

**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 # 4

Issues 1 & 4

Brown Not Green Chesham Ltd

HEARING STATEMENT – Matter No 4

CHILTERN & SOUTH BUCKS LOCAL PLAN

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NOTE: The body of this statement has a total word count of 2,997 words excluding any Footnotes and Appendices.

1. INTRODUCTION:

- 1.1. This Hearing Statement is submitted by Phillip Plato MRICS for 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 issue that has emerged since the Regulation 19 consultation.
- 1.3. BNG are a co-signatory to a Statement of Common Ground (SoCG) signed by other community groups (See Appendix iv). For 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. RESPONSE TO MIQ's MATTER # 4 – GREEN BELT

Issue # 1 – Principle of Green Belt Release

- 2.1 **Question 1** – *“How did the Council determine the amount of housing and employment developmentto be released from the GB?”*
 - i. Fundamentally, the Council determined the amount of housing land to be released based on a “call for sites”, which influenced its Green Belt review and unsurprisingly resulted in the majority of “easy sites” being identified on the edge of existing settlements and inside the Green Belt.
 - ii. This is not considered to be compliant with NPPF [11] and the related footnote #6 or Green Belt policies or how to assess housing constraints.
- 2.2 **Question 2** – *... Have the Councils made as much use as possible of brownfield sites and underutilised land in existing urban areas? How has the capacity of the existing urban areasbeen established? Is the evidence accurate and up to date?*
 - i. No,

- ii. There has not been a survey of built-up areas, simply a review of call for sites. Built-up areas have not been fully reviewed to see if they offer opportunities for redevelopment, mixed use development or intensification with housing
- iii. There has not been a survey of the use being made of brownfield sites in and near the built-up area and whether they offer opportunities for redevelopment, mixed use development or intensification with housing.
- iv. There does not appear to have been a proper survey conducted of existing housing to see if it offers opportunities for increase in density.
- v. There has been no timely assessment of capacity in urban areas
- vi. The assessment and proposals advanced by Chesham Renaissance for Chesham Masterplan have been ignored.
- vii. The brownfield land register is reactive, not based on a proper survey
- viii. BNG has consistently maintained that not all brownfield opportunities have been identified in the Plan and/or that higher densities of development are not being considered that would reduce the need to look at Green Belt release. BNG would refer to its Regulation 19 Submission including the CPRE report on potential for brownfield land for housing¹.
- ix. The Local Authority's responses to Inspector's Initial Questions makes frequent recital of NPPF² as justification for not releasing further Green Belt to accommodate neighbouring authority's needs. CSB's response is disingenuous as CSB are proposing to release a quantum of Green Belt land that exceeds the number of dwellings they propose to build on these areas.
- x. BNG would also refer to the SoCG attached and previous Hearing Statements submitted to this Local Plan Examination highlighting CSB's unjustified and unreasonable reference to NPPF in this regard³.
- xi. CSB have been actively pursuing options for Green Belt release since at least late 2015. When questioned why, Officers & Councillors⁴ alike have maintained that Green Belt release would be "inevitable" given the high level

¹ Please see BNG Reg 19 Submission paragraphs 2.1 to 2.6 inclusive plus Annex # 2 – **CPRE Report – State of Brownfield Land** – March 2019

² Specifically, NPPF paragraph 11 and related footnotes

³ See Hearing Statement by BNG re Matter 1, Issue 2 SA

⁴ See Annex 1 attached – Attendance Note of Discussions with CSB Officers dated 4 December 2017

of development restraint policies⁵ within the area even though many important components of the Evidence base were either not yet available or only in early draft stage. BNG feel that such preoccupation was premature and inappropriate and has led to an unjustified “*direction of travel*” being adopted by CSB towards Green Belt release before all alternative options had been fully investigated.

- xii. As to whether evidence on the capacity of the existing urban area is accurate and up to date, BNG noted that an undated Settlement Capacity Study⁶ was published in the Evidence base in the last days of January or in early February. This belated Capacity Study assumes GB release but makes only passing reference to the Chesham Masterplan which is already actively proposing sites for development.
- xiii. One such site is shortly being submitted for outline consent near the centre of Chesham at Higham Mead for circa 80 dwellings with parking on former industrial land that has since become largely overgrown or used inefficiently. The key operator of this land is a removals firm who are moving out to alternative premises outside the town and CRCIC have advised that this would be the first of several such applications they hope to make over the next year or two.
- xiv. BNG contend that Chesham may still be able to meet the capacity suggested for the town without any Green Belt release if proper consideration were given to reasonable alternatives such as Chesham Masterplan and provision of improved infrastructure. This is a local example to Chesham, but it suggests that similar initiatives should be explored across the wider Plan area.

2.3 Question 3 – “What is the capacity of existing urban areas to absorb additional growth?”

- i. BNG feel that capacity of the existing urban area was not considered.
- ii. The Settlement Capacity Study was only recently published post Regulation 19 and clearly could not have informed the SA or Green Belt review.
- iii. Chesham Renaissance CIC Masterplan is an excellent example of an initiative that has been overlooked or not properly assessed by CSB and further illustrates more aspirational densities can be achieved with the support of

⁵ Policies related to Green Belt & Chiltern Area of Outstanding Natural Beauty.

⁶ CSBLP53 Settlement Capacity Study updated January 2020

the community whereas the Plan reveals scant consideration of higher density and offers little guidance to developers.

2.4 Question 4 – “How was the Settlement Capacity Study derived?”

- i. BNG would refer to comments made in a previous Hearing Statement⁷ and to relevant sections of SoCG⁸ attached.
- ii. BNG feel that the Settlement Capacity Study started with an assumption of Green Belt release, which is unjustified. The Study is also uncritical when considering density of development and uses no assessment outside of the HELAA for opportunities.

2.5 Question 5 – “How does the Plan seek to optimise the density of development in urban areas?”

- i. It doesn't. BNG refer to earlier comments made in a previous Hearing Statement and to relevant sections of SoCG⁹ attached.
- ii. By proposing Green Belt release the Plan is also undermining one of the 5 functions¹⁰ of Green Belt designation; namely *“to assist in urban regeneration, by encouraging the recycling of derelict and other urban land”*.
- iii. Consequently, Policy DM DP7 in the Plan is inadequate as previously referred to by BNG¹¹.

