

Summary of BNG Presentation read by Simon Goodes on behalf of Phillip Plato

BNG Zoom Meeting Thursday 12 June 2025

INTRODUCTION

Phillip is our resident Chartered Planning Surveyor and therefore the notes I am reading to you now are his, given he is unwell tonight.

We are all here tonight primarily because we want to discuss the proposals recently publicized by Capreon regarding the Green Belt land North East of Chesham.

Phillip has suggested the following Agenda that will be supported by various slides that he will share as I go through his Notes

Background - For the first 5 or 6 minutes tonight, primarily for the benefit of all those who are new to BNG, Phillip wants to give *everyone* a brief Background to BNG, explain the land ownership interests & outline we have all done in the last 10 years before these most recent Capreon proposals emerged.

1. Then, move on to Discuss Capreon's Proposals, before we...
2. Review public comment & sentiment,
3. Consider BNG's response to Capreon's Exhibition & how to advise other residents on responding to this "consultation", & then,
4. Plan BNG's future direction in *anticipation* of a future planning application.
5. AOB.

There will be opportunity for discussion & debate as indicated.



BACKGROUND

In late 2015, the former Chiltern & South Bucks District Council published a new emerging Local Plan covering the period 2014 to 2036. It included many poorly conceived local plan policies including removing from Green Belt protection and designation, an area of approximately 57.26 hectares (142 acres) located to the NE of Chesham between the hamlet of Lye Green and the town, and then to allocate about half that area (initially) for development of 900 new homes, plus possibly some gypsy & traveller accommodation, a community hall and convenience shop.

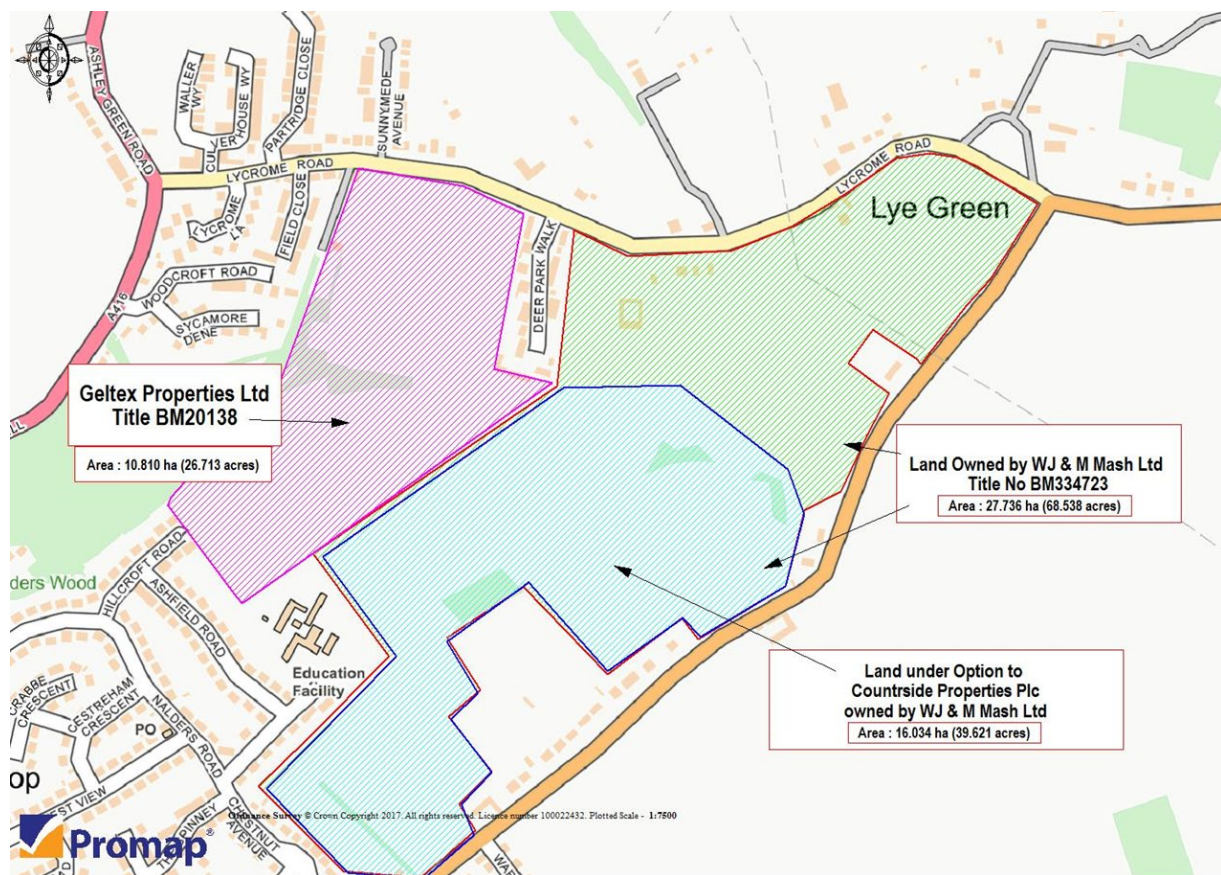
Local reaction was one of outrage and an *unincorporated* entity was very quickly established called “Brown Not Green” emphasizing that the community felt that housing should be directed towards *previously* developed or brownfield land, rather than green fields or any land protected by Green Belt designation.

