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**Chiltern and South Bucks Local Plan Reg.19
Consultation Response**

PLEASE SEE SUBMISSION ATTACHED WITH ANNEXES 1-9

Local Plan: Soundness and Compliance

Personal Details

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NOTE: The Submission attached herewith is submitted to the Council on behalf of Brown Not Green Chesham Ltd in respect of the Regulation 19 Consultation on the Local Plan together with the Annexes referred to below.

For reasons explained in the Introduction, it has not been possible to utilise the Response Form though we have endeavoured to respond to the questions raised on the Response Form in the order they were raised.

We respectfully request this submission and the Annexes listed below are considered by the Council and are collectively forwarded with this submission to the Inspector for consideration too.

PDF version of this submission and the annexes will shortly be made available on the BNG website at www.brownnotgreen.com

- ANNEX 1 – Survey by BNG 2019 & Survey results by Chesham Masterplan 2018.
- ANNEX 2 – Brownfield examples & CPRE Report - “*The State of Brownfield Land 2019*”
- ANNEX 3 – Green Belt review BNG inc Critical Friends Report on Part 2 GB Assessment
- ANNEX 4 – SLR Report on Green Belt / Valued Landscape at Lye Green
- ANNEX 5 – Asset of Community Value & Footpaths upon Lye Green site.
- ANNEX 6 – SLR Report on Traffic & Sustainability of transport at Lye Green
- ANNEX 7 – Biodiversity & Wildlife Habitats at Lye Green Chesham
- ANNEX 8 - Chalk Stream Rivers and Water Management
- ANNEX 9 – Flooding & Drainage

REGULATION 19 SUBMISSION **RE CHILTERN & SOUTH BUCKS LOCAL PLAN**

(AUGUST 2019)

INTRODUCTION:

This submission is made by **Phillip Plato** FloD DipSurv MRICS on behalf of Brown Not Green Chesham Ltd, (BNG) which is a not for profit company limited by guarantee created by residents predominantly from the Lye Green area but who have received significant support from almost 1,800 local people from all parts of Chesham and neighbouring communities. (Contact details for BNG are recited at the head of this page.)

This submission will attempt to follow the format of the Regulation 19 Consultation Form published by Chiltern & South Bucks District Councils seeking comments on the soundness & compliance of the draft Local Plan. However, the form itself advocated by the Council has not been used as even when converting the PDF version online into a Word format, the form was difficult to use in a consistent manner.

Similarly, BNG found the online portal cumbersome and restrictive given the number and variety of comments BNG felt it necessary to make.

However, BNG would like to thank the Local Authority for extending the deadline for the Regulation 19 submissions in the face of earlier confusion as to whether other forms of written submissions to the form or online portal advocated by the Council could be used.

As a large local residents' group this has been an enormous task for all our respective supporters to undertake especially during the school holidays. BNG have many serious concerns but have attempted to focus on the main planning issues, with most technical comment confined to Annexes. However, it must be stated that despite the extension for the Regulation 19 consultation, BNG do not feel there has been enough time for members of the community to fully read and consider all the lengthy documents together with the underlying Evidence Bases, many of which have been published at a late stage sometimes after the publication of the draft Local Plan itself.

Brown Not Green Chesham Ltd however, hereby submit their comments in respect of the Regulation 19 Consultation on the Local Plan (together with the Annexes referred to herein). We have endeavoured to recite our comments in the order used on the Council's Response Form and where possible BNG have tried to cross refer to the questions/sections of the Council's Response Form to assist the reader.

The comments are supported by various Annexes attached which we respectfully request should be collectively forwarded to the Inspector for consideration.

Q1. LEGAL COMPLIANCE: - (Is the draft Local Plan legally compliant?)

- i. BNG believe the draft Local Plan is NOT legally compliant because it has not demonstrated sufficient regard to the National Policy and guidance issued by the Secretary of State.
- ii. Specifically, the Local Plan is advocating significant modifications to Green Belt Boundaries involving 13 sites as well as modifying Green Belt designation boundaries around various villages within the District. The National Planning Policy Framework states that Plan Makers MAY modify Green Belt boundaries during the preparation of Local Plans (not that they SHOULD) and even then, the NPPF makes it clear in Paragraph 136 that *“Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced & justified....”*. We contend that the exceptional circumstances recited by the LPA are not fully evidenced & justified.
- iii. Paragraph 137 of NPPF further states that *“Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development...”*. BNG contend that the LPA has not demonstrated that all other reasonable alternatives have been fully examined. One example of an alternative relates to Chesham Renaissance CIC Masterplan which is ignored in the Local Plan despite having been in development for nearly 4 years and published and publicly consulted upon in 2018. This community led initiative should have had greater consideration.
- iv. Paragraph 138 of NPPF also states that *“When drawing up or reviewing Green Belt boundaries, the need to promote **sustainable patterns of development** should be taken into account. Strategic policy-making authorities should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, **towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary**. Where it has been concluded that it is necessary to release Green Belt land for development, **plans should give first consideration to land which has been previously-developed and/or is well-served by public transport**. They should also set out **ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land**.”* – BNG have emboldened certain text above as it is of particular relevance;
 - o BNG believe the LPA policies are NOT promoting sustainable development (many of the allocated Green Belt sites especially site SP BP2 at Lye NE of Chesham) are

- not sustainable locations,
- o Some of the Green Belt sites and particularly site SP BP2 do not enjoy good access to public transport.
 - o Finally, BNG can see no evidence of any mitigation of the impact of removing land from Green Belt or compensatory improvements. NPPF encourages Local Authorities to make compensatory improvements (paragraphs 32 & 176) but such improvements are not just related to loss of Green Belt but any impact upon other valued criteria such as biodiversity.
 - o Most recent PPGs published on 23 July 2019 have outlined what is needed regarding compensatory improvements in greater detail including requirements where Green Belt is being lost. BNG feel that the Plan as currently drafted offers no compensatory improvements for its proposals and as such is contrary to National Guidance and is not therefore legally compliant.
- v. Paragraph 141 of NPPF also states, *“Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, **such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.**”* - Again, the emboldened phrases above are most relevant;
- vi. The land at Lye Green in respect of policy SP BP2, has been in Green Belt for decades and as evidenced by a recent application under s.88 of the Localism Act 2011, has been listed as an Asset of Community Value. Unlike most other Green Belt designated areas, it was demonstrated the land been habitually and widely used by the general public for all sorts of informal outdoor recreational uses for decades. It is perverse to allocate such land for development in the face of National Guidance to the contrary.
- vii. Furthermore, NPPF paragraph 11 b) i (and the footnotes thereto) require Plan Makers to provide for objectively assessed needs for housing and other uses unless the application of Framework policies (including Green Belt) provide a strong reason for restricting the overall scale, type or distribution of development in the plan area Chiltern District is subject to significant areas of land that are subject to development restraint policies including AONB and Green Belt that alone represents circa 87% of the land in the District. South Bucks is similarly constrained. It is therefore inconsistent with National Guidance and as such not legally compliant for the LPA to claim that housing needs justify a review of Green Belt boundaries.
- viii. In the face of various recent written Government statements including those of the

former Secretary of State for Housing Communities & Local Govt the Rt Hon Savid Javid MP as well as by other housing Ministers as recently as April 2019, confirming that housing needs figures are not mandatory, and as such it is difficult to regard this Plan as legally complaint.

- ix. The LPA evidence base confirms that this draft Local Plan will have an infrastructure funding gap of between £179m & £231m. This fact combined with further statements in the LPA evidence base advising that this Plan is predicted to see the carbon footprint of the area increase by 21% contradicts and undermines recent Central Govt targets for net zero carbon emissions by 2050 and casts further doubt on whether this Plan is not only sound but lawful.
- x. Whilst a recent Freedom of Information request by BNG has resulted in the Council subsequently seeking to revise its estimate for the increased carbon footprint to now just under 17%, BNG still regard this revised estimate as excessive given the forecast population growth is only circa 11% during the Plan Period.
- xi. BNG have submitted separate comments on this issue when commenting upon the Council's Sustainability Appraisal as part of the separate consultation exercise on SA and BNG would refer the reader to those comments numbered 1.1 to 1.22 within the SA consultation response it has submitted but felt it should recite the following specifically from its SA consultation response (using the same paragraph numbering) in respect of whether this draft Local Plan is legally compliant. Namely;

1.19 BNG feel that without having carried out even a basic carbon assessment of the proposals, the requirements for Strategic Environmental Assessment have not been lawfully carried out, because that requires the report to "identify, describe and evaluate the likely significant effects on the environment of– (a) implementing the plan or programme; and (b) reasonable alternatives taking into account the objectives and geographical scope of the plan or programme" Likely significant effects on the environment cover short, medium and long-term effects, , permanent and temporary effects, positive and negative effects, and secondary, cumulative and synergistic effects, on issues such as– – (i) biodiversity; – (ii) population; – (iii) human health; – (iv) fauna; – (v) flora; – (vi) soil; – (vii) water; – (viii) air; – (ix) climatic factors; – (x) material assets; – (xi) cultural heritage, including architectural and archaeological heritage; – (xii) landscape, and – (xiii) the inter-relationship between the issues referred to in sub paragraphs (i) to (xii).