2.6 Question 6 – “Have the Councils examined fully all other reasonable options for meeting need for development outside the Green Belt?”¹²

- i. No.
- ii. BNG refer to comments made in a previous Hearing Statement¹³ and to relevant sections of SoCG¹⁴ attached.

⁷ See Hearing Statement by BNG Matter 1, Issue 2 (SA) Question 4 response in paragraph 2.10

⁸ See Appendix iv SoCG – paragraphs, 2.3 i, ii, & iv, 2.4 (2), 5.1 & 6.5.

⁹ See Appendix iv SoCG – paragraphs 2.3 & 3 i, ii, & iv, 2.4 (2), 5.1 & 6.5

¹⁰ See NPPF paragraph 134.

¹¹ See BNG Reg 19 Submission Aug 2019 - page 18, paragraph 7.39

¹² NPPF Paragraph 137 - 3 options: use of brownfield land, higher density & co-operation with nearby LPAs

¹³ See Hearing Statement by BNG Matter 1 Issues 1 (DtC), 2 (SA)

¹⁴ See Appendix iv SoCG – paragraphs 2.33 i, ii, & iv, 2.4 (2), 5.1 & 6.5

2.7 Questions 7 – “...How did the Councils decide where alterations would be made to Green Belt boundaries?”

- i. BNG refer to the SoCG¹⁵ and Appendix iv (Compare and Contrast Appraisal of Bucks Council Methodologies)¹⁶ attached.

2.8 Question 8 – “How were the results from the Green Belt Assessment Part 1 taken forward...? Were potential sites for development identified in the Part 1 Assessment?”

- i. Part 1 Assessment did *not* seek to identify potential sites for development.
- ii. The Part 1 Assessment by ARUP covered all the Green Belt within Bucks County with the aim of initially assessing general areas in terms of meeting Green Belt functions and purposes. Part 1 stressed that further assessment was necessary within Part 2 (which, unlike other Bucks Authorities, was undertaken by CSB) and that further assessment should also consider whether exceptional circumstances existed before any development or release from Green Belt was considered.
- iii. Full analysis if the process is described in Appendix iii.

2.9 Question 9 – “How does the Part 2 Assessment build on the conclusions of the Part 1 Assessment?”

- i. Ineffectively and without adequate assessment. The Part 2 Assessment was conducted by CSB using a different methodology to the previously agreed “standard joint methodology” for Part 2 Assessment for LPAs within Buckinghamshire. See Appendix iii for details¹⁷.
- ii. Consequently, the Part 2 Assessment process and the outcomes were inconsistent compared to neighbouring Aylesbury & Wycombe and to the original assessment method. Given the imminent Local Government reorganisation involving assimilation of the Chiltern & South Bucks districts into a new Unitary Authority with Wycombe & Aylesbury districts, it would be perverse for any Green Belt boundary review to be conducted other than on a consistent basis.
- iii. CSB elected to undertake their own Part 2 assessment, (rather than retain Arup as other Bucks authorities did) the first draft of which was published in

¹⁵ Appendix iv; SoCG- Specifically Section 6 Green Belt paragraphs 6.2 to 6.4.

¹⁶ Appendix iii, GB comparison of methodologies in Bucks – specifically paragraphs, 3 to 18 and generally.

¹⁷ Specifically, paragraphs 7 to 19 inclusive.

July 2016 but was subsequently modified in October 2016 and indicated that CSB had then elected to develop its own Green Belt assessment methodology which appears to have undergone further modification by the time the final Part 2 Assessment was published by CSB in April 2019. The reason for this is unclear and unjustified.

- iv. The evidence provided in Appendix iii and previously,¹⁸ illustrates that the Part 2 Assessment was flawed and did not build on the Part 1 Assessment in a consistent manner and was therefore unjustified.

2.10 Question 10 – “How do the proposed Green Belt revisions align with the spatial strategy for the area?”

- i. BNG refer to the SoCG¹⁹ which explains why the spatial strategy is unclear. Accordingly, it is difficult to assess how the proposed Green Belt revisions align with it.
- ii. It is unclear that sites were assessed on their sustainability merits in a consistent manner to first establish whether they represented an appropriate location for new development.

2.10 Question 11 – “Why is the Green Belt proposed to be altered in some settlements but not others?”

- i. BNG refer to the answers previously given in an earlier Hearing Statement²⁰.

2.11 Question 12 – “Are the revised boundaries capable of enduring in the long term...”?

- i. Some Green Belt sites being allocated for development represent an over release of land. For example, at Lye Green NE of Chesham, only circa half the land proposed for removal from Green Belt is allocated for development. This is because of “revised GB boundaries” needing to be defensible yet the compensatory improvements are merely landscaping, and it is plainly possible to plant a strong tree edge to make a defensible boundary and/or utilise public footpaths etc.
- ii. This was recognised by the Councils appointed Landscape Character Assessment Consultants²¹ who (by way of example) at Lye Green proposed a much smaller area in their Landscape Character & Capacity Reports (that are

¹⁸ BNG Regulation 19 Submission Aug 2019– Section 4 & Annex 3

¹⁹ Specifically, paragraphs 5.1 to 5.4 Appendix iv.

²⁰ BNG Hearing Statement Matter 3, Issue 1, Question 2 – points 2.1, i & ii & para 2.4 v

²¹ Terra Firma Consultants – Nov 2017

no longer in the Evidence Base but are illustrated in BNG's Regulation 19 Submission²²). These show it is possible to create new boundaries that could be defended partly by reference to PROW's or establishing a planted screen bank.

- iii. The over release of land will inevitably attract speculative applications for all types of development on those areas not immediately required in the Plan period. There has been a general lack of consideration against other sites as to whether boundaries could be made defensible or what a defensible boundary is for re-assessment.

Compensatory Improvements

2.13 Question 13 – Compensatory Improvements to remaining Green Belt

- i. CSB stated²³ in response to Inspectors Initial Questions, that the compensatory improvements to Green Belt were tabulated beneath their response. However, in most cases, these appear in their to be mitigation measures for the Green Belt allocation sites. These include;

- Upgrading footpaths to bridleways,
- Landscaping & planting,
- Retention of important trees,
- Access arrangements.

These are all laudable, but they are not in general compensatory improvements to the *remaining* Green Belt areas as required by paragraph 138 of NPPF but mitigation of the transportation and landscape harm caused by development (and its biodiversity loss).

