

Brown Not Green Chesham Ltd

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Proud members and supporters of:

www.brownotgreen.com

“Protecting the Green Belt around Chesham”



Chesham Neighbourhood Plan (2020-2040) - Pre-Submission Consultation (under Regulation 14 of the Neighbourhood Planning Regulations)

PREAMBLE: -

- Brown Not Green Chesham Ltd (BNG) is a private company limited by guarantee that was created from the community around Lye Green NE of Chesham and has circa 1,800 supporters who collectively have been trying to protect the Green Belt fields at Lye Green from development for over 8 years.
- BNG are pleased to have this opportunity to respond to the Chesham Neighbourhood Plan (CNP): Pre -Submission version.
- BNG broadly welcomes the proposals outlined in the Pre-Submission version of the CNP and therefore offers the following comments and suggestions herein in the capacity of a “*Critical Friend*” of the emerging CNP. Therefore the comments recited below should not be regarded negatively as BNG wishes to see the CNP adopted subject to the comments and suggestions being offered.
- BNG continues to work closely with Buckinghamshire Council, The Town Council, Chesham Renaissance and the local community to preserve and enhance Chesham for those who live, work and visit the area.
- Schedule 4B of the Town and County Planning Act 1990 sets out the 'Basic Conditions' that all draft Neighbourhood Plans must meet to proceed to referendum.

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- These state that the plan must:
 - i Have regard to national policies and advice, such as the National Planning Policy Framework (NPPF)
 - ii Contribute to the achievement of sustainable development
 - iii Be in general conformity with the strategic policies in the development plan for the area
 - iv Be compatible with European obligations and human rights requirements

BNG has reviewed the pre-submission version of the plan, having regard to the Basic Conditions and set out its comments below.

EXECUTIVE SUMMARY OF BNG'S OBSERVATIONS & SUGGESTIONS

- 1 BNG is supportive of the overall vision and aspirations of the CNP.
- 2 However, here are some areas BNG feel need to be modified together with inconsistencies BNG have identified which should be corrected for avoidance of doubt and to assist the CNP in becoming adopted as soon as possible and thereby to prevent inappropriate planning applications from companies already holding options to develop areas of Green Belt and agricultural land to the NE of the town by claiming *"very special circumstances"*.
- 3 The Spatial Strategy in Policy CHESH1 is inconsistent having suggested provision of up to 800 homes, it is currently worded to suggested development of *"at least 800 homes"*. This needs to be corrected for avoidance of any doubt.
- 4 Why has 800 homes become the focus, when the CNP's Housing Needs Assessment itself concludes that: *"an additional 1,560 people would be expected to live in around 630 households..."*. Why is the CNP apparently overproviding by 170 dwellings? Further explanation is needed in the Plan on this point to justify and explain and to justify how and why the most recent assessment by AECOM has identified a variation

from the 2020 Settlement Capacity Study that supported the last draft Local Plan.

- 5 If 800 homes *are* to be advocated in the CNP rather than 630 dwellings, then the CNP must give clearer illustration that 800 can actually be *delivered*. As currently drafted, the Key Regeneration Sites as listed in CHESH2 requires a paper chase between other component documents of the CNP and the use of a calculator to establish how many dwellings each site can provide. This should be clearer for the reader to follow and with the maximum provision for *each* site listed in the policy.
- 6 In the absence of clearer explanation and justification, there is concern that the overall housing provision in the CNP will be vulnerable to criticism and BNG are of the opinion that *slightly* greater flexibility on housing densities at the Key Regeneration Sites *will* then ensure that the sites are *both* viable and deliverable. As such, some variation to allow a modest increase in density or height of development should be made to the sites identified in the CNP.