1.20 The approach that this Local Authority appears to have adopted means that climatic factors have not been identified, described and evaluated, and alternative options within the Plan's objectives and geographical scope which may have lower carbon footprints, have not been considered or evaluated.

1.21 The UNECE Protocol on Strategic Environmental Assessment "Applying the Protocol on SEA": *"SEA facilitates the improved consideration of environmental limits in the formulation of plans and programmes. It helps in considering alternatives and encourages the search for win-win options that open opportunities for new developments within the carrying capacity of ecosystems. SEA thus supports a shift of decision-making towards genuine sustainable development."* The focus on simply choosing a national figure means that an approach looking for win-win options has not taken place.

1.22 Given that the revised carbon footprint figure is still so high, together with the lack of any clear explanation relating to the method of calculating the carbon footprint, and the apparent reliance upon averages (of carbon emissions) and the confused recital of housing numbers that underlie the SA, BNG feel that a further review of the SA is necessary together with a detailed explanation of proposed mitigation measures that also needs to be introduced to reduce the carbon footprint of both Districts to ensure the Local Plan is genuinely sustainable and in accordance with National Policy.

- xii. In light of the above and the fact that the Local Plan is itself so dependent upon a sound Sustainability Assessment, BNG have concluded that even the recently modified figure for increased carbon footprint combined with other fundamental shortcomings of the SA renders this Local Plan to be non-legally compliant. Accordingly, BNG feel that further review of the SA and all matters dependent upon it are necessary to render the Local Plan legally compliant.

IN RESPONSE TO THE QUESTION NEXT POSED IN THE CONSULTATION FORM –

BNG **are** proposing **modifications** to make the Local Plan legally compliant and to strengthen its compliance (see comments below);

BNG recommend that the Plan needs to be modified as follows to be legally compliant;

1. CO-OPERATION WITH OTHER NEIGHBORING LPAs:

1. 1. Given the MOU made with Aylesbury Vale under the Duty to Co-operate, BNG feel that further efforts should be made with other areas such as Dacorum Borough Council in Herts. It is simply unsatisfactory to assert this is a different Functional Market Area and that co-operation is not necessary. Such co-operation may result in further housing (or other) needs being taken elsewhere.
1. 2. BNG have undertaken their own survey & research of Chesham and outlying villages around the town. This short survey was carried out post publication of the draft Local Plan to ascertain the views of the community on key issues pertaining to the Local Plan including the scale and extent of any economic or market activity across the border with neighbouring Dacorum.
1. 3. The results are included together with the survey results on other matters raised by BNG (and an earlier survey undertaken by Chesham Renaissance CIC) within ANNEX 1 attached herein. Key points that became evident from this exercise were that;
 - 75% of respondents in or around Chesham go to Hemel Hempstead in Dacorum at least 1 to 2 times per month and 72% of respondents go to Berkhamsted with a similar frequency. Others also claim to visit Tring & Berkhamsted regularly.
 - 7% of respondents travel into Dacorum for work or recreation every day.
 - Shopping appears to be the main reason for travelling into the western side of Hertfordshire with reasons given being the lack of parking and/or preferred types of shops to Chesham.
 - Recreation also was an important reason for visiting Dacorum for cinemas in Berkhamsted, Hemel Hempstead & Watford. Indeed, Section 5.8 of the Council's Retail Review confirms that 55% of the Districts population regularly visit any of nine cinemas none of which are within the LPA's administrative area with only some small local cinemas offering a total of circa 600 seats.¹
1. 4. BNG have concluded from this that Chiltern & South Bucks District Council need to do further research before concluding that there is no overlap in the functional economic or market activities of the neighbouring Dacorum administrative area. Similarly, it is not unreasonable to conclude that other neighbouring administrative

¹ Page 15 - Town Centre Retail and Leisure Study Peer Review and Update - April 2019

areas (such as Wycombe, Three Rivers, Hillingdon, Slough, and Windsor & Maidenhead) will also have an overlap of functional economic or market activities.

1. 5. BNG are therefore proposing that further research and active co-operation is undertaken with all neighbouring authorities. There should be more cross border co-operation with Dacorum Borough Council on issues related to mutual housing & employment needs especially given the potential for both Districts to make better use of the former Bovingdon Airfield that is located on the edge of the Chiltern District but within Dacorum's administration. Chiltern & South Bucks District Council should also widen its co-operation with other neighbouring authorities and not confine its Duty to Co-operate just to Aylesbury Vale District Council.

2. REVIEW OF BROWNFIELD LAND OPPORTUNITIES:

2. 1. Another major concern is that BNG believes that not all brownfield land opportunities have been identified. Also, that brownfield land development is not being considered at optimal densities to achieve best use of such land that would reduce the need to look at Green Belt release.
2. 2. BNG recommend that a more detailed appraisal of brownfield land opportunities must be undertaken before Green Belt is released. The Council's Brownfield Register was only instigated in November 2017 (nearly 2 years after the first public consultation proposing Green Belt release.). Accordingly, BNG feel that Green Belt has been the focus for development opportunities long before brownfield opportunities were reviewed and then only in response to a government directive in 2017.
2. 3. Accordingly, BNG are convinced that some brownfield opportunities have been ignored or missed or their potential provision underestimated. This review will identify opportunities for provision of additional housing and indeed initiatives are already demonstrating that to be true (such as Chesham Masterplan by CIC Chesham Renaissance).
2. 4. Green Belt boundary reviews should only be considered after all other reasonable alternatives have been exhausted. It is far from clear that brownfield land (previously developed or industrial land) is being considered in a sufficiently creative or positive way across the combined districts as an alternative sources of housing provision.

2. 5. BNG have undertaken their own research as far as they can with the resources available to them, in respect of areas in and around Chesham (being BNG's area of focus) and have discovered several examples of brownfield land being handled inefficiently. Details are contained in ANNEX 2 attached herewith. Given the limited geographical area considered by BNG, if such circumstances are replicated across the combined districts of Chiltern & S Bucks, BNG contend the need to consider Green Belt boundary reviews would be significantly reduced.
2. 6. An example of such a review of Brownfield land was highlighted by CPRE whose report "*The State of Brownfield Land 2019*" is also included within Annex 2. In one Case Study recited therein, involving the London Borough of Enfield, the research found space for 37,000 homes on a wide range of brownfield land, including through the appropriate intensification of existing sites. This is compared to just 2,170 homes initially identified on Enfield's most recently published brownfield register in December 2017. Therefore 17 times the number of dwellings were identified and even if this is an extreme example, if only double the estimated number were revealed to exist in Chiltern & South Bucks, there would still be merit in seeking an independent review of the brownfield opportunities within the combined Districts to mitigate the need to release Green Belt land for development.

3. REVIEW LOCAL PLAN POLICIES AGAINST NATIONAL GUIDANCE:

3. 1. As previously suggested, the Plan is not legally compliant as currently drafted as it does not accord with recent ministerial statements and several requirements of the NPPF. Notably paragraphs, 11 b)i, 136, 137, 138, 141, as well as paragraphs 32 & 176 together with more recent government guidance on compensatory improvements.
3. 2. Compensatory improvements are not just related to loss of Green Belt (where such loss is first "*fully evidenced and justified*") but to any impact upon other valued criteria such as biodiversity. These compensatory improvements need to be detailed in the Plan if Green Belt loss is still deemed necessary.
3. 3. Latest guidance published by the government in July 2019 requires that any Council considering Green Belt release must ensure that if Green Belt land is to be allocated for development, that the Council should include compensatory measures within its Plan. Compensatory measure can and should include;
 - new or enhanced green infrastructure;
 - woodland planting;

- landscape and visual enhancements (beyond those needed to mitigate the immediate impacts of the proposal);
 - improvements to biodiversity, habitat connectivity and natural capital;
 - new or enhanced walking and cycle routes; and
 - improved access to new, enhanced or existing recreational and playing field provision
3. 4. BNG can see no such measures in this Local Plan as drafted which now needs modification. These are major failings in the draft Local Plan that need to be addressed.
3. 5. There are other major failings which this submission will highlight herein under submission headings numbered;
- 4 - (Green Belt Site Selection Methodology & Assessment inc Annexes 3 & 4),
 - 5 – (Review of Sustainability Appraisal & Infrastructure Funding Gap),
 - 7- notably paragraphs 7.12 – 7.15 (Sustainability of site SP BP2 inc Annex 6),
 - paragraph 7.15 – (Air Quality in Chesham near Lye Green)
 - paragraph 7.19 – (Biodiversity & Habitats at Lye Green inc Annex 7)
 - paragraphs 7.20 to 7.21 - (Chalk Streams & Flooding/Drainage inc Annexes 8 & 9)
 - Plus general comments herein previously in paragraph xi related to climate change/carbon footprint which are also recited separately within the BNG SA consultation submission.

