



The Planning
Inspectorate

Report to Chiltern District Council

by **Simon Emerson BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 6th October 2011

PLANNING AND COMPULSORY PURCHASE ACT 2004

SECTION 20

**REPORT ON THE EXAMINATION INTO THE CORE STRATEGY
FOR CHILTERN DISTRICT DEVELOPMENT PLAN DOCUMENT**

Document submitted for examination on 13 January 2011

Examination hearings held between 11 and 19 April 2011

File Ref: PINS/X0415/429/6

Abbreviations Used in this Report

AA	Appropriate Assessment
AONB	Area of Outstanding Natural Beauty
BELR	Buckinghamshire Employment Land Review
BSHMA	Buckinghamshire Strategic Housing Market Assessment
CS	Core Strategy
CDN	Core Document Number
CDC	Chiltern District Council (referencing its statements for the Examination)
DPD	Development Plan Document
GTANA	Gypsy and Traveller Accommodation Needs Assessment
LDS	Local Development Scheme
MDS	Major Developed Sites in the Green Belt
NPPF	National Planning Policy Framework
NSE	National Society for Epilepsy
PPS	Planning Policy Statement
RS	Regional Strategy
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SEP	South East Plan
SHLAA	Strategic Housing Land Availability Assessment
SO	Strategic Objective

Non-Technical Summary

This report concludes that the Core Strategy for Chiltern District Development Plan Document provides an appropriate basis for the planning of the District over the next 15 years. The Council has sufficient evidence to support the strategy and can show that it has a reasonable chance of being delivered.

A limited number of changes are needed to meet legal and statutory requirements. These can be summarised as follows.

- An increase in overall housing provision from the 2,400 dwellings in the submitted document to a range of 2,650-2,900 dwellings.
- A clearer expression of the overall strategy, consistent with the Council's intentions and the other policies in the plan.
- Amendments to the wording of policies concerning affordable housing and gypsies and travellers to accord with the evidence and national policy.
- Amendment to policy CS13 (concerning the National Society for Epilepsy's site at Chalfont St Peter) to make it less prescriptive as to acceptable uses.
- An acknowledgment that villages currently washed over by the Green Belt will need to be reviewed in the Delivery DPD to determine whether they are suitable for more than infilling and accordingly should be removed from the Green Belt.
- A more flexible approach to the protection of employment land to produce positive outcomes which support economic growth.

Nearly all of the changes recommended in this report are based on proposals put forward by the Council in response to points raised and suggestions discussed during the public examination.

Introduction

1. This report contains my assessment of the Core Strategy for Chiltern District Development Plan Document (DPD) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004. It considers whether the DPD is compliant in legal terms and whether it is sound. Planning Policy Statement (PPS) 12 (paragraphs 4.51-4.52) makes clear that to be sound, a DPD should be justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The submitted draft Core Strategy (January 2011, CDN105) is the same as the document published for consultation in October 2010 (CDN098). The submission document was accompanied by a *Schedule of Proposed Minor Changes* (January 2011, CDN100). As indicated in my Guidance Note (11 February 2011) these are all minor and I have treated them as embedded in the Core Strategy for Examination and do not refer to them again.
3. My report deals with the changes that are needed to make the DPD sound and they are identified in bold in the report (**C** or **IC**). All but 2 of these changes have been proposed or accepted by the Council and are presented in **Schedule A** (C prefix changes, which include Appendices 1-5 of that Schedule). The additional changes that I recommend as necessary for soundness are in **Schedule C** (IC prefix).
4. Council proposed changes to address unsoundness were subject to public consultation (CDN125). A Sustainability Appraisal (SA) of these changes was also undertaken and published at the same time (CDN127). I have taken the consultation responses into account. A few minor changes to the wording of the changes in Schedule A to that previously published have been agreed with the Council. The changes that I recommend in Schedule C are matters on which the Council accepted the need to change the submitted plan. But different wording to that proposed by the Council is necessary for soundness. All parties have been given an opportunity to comment on a draft of the wording of the new employment policy CS16. I have taken account of the responses.
5. Some of the changes put forward by the Council are factual updates, corrections of minor errors or other minor amendments in the interests of clarity. As these changes do not relate to soundness they are generally not referred to in this report, although I endorse the Council's view that they improve the plan. These are shown in **Schedule B**. I am content for the Council to make any additional minor changes to page, figure, paragraph numbering and to correct any spelling errors prior to adoption.
6. In the latter part of the Examination, the Government published the consultation draft of the National Planning Policy Framework (NPPF, July 2011). When published in its final form the NPPF will replace all PPGs and PPSs. An opportunity was provided for all parties to comment on the implications of the draft for the soundness of the Core Strategy. I have taken account of the responses made. In so far as draft NPPF suggests significant changes to national policy, I consider that in assessing the soundness of this

Core Strategy it has little weight.