- ii. Compensatory improvements to remaining Green Belt should include *significant* improvements to the environmental quality and accessibility of remaining Green Belt land²⁴.
- iii. Whilst BNG hope to discuss detailed issues pertaining to the Green Belt site at Chesham in subsequent examination hearings, for now it will merely highlight that the site at Lye Green is most unusual as unlike most Green Belt areas that are private with no or very limited public access, the land allocated near Chesham has been habitually used by hundreds of local people for informal outdoor recreation for at least 3 decades as evidenced by the many

²² See BNG Regulation 19 Submission – Page 9 paragraph 2.46 (Fig1.2)

²³ See Exam 2 - Responses to Inspectors Initial Questions in paragraph 16.5

²⁴ See PPG Paragraph: 002 Reference ID: 64-002-20190722 Revision date: 22 07 2019

Statements of Truth from the public confirming as such when BNG made application for and obtained Asset of Community Value status last year²⁵. Definitive Map Modification Order applications have also since been made for 6 informal footpaths to be adopted as Public Rights of Way upon the land. As such Chesham is an example where compensatory improvements are vital and where an absence of appropriate compensatory measures is unjustified, as it affects the wellbeing of the community and is contrary to national guidance.

2.5 Exceptional Circumstances

Question 14 – *Do the exceptional circumstances exist to justify revisions to the Green Belt boundary to provide for OAN for housing and employment land?*

- i. No. BNG refer to the SoCG²⁶ and to comments previously made in their Regulation 19 submission²⁷ on the lack of exceptional circumstances.
- ii. OAN alone does not constitute exceptional circumstances to justify Green Belt boundary changes²⁸ and exceptional circumstances must always be evidenced and justified.
- iii. Exceptional Circumstances were never described or detailed at any time in the Regulation 18 or non-statutory Green Belt consultation and the Exceptional Circumstances Report²⁹ was only eventually published at the end of May 2019 shortly before the Regulation 19 Consultation. Evidently, CSB had not previously indicated what they thought might have been exceptional circumstances and this did not form part of their Green Belt consideration process.
- iv. There has been an inconsistent approach to identifying exceptional circumstances within CSB compared to that undertaken within neighbouring districts (soon to be part of the same Unitary Authority). BNG refers to the attached “Compare & Contrast” appendix³⁰.

²⁵ BNG is currently focused on producing its Hearing Statements and will update on the ACV status at subsequent examination hearings. BNG is disappointed that the landowners’ appeal has recently resulted in a Review Decision by the Council and is currently considering its options.

²⁶ Appendix iv SoCG - paragraphs 6.7 to 6.10

²⁷ BNG Regulation 19 Submission Aug 2019 – Paragraph 4.5 & Annex 3 page 13 & Critical Friends Report A9

²⁸ NPPF paragraphs 135 & 136

²⁹ Please see CSBLP 15.1 Exceptional Circumstances Report May 2019

³⁰ See Appendix iii - Compare & Contrast Appraisal of Green Belt Assessments in Aylesbury, Wycombe & Chiltern & South Bucks.

- v. It is also explained³¹ that when reviewing earlier drafts of the CSB Part 2 assessments, that some Recommended Areas were identified as having no “Exceptional Circumstances” yet the majority were designated as areas where exceptional circumstances “*may*” exist, which was later only justified by CSB on the basis of the quantum of OAN throughout the area and the scale of Green Belt & AONB policies. This is an inconsistent assessment of exceptional circumstances both within CSB and compared to neighbouring districts and as such is unjustified, ineffective and is not considered compliant with the NPPF.
- vi. BNG contend that there is nothing exceptional about the circumstances of this Local Authority being subject to policies such as Green Belt & AONB, and that seeking to meet its OAN is not enough to constitute exceptional circumstances, especially when other options have not been fully explored.

ISSUES 2, 3 & 4 – *Boundary Changes, Villages Inset from Green Belt & Green Belt Villages.*

- i. BNG refer to comments previously recited on these topics in their Regulation 19 Statement with Annexes and the lack of consultation on such issues.

3. CONCLUSION:

BNG submits that the Plan is not sound as explained herein and that the strategies & policies proposed are not justified, effective or in accord with national guidance.

³¹ See Appendix iii - Compare & Contrast Appraisal of Green Belt Assessments in Aylesbury, Wycombe & Chiltern & South Bucks specifically paragraph 21

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 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.

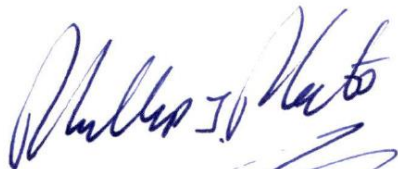
CONCLUSION:

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

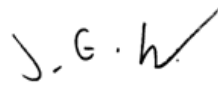
- They do not feel there has been sufficient co-operation with the neighbouring authorities,
- that the consultation process has been inadequate and has not fully recognised PSED,
- that there are insufficient compensatory measures and mitigation proposed for the release of Green Belt areas,
- that the 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



.....
Tony Molesworth – Chairman
Chesham Renaissance CIC



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



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



.....
Sunneymede Avenue Residents Association

Appendix 1: Critical Friend Comments (13-Sept-2016) on Draft Methodologies

A. Draft Green Belt Assessment Part Two Methodology published by Aylesbury Vale DC and Wycombe DC, July 2016				
Arup Comments				CDC/SBDC Officer Response
A1	Section 1.0	Introduction (general comment)	The introduction, whose purpose is to set the scene for the assessment and establish its primary objectives, feels a little unstructured and, at times, unclear. The first paragraph, which ultimately sets the tone for the study, focuses immediately on the issue of the county's objectively assessed housing need. While this is clearly a key issue for the districts in their forthcoming plan-making, it feels premature to introduce this issue up front and would appear to undermine the assured objectivity of the overall assessment (introduced in para. 1.9). We would suggest that the section is restructured to focus initially on the 'story so far' (i.e. the Arup study), before introducing Part 2 and the objectives for this workstream. This would demonstrate more clearly the logic chain.	Noted. Section 1 of the Chiltern and South Bucks Part Two report addresses these points by explaining the background and relationship with the Part One report and by setting out the purpose and objectives of the Part Two Assessment.