SPECIFIC COMMENTS & RECOMMENDATIONS FOR THE CNP:

These are outlined more specifically below;

Vision, Objectives and draft Policy CHESH1

- 7 On page 13, of the CNP the overall Vision of the CNP is recited and states that, "*By 2040, Chesham will have grown its population by 10% to remain the third largest town in Buckinghamshire, serving its surrounding rural villages. It will have met the housing needs of the local area without needing to extend into the Green Belt or Chiltern AONB by reusing a wide range of Brownfield sites in and around the town centre.*"
- 8 BNG agree with this aspiration but wish to highlight that Section A, on page 15 of the subsequent Spatial Strategy for the town, includes the phrase on the second & third line of paragraph A of, "... making provision for at least 800 new homes..". (Our

underlining – but please see later comments on the 800 number). BNG recommend that this wording should be changed to, “... ***making provision for up to 800 new homes***”. The suggested change offers greater certainty but significantly also then ensures that the Spatial Strategy then conforms with paragraph 5.5 of the draft CNP appearing later also on page 15.

- 9 Notwithstanding the foregoing comments, BNG questions why the number 800 has been recited in the Spatial Strategy when the HNA (also see later comments) quantified that *"an additional 1,560 people would be expected to live in around 630 households..."* . If the 800 figure quoted is to give some “headroom” then this should be expressly stated and explained as it appears the CNP has little confidence in its own assessment.
- 10 BNG also wish to emphasize that the role and function of the Neighbourhood Plan is ever more important given the absence of an up-to-date local development plan in providing planning guidance for the future growth at Chesham to 2040. This is due to a now withdrawn joint Chiltern and South Bucks Local Plan (resulting from the Local Plan Inspector's recommendations finding the submission plan legally flawed). The emerging Buckinghamshire Local Plan 2040 is very much in its infancy without any formal plan consultation to date. The new Local Plan will be prepared in co-ordination now with five authorities (Aylesbury Vale, South Bucks, Chiltern, Wycombe DC and Bucks County) which will involve a comprehensive analysis and review of housing allocation and distribution plans across all of these former authority areas. The CNP is likely therefore to be advanced and will hopefully be adopted prior to the publication of the new Buckinghamshire Local Plan.
- 11 Following the refusal to grant Village Green status to land at Lye Green by Buckinghamshire Council, BNG expect a developer to submit a planning application *imminently* for at least 500 homes in the Green Belt given that at least one developer already has an option on a large part of that land. Any such application will be speculative and contrary to current adopted Green Belt policy and no doubt will be

refused at local determination. Equally certainly the developer will then appeal the decision and will seek to apply the “*tilted balance*”, claiming either that there is under provision of housing supply in the *wider* area, formerly known as Chiltern & South Bucks, or that there are no relevant policies in the prevailing Development Plan, or that the relevant policies are ‘*out of date*’. As such BNG wish to ensure that the CNP is adopted and is itself not delayed unnecessarily and that the policies contained therein are justified and demonstrably *deliverable* to thwart any such application or s.78 appeal.

Housing Needs for Chesham

12 The CNP's Housing Needs Assessment (HNA), November 2021 prepared by AECOM, which underpins the housing growth assumptions acknowledges within the Executive Summary (paragraph 6) that the now withdrawn draft Chiltern and South Bucks Local Plan (2036), *previously* included an allocation of 500 homes for Chesham as a settlement in the Green Belt NE of the town. The CNP asserts that such a Green Belt allocation is effectively expanding the town boundary to the NE which is both unnecessary and inappropriate and the CNP policies seeking to protect the Green Belt are therefore welcomed by BNG.

13 However, BNG feel that to be *effective* in protecting the Green Belt, the Housing Needs Assessment in CNP must be able to demonstrate that the assessment is robust and is *deliverable*. BNG are concerned that as currently drafted, there remains a risk of the Housing Needs Assessment within the CNP (and thereby the CNP as a whole), being criticized or undermined by planning applications that probably will be submitted *before* any new Local Plan is sufficiently advanced to be a material consideration. In such circumstances, the CNP will be the most important factor in determining such applications and must be sufficiently reasoned to deflect any criticism of the assessment of housing need between the time of this consultation and adoption of the CNP to minimize the threat to Green Belt.

