this strongly weighs against a Green Belt release strategy as opposed to greater density and better use of sites in the built-up areas.

2.11 Question 7 – ... How has the (carbon footprint) been calculated, is it accurate and how has it been taken into account in shaping the Plan’s strategy for growth? Why does it differ from the figure of 21% in the Regulation 19 version of SA?

- BNG were alarmed by the increased carbon footprint estimated in the Regulation 19 iteration of the SA to be 21%²⁴. There was no information within the SA to explain or support this important point and such an omission critically undermines the SA. Consequently, BNG submitted a Freedom of Information request on 10 July 2019 requesting details on how the carbon footprint figures were calculated. The Council responded on 7 August 2019²⁵ enclosing copies of various email exchanges between CSB and Lepus Consulting between 11 June & 17 July 2019 and significantly suggested that the increased carbon footprint was now “only” 16.9%.
- More recent correspondence from the Council in response to an open letter from CPRE and other community groups and certain Councillors, asserted that the carbon footprint figure was now further reduced to 16.6%²⁶.
- This is not a satisfactory evidence base. It is not based on a proper appraisal of alternatives or adequate authority-level evidence. The generalities are

²² See Appendix iii attached – Letter from CPRE to CSB dated 23 January 2020 paragraph 3 onwards.

²³ <https://www.rtpi.org.uk/knowledge/practice/biodiversity-in-planning/>, & <https://www.un.org/sustainabledevelopment/blog/2019/05/nature-decline-unprecedented-report>

²⁴ See comments in BNG response to SA Consultation Aug 2019 – Paragraphs 1.1 to 1.22 inclusive

²⁵ See documents annexed to BNG’s SA submission Aug 2019 inc email responses from CSB & Lepus

²⁶ See Appendix 2 - Response to CPRE by CSB dated 29 January 2020

such that BNG feel unable to make further comment other than it is difficult to assess. BNG lack confidence in the accuracy of the latest revised estimate is. BNG seek that the Inspectorate request further work and allow for public consultation on the outputs of this work.

- We contend that whatever the actual figure, such increased levels of carbon footprint are unjustified given the current environmental agenda and central government's efforts to tackle climate change.
- It is far from clear whether the SA's estimates has positively shaped the Plan's strategy for growth (if at all) as can be deduced from the fact that Green Belt sites have been considered in various versions of the SA since 2016 yet other alternative strategies (such as those involving higher density of development on brownfield sites or those advocated by others such as Chesham Renaissance CIC) have not.

2.12 Question 8 – Does the SA justify the policies in the Plan? Does it represent an appropriate strategy taking into account the reasonable alternatives?

- No. BNG have outlined their concerns that the SA does not justify the policies in the Plan within their responses to the SA consultation dated August 2019.
- BNG refer to the SoCG attached and section 2 therein to avoid repetition.

Issue # 3 – Public Consultation

2.13 Question 1 – “Has public consultation been carried out in accordance with 2014 Act and regulations?” - No, see below and attached SoCG.

2.14 Question 2 – Were adequate opportunities made available for participants to access and make comments on the Plan, and other relevant documents, in different locations?

- BNG refer to the relevant comments²⁷ within the SoCG attached and in response to Matter 5 Issues 1 & 2, Q1

2.15 Question 3 – What was the justification for extending the period of public consultation at the Regulation 19 stage?

- BNG refer to the relevant comments²⁸ with the attached SoCG.

²⁷ See Appendix i SoCG Section 3 - Consultation

²⁸ See Appendix I SoCG paragraphs 3.5 & 3.6

Issue # 4 – Local Development Scheme (LDS)

2.16 Question 1 – “Has the Plan been prepared in accordance with the LDS?”

- BNG should comment that the LDS has been revised several times as the Plan has regularly failed to be delivered by the various timescales indicated in earlier iterations of the LDS.

2.17 Question 2 – What is the justification for progressing a joint CSB Local Plan as opposed to a new, composite Plan for Buckinghamshire?