7. In recognition of the likely cancellation of all PPGs and PPSs in the near future, the Council has proposed a series of minor changes to delete references to specific PPGs and PPSs and refer instead to *national policy* or *national guidance*. This has been done where the NPPF does not signal a substantial change in policy. These changes reflect the Council's intention to rely on or adhere to national policy both now and in the future. These additional minor changes have been incorporated in Schedule B.
8. I summarise my conclusions on the various procedural and legal matters in the table at the end of this report, but 2 issues were particularly controversial. Many representations indicate that the forms on which to make representations to the publication version of the Core Strategy were too complex, that the process was off-putting and/or excluded those without internet access and familiarity. Many people undoubtedly found looking at the published Core Strategy and commenting using the standard form somewhat daunting and potentially off-putting. However, I have not seen any fundamental failing in the publication process. The Council had made clear that representations would be accepted via normal letters and did so.
9. The Council's Statement of Community Involvement (SCI) 2006 (CDN28) sets out in paragraph 3.15 how comments at each stage of the consultation process will be dealt with. This includes the statement that: *After each consultation and/or participation stage the Council will document how each representation had been considered and dealt with by the Council*. Many representors consider that this means that there should be a comment published relating to each representation after each stage of the consultation process on the evolving document. The Council had not done this, although after submission it published *Summary of Comments to the Pre-Publication Stages of the Core Strategy (2008-2010)* (CDN107) in which there is a brief summary of comments made at each stage and a brief comment by the Council. Paragraph 3.15 gives an expectation that responses to individual comments will be made, but CDN107 illustrates that this is almost impossible to do in a practical and informative way without disproportionate effort.
10. The Council has clearly had regard to all the comments made. Officers summarised and reported comments to Members in various aggregated forms to identify the broad picture of the results of consultation. The response to individual representations can be discerned in the broad decisions made by the Council as to the way forward for the Core Strategy. This would have been sufficient for interested parties to understand whether or not their particular concerns were being effectively taken forward or had been rejected.
11. Accordingly, whilst one intention in the SCI has not been fully followed, this is not so substantial and its implications are not so significant as to result in a breach of S19(3) of the Act or of Regulation 25(5).

Assessment of Soundness

Main Issues

12. Taking account of all the representations, written evidence and the discussions that took place at the hearings, I have identified 7 main issues upon which the

soundness of the plan depends.

Issue 1 – Are the main challenges which the Core Strategy needs to address identified; is there a clear, justified vision; and do the strategic objectives seek to respond to the issues and vision?

13. The 8 spatial issues at paragraph 4.5 set out the main challenges which the Core Strategy needs to address. There is no substantial evidence to suggest that additional issues need be identified. There are no specific cross-boundary issues. No concerns have been raised by adjoining authorities. The overall Vision for Chiltern in the Core Strategy is the same as that in the Sustainable Community Strategy (SCS). It is helpfully amplified and given some clear spatial dimensions by the visions for individual communities drawn from more local sources, where available. The vision is clear and justified.
14. In line with the necessary changes to the overall housing provision, the target for Strategic Objective (SO) 1 is proposed to change to 133-145 dwellings per annum (**C2a**). For the reasons given below, this range is necessary for soundness and so the change here is also necessary. SO3 seeks to steer development to the most sustainable locations. One of the related targets is to ensure that 75% of new dwellings are within one mile of a station or bus stop with a daily service. This target does not relate to the focus of development within existing settlements. The Council proposes (**C2b**) to delete this target and refer to the new monitoring arrangements proposed for policy CS2. This change is necessary for effectiveness.
15. SO4, the related target and policy CS16 essentially say the same thing - no net loss of employment land. The stated objective is more akin to a policy than an overall objective and predetermines what the policy should be. Accordingly SO4 is unsound. The Council proposes (**C2c**) a new objective namely: *to encourage local employers and small businesses so we can protect the area's economy for the future*. This is a more positive aim and does not assume what the policy should be. Whilst alternative expressions could be used, the proposed objective is sufficient to overcome the unsoundness. Change C2c in CDN125 also included a new target: *Year-on-year increase in employment within Chiltern*. However, there is no evidence to suggest that such an ambitious target is achievable. Subsequently the Council has suggested (CDC/22) 3 new targets, namely: maintaining the number of people employed; increasing the number of businesses; and increasing business start ups. Whilst ambitious, these are more realistic when measured over the plan period as now proposed. I have incorporated these revised targets in an amendment to change **C2c** which I endorse.

Issue 2 – Is overall housing provision justified and are there reasonable prospects for its delivery in accordance with national policy?

16. The Regional Strategy (RS) - the South East Plan (SEP) - requires 2,900 dwellings within Chiltern District for the period 2006-2026. The Core Strategy was published in October 2010 when it was believed that the RS had been revoked. The Core Strategy proposed only 2,400 dwellings based on the Council's preferred housing figure put forward during the preparation of the SEP (the so called *Option 1* figure). Before the Core Strategy was submitted for Examination, it was known that the SEP had not been revoked, but no

change was made to the rationale for housing provision in the submission document.

