

**Chiltern and South Bucks Local Plan Examination**  
**Stage 1 Hearings**  
**Statement of Common Ground**  
**From Local Groups**  
**February 2020.**

**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 1<sup>st</sup> 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 20<sup>th</sup> 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 20<sup>th</sup> 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:**

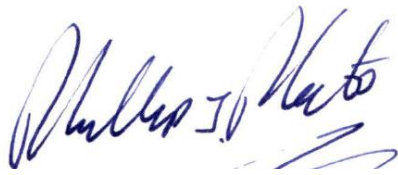
The signatories to this statement have outlined a number of areas of common ground regarding the Emerging Local Plan.

- 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.

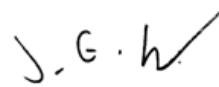
It is hoped that this Statement of Common Ground will assist the Inspectors in their deliberations.



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



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Phillip Plato - Director  
Brown Not Green Chesham Ltd



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Dr Jim Conboy – Chairman Chesham Society



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Tony Molesworth – Chairman  
Chesham Renaissance CIC



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David Russell - Holmer Green Village Society



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Michael Jepson – Chairman Chiltern Society  
Planning Group



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Sunneymede Avenue Residents Associa