- BNG and many local people are asking the same question and feel the Plan is not justified under the circumstances.
- In light of imminent Local Government reorganisation that includes dissolving the Chiltern and South Bucks District Councils and the creation of a new Unitary Authority for Buckinghamshire with effect from the 1st April 2020, there should be a new composite plan for the whole of Buckinghamshire.
- Given the Sustainability Appraisal for the draft Local Plan is flawed²⁹ and is proposing such a high increase in the local carbon footprint, BNG feel it is unjustifiable for the CSB Local Plan to proceed and to burden the new Unitary Authority with such a legacy.

Issue # 6 – Strategic Flood Risk Assessment

2.18 Question 3 – “What measures does the Plan include to ensure that any residual risks are appropriately managed?”

- BNG feel there appears to be insufficient evidence on such issues and refer to earlier concerns that have been raised³⁰.

Issue # 7 – PSED

2.19 Question 1 – “In what way does the Plan ensure that due regard is had to the three aims expressed in s.149 of the Equality Act 2010...?”

- BNG refers to comments in the attached SoCG but would also comment that it is unclear how PSED has been taken into account in relation to the location

²⁹ See Appendix i SoCG section 2 SA paragraphs viii, d) & e) & BNG’s Reg 19 submission on SA

³⁰ See BNG Reg 19 Submission Aug 2019 para 7.21 & Annex 9 and Hearing Statement for Matter 2, Issue 1 re Infrastructure and Drainage requirements for Chesham

of proposed development. There is a lack of criteria in policy DM DP14 to guide development.

3. CONCLUSION:

BNG submit the aforementioned illustrates that the Plan is not sound by virtue of it failing to comply with legislation and regulations as explained herein and similarly that the strategies & policies proposed are not justified, effective or in accord with national guidance.

Introduction:

The Examination Guidance notes for Stage 1 Hearings of the Chiltern and South Bucks Local Plan Examination state in paragraph 33 that the Inspectors invite Statements of Common Ground between participants where they would assist in identifying matters in agreement and therefore allowing the Hearing Sessions to concentrate of this issues in dispute.

Various residents' groups within the two districts of Chiltern and South Bucks have made representations upon the Emerging Local Plan and mainly relate to proposed allocations on land currently designated as Green Belt.

There are many different site-specific issues that they have raised in consultation and which respondents may wish to make further submissions upon however it was acknowledged that certain issues raised in the Stage 1 MIQ's are common to all of these areas and the groups making representations. Therefore, it was felt appropriate to summarise these areas of common ground herein.

Parties Involved:

- Brown Not Green Chesham Limited
- Chesham Society
- Chesham Renaissance CIC Masterplan
- The Chiltern Society
- Holmer Green Residents Association
- Sunneymede Avenue Residents Association

Matters of Common Ground:

1. DUTY TO CO-OPERATE:

1.1. The signatories are concerned that the Local Authority for Chiltern and South Bucks (CSB) has not approached all other Local Authorities under the Duty to Co-operate that is necessary to assist in meeting any potential unmet housing and economical development needs.

1.2. Whilst it is acknowledged that there is a Memorandum of Understanding with Aylesbury Vale District Council (AVDC) it appears as though approaches to Slough Borough Council have followed somewhat later and remain inconclusive at this time.

- 1.3. Similarly, discussions with the London Borough of Hillingdon and the Royal Borough of Windsor and Maidenhead have been undertaken too late in the process with no clear outcome.
- 1.4. Although there are numerous references to discussions with AVDC there seems to be little reference to any discussions with Wycombe District Council who it is believed have also agreed a MoU with AVDC.
- 1.5. There appears to have been no co-operation or consultation with the neighbouring districts of Dacorum Borough Council and Three Rivers District Council in neighbouring Hertfordshire County.
- 1.6. The signatories do not feel that the Functional Economic Market Area (FEMA) model recognises that there is considerable interrelationship between neighbouring Local Authorities in terms of employment, shopping and recreation and that potentially important strategic areas close to the borders or within neighbouring authorities have therefore not been considered to meet the potential unmet housing and economic development needs in CSB.