By the end of 2015, BNG had accumulated over 1,800 signatures from local people to a petition against these proposals.

Although the former District Council were the ones who published these unpopular proposals, it was self-evident the Council had done so for two reasons;

- First, because the Government of the day was placing pressure on all Councils to meet inflated housing targets that were poorly calculated using a discredited methodology &
- Second, in response to lobbying that had been undertaken by developers who were promoting land for housing they held an interest in, to “help” the Council meet these targets.

BNG had established that the relevant landowners or developers with interests in the Lye Green fields were as shown on this next Plan



As I hope you can see, the Capreon proposal only involves part of the land (shaded purple on the slide before you) and Land Registry records indicate that this land is owned by an *offshore* company registered in Gibraltar call **Geltex Properties**. We may come back to this point later tonight as Phillip has spent a lot of time making enquiries at Companies House in Gibraltar trying to establish who owns Geltex.

His efforts were unsuccessful but he did establish a complex chain of several *other* nominee companies again all of which were based in Gibraltar, also holding Geltex shares and he was unable to establish the ultimate owner of the company.

Capreon have historically described themselves as “agents” for the landowners but at the public exhibition on 27 May, Phillip challenged the Capreon representative present who almost admitted that Capreon own Geltex but he then tried to back away from confirming this!

The Capreon website further suggests the company is a bit more than just a land agent and describes itself as a company that “*invests in real assets*” and which is “*Headquartered in London, with offices in the Netherlands and Spain*”. It claims to manage £1.2 billion of assets located across the UK and major European cities.

The larger southern and eastern fields are not part of the Capreon proposals and these are the areas shaded light blue and light green on the previous slide.

The freehold of these two combined areas are owned by the Mash family farm. However, Mash has granted an “option” to a large housebuilder known as Countryside Properties Plc. The area subject to this option is shaded light blue.

Countryside has since changed its name to Countryside Partnerships and in late 2022 was acquired by the Vistry Group Plc. **Vistry/Countryside** have had a few financial problems in recent years. In January 2022, their CEO was ousted after disappointing trading figures for the first three months of the financial year to December 2021 showed operating profit more than halved at £28m from £60m previously, on revenue down 28% to £429m. However, the Vistry takeover has now created one of the UK's biggest home builders with revenue of over £3bn.

That said, our friends in Chesham Renaissance informed Phillip in late 2024 that Vistry had indicated to them that Vistry have not been seeking to move forward with their option on this land for now but rather are more inclined to pursue “lower hanging fruit”.

Just to go back to the early days of BNG, as public reaction to the draft Local Plan became more vocal, and as it was clear that the developers were well represented, BNG felt we needed to raise funds for our own professional

representation and evidence to be considered at the forthcoming Examination in Public Hearing to consider adoption of the Local Plan.