A2	Para 1.1	Objectively Assessed Housing Need (OAHN)	As highlighted above, while this is clearly a key driver for the Study, there are risks in framing the work solely around the issue of meeting OAHN. Legally, it is not clear whether meeting housing need would alone would constitute the exceptional circumstances required to bring about the release of Green Belt. Indeed, in para 2.1.11 of the Arup report (and para 2.6 of this report) Paragraph 044 of the PPG is referenced, which would appear to suggest not. In <i>Calverton PC v Nottingham CC & Ors</i>, the Council were able to demonstrate exceptional circumstances for a substantial release of Green Belt by showing that other options for development had been explored and rejected (“the limited availability of alternative sustainable sites” and the tightly drawn inner boundary of the green belt around Nottingham being key cited factors) and demonstrating that the proposed release “paid regard to the purposes of the green belt, the nature and quality of the proposed impingement, and the issue of sustainability”. We would suggest that, while the issues around OAHN are highlighted in the Study, the need to find land for housing is not cited quite so emphatically in the report in order to maintain a sense of neutrality/objectiveness.	Noted. Section 1 of the Chiltern and South Bucks Part Two report addresses these points by summarising National Planning Policy and National Planning Practice Guidance which reiterates the importance of the Green Belt and clarifies how Green Belt may affect the ability of an area to meet housing need.
A3	Para 1.1	London Metropolitan Green Belt	We do not feel that the reference to ‘London Metropolitan Green Belt’ is entirely helpful, given much of the Green Belt in Buckinghamshire was not designated in the original Metropolitan Green Belt. Furthermore, the wording somehow implies that the Green Belt is somehow ‘owned’ or imposed by London, when this is not the case. We would suggest the use of the term <i>Green Belt in Buckinghamshire</i> where relevant.	Noted. The term London Metropolitan Green Belt is not used in the Chiltern and South Bucks Part Two report. The term ‘Green Belt in Buckinghamshire’ is used where relevant.
A4	Para 1.10	Further consideration	It might be helpful at this point to more clearly set out what this ‘further consideration’ would entail (for example, is the performance of sub areas against the purposes being reconsidered, or are any other factors being taken into account?).	Noted. Section 1 of the Chiltern and South Bucks Part Two report addresses this point by listing the objectives of the Part Two Assessment. In addition, Section 3 explains the approach to Green Belt purpose assessment in Part Two.

A5	Para 3.1	Assessment process for taking land out of the Green Belt	Again, we would suggest that this statement feels quite assumptive. Presumably as this is an evidence base document no decisions would be reached in the Study about which areas would be taken out of the Green Belt, more this document provides the evidence that would be required in order to do this through the Local Plan process. We assume that the Council would wish to weigh up options assessed through this report against others identified through the wider site selection process before any decision is reached on which areas are definitively proposed for release. As such, we would suggest that this reference is toned down.	Noted. The Chiltern and South Bucks Part Two report explains that the findings from the Green Belt Part Two Assessment will be considered alongside other elements of the evidence base as part of the local plan options appraisal process. That is the point at which consideration is given to the question of whether potential harm to the Green Belt is outweighed by exceptional circumstances in the context of consideration of a broader range of options.
A6	p.7	Flow Chart 1	While we recognise the merits of the proposed iterative process, and understand why this approach is taken, we do not believe the diagram provided is entirely helpful in explaining this. We would suggest that a flowchart with feedback loops and outflows (where sites could be removed from the process) would be more effective in showing the logic for the process.	Noted. The Chiltern and South Bucks Part Two report includes a flow chart which seeks to demonstrate more effectively the iterative nature of the assessment process.
A7	p.7	Flow Chart 1	Further to comment A6, we are concerned that the flowchart is rather simplistic in its approach to assessments that may require inputs from other evidence. For example, we believe that in developing exceptional circumstances broader considerations would have to be taken into account beyond performance against the NPPF purposes and site suitability/availability/achievability. We would suggest that these inputs are shown on the diagram.	Noted. The Chiltern and South Bucks approach to exceptional circumstances is designed to reflect the duty to achieve sustainable development and other key objectives such as planning positively to meet development needs where possible. It is a balanced framework encompassing a range of local and wider, more strategic considerations. The Chiltern and South Bucks Part Two report includes a flow chart which seeks to demonstrate this.

A8	Section B, paras 3.6-3.7	Defining the site boundary	We have concerns about sub areas being removed from the assessment process prematurely as a result of this assessment, particularly given the boundary features identified for consideration in para 3.6 does not feel exhaustive. We would suggest that this list is reviewed and/or expanded to take into account the differing scale of this Study compared with Part 1. Furthermore, we believe that ruling out sites where a complete and strong defensive boundary cannot be identified would not be robust and could lead to challenges where sub areas might otherwise be identified as suitable/available/achievable through the HELAA assessment. We suggest that a greater element of professional judgement should be employed in cases where only limited mitigation would be required to ensure a readily recognisable boundary can be identified. This would be in line with legal advice that other clients have received in relation to the potential to create new boundaries and enshrine the requirement to do so in planning policy or SPDs such as development briefs. Furthermore, we suggest that this assessment is used to identify how preferential a sub area would be for potential release rather than ruling areas out in a blanket fashion.	Chiltern and South Bucks Districts consider it important that a consistent approach to boundaries is taken in Parts One and Two of the Green Belt Assessment. However adopting the Part One approach in Part Two does not preclude the use of professional judgement where only limited mitigation would be required to identify a readily recognisable boundary that is likely to be permanent. In addition, the Chiltern and South Bucks Part Two report states that further consideration may be given to the potential to create new Green Belt boundaries as part of the overall decision-making process for site allocations as part of the new local plan.
A9	Section C, para 3.8	Exceptional circumstances	The current phrasing of this section would appear to imply that the relative level of constraint on a site may be used to justify exceptional circumstances for release. In line with comment A7, we would like to highlight that the development of an exceptional circumstances case is likely to encompass a wide range of wider, more strategic considerations, and would therefore suggest that this reference is removed and any methodological discussion of exceptional circumstances is confined to Stage 2.	Noted. The Chiltern and South Bucks Part Two report does not include a section referring to the HELAA. The Chiltern and South Bucks approach to exceptional circumstances is designed to reflect the duty to achieve sustainable development and other key objectives such as planning positively to meet development needs where possible. It is a balanced framework encompassing a range of local and wider, more strategic considerations.
A10	Section C, para 3.9	Typo	Typo – ‘exceptional circumstances’, not ‘exception’.	-