2. SUSTAINABILITY APPRAISAL:

- 2.1. The signatories consider the sustainability appraisal is not adequate to meet the requirements of the regulations and SEA Directive.
- 2.2. It is required that the Sustainability Appraisal considers reasonable alternatives and reports on them and the reasons for their rejection, and that alternatives must be subject to the same level of analysis as the preferred option and that there can be a requirement to re-visit alternatives.
- 2.3. The signatories consider:
 - i. The Sustainability Analysis was too generalist in assumptions to allow for the proper consideration of other options. There has never been proper investigation of, or serious consideration given towards, focusing on the built-up areas, brownfield sites and increasing density and minimising carbon impacts. Generalised assumptions were used.
 - ii. The option taken forward for consideration did not give proper consideration and analysis to the same degree as Green Belt release, of seriously focusing on the built-up areas and potential brownfield sites. This is evident from the focus on Green Belt options from a very early stage together with the slow development of a brownfield register that only followed some years later together with little evidence of considering higher density of development upon brownfield land.
 - iii. The signatories consider this option is plainly the obvious reasonable alternative to fully and properly assesses against the release of large-scale green belt on the edge of certain settlements, particularly given the climate emergency and biodiversity crisis, as well as topography, AONB and infrastructure constraints.

- iv. There was no proper consideration of what was originally “Option A” prior to this appraisal (see Section 5, Table 5.1, SA), and/or combined variously with Option L, for proper analysis (“Obvious Option A/L”), across the Plan Area;
- v. It is not rational, and it is unreasonable in the circumstances of this authority, to have not selected for proper analysis such an obvious option.
- vi. The alternatives of this “Obvious Option A/L” was not, has never been, and continues to not be adequately examined.
- vii. It is also not rational and is unreasonable in the circumstances of this Plan to have not further reviewed this choice in light of the evidence and it renders the Plan unsound.
- viii. A summary of key reasons why this is and/or was not rational and is unreasonable, include:
 - a) the extensive consultation responses calling for a proper, full and adequately reasoned appraisal of an Obvious Option A/L type-approach, from across the community in the emerging local plan, across the whole Plan area. Chesham offers a commendable example that could be replicated in other towns across the whole Plan area, where the Chesham Masterplan (see Section 5, Table 5.1) demonstrates that Option A/L is credible. This initiative, which has widespread support from groups in the community, including from business, residents, and the Town Council (as well as the support of Cllr Wilson, who not only represents a Chesham Ward, but who is an Executive Member of Chiltern DC Cabinet, is now not supporting the Plan in relation to Green Belt release in Chesham as is evident from his Regulation 19 submission);
 - b) a demonstrable and key failure to have not properly assessed brownfield options, beyond a “call for sites”, which results in an inadequate sustainability appraisal of alternatives, (again as demonstrated by Chesham Masterplan);
 - c) a demonstrable and key failure to have not properly assessed substantial increase in density (also demonstrated by Chesham Masterplan) which results in an inadequate sustainability appraisal of alternatives across the whole Plan area;
 - d) the failure to properly assess and thus enable to be taken into account the pressing need of the requirement to reduce carbon emissions; the climate emergency (now formally supported by the authorities) and the biodiversity crisis; the Sustainability Appraisal is too generalist and so fails to assess for proper consideration and to enable consideration of the relative importance of these criteria when assessing options and so it does not give a proper consideration of alternatives and their likely relative carbon and biodiversity footprints; there was, and continues to be, a stark failure to develop and use an evidence base to properly assess the strategic carbon impacts of options, and there continues to be a lack of an adequate assessment of the option taken forward. It is considered by the signatories that their preferred Obvious Option A/L would plainly have a lower carbon footprint;
 - e) the SA’s estimate of increased carbon footprint of over 21% has recently been revised to circa 17% but the exact figure remains unclear as does the methodology of its estimate or why it has been revised so late in the process

but which nevertheless is still incompatible with the climate emergency that the Local Authority has declared.