4. REVIEW OF GREEN BELT SITE SELECTION & ASSESSMENT:

4. 1. BNG have undertaken an appraisal of the process by which Green Belt sites were assessed and brought forward for consideration and allocation in the draft Local Plan. Numerous issues emerged from this exercise both of a general nature as well as site specific issues relating to the land at Lye Green NE of Chesham (Policy SP BP 2). This work is summarised within the attached ANNEX 3 and it has identified various flaws in the methodology as well as inconsistencies with the quantitative & qualitative assessment of sites in the Part 1 Green Belt Assessment undertaken by ARUP in March 2016.
4. 2. This work also reveals certain inconsistencies in the Part 1 Green Belt assessment in terms of how sites were progressed towards the Part 2 assessment.

- 4. 2.1 The Part 1 Assessment was mainly an assessment of general areas at a strategic level which generated 36 sites within Bucks County which ARUP suggested may be suitable for further consideration.
- 4. 2.2 From these 36 sites, 15 sites emerged (initially) after the Part 2 Assessment which in Chiltern & South Bucks, was undertaken by the LPA and not by ARUP.
- 4. 2.3 However, BNG have identified at least six sites that achieved very similar or worse “scores” to Lye Green near Chesham, but which did not progress through the Part 2 or the remaining site selection process towards an allocation in the Plan.
- 4. 2.4 More worryingly is the fact that some of the sites carried forward by Chiltern & South Bucks that had better scores against Green Belt purposes, yet they were still selected to progress through the Part 2 consideration, and most proceeded towards an allocation in the emerging Local Plan. This clearly undermines the purpose of any qualitative or quantitative assessment.
- 4. 2.5 In comparison, within the neighbouring Wycombe District, no Green Belt sites that emerged from Part 1 assessment progressed beyond the Part 2 assessment as all sites there had at least one criterion score of 3 or higher were deemed (by ARUP) to be meeting Green Belt purposes and were in their view inappropriate for consideration for removal from Green Belt designation.
- 4. 2.6 In contrast, in Chiltern & South Bucks, almost all sites that progressed had at least one criterion that scored 3 or higher against Green Belt purposes.
- 4. 2.7 A matrix of notable inconsistencies is included within ANNEX 3 attached but it should be highlighted that it was almost impossible to compile a definitive list of all such inconsistencies as sites were initially appraised, frequently subdivided using another reference number, re-appraised then reallocated a site reference number which then changed to a Recommended General or Site Area number (RGA/RSA) in any further assessment, often to then be given a further different reference number in further documents such as the Green Belt Option consultation or the Landscape Character Assessment before getting an entirely different reference in the Local Plan allocation. Consequently, the process of reviewing how sites were appraised became a most complex paperchase to follow.
- 4. 2.8 As is shown in ANNEX 3 attached, the site at Lye Green is unusual in that some

59 ha are proposed to be removed from Green Belt designation but only 22.9ha (circa 38%) is being allocated for development under SP BP2. As the BNG also evidence shows, (see paragraphs 2.25 to 2.27 and Plan in Annex 3 attached) circa 20% of the site being removed from Green Belt designation is already represented by homes, gardens & a school with playgrounds, meaning that 42% of the site that is being removed from Green Belt designation is not needed for development within this Local Plan anyway. However, all of the site is being proposed for removal from Green Belt protection. Once the Green Belt designation is lost, the remaining 42% of the site will come under threat from all types of further development pressure. This is unsound.

4. 2.9 It is notable that the LPA's own retained third-party expert consultants² could only recommend a very small part of the site for housing as is shown in Annex 3 attached which is barely 20% of that being proposed by policy SP BP2. This was mainly due to those consultants expressing concerns about the potential impact on the countryside and loss of openness. Such reservations gives a further indication that the criteria scores previously referred to in the Green Belt assessment, which relate to openness of the site and potential for coalescence of settlements, were incorrect
4. 2.10 As our review in ANNEX 3 shows, BNG contend that at least two of the initial criteria scores in the Part One Green Belt assessment in respect of the site at Lye Green NE of Chesham, were incorrect. Had the recommendations made by ARUP been followed through in the Part 2 assessment, these scores should have been spotted or corrected.
4. 2.11 However, regardless of whatever errors were carried forward within the Green Belt scores, in light the subsequent designation of the land (SP BP2) as an Asset of Community Value, BNG feel that these "scores" for the Lye Green site should further improve and the ACV would itself warrant a reconsideration of this site's inclusion in the Local Plan as an allocation site.
4. 3. The Part 1 Green Belt Assessment was an initial assessment for the whole of Bucks County and whatever recommendations it made (based on whatever flaws or inconsistencies might have unwittingly occurred therein) the authors, (ARUP) had recommended a more detailed review be conducted in the Part 2 Green Belt Assessment. Unlike the neighbouring Planning Authority of Wycombe District Council, Chiltern & South Bucks elected to conduct their own Part 2 Green Belt Assessment internally which was produced in October 2016.

² Terra Firma Consultancy – Landscape Capacity Assessment November 2017

4. 4. BNG has been especially concerned about subsequent lack of adherence in the Part 2 Assessment of Green Belt to recommendations made by ARUP within their Part 1 Green Belt review as well as to the variance and inconsistency between the extent of the review of potential sites in the Part 2 process compared to that undertaken in the neighbouring Wycombe planning authority. Furthermore, Chiltern & South Bucks has not undertaken any review of the Part 1 qualitative and quantitative appraisal in their Part 2 Assessment of Green Belt sites when considering the (then) 36 Green Belt sites carried forward from the Part One report as had been recommended within Part 1 by ARUP.
4. 5. The methodology adopted by Chiltern & South Bucks DC was openly criticized by Critical Friends (represented by Aylesbury Vale & Wycombe District Councils) in Appendix 1³ of the final draft Part 2 Assessment in March 2016 including, amongst other comments, the fact that objectively assessed housing need alone does not justify “exceptional circumstances” to modify a Green Belt boundary
4. 6. Such inconsistencies and flaws are significant also because in April next year, local government reorganisation will occur whereby the current Chiltern & South Bucks District Councils will be abolished, and a new Unitary Authority for Buckinghamshire will come into existence. This will bring the neighbouring Districts of Wycombe & Aylesbury Vale together with the former Chiltern & South Bucks areas. Until the new Unitary Authority can undertake a Local Plan review, it will be reliant upon any adopted Local Plan(s) inherited from the former administrative districts. If there are inconsistencies between the former administrative areas regarding the method used for allocating Green Belt sites and how they were appraised and brought forward, this creates the real risk that the new Unitary Authority will not wish to adopt this Plan, and even if they do, it would be unfair upon the local communities living within the areas affected.
4. 7. Aside from reciting its own appraisal of the Part 1 & Part 2 Green Belt Assessments, BNG felt it was appropriate to commission a third-party expert report on the site allocated under policy SP BP2 at Lye Green NE of Chesham. SLR Consulting were selected to review the sites performance within the Green Belt together with any potential effects of this land being removed from Green Belt designation and the effects of development upon the valued landscape and remaining Green Belt nearby.

³ This Appendix to the final draft Part 2 GB Assessment is no longer available in the published Part 2 Green Belt Assessment currently available in the CSBDC online Evidence Base. – BNG have included a copy within their Annex 3 on Green Belt issues attached herein.