Key milestones for BNG were;

- Incorporating into a “not for profit private company limited by guarantee” in June 2016.
- BNG began fundraising for the various expert reports BNG needed to submit and to pay for the barristers that BNG had to engage. - Between 2018 to 2023 BNG has raised almost £70,000 by donations many through CrowdJustice and JustGiving. (all this has been spent on professional fees!)
- Phillip made an application in 2019 under the Localism Act to have the fields registered as a Asset of Community Value which would then give BNG first option to purchase the land. This was initially granted in summer 2019 but cynically was rescinded by the Council barely 6 months later. BNG did not have funds to risk making a Legal Challenge in the High Court to this dreadful decision.
- BNG also made an application for a Definitive Map Modification Order to register 6 new public footpaths across and around the land. This has still not been determined by Bucks Council.
- BNG engaged a multi-disciplinary planning consultancy (SLR Consulting) to provide professional third party evidence at the Local Plan Inquiry on issues such as Green Belt Assessment, Visual Impact, Sustainability, Traffic & Air Quality, Biodiversity & Habitats, Chalk Streams as well as making legal arguments by our barrister, Sasha Blackmore of Landmark Chambers against the validity of the draft Local Plan due to procedural irregularity.
- Most of these submissions were never tested as the Local Plan was conducted virtually due to the pandemic and before the virtual Hearing Sessions could start, the independent Local Plan inspectors dismissed the Council’s draft Local Plan on grounds of non-legal compliance and recited several of the points BNG’s barrister had made! Accordingly, the Plan was abandoned in October 2020.
- BNG immediately applied for Village Green status on the fields as if successful it is unlawful to develop a village green. For legal reasons BNG

had been unable to make a Village Green application *before* that time whilst a Local Plan was being considered. The ACV exercise had produced hundreds of people claiming to have used the land for informal uses and recreation for over 20 years (that being the legal test for a Village Green).

- However, after a 6 day public inquiry in March 2023 during which BNG (who were represented by Mr Matthew Dale-Harris of Landmark Chambers) presented written evidence from over 200 people supported by 17 witnesses. The Landowners and developers however also put up a vigorous legal defence team with two Kings Counsels advised by two large firms of solicitors obviously funded by both Countryside and Capreon. Unfortunately, BNG's Village Green application was subsequently refused by the Inspector on rather technical legal grounds.

Although all this work over the last decade has not resulted in certainty for the land, the community & BNG should be proud of the fact that its work has at least delayed a deeply unpopular and harmful development of a sensitive piece of good quality agricultural land.

2. Capreon's Proposals

I think we have all seen the illustrations either at the Exhibition on the 27 May or online. Basically, Capreon appear to be proposing development of,

- 150 new homes
- Of which 40% of the new homes will be "affordable" – basically defined as c.20% below market price!
- An all-weather sports pitch and pavilion (with floodlighting),
- Children's play areas,
- Walking & cycling routes
- Ecological buffers, new planting & landscaping including an orchard.

Ironically, if you removed the new homes and the artificial surface of the sports pitch, Phillip has commented that it would then look rather like a Village Green!



The above image is Capreon's Masterplan layout though details are vague.

- The size, type and grouping of housing is not shown.
- Neither is parking quantified. Phillip feels that given there are already the Chiltern Athletic football pitches at the nearby former Lycrome College site which generate on street parking along *both* sides of Lycrome Road at weekends, there **MUST** be adequate onsite parking for *both* residents and the users of the pitch.
- Vehicular access is only via one point off Lycrome Road. Lycrome road is itself narrow and hazardous near the Black Cat pub with no continuous footpath. With potentially at least 300+ vehicles a day turning into and out of the Capreon site, greater detail about this access is fundamental to the scheme and must be explained in greater detail.
- The one access point also creates only one long internal roadway within the site and if there is inadequate parking for residents, on street parking along this internal road will also occur that is not only injurious to residents but problematic for emergency vehicles and waste collection.

Phillip is of the firm opinion that these illustrations flatter to deceive and if a detailed application is submitted, the final development will look nothing like this.