- f) proper consideration of the requirements and constraints in NPPF 11 and footnote 6 (the constraints themselves are long-standing) and need to be taken into account;
- g) proper consideration to enable net biodiversity gain to be delivered (particularly in light of the biodiversity crisis);
- h) a clear understanding that housing numbers alone does not constitute exceptional circumstances for Green Belt release;

2.4. The signatories consider these failures render the Plan unsound, see below, but the failure to have properly assessed reasonable alternatives means the Sustainability Appraisal is therefore not compliant. Fundamentally, and linked to the above, the signatories consider that the Sustainability Appraisal is unlawful, and the Plan is also considered unsound because;

- 1) That there has been no proper strategic appraisal of the location of housing and its related impacts. This should have taken place, adequately, with reasons following proper appraisal, within the reasonable alternatives considered in the Sustainability Appraisal. It did not; fundamentally, therefore the community is deeply unhappy. The community has repeatedly sought to raise this, and its concerns have not been heeded;
- 2) Throughout, the signatories feel there has been premature focus on Green Belt sites being needed to be released, which has undermined and caused the failure to provide proper consideration of other reasonable alternatives. Alternatives are required to be considered to the same degree. This is also indicated by the approach taken in the initial Regulation 18 consultation and which prevails still in the recent capacity assessment study ([Settlement Capacity Study January 2020 \[7.56MB\]](#)) which also assumes Green Belt release.

Fundamentally, the signatories seek a proper appraisal of Obvious Option A/L

3. CONSULTATION:

3.1. The signatories to this Statement of Common Ground also share concern about the method of public consultation that has been undertaken in the preparation of the Emerging Local Plan.

3.2. In general terms they feel there has been an over reliance on the internet with potential for ignoring the three aims expressed in s.149 of the Equality Act 2010 which includes the duty to cover the protected characteristics of age. The SA recognises that the demographics of the Plan area involve above average levels of people over 45 years of age with an increasingly number of elderly or retired people. As such, the council's preoccupation of using its website to promulgate information particularly with regards to the first public consultation under Regulation 18 resulted in many local residents not hearing about the consultation until late in the process.

- 3.3. Although public displays were arranged around the districts, many residents complained that they had either missed them by the time they had heard about them or those that had managed to attend reported the sessions were overcrowded, under staffed by council representatives and in the case of audio visual displays, the screens were too small and the background noise too loud for many to see or hear the displays, further demonstrating a lack of equality duty.
- 3.4. With regards to the non-statutory Green Belt consultation there was a more widespread participation as communities had now become alive to the issue. However, many felt that their comments were either not properly recorded or taken into account and there seems to be little evidence of any subsequent modification to Plan proposals as a result of this non-statutory consultation.
- 3.5. With regards to the Regulation 19 consultation, numerous residents around the Plan area complained that individuals from the council were advising the public that any representations being made to the Regulation 19 Consultation would only be considered if they were made using the Local Authority's online Objective portal. Again, this caused difficulty in terms of equality for the more elderly residents in the Plan area who reported that they found this Objective portal confusing, complex and unintuitive and although tutorial sessions were offered by the Local Authority, there were only two such sessions provided across both districts.
- 3.6. Consequently, many people in the community initially felt discouraged to make submissions under Regulation 19 and it was only after these concerns of PSED were relayed to the Local Authority by various local organisations, that the consultation was subsequently extended and confirmation was published that representations could be submitted by letter or email.
- 3.7. It is also a point of common concern that some four months after the Local Plan had been submitted for examination that many residents complain they still could not see their submissions online or more importantly were unable to see the extent of support or comments made by others on the CSB Examination website until days before the deadline for submitting Hearing Statements.