- 14 A relatively straightforward way forward to address such concerns about deliverability, would be to increase the potential provision of new dwellings targeted in the Neighbourhood Plan. For this reason BNG is not too concerned as to whether the housing provision is 800 or 630 dwellings but is more inclined to see that 800 *are* deliverable as opposed to just 630. To ensure deliverability of up to 800 dwellings can be achieved by increasing the height and density of *some* key development sites to levels which were concluded to be acceptable in the comprehensive consultation undertaken by CRCIC following the publication of their earlier Masterplan. Most of the Town Council's proposals will still be valid but most importantly, will also be viable thereby attracting private investment to the Town to achieve the CNP housing delivery. Such a change can be justified by reference to the fact that many major allocations or HELLA sites in the draft former Local Plan have been shown to be previously underestimated in terms of the housing provision they have actually achieved.
- 15 AECOM's HNA sets out a methodology in the CNP for calculating population growth based on Output Areas (paragraph 2.5) which also takes into account the increase in dwelling stock to meet housing needs and demands. It concludes that: "*an additional 1,560 people would be expected to live in around 630 households...*" Therefore, the CNP is asserting that it will over-provide against this anticipated housing requirement at a settlement specific level. However, the Town Council must be prepared for this to be challenged as explained previously.
- 16 The draft Local Plan for the former Chiltern & South Bucks District Council included within its evidence base a Settlement Housing Capacity Study estimating Housing figures by parish for the period 2016-2036¹. These figures are for "dwellings" (not people) and the combined capacity recited for Chesham included 500 homes from/on Green Belt NE of Chesham, plus 861 homes elsewhere within the town. This would

¹ See Page 5 – "*Settlement Capacity Study*" for the former Chiltern & S Bucks draft Local Plan to 2036

yield a total provision of 1,361 new dwellings. The CNP Housing Needs Assessment is based on a provision of 630 dwellings (households) and therefore even if the Green Belt provision is disregarded, there is an apparent disconnect of 231 dwellings between the CNP assessment and the former evidence. There is no explanation or justification in the CNP for this discrepancy in the HNA and therefore BNG urge the Town Council to ensure there *is* evidence presented to justify or explain this difference.

- 17 There is a related inconsistency or error within the CNP as currently drafted. Specifically, paragraph 22 of the AECOM Housing Needs Assessment² stated, “*There is no housing requirement figure for Chesham as yet but previous proposals suggest 500 homes over the plan period is a useful benchmark figure.*” This is incorrect given the aforementioned existence and publication of the of the 2020 Settlement Capacity Study that did propose a housing requirement and although the Settlement Capacity Study was published post the Local Plan Reg 19 Consultation and sadly was not tested in Public Examination, but it still formed part of the former Council’s evidence base for the previous draft Local Plan.
- 18 Also the number recited in 2020 was not “500 homes” but 861 homes *plus* further homes to be built in the Green Belt.
- 19 BNG therefore recommend that paragraph 22 of the CNP HNA is *modified*³ to quote the correct number of 861 (not 500) to be consistent with Section A of CNP on page 15, and to further correct the explanatory text of paragraph 22 of the CNP HNA accordingly.
- 20 Notwithstanding the foregoing comment, whilst the housing needs calculated within the HNA of the CNP *appear* to be readily achievable within the town centre boundary

² Also repeated in the right hand column of table on page 68 of CNP HNA by AECOM.

³ Also modify other supporting text ie the right hand column of table on page 68 of CNP HNA by AECOM

without encroachment on the Green Belt and associated impacts, BNG feel that there needs to be some explanation and *justification* for why the HNA differs to the evidence presented in the former draft Local Plan for Chiltern & S Bucks District, specifically with regard to the previous Settlement Capacity Study.

- 21 In this regard, it may assist the Town Council to recall that this Settlement Capacity Study was published very late in the final consultation process for the former draft Local Plan for Chiltern & South Bucks District. Indeed it was only published post Regulation 19 Consultation and was *never* subjected to Examination in Public as the former Local Plan never got that far.
- 22 BNG had previously submitted a Hearing Statement to the Local Plan Inquiry pointing out that, “ *there is a perception that some allocation sites were identified merely because of a perceived proximity to public transport or a railway station without considering local topography where the surrounding hills will self-evidently discourage walking or cycling to or from that station. The Settlement Capacity Study⁴ belatedly indicated little reliance on buses and as such may further breach obligations under PSED.⁵ “*
- 23 BNG also highlighted difficulties with existing infrastructure notably drainage and an already congested road network in the town with traffic already exceeding design capacities at the major road junctions in Chesham and with problems of air quality as a consequence (combined with local topography). As such Chesham’s “capacity” is physically constrained and expansion outwards will only encourage increased use of private cars as the preferred alternatives of cycling or walking will be both arduous and hazardous. Such explanatory text should appear in the CNP as part of justification of the policies therein.