4. 8. SLR Consulting are a multi-disciplinary firm with global experience in planning matters and their Report concludes that in contrast to the findings of the Council's Part 2 Green Belt Assessment; *"The (Lye Green) site plays a significant role within the landscape, both for its landscape value and for its contribution to the Green Belt purposes."*
4. 9. In reviewing the LPA's Green Belt Assessment of the Lye Green site, SLR have concluded that *"The (LPA's) findings are flawed and inaccurate, as they are not consistent in their assessment criteria and resultant findings"*.
4. 10. SLR also assert that *"The Chiltern & South Bucks Stage 2 Green Belt Assessment, March 2018, was not consistent with other Stage 2 assessments conducted elsewhere in the County, and had it been so, the subject site would not have been progressed for further consideration despite the inaccurate scores it achieved in the Stage 1 process"*.
4. 11. Accordingly, BNG submit that their own review and the aforementioned Report by SLR (which are both recited in ANNEX 4), warrants at least a partial review of the Green Belt site selection and assessment methodology to ensure compliance with the NPPF, taking into account currently available evidence, and current policy as confirmed in recent written Government statements including those of the former Secretary of State for Housing Communities & Local Govt the Rt Hon Savid Javid MP and by other housing Ministers as recently as April 2019. Furthermore, it appears as though the Sustainability Appraisal has only recently been concluded being dated June 2019, and therefore postdates the Green Belt review. In the face of this and emerging evidence about the carbon increases in the combined Districts, the earlier Green Belt evidence should be reviewed at least in part as it may no longer be valid. BNG's own review and the SLR evidence clearly support this.
4. 12. Such a review would go some way to ensuring the Plan is then legally compliant. However, in the face of NPPF guidance and such a more thorough appraisal of Green Belt sites being conducted/repeated, it may then be necessary to conclude that it is not possible to identify poor performing Green Belt sites that can accommodate the OAN for housing.
4. 13. Consequently, it may then be necessary to accept that a lower housing provision figure is appropriate especially given that a new Unitary Authority (involving a much larger area with a smaller percentage of Green Belt land) will come into existence in April 2020.

5. REVIEW OF SUSTAINABILITY APPRAISAL & INFRASTRUCTURE FUNDING GAP:

5. 1. BNG have highlighted their concerns regarding the Sustainability Appraisal and the Community Infrastructure Levy in BNG's responses to the two separate Consultations on both these topics that are also running concurrently with this Regulation 19 consultation.
5. 2. Both the Sustainability Appraisal and the Community Infrastructure Levy are of fundamental importance important to ensure the Local Plan is both legally compliant and sound.
5. 3. It is not appropriate to recite all the comments BNG have made elsewhere to both these separate consultations but BNG wish to highlight that there are concerns regarding the SA not only in terms of the projected increased carbon footprint but also regarding the confusing housing figures that support them as well as on issues of air quality, water management and biodiversity/habitats. Specifically, the absence of mitigation measures or even proof that there is mitigation that would work to address these concerns.
5. 4. Similarly, BNG have raised concerns that the Community Infrastructure Levy is acknowledging there will be an infrastructure funding gap of between **£179m & £231m** with many infrastructure projects not estimated or just marked "TBA".
5. 5. BNG submit that this is unsatisfactory and further review of both is necessary to ensure they and the Local Plan they support, are legally compliant.

IN RESPONSE TO THE QUESTION NEXT POSED IN THE CONSULTATION FORM –

6. Brown Not Green Chesham Ltd are proposing modification(s) to the draft Local Plan and do wish to participate at the examination in public hearings as appropriate because;

6. 1. The Brown Not Green (BNG) organisation represents almost 1,800 signatories from all around Chesham to a Petition that was organised late in 2016 in response to (as then) emerging proposals by Chiltern & South Bucks District Council, to expand the town of Chesham by removing circa 60 ha of agricultural land from Green Belt on the NE of Chesham near a hamlet called Lye Green and developing this area mainly for new housing.

6. 2. The organisation has since grown and is now incorporated as a not for profit company limited by guarantee with a Board of unpaid volunteer Directors who have raised significant funds from within the Chesham community out of concern there is a need to not only protect the Green Belt at Chesham but also to safeguard the future of Lye Green as a separate settlement from the town as well as concern that the proposals in the emerging Local Plan would cause wider harm to Chesham as a whole and threaten the outlying villages too.

6. 3. Many thoughtful material planning considerations have been raised by the community through Brown Not Green Chesham Ltd. BNG have retained professional legal & technical advisors and wish to present evidence to illustrate these considerations, specifically that;

- the LPA have overlooked a number of significant issues and carried forward errors in their research particularly regarding site selection,
- they have made premature and flawed selection of Green Belt development opportunities &
- in the case of the Lye Green site, have chosen an unsustainable location for development that will cause wider harm to the area including
- increased traffic congestion,
- worsening air quality that will make the existing AQMA in Chesham worse,
- result in loss of good quality agricultural land and
- loss of land that provides informal recreational benefits and improves the wellbeing to hundreds of people in the local community as well as
- preventing coalescence of settlements and outward sprawl.
- There is also concern about the effects upon local wildlife habitats and the impacts upon the local chalk stream rivers notably the River Chess after which the town of Chesham is named.

6. 4. We respectfully request that these issues combined with the level of public support warrants BNG being able to participate at the Examination in Public

7. IN RESPONSE TO THE REQUEST FOR COMMENTS ON SOUNDNESS, BNG ARE OF THE OPINION THAT:

- The Plan is NOT positively prepared,
- The Plan is NOT justified.
- The Plan is NOT effective &
- The Plan is NOT consistent with national policy.

7. 1. Accordingly, BNG feel the Plan is **UNSOUND**. The reasons for this conclusion fall under two broad limbs, namely;
- A. Concerns relating to the proposals at Lye Green Chesham relating to Policy SP BP2 &**
 - B. Concerns about the efficacy of certain general policies and whether they are effective justified or appropriate in the face of national guidance and policy.**
7. 2. A: - With regard to Lye Green & Chesham, BNG feel there is serious doubt about the site selection process and the flawed methodology for selecting the land at Lye Green for release from Green Belt designation for housing allocation in the first place. (**Policy SP BP2**)
7. 3. Extensive evidence of the inconsistencies and flaws in the Green Belt site selection process is included within Annex 3 attached herein. Further evidence of this site being inappropriate for consideration comes from the fact that the land is now listed as an Asset of Community Value under s.88 of the Localism Act 2011. This designation now affords the BNG community group the Right to Bid for the land. (see ANNEX 5 attached herein)
7. 4. Allocating such an Asset of Community Value in a Local Plan for development is perverse as such a designation it will only add value to the land and consequently will make it much harder for the community to raise funds in order to exercise its Right to Bid. Accordingly, the allocation of such an Asset of Community Value for development within a Local Plan will undermine the purposes of the Localism Act 2011. It would also not be in accordance with paragraphs 96 & 97 of the NPPF which requires that, *“Existing open space, sports and recreational buildings and land, including playing fields, should not be built on....”*
7. 5. This view would appear to accord with those of a Planning Inspector determining a S.78 appeal in April 2019 against refusal to grant planning permission for redeveloping a public house that was also listed as an Asset of Community Value⁴. The appeal seeking to redevelop that Asset of Community Value was dismissed.
7. 6. The recent listing of the land as an Asset of Community Value should at least require the land to be reassessed under the GB quantitative and qualitative assessment of it meeting the purposes of Green Belt designation. (as explained in Annexes 3 & 4 herein).

⁴ **Appeal Ref APP/Y2430/W/18/3208635** – 2 Rutland Sq, Barketon-leVale Leics NG13 0HN Timpson Developments / Melton Borough Council (applic ref 17/00507/COU)

7. 7. However, aside from the above issues, there are numerous other concerns in relation to Policy SP BP2 and the allocation of Green Belt land at Lye Green for development:
7. 8. Many issues that are necessary to support any development on this site are unclear and cannot yet to be costed as a “master plan” has yet to be developed to address important issues such as access, drainage, landscaping, impacts of wildlife and biodiversity as well as sustainability and traffic impact including potential injurious affects upon the nearby air quality management area within Chesham. BNG contend this is unsatisfactory. If the “masterplan” later reveals concerns, the land will by then have lost its Green Belt protection and will be vulnerable to all sorts of development proposals.
7. 9. Furthermore, only around half of the land being removed from Green Belt designation at Lye Green is earmarked for development. The remaining areas whilst not meeting any perceived need for this Local Plan, will similarly become under threat with further potential injurious affects upon the nearby community and the openness of the neighbouring Green Belt and AONB. The suggestion has been that the whole site must be removed from Green Belt designation as only the roads surrounding the site could provide a “defensible boundary”. However, the existing Green Belt boundary is represented by the edge of the built-up area of Chesham and has successfully provided a defensible boundary for decades. Consequently, Policy SP BP2 is needlessly removing areas of land from the Green Belt.
7. 10. Policy SP BP2 refers to the need for sustainable transport provision but merely refers to bus stop infrastructure and financial contributions. BNG asserts that the site is fundamentally **unsustainable** being too far from the town centre and involving the negotiation of a very steep hill. Specialist expert advice has been sought on the traffic and sustainability issues of this site by SLR Consulting. Their Report on this topic is included within ANNEX 6 attached herein and in summarising states, *“SLR concludes that the site is unsustainable, very poor in terms of accessibility and therefore contrary to Core Strategy Policies CS4 and CS26 and does not meet various accessibility guidance and criteria,...”*.
7. 11. The site is clearly not at a sustainable location. The provision of a bus stop will not make it sustainable neither will the upgrading of public footpaths within the site to bridleways given that there is inadequate cycling infrastructure into the town combined with adverse topography (including a hill into the town with a 14% gradient) that would discourage cycling into and out of Chesham. Even the “Walk