3. Review public comment & reaction

Phillip reports he has had a lot of emails expressing concern about this scheme.

Social Media has generated over 60 posts expressing concern. NOT ONE OF THESE IS POSITIVE!

Common concerns expressed by the community are;

- What parking will be provided?
- Only 40% of homes affordable and even then most people can't afford them!
- Pressure on local amenities, doctors, dentists & schools.
- Who would want to use the pitch?
- Floodlights will be intrusive on nearby houses and disturb wildlife such as badgers, deer etc
- Impact on strained infrastructure notably drainage but also Highways (traffic congestion/generation)
- Damage to countryside and harm to wildlife.

Capreon are proposing that the “next step” is an Outline Application being made in the autumn of 2025. Unsurprisingly, some have questioned why is an outline application being proposed?

Outline planning applications are used to gain an understanding as to whether the nature of a development is acceptable, this can help ensure viability up front. Specific details known as ‘reserved matters’ can then be confirmed later.”

Therefore an outline application only establishes the broad principles of the sites general suitability for development. Outline Permission is often granted subject to “Reserved Matters” which are themselves dealt with by separate subsequent application(s) usually within 3 years of outline consent being granted.

“Reserved Matters” can be;

- **Appearance** - including the exterior of the development
- **Means of access** - covers accessibility for all routes to and within the site,
- **Landscaping** - the improvement or protection of the amenities of the site and the area and the surrounding area,
- **Layout** - includes buildings, routes and open spaces within the development and the way they are laid out in relations to buildings and spaces outside the development
- **Scale** - includes information on the size of the development, including the height, width and length of each proposed building

Phillip feels these are all crucial to THIS site and are arguably fundamental to determining the general principle of development here give the site is both Green Belt and its development represents the loss of good quality agricultural land.

Phillip also feels that other issues also relate to the overall suitability (or otherwise) of development of this land. We have all seen the borehole survey work that has gone on for months and this needs to be published and scrutinized by the planning authority. This is because BNG established during the 2019 draft Local Plan research that the subject land at Lye Green appears to sit within local **water Source Protection Zones** that the Environment Agency and Defra have established where *any* development, water run off or discharge might, leach into the ground water and then might cause contamination of the aquifer feeding the chalk stream.

Also, one would like to know how the developer proposes to address the statutory requirements for Suitable Alternative Natural Greenspace (or SANG) that the Govt has specified is required to protect sensitive natural areas like Special Protection Areas (SPAs) nearby. Given most Planning Authorities have limited SANG, this is an important issue too.

There is planning guidance for Councils and case law that advocates that an outline planning application may not be acceptable or appropriate when;

- the site is in a conservation area or
- if it affects the setting of a listed building, or
- when **the proposal requires a high level of detail and certainty.**

In these cases, a local planning authority may require a full planning application, including more detailed information.

Clearly the third criteria applies in this case.

So....

4. How to Respond to Capreon's Consultation (advice to public)

The "consultation" undertaken by Capreon asks 6 broad questions and the consultation responses are required by Friday 20 June. The questions are summarised below together with what BNG feel are appropriate responses or comments:

Q1 Do you support the proposals – suggest ticking either "*disagree*", "*strongly disagree*" or "*unsure*".

Q2. re enhancing buffer planting. – this for individual comment ... but perhaps one could say buffer planting would not be necessary if development was not being proposed and/or how does buffer planting negate the loss of good quality agricultural land that is cultivating crops?

Q3 would you use all weather pitch? – for individual comment (some have commented there are already a number of all weather pitches in reasonable proximity already.

Q4. Would you use new walking cycling routes? Various tick box options are provided BUT there is no tick box for "*I already walk/cycle/run around or across the fields!*" - either way answer "strongly agree" or write a comment about prevailing use!