⁴ See CSB LP 58 – Settlement Capacity Study January 2020

⁵ Public Sector Equality Duty (PSED)

- 24 Chesham was proposed to accommodate 861 dwellings from ‘*other sources*’ (ie: not strategic allocations) according to the January 2020 Settlement Capacity Study. Given that the CNP broadly replicates such a provision, this represents circa 25% of the total number of HELAA sites identified in the former draft Local Plan, with a windfall allowance or circa 24% of the total in the Local Plan. The significant amount of development proposed on non-strategic allocations in Chesham suggests that the Council *has* sought to maximise opportunities for efficiently using previously developed land in the area. This is to be applauded and is consistent with guidance in the latest NPPF. It must be highlighted in the CNP therefore.
- 25 However, it seems many of those sites now developed or consented, achieved *greater* densities of development than first estimated and so to ensure that the CNP is deliverable and can realistically fulfil the continuing aim of maximizing the delivery of brownfield or previously developed land, the CNP should include greater flexibility on density and height of development within the town centre.
- 26 Failure to do so will compromise the CNP by rendering it open to review by an Inspector resulting in delay, or making the CNP open to criticism from any developer seeking to develop a case of unmet housing need in the area and thereby supporting an argument of “*very special circumstances*” justifying any application they may be advancing on Green Belt around Chesham.
- 27 It is also important to note that, although Chesham sits below Amersham on-the-Hill and Beaconsfield (as per the retail hierarchy for town centres in the adopted local plan), Chesham is very much a small market town compared to the other two main town centres in terms of its role and function across the district. The CNP is right to describe Chesham as “*serving its surrounding rural villages*” as opposed to a more sub-regional role.
- 28 However, as previously explained, the CNP should however place *greater* emphasis on the fact that that the town is physically constrained by its topography with most of

the town located in the valley or along steep surrounding hills and any potential to expand the town boundary is therefore limited not just by Green Belt, AONB and good quality agricultural land, but by virtue of the fact that any expansion of the town will also discourage cycling or walking in light of the topography thereby further increasing congestion in the town.

Conclusion and Recommendation on draft Policy CHESHI

- 29 On the above basis, it is considered that the housing allocation strategy set out in draft policy CHESHI (A) in terms of "*making provision for at least 800 new homes...*", should be amended to instead read: "*up to 800 new homes*" which matches more closely housing needs as identified within the submitted HNA 2021 (cited above).
- 30 The urban regeneration and the "Brownfield First" Approach in achieving housing needs and demands for Chesham is actively *supported* by BNG but the CNP should ensure the proposed number of dwellings targeted in the Neighbourhood Plan is deliverable by affording slightly greater flexibility on height and overall density of development at the key sites.
- 31 The presumption against inappropriate development in the Green Belt, unless exceptional circumstances exist, remains fully consistent with the Government's revised NPPF.
- 32 The housing distribution strategy overall is therefore considered compliant with the Basic Conditions' tests.

Draft Policy CHESHI - General Recommendations:

- The CNP should make greater emphasis that that the town is physically constrained by its topography with most of the town located within the valley or along steep surrounding hills. As such any extension of town boundaries

- will not only involve loss of Green Belt or BMV agricultural land and impact the AONB, but will discourage cycling or walking in light of the topography.
- The CNP should include some explanation or justification for the apparent discrepancy in the HNA with the former 2020 Settlement Housing Capacity Study and BNG urge the Town Council to ensure there is evidence presented to justify or explain this.