Score” app⁵ states; *“This location has a Walk Score of 18 out of 100. This location is a Car-Dependent neighbourhood so almost all errands require a car.”*

7. 12. Any financial contributions that might be sought from a developer towards extension of existing bus services cannot guarantee the long-term future of the bus service which as SLR recite, would need to run at very regular intervals of at least 15 minutes and at weekends and later than 7.30 pm at night as currently. If the bus service ceased to operate in subsequent years, then the potential for yet further increases in traffic generation from the site is obvious.
7. 13. As indicated in SLR’s Traffic Appraisal Report on within Annex 6 herein, there is potential for significant traffic generation and congestion elsewhere in Chesham notably on the A416 resulting from development of 500 homes at the Lye Green site. SLR have reviewed the transport modelling undertaken by Bucks County Council highways engineers (Jacobs) and concluded; *“The results of the modelling undertaken by Jacobs to inform the Local Plan show that even with mitigation implemented, detriment is identified to users of within the vicinity of the A416 corridor. Therefore, as SLR suggests the number of vehicle movements forecast in the morning peak hour by Jacobs is low and taking into account the larger 500 or 900 dwelling scenarios, the impacts will be significant and the feasibility of fully mitigating the impact of such residential developments at junctions in Chesham town centre is questionable”*.
7. 14. Policy SP BP2 already appears to accept this conclusion as it refers to transport mitigation being needed to include improvements to the A416. The Policy refers to mitigation measures that still *“need to be assessed”* yet this Policy is still seeking to remove the land from Green Belt designation first and conduct these assessments afterwards. This is unsound.
7. 15. Chesham already has a particular troublesome Air Quality Management Area (AQMA) within the town centre and yet Policy SP BP 2 represents a major site allocation northeast of Chesham that is within a few hundred metres of the AQMA. BNG feels that this is unsound and has potential to create an adverse impact upon the local air quality of an Air Quality Management Area. BNG can find no evidence of research on this topic to mitigate the problem or for measures to be put in place before development commences. The Policy as currently worded is weak and only the supporting narrative in paragraph 11.3.5 gives guidance that, *“Whilst the AQMA is in place, development of the site will need to demonstrate that it will not increase*

⁵ <https://www.walkscore.com/score/lye-green>

existing levels of pollution within the AQMA". This is ineffective and contrary to national guidance and thereby unsound.

7. 16. The policy SP BP 2 also includes provision of a shopping parade alongside the community hub to contain at least a 500 sq metre convenience store and other units. Again, this further suggests that the site itself is at an unsustainable location. BNG contend that 500 homes will not provide sufficient customer base or turnover to support such a convenience store as evidence of this, a convenience store in nearby Botley closed in recent years meaning that all the residents of that village now have to commute into Chesham or other nearby towns for every purchase they need to make. The long-term future of such a convenience store cannot be assured.

7. 17. Many financial contributions are sought from the developer(s) of the land allocated in policy SP BP2 including contributions for;

- primary healthcare,
- provision of a community hub,
- at least one form entry primary school,
- a preschool with a 1-hectare safe drop off/pick up point
- financial contributions to secondary school places
- green infrastructure,
- improvements to the public rights of way network,
- a flood risk assessment and appropriate mitigation (which BNG feel will inevitably result in the need for a sustainable drainage system at great expense – see annexes attached herein on Chalk Streams & Flooding) and
- the provision of 15 pitches for Gypsies and Travellers).

7. 18. BNG contend that other costs are warranted if the Policy were to proceed, including those related to highways, access, water conservation, ecology and preservation of habitats, All these costs to be combined with a requirement to provide 40% of the homes for affordable housing. Consequently, BNG are concerned that many of these requirements combined with other unknown infrastructure costs related to access and highways improvements would render the project unviable with the very real risk that some or all of the aforementioned infrastructure either would not be provided or there is a risk of diminished levels of affordability provision of the housing being earmarked for delivery from this site, or both.

7. 19. There is also concern about potential effects on biodiversity that the Lye Green site supports including insects, butterflies, birds, badgers and other species that thrive in the natural wooded areas and hedgerows that exist within and around the site which

would be adversely affected by the proposals of policy SP BP2. Evidence is attached within ANNEX 7 herein on Biodiversity & Wildlife Habitats at Lye Green Chesham undertaken by local residents with extensive experience and/or qualifications in such topics, outlining the affect upon the wildlife together with the potential loss of soil and good quality agricultural land. There is a clear inconsistency with this Policy and the NPPF in terms of the site not providing a net gain for biodiversity. Once again, BNG feel this warrants further research by the LPA before Green Belt designation is removed from the site.

7. 20. The proposals of policy SP BP2, predominately involve development of the fields within the site. This is currently part of a working farm and research reveals that part of this agricultural land is graded Best and Most Versatile. It is simply inappropriate and unsustainable for such land that is currently used as part of a viable farm to be allocated for development. Similarly, ANNEX 8 attached herein, explains the relationship the Lye Green site has with the nearby threatened Chalk Stream River Chess, which is a globally scarce resource that supports a range of biodiversity. It should be noted that the Lye Green area is in a water Source Protection Zone where there is risk that development could compromise the aquifer that feeds the River Chess. Accordingly, promoting development that might affect the aquifer and the chalk streams that are such an important feature of the area and the Chilterns AONB is unsound.
7. 21. A related concern that is of special relevance to Chesham is the combined potential for flooding and need for improved drainage infrastructure. Chesham, whilst not in a listed flood zone related to coastal surge or overflowing watercourses, does suffered from periodic flooding. This is largely caused by local topography and surface water runoff especially during prolonged or intense periods of rainfall. Obviously, the valley floor (along Broad Street/Berkhamsted Road is particularly vulnerable but the flooding from rain water runoff does also occur elsewhere in the town including around Lye Green probably due to the combination of clay soils that do not drain well in heavy/prolonged rainfall together with inadequate drainage methods nearby that for surface water is reliant upon field ditches that can become overgrown. Obviously, the build-up of surface water on such relatively high ground does eventually also add to the problems of surface water flooding in the lower areas of the town itself in due course too. The aged drainage system of the town clearly cannot cope with prevailing needs of the town and any significant development upon Green Belt on high ground outside the town has obvious potential to make matters worse. - See ANNEX 9 Flooding & Drainage attached herein.

7. 22. A further significant issue with proposed policy SP BP 2 is that it will represent outward sprawl of Chesham and will destroy the separate identity of Lye Green, which will become absorbed into “greater Chesham”. The primary aim of Green Belt land (as recited in NPPF 133) is to prevent urban sprawl and to preserve the openness of the area. Historic decisions⁶ made at S.78 various appeals involving previous developer lead proposals on this land, have confirmed this has been a consideration in the past that has (in part) persuaded previous Inspectors to refuse consent on this land in order to prevent outward sprawl and loss of openness. These concerns are as valid today as they were in the late 1980’s.
7. 23. For this Plan to be sound it must also be effective. Unfortunately, further review of the proposed Policy SP BP2 to remove land NE of Chesham at Lye Green from Green Belt designation is not effective as there are serious questions about the deliverability of this land.
7. 24. The main landowner is a farmer who has asserted publicly and in a letter to the editor of Your Chesham in 2018, that he is not prepared to release all the land in his ownership for development.
7. 25. More significantly is the fact that the land is now listed as an Asset of Community Value (ACV) and now affords the BNG community group the Right to Bid for the land. Brown Not Green have stated their intention is to preserve the land given that many hundreds of local people have habitually used the fields at Lye Green as of right for informal outdoor recreational purposes for decades. These uses themselves may mean that many local individuals may have acquired easements over and across the land through prescription (20 years uninterrupted use) not least of whom would be the many private residences bordering the fields that have rear garden gates onto the fields at Lye Green.
7. 26. Six informal footpaths exist that are additional to the adopted Public Rights of Way (PROW) that already cross the land at Lye Green. In remarkably similar circumstance to the facts related to *Banner Hones vs St Albans City & District Council 2018* and in response to the landowner recently attempting to close off the unadopted footpaths, the use of which was persuasive in obtaining the ACV listing, the local community have now felt compelled to make a Definitive Map Modification Order (DMMO) to have the aforementioned informal paths adopted as PROW’s.