17. Prior to the hearings, the Council suggested (CDN117) a proposed range of 2,550-2,900 dwellings as the appropriate level of provision. Given the change of circumstances since the publication of the Core Strategy and the updated evidence published since submission, the Council did not seek to defend the soundness of 2,400. This figure is not justified. The submitted Core Strategy is clearly unsound in relation to housing provision.
18. Substantial changes are therefore required to remedy this unsoundness. Subsequent to my advice after the hearings, the Council put forward a number of changes which propose higher figures in policy CS2 for the housing total and its distribution and amend all other references to housing numbers. The Council now proposes to deliver 2,650-2,900 during the plan period.
19. *The Buckinghamshire Strategic Housing Market Assessment (BSHMA) July 2008 (CDN51/52/53)* provides evidence of a very substantial need for affordable housing which weighs in favour of maximising housing delivery overall. The BSHMA was undertaken in the context of the housing provisions to be made in the emerging SEP. More recent household projections (in CDN114) show that household formation over the plan period may result in a greater demand for new housing in Chiltern District than proposed in the SEP.
20. The evolution of the SEP grappled with the conflicting needs and pressures for housing, constraints to its delivery and put forward a strategy in which development in Chiltern and other districts in southern Buckinghamshire would be limited, but substantial growth would take place in Aylesbury Vale. Chiltern District is not identified in the SEP as a location requiring a Green Belt review to accommodate its development needs. Regional Strategies serve to reduce uncertainty for Councils in producing lower-order plans. The Core Strategy must be in general conformity with SEP.
21. All of the countryside within the District is Green Belt and most of the countryside is also designated as part of the Chilterns Area of Outstanding Natural Beauty (AONB). The Ministerial Statement *Planning for Growth* (March 2011) and related announcements do not suggest that there should be any weakening of existing national policy in relation to development in the Green Belt and AONBs. Given the above, on balance, it is not necessary for soundness for the Core Strategy to propose more housing than the SEP requirement of 2,900. I consider below whether the Council's evidence of housing supply justifies the proposed range, with minimum provision below the SEP requirement. (The relevant evidence is principally found in CDN113, 114, 115/115a and CDC14 and the updated presentation of the overall position in new Table 2 – Schedule A, Appendix 3 - to be inserted in the Core Strategy.)
22. The justification for the strategic housing allocations and the housing expected from Major Developed Sites (MDS) in the Green Belt is considered in more detail under issue 4 where I find that these allocations are sound. Taking into account the number of houses built since 2006, unimplemented planning permissions, and expected capacity of the strategic allocations and housing MDS, there is a need for 766 additional dwellings to reach the proposed

minimum provision of 2,650 or 1,016 additional dwellings to achieve 2,900 (table 2 – column E).

23. In new Table 2 the Council has included an estimate of 195 dwellings in the last 5 year period from unidentified small sites - 39 dwellings for each of these last 5 years. These are sites below the size threshold considered in the SHLAA. The past annual average rate of delivery of such sites is 49 dwellings a year (Table 2, CDN113). There is no convincing evidence to suggest that such sites will not continue to contribute to housing supply. But to reflect uncertainty about circumstances in 10-15 years time, a 20% discount from past delivery, as embedded in the Council's figure, is necessary. Because many of these small sites are likely to be on garden land they would not meet the definition of windfalls given in footnote 31 in PPS3. Accordingly, the Council proposes that the Core Strategy refers to these as small unidentified sites rather than solely as conventional windfalls. Such small sites will also contribute to housing provision before year 11, but can only be counted as part of the supply when permission has been granted.
24. The evolution of the Core Strategy has been informed by several iterations of the SHLAA. The first SHLAA was produced in January 2008 (CDN041 and 42 a, b, c.). There was an update in September 2010 (CDN088) prior to publication of the Core Strategy. A further update was produced prior to the hearings in March 2011 (CDN115 and 115a) which takes into account the implications of the deletion from PPS3 of the minimum density requirement and has generally reduced the capacity of sites compared with earlier SHLAAs.
25. The most up to date SHLAA identifies sites with capacity estimated at between 901 and 1,269 dwellings, depending on the density assumptions. All these sites are within the non-Green Belt settlements. The allowance of 195 dwellings in years 11-16 means that delivery of the minimum proposed provision of 2,650 would require about 63% of the SHLAA site capacity (at the lower level of assessed density/capacity). To achieve 2,900 dwellings, about 91% of the lower assessed capacity would be required. The Council does not need to rely on delivery from the SHLAA sites until 2014/15 (CDN128, Appendix1). Most of the needed delivery from SHLAA sites is in the period 5-15 years from adoption.
26. With only a few exceptions, the SHLAA sites are in multiple ownership, involving parts of many rear gardens and/or sites of existing dwellings. There is no specific information about the intentions of most of the landowners. This raises a question mark over the developability of individual sites. Nevertheless, housing has been delivered on these types of sites over many years in Chiltern District and has been one of the main sources for housing delivery. The Council's evidence (CDN114, paragraph 3.1.9) shows that, even during the recession of the past 3 years, 100 dwellings have been built on residential garden sites previously identified in the SHLAA. Given evidence of delivery over the past few years of recession, higher delivery could be expected in the more favourable economic circumstances which may exist in the second half of the plan period.
27. The density assumptions in the SHLAA are generally compatible with the surrounding area and the number of expected dwellings on each site is modest. This is likely to give flexibility to how each site is actually developed.

The latest SHLAA assessment has excluded delivery from sites in conservation areas, in existing Established Residential Areas of Special Character and the additional areas identified in the Townscape Character Assessment (CDN112) as areas with "limited" or "very limited" capacity to accommodate change. This process has thus avoided sites where new development may be more difficult to assimilate or more controversial. The SHLAA assessment has thus embedded a number of cautious assumptions.