Q5. What type of housing should be built? – This begs the question whether you support housing on this in the first place. BNG suggest that a qualified response is appropriate such as... *if housing were to be considered appropriate at this location it should be 100% affordable both to buy & to rent and/or only available for elderly persons to aid downsizing from other local homes.*

Q6. Any other comments? – Suggest people say something like, "*Not enough detail to consider the proposals seriously without detailed info on regarding access, highway safety, parking provision onsite, size & types of housing, drainage, impact on chalk streams, etc*"

Phillip recommends that we should keep *most* of our other comments for when a planning application is made.

He also feels that Capreon are seeking outline consent ONLY so they can sell it on quickly and “flip” the site at a good profit without having to undertake all the expensive detailed planning work.

As such Capreon are unlikely to accept that an outline application is inappropriate.

However, we should all lobby all our Councilors vigorously between now and whenever an application is submitted to press them to only consider a full detailed application on the grounds that ;

- This is a sensitive site within the Green Belt,
- It close to AONB (now National Landscape area)
- It is impossible to assess “Very Special Circumstances” that justify overturning Green Belt without full detail.
- It is in a water source protection zone and publication and professional scrutiny of the borehole survey is fundamental.
- It is also in proximity to Special Protection Areas and is therefore affected by SANG and details of such mitigation must be provided.
- Issues of access, traffic generation, environmental damage, loss of agricultural land vs brownfield options and potential impact on water/chalk streams are so fundamental that the very principle of development in this location cannot be assessed without such info that would not normally be provided by just a basic outline application.

BNG will make a more detailed response to Planning Authority when appropriate reciting other issues summarised shortly under Any Other Business...

BNG is aware that requirements to Register Overseas Entities came into force on 1 August 2022 through the Economic Crime (Transparency and Enforcement) Act 2022 and that the Register of Overseas Entities is held by (UK) Companies House and now requires all overseas entities that own land or property in the UK to declare their beneficial owners and/or managing officers. Recent enquiries at UK Companies House failed to find *any* company listed on

the Register of Overseas Entities with the name “Geltex” within their title and BNG are compelled therefore to question why?

Non-registration can be a criminal offence, as frankly as the land is owned by an overseas entity, the Local Planning Authority and the Councilors should know who they are dealing with and ascertain that the land is not ultimately going to benefit any person or entity that is undesirable, criminal or sanctioned. BNG should raise this when responding to any future application. However, it is doubtful this will not stop Geltex/Capreon but the public and the Local Planning Authority *are* entitled to know who precisely is going to benefit from the uplift in value that might be generated by any planning consent.

SLR Consulting – It was noted at Capreon’s exhibition that SLR Consulting have contributed to these proposals mainly by undertaking Landscape Visual Impact Assessment for Capreon. However, in 2019 BNG had engaged SLR Consulting and we paid them fees of almost £20,000 to provide evidence for BNG on issues of Green Belt, visual impact, highways impact & air quality. This is a clear conflict of interest and appallingly bad ethics! Phillip complained to SLR on the eve of the exhibition. Phillip has decided to take no further action (for now for reasons explained and which must remain confidential).

Neighbourhood Plan – This has been making glacial progress and Phillip says he is not fully up to date with this. Whenever the next new Local Plan emerges, the Neighbourhood Plan it will also have to be reviewed as Neighbourhood Plans cannot conflict with Local Plans. However, we want our “new” Councillors campaigning against the recently unveiled Capreon proposals for the Lycrome Road site and hopefully they too be campaigning 'brown before green'.

However, in the Neighbourhood Plan, that has gone through Inspection and is shortly to go to local Referendum, the Town Council apparently now have no allocated brownfield sites. This is a disaster and Phillip can’t understand how the Town Council let this happen (if true). Apparently, within the Neighborhood Plan there is a wish list which Buckinghamshire Council (the planning authority) likens to a brownfield register but they regard the sites as not viable, deliverable or sustainable.

So perhaps BNG should not be campaigning solely against the current proposal but *also* seeking a far more robust Neighbourhood Plan defining viable town centre housing such as the Chesham Renaissance former Masterplan!