4. LOCAL DEVELOPMENT SCHEME:

- 4.1. A further issue of common ground is that in the face of imminent Local Government reorganisation including the dissolving of the Chiltern and South Bucks District Council and the creation of a new Unitary Authority for Buckinghamshire with effect from the 1st April 2020, that there is little justification for progressing the Draft Local Plan as opposed to a new composite plan for the whole of Buckinghamshire.
- 4.2. This is especially so when the Sustainability Appraisal for the Draft Local Plan suggests that the districts will experience an increased carbon footprint of 21% (since revised to circa 17% for reasons which remain unclear) when central government guidance is seeking to secure net zero emissions by 2050.

4.3. It is unjustifiable for the CSB Local Plan to proceed and to burden the new Unitary Authority with such a legacy.

5. SPATIAL STRATEGY:

5.1. The signatories herein are agreed that there is insufficient clarity about the strategic policy of the Local Plan setting out the housing requirements for the districts and how this need will be met or why certain housing allocations are being made in some towns or villages but not others.

5.2. The signatories are also concerned that local housing needs have not been distributed across the plan area in a manner that is justified or effective. Accordingly, the requirements of paragraph 65 of the NPPF do not appear to have been satisfied.

5.3. The signatories herein also feel that the overall strategy for the pattern, scale and quality of development as required by paragraph 20 of the NPPF is not adequately set out and given the infrastructure spending gap there appears to be insufficient provision for infrastructure for transport, water supply, waste water drainage and community facilities nor sufficient provision for the conservation and enhancement of the natural environment including landscape and green infrastructure nor sufficient planning measures to address climate change as evidenced by the Sustainability Assessment confirming that the Local Plan will see a significant increase in the carbon footprint of both districts over the planning period (as previously recited).

5.4. The signatories also share common concern that there is no justification for the scale of development proposed on individual sites being allocated within the Emerging Local Plan and that all other alternatives have not been adequately considered including the consideration of developing many smaller sites in and around the towns within the districts or building at higher densities on brownfield sites. Accordingly, the signatories herein do not feel that there is a spatial strategy.

6. GREEN BELT:

6.1. The Emerging Local Plan is proposing removing 13 areas from Green Belt designation and it is a point of common ground that the draft Local Plan includes insufficient mitigation or other compensatory measures as required under NPPF paragraph 32 particularly in respect of loss of green infrastructure wildlife habitats, agricultural land, good quality soil or the loss of open space that in some cases was used for informal outdoor recreation.

6.2. Although there are many individual site-specific concerns regarding individual allocation sites, the signatories herein are concerned that there has been a preoccupation with planning for Green Belt release and Green Belt boundary modification from the outset of the

preparation of the Local Plan nearly 5 years ago and that this has diverted attention from exhausting all other options first.

- 6.3. Accordingly, the signatories are concerned that the Local Authority has not been able to demonstrate that it has examined in full all other reasonable options for meeting its identified need for development as required by paragraph 137 of the NPPF. Specifically, the signatories feel that not all Brownfield opportunities have been identified nor that more aspirational densities of development have been considered for Brownfield land to optimise those opportunities in more sustainable locations closer to town centres that are better served by public transport.
- 6.4. Conversely the signatories feel that Green Belt release was being considered at a very early stage in the Local Plan's development, even before the Regulation 18 consultation was undertaken and feel it is significant that the Brownfield register was not initiated until the end of 2017 over a year after the Part 2 Green Belt assessment was first published.
- 6.5. The signatories herein feel that a more thorough review of Brownfield should be undertaken to identify further sites that the signatories feel have been overlooked and that the Local Plan should seek more ambitious and aspirational densities of development on Brownfield land to optimize these opportunities. The signatories feel that a proper Brownfield review is necessary before considering the principle of Green Belt release.
- 6.6. The signatories also have a common concern about the methodology used for Green Belt assessment. It is a point of concern that where potential sites were identified in the Part 1 Green Belt Assessment for further consideration, that the Part 2 Green Belt Assessment, having been undertaken by the Local Authority themselves rather than the authors of the Part 1 Assessment, then did not undertake all the recommendations from Part 1. Notably without proper consideration of the possibility that some areas were still performing sufficiently well to justify being retained in the Green Belt. This is in contrast to Green Belt areas with similar scores in the Part 1 Assessment that were later retained in the Green Belt by neighbouring authorities of Wycombe and Aylesbury after undergoing their Part 2 Assessments.
- 6.7. It is a concern common to all the signatories herein that the requirements of paragraphs 136 to 139 of the NPPF that exceptional circumstances have not been fully evidenced and justified to support the proposal of Green Belt boundary alteration. Throughout the process, exceptional circumstances were frequently only suggested to possibly exist and the exceptional circumstances report was only published shortly after the publication of the Draft Local Plan for Regulation 19 consultation.
- 6.8. Furthermore, the exceptional circumstances invariably seem to hinge on the claim that there is insufficient land in the Chiltern and South Bucks districts to accommodate the Local Authorities calculation of OAN since the districts are subject to development restraint policies of Green Belt and AONB. There is the consequential incorrect assertion that this combination of factors constitutes exceptional circumstances for Green Belt boundary