⁶ Notably **88/3081/CH** (21 August 1989 - Alath Construction) & **APP/5134/A/828270648** & **APP/X0415/A/35/039242** (3 July 1987 – Harman (Chesham) Ltd & Rs Fryer/ Midfair Properties Ltd, County & Suburban Investments Ltd & Wellfull Developments Ltd

7. 27. In fact, as some paths interrelate with each other, two separate DMMO applications have now been filed with Bucks County Council seeking six informal path routes become adopted as Public Rights of Way. At the time of writing, 22 people who have lived nearby for on average of 31 years each, have prepared and submitted Evidence User Forms to the Bucks County Council Highways Dept verifying all these paths have been openly and habitually used for decades. Many more Statements of Truth have similarly been submitted from other people who have not individually lived near the site for more than 20 years but who attest to observing habitual use of these informal paths for however long they have lived here individually. This further supports the assertion that for over 3 decades the network of informal footpaths has openly been used by the community often in conjunction with the various adopted footpaths already crossing the land.
7. 28. Historical research also shows some of the paths appear on old OS plans dating back to 1897. Physical evidence of these footpaths has also been presented to the Bucks County Council Highways Dept in the form of over 70 photographs including satellite images showing the informal footpaths to be well trodden and which have prevailed until very recently until the landowner ploughed them up.
7. 29. In addition, BNG is aware of at least one private residence claiming prescriptive rights by virtue of a rear garden gate that access into the fields at Lye Green. There are over 30 such similar gates around the land. As such, others may shortly make similar claims to have their prescriptive rights registered at Land Registry. These easements, footpaths and prescriptive rights may render the land very difficult to develop and may make it undeliverable in planning terms.
7. 30. BNG feel that the proposed allocation of this site is neither effective, justified or in accordance with NPPF and that there are insufficient exceptional circumstances to justify its removal when it is at an unsustainable location that will generate more traffic and worsen local air quality. All the comments in section 7 herein, relate to BNG's comments under their first broad area of concern (category A – paragraph 7.1). All of these concerns and the potential injurious affects described can easily be addressed merely by removing Policy SP BP2 from the Local Plan and leaving the land at Lye Green within Green Belt designation.
7. 31. **B:-** With regard to the second broad area of more general concerns BNG has about Local Plan Policies, the following should be noted together with the appropriate recommendations offered by BNG to make the Plan sound;

7. 32. AMENDMENTS TO the PLAN'S FORWORD & HOUSING NUMBERS: - The Foreword needs minor amendment in the fifth paragraph The housing numbers quoted do not appear to add up if; 15,260 is the number of new homes needed and the Vale of Aylesbury Local Plan is taking, 5,750 homes that leaves, 9,510 homes not 11,000.
7. 33. Similarly, the foreword refers to a requirement to deliver on average 763 new homes a year for the next 20 years but 9,510 divided by 20 years is 475 homes per annum.
NOTE: This confusion over numbers is also replicated in the response to the BNG query regarding Sustainability Appraisal and carbon footprint increase refereed to previously. The response to that FOI request by BNB explained that the 21% increase in carbon footprint needs to be amended as, 5,750 homes are going to Aylesbury and that the net increase in carbon footprint is only circa 17%. However, the planning officer's explanation referred to 11,099 homes being built in the planned period with 5,750 homes going to Aylesbury, but those figures do not add up to the 14,043 homes he quoted in his email and which apparently LEPUS Consulting used to calculate the carbon footprint increase. These two figures total 16,849 homes (suggesting that 2,804 homes have gone missing from the calculation somewhere).
NB: ANY CORRECTION OR CLARIFICATION WILL NEED TO BE FURTHER CORRECTED IN THE RELEVANT SECTIONS OF THE LOCAL PLAN RECITING HOUSING NEED FIGURES TOO.
7. 34. The same 5th paragraph in the Foreword concludes with a reference to the Plan achieving its housing target with Green Belt releases where sustainable built area extensions can be achieved without unacceptably harming the purposes or integrity of the Green Belt. BNG questions whether this is factually correct and assets that the proposed Green Belt releases will unacceptably harm the purposes and integrity of the Green Belt. If previous suggestions are actioned this will also need amendment.
7. 35. The concluding paragraph of the Foreword assets that the Local Plan will enhance the character of towns and villages but BNG question where is the evidence of this enhancement? Again, previous references by BNG to the need for compensatory improvements as required by national guidance need to be addressed.
7. 36. **Section 3 Sustainable Places:** - Paragraph 3.1.2 lists a number of bullet points, the first of which states an aim to conserve the Green Belt through planning process. This is in contrast to NPPF paragraph 136 which highlights that the Green Belt's intended permanence is in the long term, or preservation. Similarly, the business plan makes no reference to compensatory improvements as required in NPPF paragraph 138 if Green Belt land must be taken.

7. 37. The final bullet point of this paragraph 3.1.2, makes reference to the Council using a wholly owned property company referred to as Consilio Limited, to invest in the local and wider economic area to increase prosperity and benefiting local residents. BNG must query when and where was this policy consulted upon? Furthermore, Companies House records show that the company name quoted is incorrect and needs to be corrected to Consilio Property Ltd. However, with regards to this proposal itself, it is noted that Consilio Property Ltd is a private company owned entirely by South Bucks District Council but not jointly with Chiltern District Council. Given this is a joint Local Plan this seems strange. Further explanation is needed. What are the company objectives? What happens to any asset or profit in this company particularly when the local authority becomes part of the Bucks Unitary Authority in April 2020?
7. 38. **Policy SPSP1:** - Presumption in favour of sustainable development. BNG would not seek to make any changes to this important policy but would rather highlight the fact that this assertion contradicts certain development proposals that appear later within the Plan (ie: SP BP2). BNG must highlight that subsequent policies within this Local Plan do not always accord with Policy SPSP1 where it is noted that the Council have incorporated conditionality that where specific policies in the NPPF indicate that development should be restricted they would not grant permission. Several policies within the Local Plan are already in conflict with the NPPF and therefore need modification.
7. 39. **Policy DMDP7** refers to Design-& Efficient use of Land. BNG query how compatible this policy is with proposals for redeveloping existing Brown Field or derelict land, which appear to be following existing norms. BNG feel that a comprehensive review of Brownfield land should be undertaken independently to establish whether the most efficient use of land particularly on Brown Field is being considered that would minimise the needs for development on Green Belt. Considering paragraph 4.7.3 which asserts that considerable opportunities exist to create high quality high density and land efficient developments in town centres and other locations within walking distance of railway stations, BNG must question why are these not being actively adopted within Chesham including emerging proposals being developed by Chesham Renaissance CIC Master Plan?
7. 40. **Policy DMDP9** relates to Design and Reducing Reliance on the Private Car. BNG feel that the policy should be more aspirational and should aspire for the district to be car free other than for those developments catering for those with special needs. Similarly, BNG feel it is not enough to say that planning permission would be granted for development that meets or exceeds the minimum cycle parking provision. This

alone is not going to reduce reliance on the private car. It is pointless providing cycle parking if there is no cycle infrastructure with appropriate footpaths, cycleway or safe routes for cycling that would encourage people to use cycles. If the policy is serious about reducing reliance on the private car it should also refer to a requirement for developers to fund bus services in the long term to ensure that bus services are guaranteed. Accordingly, BNG recommend that the policy should be changed and made more aspirational to reflect these comments.

7. 41. **Policy DMDP10** relating to design – Health, Wellbeing and Health Impact Assessment. - BNG feel that this policy needs further modification to ensure that improvements in healthy day to day behaviours are delivered and that proposals will create environments consistent with improving wellbeing. Accordingly, BNG recommends that the policy should be expanded upon to state that planning permission will be refused where proposals harm environments that are already identified as improving the wellbeing of the community or providing healthy outdoor recreational opportunities.
7. 42. **Policy DMDP12** relating to design – New Street Networks. The policy as worded states that planning permission will be granted subject to further conditions stated within the policy. BNG recommend that this policy should be improved and modified to address the fact that various sites within the Emerging Local Plan are proposed at Green Belt locations and to be in accordance with the previous policy DMDP9 (reducing reliance on private cars) it is important that the new street networks ensure that there is adequate provision on footpaths to not only accommodate pedestrians but those in wheelchairs and with disability and to ensure that these pavements are walkways are themselves connected with other network paths that would provide access into adjoining communities and particularly the town centre. It is only by such provision that the council will generally encourage walking and therefore the policy new street networks must reflect such a basic requirement.
7. 43. **Policy DMDP14** – relates to design – Accessible Neighbourhoods. BNG propose that this policy should be modified to ensure that new neighbourhoods are generally accessible. The narrative in paragraph 4.14.1 refers to homes being within 800 metres of an existing or new local centre and public transport. No reference is made to topography and given the steep hills surrounding Chesham it is suggested that this distance may be excessive particularly for elderly or those with disability if there was a steep hill to negotiate. Modification is needed to address this observation. The policy itself make no reference to any specific distances but merely suggests that new development provides access to facilities, services and public transport within *“a short distance of peoples homes”*. BNG suggests that this is too vague. Many

features can discourage walking including local topography but also sometimes the need to cross a busy road to get to a bus stop or an appropriate pavement. Accordingly, BNG suggests that this policy need substantial modification to address these concerns and to add additional criteria to ensure that a walkable neighbourhood structure is achievable. BNG suggest that the advice recited by SLR in ANNEX 5 may be of assistance to the LPA in considering this.