28. Delivery from the SHLAA sites is not reliant on a few large sites, but on numerous identified small and modest-sized sites. If the contribution of all such sites were to be ignored because of uncertainty about the owners' intentions it would set aside most of the remaining urban capacity within the District and require a substantial loss of Green Belt (and probably also development in the Chilterns Area of Outstanding Natural Beauty AONB).
29. Taking into account all the above matters, it is reasonable to regard the SHLAA as identifying a basket of potentially developable sites. From this basket there are good prospects of delivering sufficient dwellings to meet the proposed minimum housing figure of 2,650, with the potential to reach 2,900, particularly given the potential for more development on some of the sites than the lowest figure for assessed capacity. It is therefore reasonable to anticipate delivery from the SHLAA sites as falling within a range, avoiding the spurious precision of a single figure for delivery. Given that all the SHLAA sites are outside the Green Belt (and in settlements) there would be no strategic constraint on as many sites as possible coming forward, but delivery is not so certain as to be able to support a single figure for provision of 2,900.
30. Some additional delivery of housing is likely to arise from sites excluded from the SHLAA or excluded from the land supply table. This includes possible modest developments in those areas of constraint referred to in paragraph 27 and opportunities arising from some existing employment sites as a result of the proposed change to policy CS16 (see issue 7 below). The latter will emerge from the review of designated employment sites to be undertaken as part of the Council's forthcoming Delivery DPD. There will also be continuing planning permissions on small sites below the SHLAA threshold. These strands provide some flexibility so that delivery would be achieved even if some of the current expectations from identified sites are not achieved.
31. Acceptance of a minimum housing figure below the SEP requirement would mean that there is potential for some harm to the delivery of the SEP. However, I have already noted that there is the possibility of reaching the requirement in favourable circumstances. To make delivery of the full SEP requirement more certain at this stage would require sites to be removed from the Green Belt and such sites may also be in the AONB. The SEP did not envisage such consequences in setting the housing requirement. Having regard to the overall strategy for Chiltern in the SEP and the district's role within Buckinghamshire, the proposed minimum of 2,650 is sufficiently close to the SEP requirement both in percentage and numerical terms to make the Core Strategy (as proposed to be changed) in general conformity with SEP and thus meet the regulatory requirement. The identification of a range for housing delivery is consistent with the Government's aim to give Councils an incentive to increase housing provision via the New Homes Bonus.

32. As part of the changes included in Appendix 1 of Schedule A, the Council proposes new monitoring indicators related to policy CS2, so as to assess housing delivery in the different locations listed. Section 18 of the submitted plan indicates that action will be taken if monitoring reveals that completions have fallen 15% below that set out in the housing trajectory. In the context of the relatively modest levels of development to be accommodated, the action set out in 18.2 is adequate to ensure effective delivery. It is not necessary to have contingency sites in the Green Belt. The Council can demonstrate a 5 year supply in relation to the upper figure of the proposed range (2,900)(CDN113). This shows that the minimum proposed figure (2,650) embeds an element of flexibility.
33. Proposed changes **C1, C5a, C6 (Appendix 3, new Table 2)**, that part of proposed change **C3c in Appendix 1** which sets the housing range in policy CS2 and **C13 (Appendix 5, new housing trajectories and amended text)** would therefore make the Core Strategy sound in relation to overall housing provision and are therefore endorsed.

Issue 3 – Is the spatial strategy clearly expressed, based on a proper consideration of reasonable alternatives and justified by evidence?

Overall strategy

34. The submitted plan is unsound because the explanation of the strategy set out in paragraphs 7.3-7.5 is not what the Council actually intends the strategy to be; is inconsistent with decisions made by the Council after September 2008; and is inconsistent with the wording of policies CS1 and CS2. Furthermore, policy CS2 gives a misleading impression of where development will actually take place (given the other policies in the plan). Changes are therefore necessary for the strategy to be sound.
35. The Council has proposed (**C3a, b, c**) the complete replacement of section 7 of the Core Strategy and new or amended wording for policies CS1 (The Strategy), CS2 (Amount and Distribution of Residential Development) and CS3 (Amount and Distribution of Non-Residential Development). The evolution of the spatial strategy is explained in the Topic Paper which accompanied the published changes (June 2011, CDN128). This satisfactorily demonstrates how the expression of the strategy now proposed emerged from, and is consistent with, the options explored and choices previously made by the Council.
36. There is no credible evidence to suggest that the 4 spatial scenarios (also referred to as Options) set out in the *Core Strategy Options Paper* June 2008 (CDN049) excluded any reasonable alternatives. The alternatives included recognition that some land might need to be released from the Green Belt. These Options were tested in the context of the Sustainability Appraisal (SA)(CDN050) of the Options Paper. In September 2008, the Council selected scenario/Option 3 as the way forward, but with caveats. Scenario/Option 3 was the targeted expansion of Amersham (including Little Chalfont), Chesham and Chalfont St Peter Urban Areas. The caveats were to minimise the impact on the Green Belt and maintain the character of the urban areas.
37. The practical expression of the strategy then evolved through the *Stakeholder*

Dialogue consultation document (June 2009 - CDN063) and the *Draft Core Strategy* (March 2010 – CDN084). Neither document proposed changing the Green Belt boundary to accommodate housing development because of the emerging evidence that the delivery of the 2,900 dwellings required by the SEP could be achieved without such a change if housing was to come forward on some of the MDS. Unfortunately, the text in all of these documents and in the submitted Core Strategy which described the strategy did so in terms of Option 3, whereas it had clearly evolved since June 2008.

38. As now proposed by the Council, the spatial strategy in policy CS1 has 4 main elements. Firstly, the protection of the AONB and the Green Belt by focussing development on land within existing settlements not covered by these designations. Secondly, indicating that the main focus for development will be the built up areas of the most accessible of these settlements namely: Chesham, Amersham/Amersham on the Hill, Little Chalfont and Chalfont St Peter. Thirdly, limited development in the other villages excluded from the Green Belt (which are named). Fourthly, some redevelopment and infilling on MDS sites in the Green Belt. Little development is intended elsewhere.
39. This expression of the strategy now properly reflects where development is proposed in other policies in the plan (discussed more fully below). The priority given to protection of the AONB and the Green Belt reflects national policy and the SEP. The identification of the 4 main settlements outside the AONB is consistent with the evidence in the *Accessibility, Parking Standards and Community Infrastructure Study* June 2005 (CDN08 and 09) as well as the availability of sites identified in the SHLAA. The housing proposed at MDS is a response to the changing circumstances of these particular sites/premises (discussed under issue 4). Given my conclusion that adequate housing can be delivered from within non-Green Belt settlements there are not the exceptional circumstances required by PPG2 to justify changes to the Green Belt boundary to accommodate development.
40. Taking into account the above and my favourable conclusions below on the other elements of the strategy (as proposed to be changed), proposed policy CS1 presents a clear expression of the Council's intentions consistent with the rest of the plan and is the most appropriate strategy in the context of national and regional policy and local evidence. I therefore endorse proposed change **C3b**.