modification. This is contrary to the ministerial statement on 7 June 2016 by Brandon Lewis MP then Minister of State for Housing & Planning.

6.9. The signatories herein feel that there is nothing exceptional about the circumstances of Chiltern and South Bucks in the context of the South East or other Council districts around London or the Metropolitan Green Belt areas but it is noted that in the Council's responses to the Inspectors Initial Questions dated 20th December 2019, Chiltern and South Bucks District Council frequently refer to these circumstances and point to paragraph 11 and the related footnotes within NPPF as justification that release of Green Belt should not be considered by CSB for meeting the needs of neighbouring local authorities.

6.10. The signatories consider that release of GB should not be considered for meeting the needs of other local authorities as well as for meeting its own OAHN. It is noted that CSB also stated in paragraph 4.10 of their responses to Inspectors Initial Questions on the 20th December, that "*... national policy is clear that Objectively Assessed Needs do not need to be met in full where there are identified constraints such as Green Belt and AONB in an area*". It seems inconsistent to the signatories therefore, that the same Local Authority is choosing to ignore this principle when proposing 13 sites for release from Green Belt purely on the basis that without Green Belt release, it cannot meet its OAHN.

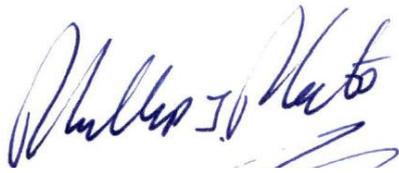
CONCLUSION:

The signatories to this statement have outlined a number of areas of common ground regarding the Emerging Local Plan.

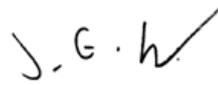
- They do not feel there has been sufficient co-operation with the neighbouring authorities,
- that the consultation process has been inadequate and has not fully recognised PSED,
- that there are insufficient compensatory measures and mitigation proposed for the release of Green Belt areas,
- that the local housing needs have not been sufficiently justified or evidenced,
- that there is no spatial strategy for the Plan and that other alternatives have not been adequately considered. In terms of Green Belt, they feel that insufficient consideration of Brownfield opportunities has been given both in terms of other Brownfield sites potentially being available or a more efficient density of development on those opportunities has not been considered.
- The signatories also feel that the Green Belt assessment methodology has been conducted incorrectly and inconsistently across the County with insufficient regard to exceptional circumstances as required by national guidance given to justify Green Belt Boundary modification.

It is hoped that this Statement of Common Ground will assist the Inspectors in their deliberations.

The signatories to this Statement of Common Ground dated 24 February 2020 are:



.....
Phillip Plato - Director
Brown Not Green Chesham Ltd



.....
Dr Jim Conboy – Chairman Chesham Society



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Tony Molesworth – Chairman
Chesham Renaissance CIC



.....
David Russell - Holmer Green Village Society



.....
Michael Jepson – Chairman Chiltern Society
Planning Group



.....
Sunneymede Avenue Residents Associa

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.