A11	Stage 2, para 3.10	Exceptional circumstances case	We believe, in line with previous comments, that exceptional circumstances cannot be solely framed around providing more houses. We would suggest that a more balanced framework is established in order to support the development of such a case, encompassing considerations such as sustainable development and the broader spatial vision for the district(s).	Noted. See response to comments A1 & A9.
A12	Stage 3	Methodology	This section discusses the 'wider impacts' of removing land from the Green Belt. It would be helpful if these impacts were articulated in further detail (for example, is this limited to the NPPF purposes or wider factors such as landscape?).	Noted. Section 3 of the Chiltern and South Bucks Part Two report explains the importance of understanding the wider strategic context as part of the assessment process.
A13	3.11	Typo	Typo – 'cumulative' instead of 'cumulate'	-
A14	p.10/11	Flow Chart 2	We are unsure why the NPPF purposes would not be considered in cases where development is already present. While this may be the appropriate approach, the implication is that the NPPF is not considered relevant to developing a case for release, which we believe could leave the methodology open to question.	A number of the areas in Chiltern and South Bucks Districts recommended for further consideration by the Part One Assessment have very limited or no additional development potential. It is considered that the Part One Assessment provides sufficient information on performance against Green Belt purposes in these cases. Section 3 of the Part Two report for Chiltern and South Bucks lists and describes the relevant areas.
A15	Category 4	Methodology	While we note that this section may not be applicable in the South Bucks/Chiltern context, we are concerned that this section provides little clarity on the practical approach to designating new Green Belt and simply quotes policy. We would expect this section to be developed out in further detail.	-
A16	Appendix 2	Identified areas for the Stage 2 assessment	We are happy that the map reflects the output from the Part 1 report, but note that there is nothing illustrating the additional areas that the local authorities have identified for further assessment. We suggest that a new map is produced to illustrate all of the areas under consideration.	Noted. The Chiltern and South Bucks Part Two report includes a map showing all areas of land falling within the scope of the Part Two Assessment in the two Districts. The areas of land are also listed in the Part Two report. Also see response to comment B1.

B. Notes by Chiltern and South Bucks District Councils to Supplement the Draft Buckinghamshire Part Two Methodology				
Arup Comments				CDC/SBDC Officer Response
B1	Para 5	Selecting the correct pro forma	We are not clear by what mechanism development potential has been assessed in order to decide whether to complete Pro Forma 1 or 2. Please could this be explained clearly here. (Further comments are provided on the pro formas in section C).	The Chiltern and South Bucks Part Two report explains that Pro Forma 1 (relating to the RGAs and RSAs with limited or no development potential) has only been used in very few cases. They are all instances which are either existing built areas, have an implemented planning permission for substantial built development or comprise public open space. What they therefore have in common is no or very limited further development potential within the defined RGA/RSA areas. It is considered that the Part 1 Green Belt purpose scoring provides sufficient information for these areas. Pro Forma 1 has been used only in the following cases: • Botley (Ref 1.02) – Green Belt settlement with a particularly urban character. • Tatling End (Ref 1.17) – Green Belt settlement. An area of significant encroachment with an inherently semi-urban character. • Denham (Ref. 1.18) – Green Belt settlement. Quite densely built-up with an inherently semi-urban character. • Land north of Iver including Pinewood Studios (Ref. 1.19) – The land with planning permission for expansion of Iver Studios. Development is under construction. • Taplow Riverside Area (Ref. 1.23) – The Green Belt settlement of Taplow Riverside which has a high proportion of built form and the Mill Lane MDS which has planning permission for demolition of existing buildings and structures and construction of 141 dwellings, 40 senior living apartments etc. Development is under construction. • Burnham (Ref. 1.24) – An urban park.

B2	Para 8	Reviewing Arup findings	We assume that this refers the need to adjust the purpose scores accordingly for the sub area versus the General Area score from the Part 1 assessment? If this is the case, we suggest that this is brought out more explicitly (as the current wording implies that there may be scope to review the Part 1 assessments themselves, which may undermine the robustness of the wider Study).	The Arup assumption is correct. The Chiltern and South Bucks Part Two report explains that there is no scope to review the Part One assessment; the purpose of the review is to consider whether the purpose scores should be adjusted for the sub area only.
B3	Paras 10-11	Exceptional circumstances	We concur with the overall approach and believe that this broadly addresses the identified shortcoming in the Draft Buckinghamshire methodology (see comment A11), though we would suggest this framework could be developed further. We believe that the proposed focus on developing sustainable development options would be broadly compliant with the NPPF. We would suggest that the third consideration cited (Green Belt criteria) could focus not just on performance against the parcels, but also a wider consideration of potential harm to the Green Belt in terms of strategic integrity and the potential for harm to the broader purpose of the wider Green Belt as identified in the Part 1 assessment. We believe this is subtly different to the cumulative approach described in the Draft Buckinghamshire methodology (Part 3). We note that this would appear to be consistent with the proposed pro-forma template 1 – if this is the case, please bring this out more clearly in the methodology note. In line with previous comments, our view is that a robust exceptional circumstances case must be developed at the strategic level, and while site specific considerations would be an important factor (as highlighted in para 10) we believe that it would be helpful to highlight the need to consider these wider factors.	The Chiltern and South Bucks Part Two report explains that the question in each pro forma relating to the wider strategic function of the Green Belt is intended to consider potential harm to the Green Belt in terms of strategic integrity and the broader purpose of the wider Green Belt. The need to consider the role of wider Green Belt factors as part of the exceptional circumstances case is also explained in Section 3 (Methodology) of the Part Two report.

C. Pro Forma to Supplement the Draft Buckinghamshire Part Two Methodology				
Arup Comments				CDC/SBDC Officer Response
C1	Pro forma 1	Part 3	Given the wording in the NPPF states that Green Belt boundaries can only be amended in exceptional circumstances, we are not clear what considerations would be made here. Please could this be set out more clearly in the pro forma. We assume that this could encompass boundary anomalies for example.	This is intended to deal with circumstances such as boundary anomalies and where there is a case for consideration of the creation of new Green Belt boundaries that will endure for the long-term as a result of the redevelopment of Major Developed Sites in the Green Belt. This is explained in Section 3 (Methodology) of the Chiltern and South Bucks Part Two report.
C2	All pro formas	General comment	Please refer to comment A8 on the definition of boundaries. We suggest that this should be a factor to weigh up in the overall decision making process rather than an arbitrary way of filtering sites, and believe that some of the considerations around spatial fit with the local plan options may be a more effective way of filtering sites (i.e. site is in a more/less favoured strategic option).	The list of boundary features used in the Part Two Assessment is consistent with the NPPF and with the Part One Assessment. It is considered important to ensure consistency of approach; introducing new features risks inconsistencies between the Part One and Part Two Assessments. The assessment process does not however preclude the use of professional judgement where only limited mitigation would be required to identify a readily recognisable boundary that is likely to be permanent. This is explained in Section 3 (Methodology) of the Part Two report. The Part Two report also explains that further consideration may be given to the potential to create new Green Belt boundaries as part of the overall decision-making process for site allocations as part of the new local plan.