Housing Distribution

41. Policy CS2 is unsound in the submitted plan because it does not recognise the significant contribution to housing to be accommodated on MDS in the Green Belt under policy CS7. It is ineffective in implementing the chosen strategy. Proposed change **C3c** restructures policy CS2 so as to include a separate row for the CS7 sites, consistent with them being a distinctive type of, and location for, development. The overall numbers and breakdown by locations have also been amended to reflect the proposed changes to overall housing provision. Change **C3c** (which includes changes to the supporting text) is necessary to make the plan sound and is endorsed.
42. Policy CS2 (both in the submitted CS and as proposed to be changed) does not identify the expected scale of housing in each individual non-Green Belt

settlement. This had been done in the March 2010 consultation document (CDN084) and many parties sought the reinstatement of this detail. However, such detail is not required for soundness and would tend to produce undesirable inflexibility. The scale of likely or potential development in each non-Green Belt settlement is readily understood from the strategic allocations made in the Core Strategy and the remaining SHLAA sites. Given that no outward expansion of any of these settlements is planned, it is very unlikely that further sites would come forward such as to substantially increase the potential scale of development in a settlement above that currently identified in allocations and in the SHLAA.

43. The distributional split between the main towns and the other non-Green Belt settlements is primarily a product of the location of the SHLAA sites. However, policy CS2 as proposed to be changed indicates a range in relation to the 4 main settlements consistent with the range for overall housing provision. It is appropriate that the focus for development above the minimum requirement should be in these 4 settlements outside the AONB.
44. Little Chalfont has the potential to have the largest percentage increase in dwellings over the plan period. This is a result of the combination of a planning permission for 250 dwellings granted a couple of years ago (CDN113), the Donkey Field allocation (proposed in policy CS6) and SHLAA sites. The soundness of the strategic allocation is considered under issue 4. The individual and cumulative impact of future proposals on other sites can be considered as and when such applications are made. In order to meet the housing provisions set out in the proposed changes, only a proportion of SHLAA sites need to be developed. There would be no overriding reason for any unacceptable impacts to be set aside when housing developments are proposed on SHLAA sites in Little Chalfont.
45. As part of the proposed changes to CS2 and accompanying text, the Council proposes new monitoring indicators which would focus on the delivery of the scale of housing expected from each of the main locations identified in CS2. This would enable judgments to be made as to the effectiveness of the policy. These new indicators are necessary for soundness. I therefore endorse all the changes referred to above - **C3a, b, and c** - to provide a sound strategy.

Issue 4 - Are the strategic housing allocations and Major Developed Sites (MDS) allocated for residential development justified and deliverable?

Policy CS6 Strategic Housing Allocations (Land east of Lincoln Park, Amersham-on-the-Hill; Donkey Field, Little Chalfont; Holy Cross Convent, Chalfont St Peter).

46. The 3 strategic housing sites allocated under policy CS6 had been selected because they were the largest sites in single ownership with reasonable prospects of delivery during the plan period. They thus contrast with the majority of sites in the SHLAA. There are no other comparable potential strategic sites within the non-Green Belt settlements. The location of these 3 sites is consistent with the overall strategy. Information on the deliverability of these and the housing MDS sites is in CDN097 and 097a.
47. The land allocated to the east of Lincoln Park, Amersham is owned by Amersham and Wycombe College, which has resolved to dispose of the site.

The Housing Trajectory (CDN113) assumes a capacity of 44 dwellings from this site of 1.1ha. Some of the trees on the site are protected by a Tree Preservation Order (CDC16), but the protected trees are not so extensive as to substantially reduce capacity. This allocation is justified and the expectation of its delivery is reasonable.