7. 44. **Policy DMDP20** – design – Residential Water Standards. Given that the narrative to this policy refers to the needs of improving the quality of water environment and increasing climate change resilience as well as the fact in paragraph 4.20.2 that the plan area has been designated as being under “*serious water stress*”, BNG feel that the policy DMDP20 requires modification to make it more aspirational.
7. 45. BNG has provided evidence attached herein (see Annex 7 – Chalk Stream Rivers and Water Management) which explains the need for much more attention to be paid to managing the water resources of the area. The proximity of Chesham and the site northeast of Chesham at Lye Green as well as all other allocated Green Belt sites within water source protection zones is a cause of concern. As is explained in the attached Annex 7, the potential of damage to this globally rare resource of chalk stream rivers and the water aquifer within the chalk escarpment cannot be ignored.
7. 46. Given that the Chilterns has a much higher water consumption per household than that quoted within the Building Regulations Standard of 125 litres per person per day, BNG feel it is simply not sufficient merely to require new homes to meet the higher water efficiency standards set out in Part G of the Building Regulations. The policy should set out standards for water capture and recycling not just for each home but for the development itself and seek appropriate infrastructure to handle and potentially recycle surface water runoff. In addition new development of say more than 10 homes should incorporate leak detection measures to ensure that leaks are detected early to avoid wastage and similarly should adopt measures to restrain water pressure as over high water pressure can result in excessive water consumption and in some cases can cause or exacerbate leakage and put additional wear and tear on the distribution system. Pressure reducing valves should be used wherever possible and not just on domestic water supply to individual homes. Similarly, rainwater harvesting should be incorporated on larger developments and grey water recycling measures adopted to reduce the strain on the water infrastructure through activities such as garden watering in the new development.
7. 47. Only by adoption of the aforementioned suggestions will it be possible to start to address the serious water stress that the environment particularly around Chesham,

and therefore the aforementioned modifications are suggested as incorporated into **Policy DMDP20**.

7. 48. **Section 5** – Living Places Paragraph **5.1.8 MINOR AMENDMENT** - it is believed that there is a typographical error within paragraph 5.1. within the third bullet point in respect of transposing 1,791 and 1,719. It is assumed that 1,791 is correct?
7. 49. **Homes** – the shortfall (Page 53)- The table LPb it should be noted that adding items d to j inclusive equals 9,200 plus item b equals 10,417 not 11,099 – Are these figures correct?
7. 50. **Policy SPLP1 Homes** – Site Allocation - The policy tabulates the provision for approximately 5,200 homes throughout various sites. BNG feel that this requires modification and that SPBP2 at Chesham providing 500 homes should be removed for reasons described elsewhere in this submission.
7. 51. **Policy SPLP2** relating to Homes – for Gypsies and Travellers includes provision for 60 pitches and refers to site allocation SPBP2 which BNG also feels needs to be modified and removed from reference to this policy again due to reasons outlined in this submission.
7. 52. **Section 5.4** considers affordable homes. The narrative explained in paragraph 5.4.6 that viability is considered at the plan making stage and should not need to be assessed on a case by case basis when determining planning applications. BNG would query how can this possibly be correct, or the plan assert that allocated sites are viable when paragraph 4.5.5 – **Policy DP5** says that masterplans for sites have yet to be worked up. These masterplans will need to ascertain the needs for site infrastructure and cannot possibly yet appraise the cost/liability when all the contributions that will be sought from developers on issues such as access, highways, drainage and other important infrastructure provision are not yet established. The fear is that viability will be challenged or that the levels of genuinely affordable homes will not be delivered.
7. 53. **Policy DMLP9** – Homes – Accommodation for Gypsies and Travellers. - The policy states that planning permission will be granted for new residential pitches for Gypsies and Travellers subject to four listed criteria in the Plan and for all those criteria being met. However, it is important to note that the four criteria are not specific and BNG feel that modification of the policy is necessary to ensure that the criteria are clarified for the avoidance of doubt and challenge.

7. 54. Specifically, criteria # one requires that sites have access to facilities and services including shops, health care, education and employment. BNG question how practical this is as worded. The phrase, “access too” is vague and the policy should set criteria which can be applied to guide development. First, it is necessary to establish whether the pitches will be for permanent residential pitches or travelling/transit pitches. If the latter, it would be almost impossible to establish health care, education and employment needs. If the former, BNG recommend it would be appropriate for the Local Authority to establish before development, what specific healthcare, education and employment needs the Gypsies require to ensure that such facilities can be provided locally or in proximity to the allocated site.
7. 55. Criteria number 2 requires there to be “*adequate access to or provision of facilities or services including water, electricity and disposal facilities for sewage and waste*” . BNG contend that the phrase “adequate access” is vague. Each pitch should have its own water supply, electricity supply and disposal facilities unless there is going to be specified provision for a centralised community block providing toilet, shower and laundry facilities. If such central block is to be provided, it should be specified and allocated to specific sites where such facilities will be provided. There may be a need to include a policy that refers to how such facilities will be maintained.
7. 56. Criteria number 3 requires that sites are located and can be managed “*so as not to result in any significant conflict with any existing land uses*”. BNG feels that this requires further clarification and modification. The policy as worded is unclear. What does significant conflict with existing land uses mean? Is “significant conflict” meant to mean that other plan policies that are only in “conflict” are to be relaxed and if so, which ones and on what basis? BNG would advocate that ALL conflict should be avoided. It may be helpful to provide “buffers” between the Gypsy and Travelling community and the Settled Community to avoid such conflicts and in which case minimum buffer distances should be specified together with appropriate screening to mitigate noise and other potential conflicts.
7. 57. Criteria 4 similarly provides a requirement that the proposed development for Gypsies and Travellers will not cause any significant adverse visual impacts. The aforementioned reference to buffers might also provide landscaping banks and planting and therefore should be specified as a requirement for any development under this policy.
7. 58. To summarise, BNG feel that the policy **DMLP9** needs significant modification to the criteria as stated above.

7. 59. **Policy SPEP2** – Retail Need - The policy refers to planning permission will be granted for retail development within the town centre boundaries of centres listed in Policy SPEP1 however given that the narrative to Policy SPEP1 (paragraph 6.0.1) seeks to *“promote balanced economic growth”* the subsequent proposals in policy SPEP2 do not appear balanced in terms of retail offering in certain locations. Policy SPEP2 suggest a growth in the overall retail capacity of the area from 3,776 sqm in 2017 to 10,861 sqm in 2026. This is a growth of 287%. In the face of the national commentary about the problems being experienced by the retail sector, BNG suggest that it is inappropriate for such a huge increase in retail capacity to be anticipated. Indeed, it was noted that some caveats were also expressed by the expert consultants reporting on the Retail Study that supports this plan, including the fact their predictions were based on data from 2017 and that; *“information needs to be updated e.g. population, expenditure, average sales densities etc”*⁷ & *“a partial update of the TCRLS is required, including filling gaps in the Nexus analysis.”*
7. 60. BNG suggests it is inappropriate for such a huge increase in retail capacity to be anticipated and to do so may prejudice opportunities for much other important development needs in the areas that are competing for space besides retail. Indeed such questionable retail provision (especially upon Chesham car parking areas) undermines alternative options for housing provision such as Chesham Renaissance CIC Masterplan.
7. 61. In terms of Chesham the policy proposes a 100% increase in the provision of retail facilities in the town which BNG feels is excessive but more significantly **policy SPEP3** considering retail allocation in Chesham for significant retail development within Use Classes A1-A5 that totals 15,200 sqm. Namely, almost 5,000 sqm more than the predicted growth in total retail capacity for the four areas in the preceding policy SPEP2. These seems excessive.
7. 62. **Policy SPEP3** – the policy suggests that planning permission will be granted for retail development falling within Use Classes A1-A5 and recites 6 locations that total 15,200 sqm involving Amersham, Chesham, Chalfont St Peter and Beaconsfield. Two of these locations, (number 3 and 4) collectively represent 8,000 sqm of retail space being allocated to Chesham. This represents 52.6% of the total retail development proposed under this policy. BNG feel that this is excessive and unjustified and requires review and modification. Why is so much being allocated to Chesham? Why should other towns in the districts be denied opportunities for retail growth?