It has been explained that **when the Neighbourhood Plan comes out for local referendum BNG supporters should therefore (reluctantly) vote against it and recommend that it must be modified to include the brownfield sites that Chesham Renaissance had detailed in their former Masterplan.** The reason for this is that if the Neighborhood Plan goes through without modification, Capreon could assert there is not a single alternative brownfield site in or around Chesham and that their Green Belt development is the only solution for local housing provision, which we all know is not the case.

NOTE – Following the conclusion of the presentation the Zoom meeting was opened for general discussion.

Tom Beeston introduced himself as one of the Chief Officers in the Chiltern Society. He applauded BNG's work and suggested BNG develop a closer link with the Chiltern Society as he had direct contact to Bucks Councilors and officers. Tom also agreed with Philip that any final development was unlikely to resemble the proposals put forward by Campeon and added that 50-70% of all affordable homes agreed as part of planning consent granted are never built. Accordingly the 40% affordable housing content proposed by Capreon was at best an aspiration rather than a commitment.

Tom felt that engagement with the appropriate Buckinghamshire Councilors was important for BNG and offered to help where he could in this regard. He added that key contacts for this area who are Lib Dem Councillors for the Chesham area are;

- Councillor Justine Fulford (Chesham North)
- Councillor Mohammad Fayyaz BEM (Chesham North)
- Councillor Frances Kneller (Chesham North)

Phillip will circulate their contact details as an annex to this Note.

It was also discussed that BNG needs new volunteers on the Board / Organising Committee ideally with professional skills either in development OR in business administration.

- Phillip has done 10 years and wants to step down as Chairman (he will still offer his opinion and input but no longer can carry on doing everything)
- Someone else is needed to handle press, social media & website responses, dealing with companies house, overseeing accountants, fundraising, filing company accounts etc & organising BNG meetings!
- It might also be helpful to establish a professional sub committee so that anyone with skills/experience in planning or related subjects such as development, architecture, surveying, biodiversity, traffic/highways, wildlife etc is created so that a wider range of professional opinion can be deployed.
- Our future strategy can now only be reactive – all proactive measures now exhausted so BNG needs to be ready to respond to such development proposals such as the one Capreon are suggesting will be submitted in the autumn.!

If anyone wants to discuss whatever they think they can take on, Phillip would urgently welcome a chat but has to give notice that he can no longer be the “driver” of BNG for personal and health reasons. Please contact Phillip directly. (PJP@platoestates.com)

SUMMARY OF AGREED ACTION

BNG urge *all* supporters to respond to the questions Capreon have raised in their consultation *before* 20 June. (Please note the suggested responses earlier herein.) See <https://landnortheastofchesham.co.uk/consultation/>

BNG to commence discussions with Chiltern Society and Bucks Councillors and to lobby for them to ONLY consider a detailed application from Capreon.

BNG to advocate that supporters *reluctantly* vote against the Neighbourhood Plan when it is sent out for Referendum and to lobby for it to be modified so that brownfield sites are included in the NP.

More volunteers are needed ideally with either professional or related planning skills or in areas such as social media, fundraising or business admin.

Fundraising should be reintroduced in anticipation of a planning application in the Autumn.

ANNEX – Councillor Contacts

BUCKINGHAMSHIRE COUNCIL

Councillor **Justine Fulford** (Chesham North)

33 Latimer Road, Chesham, HP5 1QQ

Home: 01494 792478

Work: Justine.Fulford@buckinghamshire.gov.uk

Councillor **Mohammad Fayyaz** BEM (Chesham North)

11 Chalk Hill, Chesham, Bucks, HP5 2DN

Work: Mohammad.Fayyaz@buckinghamshire.gov.uk

Councillor **Frances Kneller** (Chesham North)

c/o Bucks Council The Gateway, Gatehouse Road, Aylesbury, HP19 8FF

Home mobile: 07711859537

Work: Frances.Kneller@buckinghamshire.gov.uk

CHESHAM TOWN COUNCILLORS

(NB Town Councillors are responsible for the Neighbourhood Plan but are merely consultees for planning applications)

Full list is at <https://www.chesham.gov.uk/council/councillors/>

NOTE - The Lye Green Fields straddle the ward boundaries between Hilltop & Newtown