C3	All pro formas	General comment	We note the reference in the Draft Buckinghamshire methodology to the assessment of areas in line with the HELAA methodology, as well as consideration of wider constraints. We note that there is no section within the proposed pro formas for this assessment and would wish to confirm if this would be undertaken in a separate pro forma. If so, it may be helpful to provide a summary of the conclusions from this assessment.	The HELAA assessment and consideration of wider constraints form separate strands of work to be considered alongside the findings of the Green Belt Assessment Part Two. To make this relationship clearer, the conclusions in Part Two relating to exceptional circumstances are couched in terms that exceptional circumstances <i>may</i> exist rather than that they definitively do exist. A definitive conclusion on exceptional circumstances cannot be drawn until the Part Two findings have been considered alongside other elements of the evidence base as part of the options appraisal process.
C4	All pro formas	General comment	We suggest that a section is added for site visit photographs which might assist in illustrating the assessment (e.g. boundary assessment), as well as a map.	A map is included in each pro forma.

Compare & Contrast Appraisal
of
Green Belt Assessments
conducted within
Wycombe, Aylesbury Vale and Chiltern & South Bucks Districts
February 2020

INTRODUCTION:

1. This document is prepared by Phillip Plato MRICS on behalf of Brown Not Green Chesham as an Appendix to a Hearing Statement submitted as part of the Local Plan Examination Hearings considering the Chiltern & South Bucks District Councils Local Plan.
2. In order to consider the Part 2 Green Belt Assessments undertaken by the District Councils in Bucks, it is helpful to first consider some background and what the Part 1 Assessment did and what recommendations it made for Part 2 Assessments.

BACKGROUND & PART 1 GREEN BELT ASSESSMENT BY ARUP:

3. In March 2016, ARUP published a Report on the Part 1 Green Belt Assessment of land within the county of Buckinghamshire to identify general areas throughout Bucks County, in order to assist all Districts therein with the preparation of their respective Local Plans.
4. The focus of the Part 1 Green Belt Assessment report was summarised in paragraph 1.2 therein, “...to provide evidence of how different areas perform against the Green Belt purposes set out in national policy; planning authorities may then take this into account alongside other evidence in making decisions about possible changes to Green Belt boundaries...”. The methodology for Part 1 Assessment was outlined in detail from page 41 onwards in Section 4 of the ARUP report. ARUP then described its assessment of numerous parcels of land throughout the county and each site was scored 0 to 5 (weak to strong) against the five purposes of including land in the Green Belt.
5. The Part 1 Assessment identified 36 General Areas & Sub Areas for further consideration. These were summarised in Table 6.1 of the Part 1 Assessment Report where it assigned each of the land parcels with a new ID reference number, with

unfortunate potential for future misunderstanding, as they were all referred to therein as “Recommended Areas”.

6. However, the Part 1 Report then made further recommendations which are recited below¹ in full together with the relevant paragraph reference number from Part 1. Namely;

6.1.1 Following the assessments of the General Areas against the NPPF purposes, a series of recommendations have been identified which the Buckinghamshire Authorities may wish to take forward in Part 2, including consideration of whether ‘exceptional circumstances’ exist to justify any alterations to the Green Belt boundary.

6.1.2 While it is clear that the majority of the Buckinghamshire Green Belt is performing an important role in terms of the NPPF purposes, a number of more weakly performing areas have been identified which may warrant further consideration.

7. The emphasis, as underlined herein, clearly asserts that further work was necessary and that the areas identified only might be suitable for removal from Green Belt. There was a clear implication of caution and a need to identify “exceptional circumstances” before any site should be removed from Green Belt designation.
8. This section of Part 1 went on to define four categories of areas to consider in Part 2 assessment as; (1) General Areas, that scored weakly that could be considered, (2) Whole General Areas, that scored medium to strong but with synergies to neighbouring areas which might warrant further consideration, (3) Medium or Strongly scoring General Areas, that had scope for subdivision by identifying weakly performing sub areas in presence of suitable boundary features, & (4) Non Green Belt Areas that could be considered for inclusion in Green Belt.
9. Significantly, the Part 1 Assessment then stated in its Conclusions that...

7.1.7 - It is important to note that the recommendations set out in this report will not automatically lead to the release of land from the Green Belt or the designation of new Green Belt. Ensuring maximum protection for the Green Belt, in line with national policy, should continue to be a core planning principle in the formulation of Local Plan policy.

7.1.8 The areas identified through this Study as warranting further consideration will need to be subject to more detailed assessment to determine the appropriateness and feasibility of any adjustments to the Green Belt boundary. Following this work, further decision making by the Buckinghamshire Authorities in updating relevant local development plans will determine which areas, if any, might be released from or added to the Green Belt.

7.1.9 The authorities will also need to carefully consider whether, in accordance with the NPPF, there are any ‘exceptional circumstances’ that justify the alteration of the Green Belt boundary through the preparation of new local plans. This will apply equally to any

¹ Underlining is by BNG for emphasis.

proposed additions or subtractions to land designated Green Belt. At that time, the authorities will need to consider the Green Belt boundary having regard to their intended permanence in the long term, so that any proposed boundaries are capable of enduring beyond the plan period.