48. The Donkey Field is a greenfield site in the centre of Little Chalfont. It is currently designated in the local plan as an "Other Amenity Open Space" protected by R10. This designation would be removed upon adoption of the Core Strategy as shown in the submission Proposals Map (CDN094). It is private land with no public access and is owned by a housing developer. The site is well located to provide housing in a sustainable location. Part of the site backs onto the local shopping centre in the village and rail and bus services would be within a short walk. It is within a location which scored 4 out of a maximum of 5 in the Accessibility Study (B10 Accessibility Plan in CDN09).
49. The undeveloped nature of the site contributes to the semi-rural character of this part of Burton's Lane, but the most significant element of this contribution is the well established hedge and trees along this road frontage. Development need not result in the destruction of this feature. Elsewhere, views into the site are largely obscured by the grounds of private dwellings. Subject to appropriate consideration of design and layout, the public perception of the loss of character would be modest and localised and is outweighed by the sustainability advantages of this location and the need for housing in the district. The Housing Trajectory (CDN113) assumes 60 dwellings from this site of 2 ha. A density of about 30 dwellings per ha is a reasonable assumption for balancing the need to make the best use of the location whilst retaining the overall character of the area. This allocation is justified and the expectation for delivery is reasonable. Some additional explanatory text regarding this site, which is consistent with the above assessment, has been suggested by the Council as a minor change.
50. The third allocation made in policy CS6 is land at the former Holy Cross Convent school in Chalfont St Peter. It is currently designated in the local plan as an "Other Amenity Open Space" protected by R10. This designation would be removed upon adoption of the Core Strategy as shown in the submission Proposals Map (CDN094). Planning permission was granted by the Council at the end of 2010 for a redevelopment of the site to include 198 dwellings and a care home. The site is included in the Housing Trajectory (CDN113) as delivering 198 dwellings over 4 years from 2013/14. Given that planning permission has been granted it would not normally be necessary to consider further the justification for the allocation in the Core Strategy. However, both the allocation and the grant of planning permission have caused much local controversy. The Parish Council is pursuing a judicial review of the grant of planning permission.
51. The site is within the settlement of Chalfont St Peter, one of the 4 main settlements identified in the overall strategy. It adjoins the centre of the village and is thus well located for access to local shops and other facilities. The location scored the maximum of 5 in the Accessibility Study (B10 Accessibility Plan in CDN09). Housing is an appropriate use of the land. The overall need to secure housing justifies the loss of undeveloped land within the centre of the settlement and the limited historic interest of the site. Trees on

the site are protected by a Tree Preservation Order and there is no reason why the contribution of important trees to the appearance of the area could not be retained with any development, as done in the permitted scheme.

52. The former use of the site included playing fields. Although these were private facilities their loss has been a great concern to many residents. The Council's open space audit and needs assessment (June 2005, CDN010) did not identify the need for additional sports facilities in Chalfont St Peter. Accordingly, it is not necessary for soundness for policy CS6 to require the retention of playing fields. The permitted scheme includes a playing pitch, but that appears to be part of that specific proposal rather than arising from any wider requirement.
53. The Parish Council and others consider that the site should be allocated for a mixed use scheme including a relocated middle school and associated playing fields and are working on alternative detailed proposals. On the basis of information provided by the education authority in 2010 the Core Strategy indicated that there was no requirement for a new school in this settlement (taking into account housing growth). This remains the advice of the education authority to the Council (CDC20). In the absence of evidence of need from the education authority it was reasonable for the Council not to have considered a new middle school as a potential alternative use for the Holy Cross site in the evolution of the Core Strategy. Compared with the need for housing, there is not the overriding need or justification to set aside part of the Holy Cross site for a new school.
54. The planning permission on the Holy Cross site was obtained by the longstanding owner (a charity) rather than by a housing developer. Given that the use as a school ceased some years ago, there is no reason to doubt the owner's stated intention to sell to a developer or that there is developer interest in this substantial site in an attractive location. The legal challenge to the planning permission is likely to delay any sale, but there remains a reasonable prospect of securing delivery as envisaged. The allocation is justified with reasonable prospects of delivery.

Policy CS7 Major Developed Sites (MDS) in the Green Belt allocated for residential development (Amersham and Wycombe College, Lycrome Road, Chesham; and Newlands Park).

55. PPG2, Annex C describes in detail the approach to be taken to development within identified MDS. In the absence of specific guidance in PPG2 as to how such sites should be identified, there is wide scope for the Council to decide whether any, and if so which, sites should be identified as MDS. The Council's approach to site selection is set out in the Topic Paper *MDS in the Green Belt* (CDN091). There is no evidence that the Council has been inconsistent or arbitrary in its site selection process. A minor amendment to paragraph 14.5 of the Core Strategy makes clear that the identification of the MDS in the Core Strategy does not preclude the identification of other MDS in the Delivery DPD. The identified MDS are the most important for the delivery of the strategy.
56. Newlands Park is the site of the former Bucks New University which has consolidated its campus in High Wycombe and has sold Newlands Park to a specialist housing developer. The housing trajectory assumes delivery of 300 dwellings from this site. There is a current application from the developer for

conversion and new build amounting to 326 new dwellings. The expectation of delivery from this site is thus consistent with the developer's intentions whilst allowing for negotiations on the present scheme.

57. There is a substantial range of both attractive and utilitarian buildings at this site (including a listed manor house) and scope for a mix of conversion and redevelopment in accordance with the principles set out in PPG2, Annex C. A new use unquestionably needs to be found and there is no evidence to suggest that there is any realistic alternative other than housing.
58. The site is in a rural area and has poor accessibility, as identified in the Accessibility Study (CDN09). Most journeys from any housing redevelopment would be by car. The remote location is a disadvantage in the overall balance of considerations, but is outweighed by the need for a use which provides a long term future for the site and the housing needs of the district. The housing trajectory shows delivery starting in 2014/15 which is suitably cautious for this complex site.
59. The other housing MDS is the Amersham & Wycombe College premises on the northern edge of Chesham. This is a site of only 1.44 ha with less than half of this area occupied by buildings. Although small in comparison with the types of large institutions referred to in PPG2, Annex C this does not undermine the justification for identifying it as an MDS. The site will become surplus to the requirements of the College and disposal is envisaged within the next 2 years (CDN097a). Although there is some uncertainty over timing, the housing trajectory does not anticipate delivery until 2019/20. The Council had assessed capacity of this site as 57 dwellings. As there is no evidence testing this against the necessary criteria in Annex C a more cautious approach is required. In the proposed changes, the Council has assumed a capacity of 45 dwellings in new Table 2 (Schedule A, **Appendix 3**), which is reasonable.
60. The peripheral location of the site in relation to Chesham means that the accessibility rating is not good (B10 Accessibility Plan in CDN09). The location has disadvantages for future residents without access to a car. There is no technical evidence to demonstrate that the development would generate traffic which would add materially to existing traffic problems or air quality issues in Chesham. The Highway Authority raise no objection (CDC6/A, p4). Traffic from the site is likely to be modest in relation to existing flows and the past and existing use has generated traffic movements. There is no evidence of substance to suggest that the site needs to be retained for alternative educational or community use, notwithstanding the concerns of some local residents and organisations at its loss. A long term use of the site is required and there is a clear district need for housing. The allocation is justified.
61. Policy CS7 refers to new development at this site providing access to the adjoining playing fields. These fields are not included in the MDS boundary and are to be retained. The Council has proposed an addition to supporting paragraph 9.3 (**C5b**) indicating that proposals for the site should include the provision of small scale changing facilities and car parking. The existing arrangements for sharing these facilities at the college would be lost as part of the redevelopment. I endorse this change which is necessary to mitigate the consequences of the proposal so as to maintain the recreational use.