Draft Policy CHESH1 – Specific Recommendation – Section A page 15:

Current CHESH1 wording	Proposed modified CHESH1 wording
"making provision for at least 800 new homes"	"making provision for <u>up to</u> 800 new homes"

Town centre Regeneration and draft CHESH2

33 It is considered that the CNP is consistent with the revised NPPF (September 2023) in its mission to strongly advocate the "Brownfield First" approach, under section 11, where it explicitly states at paragraph 120:

"planning policies and decisions should;

c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated, or unstable land;

d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example, converting spaces above shops, and building on or above service yards, or parks, lock-ups, and railway infrastructure);

e) support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extension where the development would be consistent with the prevailing height

and form of neighbouring properties and the overall street scene, is well designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers."

34 It is clear therefore that as set out within national policy guidelines. Regeneration Sites within town centres should be actively promoted in optimising development potential. The Town Council have been through a thorough exercise in reviewing various brownfield sites in achieving a suitable shortlist, which is now reflective within the 13 shortlisted sites identified under draft policy CHESH2. A number of these sites are underutilised, vacant buildings ripe for regeneration, and a balanced approach has been taken, in considering the site's potential both in terms of new homes (affordable homes) and employment related land uses. These Regeneration Sites are in addition to the windfall component as part of the town's wider housing land supply. The NDOs for the key sites create more certainty on delivery particularly if slightly increased density or height is incorporated.

35 The identification of these Regeneration Sites fits with the advanced Chesham Masterplan (undertaken by Chesham Renaissance), and its developed Regeneration Strategy. The CNP also identifies design character areas and there is a Chesham Design Code which applies to the older design character areas to ensure careful consideration is given to localised constraints and opportunities and the design and visual impact of proposals on the immediate and surrounding area.

Draft policy CHESH11: Green Infrastructure Network

36 The CNP designates a Strategic Green Infrastructure Network, as shown on the policies map for *"the purpose of promoting ecological connectivity, outdoor recreation and sustainable movement through the town, and into its surrounding countryside, and of helping mitigate and adapt to climate change."*

37 Draft CHESH 11 (A) identifies the significant benefits of this Network from an ecological and biodiversity standpoint to significantly enhanced recreational and

amenity value - all very important policy objectives at national and local level.

38 BNG is in support of this draft policy and its designation to ensure an important Network of existing assets within and around the town are protected and fully enhanced in terms of their biodiversity net gain, recreational and amenity value. In particular, land subject to Green Belt protection, to the north east of Chesham at Lye Green, has been identified as an important part of this wider Green Infrastructure Network. Further given the land is in active agricultural use and the arable areas represent best and most versatile (BMV) agricultural land, there could be opportunities for integrating enhanced biodiversity measures as part of a wider agricultural diversification initiatives.

Minor observations re Draft policy CHESH11 :

- There appears to be a typo on page 16 paragraph 5.8 reads “*This will bolder*” and presumably should read, “*This will bolster*”?
- Paragraph 5.11 also on page 16, refers to “*creep*” and we recommend “*sprawl*” is a more appropriate term that echoes terminology adopted in both national & local Green Belt policy.

OVERALL CONCLUSIONS

- BNG broadly supports the vision, objectives and draft policies subject to the suggested amendments herein to Policies CHESH1 & CHESH2 as recommended within these representations.
- BNG further recommend consideration of incorporating greater flexibility to accommodate slightly greater height and density of development in the identified areas of housing provision to improve viability and deliverability of the CNP. In so doing, it will strengthen protection against speculative Green Belt development.

- It is vital that the CNP is clearer on the number of dwellings it is providing (800 vs 630) and why? The CNP must explain and justify its position and be clearer on how many homes will be provided and where.
- BNG considers that the draft plan has been supported by evidence to include a HNA and SA alongside site selection evidence to underpin its draft policies at this Regulation 14 consultation stage, but is slightly concerned by the absence of any viability appraisal. Whilst we recognise that the need for a viability assessment is unclear in guidance, if the proposals are subsequently deemed to be unviable they will not be deliverable and thereby the CNP will be jeopardized. Our comments about giving slightly greater flexibility on increased density should address such concerns.
- BNG wishes to avoid a scenario where the CNP might be delayed or criticized during any subsequent examination and hope the comments herein avoid such difficulties. BNG is keen to work closely with the Councils and other key local stakeholders as the plan moves towards Publication stage and Examination.

31 October 2023

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Director – On behalf of Brown Not Green Chesham Ltd

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