PART 2 ASSESSMENT – JOINT STANDARD METHODOLOGY:

10. Part 2 Green Belt Assessments were subsequently undertaken in the three districts of Wycombe, Aylesbury Vale, and Chiltern & South Bucks.
11. The Part 2 Assessment that as undertaken in Aylesbury² (by ARUP) asserted; “*A joint methodology has been produced by Aylesbury Vale, Chiltern, South Bucks and Wycombe District Councils for Part 2 to ensure consistency³ when the reports for this stage are being completed by the different authorities.*” The Part 2 Assessment in Wycombe (also undertaken by ARUP) similarly indicated⁴ it had followed this joint methodology.
12. The joint methodology⁵ recognised that there is no national standard methodology for Green Belt assessment and as such the joint methodology was agreed as necessary to ensure consistency across the various Bucks districts and to set out the process for the Part 2 Assessments that the component districts would follow. It emphasised that further consideration and assessment needed be given to the areas identified in Part 1, including assessing the suitability of the areas for development, whether the boundaries meet the NPPF requirements, whether exceptional circumstances justified the release of the land from the Green Belt, whether there were reasons for including new land within the Green Belt and what the cumulative impacts of the proposed changes to the Green Belt would be.
13. The agreed joint methodology of Part 2 Assessment for all district councils further outlined the three assessment steps that needed to be taken and stated that,” *If one of the three steps changes, then the other two steps should be rechecked to ensure previous assessments have not changed as a result.*”
14. It further added that when considering smaller sites or revised development areas that,” *Each time the site area changes, the NPPF Green Belt purposes should be rechecked to identify whether this would result in a change to the assessment*”.

² See AVLP Green Belt Part 2 Assessment paragraphs 1.4 to 1.5

³ Underlining for emphasis by BNG

⁴ See https://www.wycombe.gov.uk/pages/Planning-and-building-control/Planning-policy/New-local-plan-examination-supporting-evidence.aspx#DynamicJumpMenuManager_1_Anchor_7 - paragraphs 1.11 to 1.12

⁵ See <https://www.aylesburyvaledc.gov.uk/supporting-documents-green-belt> -Doc CD/GB/002 para's 3.4 to 3.5

15. Furthermore, the Part 2 standard methodology stated that; “Where moderate and strong NPPF purposes are being met by the site, this site should not be taken forward for subsequent stages of assessment.”
16. However, in contrast, the Part 2 Assessment within CSB, was undertaken by Council Officers. and it is notable that the standard methodology does not appear in the CSB Evidence Base presumably because in the intervening period CSB asserted that it had “developed” its own methodology⁶.
17. Section 3 of the final published version of CSB’s Part 2 Green Belt Assessment dated April 2019 is recited below;

Evolution of the Methodology

3.1 *This methodology has been developed specifically for the Chiltern and South Bucks Green Belt Assessment Part Two.*

3.2 *The methodology took as its starting point the draft methodology for Buckinghamshire published by Aylesbury Vale District Council and Wycombe District Council in July 2016. Aylesbury Vale District Council and Wycombe District Council undertook their Part Two Green Belt Assessments in advance of Chiltern and South Bucks in accordance with their July 2016 methodology. Chiltern and South Bucks Councils produced their own methodology which was used to complete the Draft Green Belt Assessment Part Two. This was published alongside the Green Belt Preferred Options Consultation in October 2016. Comments were invited on the methodology used for the Draft Part Two Assessment as well as on the Assessment itself.*

3.3 *The methodology presented here has undergone further amendments, taking into account the outcomes of the Green Belt Preferred Options Consultation and further evolution of the Local Plan and wider evidence. In particular:*

- *The entirety of the Green Belt in South Bucks and Chiltern was assessed against the NPPF purposes through the Part One Green Belt Assessment. The scope of the Green Belt Assessment Part Two is limited to the 30 areas that the Green Belt Assessment Part One concluded perform more weakly in Green Belt terms and which therefore warrant further, more detailed consideration.*
- *The Green Belt Part Two Assessment no longer includes a detailed assessment of Green Belt areas against a wider range of considerations linked to sustainable development, including consideration of alignment with the Local Plan objectives. That analysis now forms part of the Green Belt Options Appraisal.*
- *It is recognised that the performance of Green Belt areas in the context of national Green Belt policy is only one aspect of a much broader consideration of potential exceptional circumstances for amending Green Belt boundaries. Given the re-focusing of the Green Belt Assessment Part Two and the inclusion of broader assessment work into the Green Belt Development Options Appraisal, consideration*

⁶ See <https://www.chiltern.gov.uk/article/7399/Green-Belt-Assessment-Part-Two-> Page 11 Section 3

of potential exceptional circumstances now sits outside the scope of the Green Belt Assessment Part Two Update

18. It is unclear how or why this different methodology emerged. The original draft iteration of CSB's Part 2 Assessment was published in July 2016 but unfortunately it is no longer available in the Evidence Base or within the "superseded documents" section of the Local Authority's website. There is no summary of changes or a "track change"/ redline version to identify what changes were made from previous draft Part 2 Assessments.
19. However, a subsequent draft version of the Part 2 Assessment dated October 2016 is still available in "superseded documents" where in Section 3, it refers to Methodology. A comparison⁷ of the relevant paragraphs on methodology in the October 2016 publication with the final version published April 2019 seems appropriate. This is illustrated herein where items underlined in blue are new or replacement text, and items underlined in red are deleted or changed text as shown below;

From October 2016 version of Part 2 by CSB:

3.1 This draft methodology has been developed specifically for the Chiltern and South Bucks Green Belt Assessment Part Two. This methodology takes as its starting point a draft methodology for Buckinghamshire published by Aylesbury Vale District Council and Wycombe District Council in July 2016. Aylesbury Vale District Council and Wycombe District Council have undertaken their Part Two Green Belt Assessments in advance of Chiltern and South Bucks in accordance with the draft methodology in July 2016. Based on critical friend input (see Appendix 1) Chiltern and South Bucks Councils consider that the approach set out in this October 2016 methodology provides a more robust basis for their Part Two Assessment and it has been used in preference to the July 2016 draft".

From April 2019 Final version of Part 2 by CSB:

3.2 The methodology took as its starting point the draft methodology for Buckinghamshire published by Aylesbury Vale District Council and Wycombe District Council in July 2016. Aylesbury Vale District Council and Wycombe District Council undertook their Part Two Green Belt Assessments in advance of Chiltern and South Bucks in accordance with their July 2016 methodology. Chiltern and South Bucks Councils produced their own methodology which was used to complete the Draft Green Belt Assessment Part Two. This was published alongside the Green Belt Preferred Options Consultation in October 2016. Comments were invited on the methodology used for the Draft Part Two Assessment as well as on the Assessment itself

20. The following comments and observations arise from this comparison;
- Changing the Oct 2017 wording of "the draft methodology" to "their July 2016 methodology" as well as deleting the first sentence of paragraph 3.1 of the Oct 2016 version, infers that the joint methodology was nothing to do with CSB when

⁷ Differences underlined; red underline = deleted from final version/ blue underline = added/changed in final version.

clearly the joint methodology was developed specifically for Chiltern & South Bucks to ensure consistency of assessment across the county given that ARUP were known to be continuing the Part 2 work for Wycombe and Aylesbury and CSB were going to do their own assessment.