Issue 5: Does the Core Strategy address the Green Belt consistent with national policy?

62. A fundamental review of the Green Belt boundary is not required in Chiltern District. Adequate provision for housing can be made without changing the Green Belt boundary. National policy indicates that Green Belt boundaries should be permanent and endure for the long term and that *exceptional circumstances* are required to change a Green Belt boundary that has already been defined. Accordingly, it was not necessary for the Council to undertake a Green Belt boundary review as an integral part of the preparation of this Core Strategy. The Council did not close its mind to the need for development in the Green Belt when exploring alternative strategies at the Options stage, but the evolving evidence on housing supply, through the iterations of the SHLAA, demonstrates that this is not essential.
63. The adopted local plan established the Green Belt boundary in the District. There are anomalies in the boundary where, for example, it does not follow an existing feature, bisects a residential curtilage or development has taken place beyond the boundary. *Exceptional circumstances* are required (the test in PPG2) for changing the boundary. The anomalies highlighted affect only small areas and do not have any strategic implications. It is not therefore necessary for the Core Strategy to signal that a Green Belt boundary review will be undertaken or for such a review to have already been done to deal with these small boundary problems.
64. The heading for policy CS23 is *Review of Green Belt village boundaries*. This is confusing since the Council's intention was to review only the "village envelopes" of villages wholly within the Green Belt and which would remain in the Green Belt. These are villages covered by saved local plan policies GB4 and GB5. But there is a conflict with national policy in the local plan's treatment of the GB4 and GB5 villages which the Core Strategy does not acknowledge. GB4 allows *limited infilling* in a large number of small groups of dwellings in the Green Belt. GB5 allows *limited residential development* (albeit tightly defined) within a small number of settlements which remain washed over by the Green Belt. PPG2 explains the appropriate treatment of existing villages in a box after paragraph 2.11. Where infilling only is to be permitted, villages can be washed over by the Green Belt. The approach in GB4 is consistent with national policy. Where limited residential development is to be allowed, PPG2 states that such villages should be inset. The GB5 villages are inconsistent with national policy as they are washed over by the Green Belt, but limited residential development is allowed.
65. The above inconsistency is a legacy of the evolution of the local plan, but ignoring its implications is likely to have unintended or untested consequences when the Delivery DPD reviews the wording of these policies and the relevant boundaries. At that stage it would be very difficult to consider whether any villages should be inset if the Core Strategy had not signalled this possibility. Proper consideration would not have been given to whether limited residential development should continue to be allowed in some settlements.
66. The Core Strategy is unsound in ignoring this problem. The Council proposed in CDN125 to overcome this problem by cancelling that part of local plan policy GB5 which allows development of more than infilling (change C11) and various

detailed changes to policy CS23 and text (change C10b). The Delivery DPD would then be concerned only with determining the boundaries of settlements and rows of dwellings where infilling would take place, but which would all remain within the Green Belt. However, the Council has not undertaken any review of whether any small villages are suitable now or in the future for more than infilling such that they should be excluded from the Green Belt. The proposed cancellation of part of GB5 to exclude more than infilling is not evidence based and is not therefore justified.

67. This issue is not of such significance as to require delay for an assessment to be made now of the suitability of Green Belt villages for more than infilling. But the Core Strategy needs to highlight the problem and make clear that the appropriate scale of development in these villages and whether they should be removed from the Green Belt will need to be reviewed as part of the Delivery DPD. The outcome of such a review would not alter the overall strategy for the district and the review would be likely to take place in the context of the NPPF which may change how Green Belt villages should be defined.
68. I sought comments from all parties on possible Inspector imposed changes to resolve this matter. These explain the problem and make clear that the Delivery DPD will review whether any village currently in the Green Belt should be removed from the Green Belt as well as reviewing the boundaries of the existing villages and rows of dwellings which are to remain washed over by the Green Belt and the policy which should apply to such villages. The Council has now accepted (subject to very minor editing) my suggested wording as necessary for soundness. I have incorporated these changes in Schedule A as **C14** and **C15**. (The Council's previously proposed changes on this matter have been removed from the Schedule.) Most of the other comments on my suggested changes repeated previous comments on the need to review anomalies in the Green Belt boundary, which were considered earlier in the Examination and are addressed above.

Issue 6 - Does the Core Strategy make appropriate provision for housing needs?