⁷ Paras 7.1 & 1.3 - Retail Study & Review dated April 2019 by Lichfield

7. 63. BNG feel that this proposal is neither justified or effective. Chesham may be a main town centre but its road network, congestion and particularly topography does not justify large scale or excessive development. More significantly these proposed retail developments involve valuable car parking space and if developed would actively undermine the proposals emerging from another community lead group namely Chesham Renaissance CIC Master Plan that not only seeks to provide additional housing in the town but to regenerate Chesham. Chesham actually does not need more shops, it needs more people in the existing shops and to utilise the valuable car parking space would discourage visitors and would also result in the loss of appropriate space to the rear of existing shops to service and supply prevailing retail facilities. BNG feel that the aforementioned policy requires major modification involving the removal of 8,000 sqm of proposed development at Star Yard carpark and the Coal Yard and Station car park.
7. 64. **Policy DMEP10** relates to public houses, social clubs and community facilities. The policy provides that planning permission will be granted for the change of use of a public house or a social club or other community facility provided that all of the five listed criteria within the Plan policy are met. BNG feel that this policy requires a modification to reflect the fact that not all community facilities are public houses or social clubs. Community facilities can include corner shops but do not have to necessarily include buildings and can include land such as the land recently allocated as an Asset of Community Value at Lye Green, northeast of Chesham.
7. 65. To achieve the status of being listed as an Asset of Community Value, the asset will have to have demonstrated to the Local Authority that it improves the wellbeing (including the health and social wellbeing) of the community. As such they are valuable resources to the community and BNG feel that the five criteria referred to in Policy DMEP10 need to reflect the fact that land can be a community facility. As such the policy should incorporate an additional criteria that Assets that are listed as being of Community Value should NOT be allocated in the Local Plan or be granted planning permission until the Right to Bid afforded by any listing granted under Section 88 of the Localism Act has either expired or the community has been unable to exercise its right to bid. The failure to recognise this and the potential for either granting planning permission or designating an Asset of Community Value as an allocation site within the Local Plan actively undermines the Localism Act 2011 and would artificially add value potentially taking the asset beyond the reach of the community's right to bid. Accordingly, BNG feel that this fundamental modification needs to be made to policy **DMEP10**.

7. 66. **Policy DMNP1** – Natural – Chilterns Area of Outstanding Natural Beauty - The policy states that planning permission will be granted for development within the AONB subject to four listed criteria in the Plan. BNG feel that the policy should be subject to minor modification to also consider development proposals outside but in proximity to the Chilterns AONB that might affect the setting of the AONB or have injurious effects upon the views from the AONB (or say contamination of water Source Protection Zones that feed the aquifer into a chalk stream river within the AONB. - See Annex 8 attached herein)
7. 67. **Policy DMNP6** – River Character and Water Environment. - The policy seeks to ensure the long term protection and enhancement of all rivers, river landscape corridors and water environment and to assist in meeting Water Framework legislation. The policy recites three bullet point, the third listed of which affirms that development will be permitted which *“does not adversely affect the character, flow potential, and water quality of rivers and river banks or adjoining land within 10 metres of the top of the bank of the river water course”*.
7. 68. BNG feel that this policy needs to be modified and that the third bulleted criteria listed should be amended such that development will only be permitted which does not adversely affect the character, flow potential and the water quality of rivers and riverbanks or any adjoining land. BNG feel that the 10-metre requirement is unnecessary. It is recommended that the policy should state that they will not permit any development that might affect the character, flow and water quality unless it can be demonstrated that adequate measures are being taken and/or development is not within a water source protection zone.
7. 69. **Policy DMNP7** – Chesham Flood Alleviation - The policy states that planning permission will be granted for development within Chesham provided that it improves the management of surface water and reduces the risk of localised flooding. It goes on to state that development that lies across the route of the Vale Brook Culvert or adjoins its route will need to demonstrate that it does not reduce the culverts capacity, the culverts flow regime or integrity. Confusingly the policy refers to criteria A-D but the four criteria listed are numbered 1-4 and this minor modification should also be reflected/addressed.
7. 70. More significantly, BNG feel that the policy needs to be modified to consider all developments in Chesham and the flood effects on say the river or other features in the town and not just the culvert. Chesham has a significant flood problem during times principally of heavy rainfall. Not so much from overflowing river (as the chalk stream River Chess has been predominantly dry in recent years) but from surface

water runoff. Evidence is attached herein as ANNEX 9 illustrating the affects from heavy rainfall and inadequate infrastructure in Chesham and it is important that the policy is modified to reflect the potential risk that may arise from any development that could affect the town and not just the Vale Brook Culvert.

7. 71. Whilst it is acknowledged that subsequent policy DMNP8 refers to flood protection and sustainable drainage systems generally, given that policy DMNP7 is specific to the Chesham flood risk. BNG feel it is important that this modification to DMNP7 is incorporated for the general benefit of the town which as shown in the evidence and ANNEX 8 attached is subject to regular periodic flooding.
7. 72. **Policy DMNP9** – Reducing the risk of pollution. The policy states that planning permission will be granted providing that development does not produce unacceptable levels of pollution or is accompanied by sustainable mitigation measures. BNG feel that the policy should be subject to further modification to reflect the fact that the construction phase may create pollution risk particularly to aquifers and where the development is a water Source Protection Zone and that appropriate safeguards should be incorporated when granting planning permission to ensure that the developer takes appropriate measures and conducts risk assessment to mitigate the risk of pollution to any aquifer or underground water course.
7. 73. **Policy DMNP10** – Air Quality - The policy seeks to minimise impacts on local air quality during construction and operation but as worded only refers to developments within air quality management zones. As Chesham has a particular troublesome air quality management area within the town centre and yet there is a major site allocation northeast of Chesham at Lye Green within a few hundred metres of the AQMA, BNG feels that this policy needs to be revised and modified to ensure that ALL development does not create an adverse impact upon the local air quality or an Air Quality Management Area.
7. 74. The policy as worded currently requires an air quality impact assessment for developments within the air quality management zone but BNG suggest that an air quality assessment should be applicable to any development within say 1000 metres of such a zone OR where the development is likely to generate additional traffic that could cause further deteriorations in local air quality even though the development itself is not within the air quality management zone area.
7. 75. **Policy SPPP1** – Green Belt. The policy seeks to remove 7.83 sq kilometres of land from the Green Belt to enable development at the locations (including SPBP2) and to

enable minor windfall development within the defined boundaries of villages listed therein. BNG feel that this policy requires a review of the Green Belt and potentially modification to reflect the assertion by BNG that the assessment of Green Belt areas for release was flawed, incomplete and contains incorrect assertions. Following any partial review of the Green Belt assessment, policy SPPP1 will need modification.

7. 76. **POLICY DMNP4** – BNG feel this Policy needs modification to ensure that all developments should deliver net gains in biodiversity and not just developments affecting designated sites in order to be sound and in accord with government policy.

CONCLUSION:

Brown Not Green would wish to participate at any future Examination in Public of the Local Plan and offer the above suggestions and all the information contained in the attached Annexes to assist in the modification of the Local Plan to make it sound for the benefit of the community generally and for those in Lye Green Chesham specifically.

Thank you.

Phillip J Plato FIoD DipSurb MRICS
Director – Brown Not Green Chesham Ltd
August 2019

Annexes herewith:

- ANNEX 1 – Survey by BNG 2019 & Survey results by Chesham Masterplan 2018.
- ANNEX 2 – Brownfield examples & CPRE Report - *“The State of Brownfield Land 2019”*
- ANNEX 3 – Green Belt review BNG inc Critical Friends Report on Part 2 GB Assessment
- ANNEX 4 – SLR Report on Green Belt / Valued Landscape at Lye Green
- ANNEX 5 – Asset of Community Value & Footpaths upon Lye Green site.
- ANNEX 6 – SLR Report on Traffic & Sustainability of transport at Lye Green
inc Viewranger Footpath Report from station to site
- ANNEX 7 – Biodiversity & Wildlife Habitats at Lye Green Chesham
- ANNEX 8 - Chalk Stream Rivers and Water Management
- ANNEX 9 – Flooding & Drainage