- ii. In October 2016, it was stated that, “*Chiltern and South Bucks Councils consider that the approach set out in this October 2016 methodology provides a **more robust** basis for their Part Two Assessment and it has been used in preference to the July 2016 draft*”. It is questionable whether any methodology used by CSB in their Part 2 Assessment is “*more robust*” where it has resulted in Green Belt areas that had Part 1 scores sufficient to be excluded from consideration release within neighbouring districts, still being considered suitable for release within CSB’s district. Such methodology seems to be more liberal rather than “*more robust*”.
- iii. BNG disputes the assertion that the non-statutory Green Belt Consultation in October 2016 specifically invited public comments on “*the methodology used for the Draft Part Two Assessment as well as on the Assessment itself*”. The Green Belt Consultation document⁸ actually stated in paragraph 1.3 therein that, “*This consultation is limited to the Councils preferred development options in the Green Belt (1 hectare or more in size), the evidence base documents that support them and views on whether alternative or additional options should be considered. Sufficient work has been undertaken to arrive at preferred options however this work is not complete and is on-going. Responses to this consultation will inform decisions on which Green Belt options should be taken forward in the draft Local Plan*”. BNG’s view is borne out by the responses recited in the CSB Consultation Report & Responses to the Green Belt Consultation⁹ where within 128 pages of this report reciting all the issues raised in that consultation, there were only 4 references to methodology and those appear to be the issues raised by BNG supporters. Given the lack of comments on the Part 2 methodology in this consultation exercise,

⁸ Non Stat Green Belt Preferred Options Consultation - - https://www.chiltern.gov.uk/media/8628/Green-Belt-Preferred-Options-Consultation-Documents-Oct-Dec-2016-/pdf/Preferred_Options_Consultation_Document_-_Final.pdf?m=636130734232770000

⁹ Consultation Report & Responses published Nov 2017 - <https://www.chiltern.gov.uk/summary-of-responses-to-preferred-options>

what was the justification for making *further* changes to it as shown in the April 2019 version?

iv. The most significant observation is that despite changes in text and modified assessment methodology, the *outcomes* of both versions of the Part 2 Green Belt Assessments in October 2016 & April 2019 remain unaltered. This is implausible and is suggestive that the Part 2 Assessment has become an exercise of self-justification.

21. Further confusion and inconsistency can be seen when comparing the emerging Part 2 Assessment in respect of how “exceptional circumstances” were addressed; The October 2016 version of the Part 2 Assessment produced as its outcome, the “*Green Belt Development Options Appraisal* “ report¹⁰ that itself was published for a non-statutory Green Belt public consultation. The 2016 Draft Part 2 assessment said in paragraph 5.3 “*The Part Two Assessment does not draw definitive conclusions on the question of exceptional circumstances; that is not one of its objectives. The Assessment does however consider whether exceptional circumstances may exist that would justify a change to the Green Belt and explains where and why this is considered to be the case. ...*” However, within the Green Belt Development Options Appraisal (produced from that draft Part 2 Assessment), exceptional circumstances *were* assessed and the conclusion for some site Option Appraisals¹¹ was that “*Exceptional Circumstances are not demonstrated – retain in the Green Belt*”. Why would some sites be appraised for exceptional circumstances at that stage and not others?
22. It is unclear how a different methodology to that referred in both the Part 1 Assessment and the October 2017 version of the Part 2 Assessment is justified?
23. However, this has led to significant differences between the assessment of Green Belt Sites within CSB compared to those assessed within neighbouring Wycombe and Aylesbury. These differences are illustrated below in the following table comparing CSB’s Part 2 assessment with the joint standard methodology used in the neighbouring Bucks districts of Wycombe and Aylesbury:

¹⁰ See CSBLP 15.4b - <https://www.chiltern.gov.uk/article/10352/Green-Belt>

¹¹ See CSLP 15.4b site appraisals for areas 1.04, N of Amersham, 1.07 N of Little Chalfont & 1.08 S of Little Chalfont.

SUMMARY OF MAIN DIFFERENCES OF PART 2 ASSESSMENT METHODS

METHODOLOGY USED IN VALE OF AYLESBURY LOCAL PLAN (VALP) by Arup	METHODOLOGY USED IN WYCOMBE DISTRICT COUNCIL LOCAL PLAN (VALP) by Arup	METHODOLOGY USED BY CHILTERN & SOUTH BUCKS DISTRICT COUNCILS
Followed Green Belt Part 2 Assessment Methodology agreed between AVDC, WDC & CSB DC – July 2016	Followed Green Belt Part 2 Assessment Methodology agreed between AVDC, WDC & CSB DC – July 2016	NOT CONSISTENT WITH OTHER BUCKS DISTRICTS - Devised own methodology between July 2016 and April 2019. Final methodology used was unclear & not subject to consultation.
Followed recommendations from Part 1 Assessment paragraphs 7.1.7 to 7.1.9 inc	Followed recommendations from Part 1 Assessment paragraphs 7.1.7 to 7.1.9 inc	DID NOT FOLLOW ALL RECOMMENDATIONS FROM PART 1 No review of RGA's until April 2019 version. Process appears confused & unclear.
Did not recommend any sites for removal from GB with any assessment score against any one GB function of 3 or higher.	Did not recommend any sites for removal from GB with any assessment score against any one GB function of 3 or higher.	Various sites <u>have</u> been recommended for removal from GB that have assessments scores of 3 against one or more GB functions.
Exceptional Circumstances were considered on a site- specific basis <u>as well as</u> at a strategic level.	Exceptional Circumstances were considered on a site- specific basis <u>as well as</u> at a strategic level.	Inconsistent approach; - Some sites <u>were</u> identified with no exceptional circumstances circa 2016, - Many others were left under consideration merely because they had a “medium” GB purpose (ie: scored 3 on one or more GB purposes) and were left awaiting confirmation of an overall unmet OAN to justify GB release. - Separate Exceptional Circumstance report published claiming area wide circumstances (OAN)

CONCLUSION:

The different methodologies used have resulted in significantly different outcomes for Green Belt site selection in CSB compared to Wycombe & Aylesbury Districts.

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.