Affordable housing

69. On the basis of the evidence in the BSHMA (CDN051/52/53) and given the absence of any evidence of substance which undermines its conclusions, there is a well justified need for a substantial scale of affordable housing in the district. This need is much more than is likely to be delivered in any realistic scenario for housing. There is sufficient evidence to justify a policy which seeks to maximise the delivery of affordable housing, including provision from sites below the national minimum threshold of 15 dwellings, given the contribution of such sites to overall housing delivery.
70. The target for strategic objective 2 is 500 affordable dwellings between 2011 and 2026. The Council's evidence (CDC17) indicates that achieving this target may be difficult. Nevertheless, the considerable need for affordable housing means that a challenging target for affordable housing is not unsound. This high target reflects the importance of delivering affordable housing in the SCS, but it is impossible to meet the aspiration in the SCS (p10) that by 2026 there would be *enough affordable housing to meet local needs*.

71. As submitted, affordable housing policy CS8 is unsound because it imposes an inflexible requirement for affordable housing. Such inflexibility is not justified by the evidence on viability. It is inconsistent with the advice in *The Affordable Housing Development Economics Study* July 2007 (CND031) and the *2009/10 Update* March 2010 (CDN082). In accordance with that evidence, the policy needs to embed considerations of viability as an integral part of the policy and have sufficient flexibility to ensure that the circumstances of each site and market conditions at the time of the application are taken into account. For schemes of 1-4 dwellings, the requirements for a contribution per new dwelling of 20% of the market value of a 2 bedroom semi-detached house may be unduly onerous and represent a proportionally greater contribution than the provision of one affordable dwelling on-site in schemes of 5-7 units. (This requirement does not recognise that where provision is made on-site the developer is likely to receive a financial contribution to the affordable dwelling from the affordable housing provider.)
72. Proposed changes would amend the policy to indicate that the specified percentages are *targets* that the Council seeks to achieve and that viability will be taken into account. The financial contribution from schemes of 1-4 dwellings is no longer specified at 20%. These changes would therefore remedy the unsoundness and I therefore endorse **C7a**.
73. The stipulation in paragraph 10.5 of the Core Strategy that the applicant should pay for an independent review of the evidence that they submit on viability is inconsistent with the need for a negotiated approach and the recognition that viability considerations are integral to the application of the policy. The last sentence of this paragraph also needs deleting since, where justified, provision below the targets would accord with the policy. These changes are made in **C12** (previously published as a minor change) which I endorse. In a minor change the Council has proposed a new monitoring indicator relating to the different thresholds in the policy which will help demonstrate the effectiveness or otherwise of the policy.
74. Policy CS10 specifies the required tenure mix for affordable housing. Given that the tenure mix can have a significant effect on viability, the policy is inflexible and would be inconsistent with the negotiated approach now proposed in policy CS8. The policy also does not recognise the new tenure of affordable rent. Proposed change **C7b** introduces viability and local circumstances as considerations in determining the appropriate mix. It also indicates that the required mix will be reviewed as part of the Council's strategic housing framework. This change would make the policy sound.

Homes for Special Needs

75. Policy CS12 encourages the provision within the 4 main settlements of housing for the elderly and those with other specialist needs and lists factors to be taken into account in identifying sites for such housing. This policy is sound and would not preclude the development of such accommodation in other settlements. The proposed indicators would not measure the effectiveness of delivery. Proposed change **C8a** includes more specific measures of the delivery of different types of accommodation and is necessary for effectiveness.

76. Policy CS13 identifies the National Society for Epilepsy's (NSE) large site on the edge of Chalfont St Peter as an MDS. This site contains a wide range of buildings developed over the years, including modest, single storey buildings in open settings. The policy requires any redevelopment within the proposed MDS to be for *medical facilities or residential institutions such as residential care or nursing home*. The Council wants to support the continued presence on the site of the NSE and the specialist care and services that it provides. NSE is committed to remaining at this site and has invested substantially in new buildings. However, the NSE made clear that there are parts of the site which are, or will be, redundant, in need of new uses through redevelopment, and for which the NSE has no foreseeable requirement.
77. Whilst the reference to medical facilities and residential institutions reflects the primary element of the NSE's continuing main use of part of the site, there is no evidence to indicate that these specific uses would provide appropriate opportunities for the redevelopment of the redundant parts of the site. It would exclude, for example, sheltered housing or other older persons housing which could be among uses complementary to, or easily compatible with, the NSEs continuing activities.
78. The policy is too inflexible and is likely to be ineffective in securing the appropriate redevelopment of redundant buildings. The restriction on the type of use is not justified. The scale of any new uses/buildings would currently be governed by the detailed criteria in Annex C which would ensure that the existing degree of openness is retained. When the NPPF is published in its final form, it is expected that PPG2 will be cancelled. The draft NPPF does not contain the detail in Annex C, but includes in the list of appropriate development (paragraph 144) limited infilling or the partial or complete redevelopment of previously developed sites with fairly similar constraints to those in Annex C. Thus future national advice along these lines would ensure that the existing degree of openness is retained.
79. Proposed change C8c deletes the unsound sentence, but adds a new requirement to support the modernisation and improvement of care, research and administration facilities on the site in the context of a shared vision agreed with the Council and local community. The need for an agreed vision/strategy for the site is also introduced into the supporting text by C8b. For the reasons already given the restrictions on use is not justified by the circumstances of the site and the NSE's needs. Whilst an agreed vision with the local community may be desirable it is inappropriate as a policy criterion. To be sound the policy only needs to require any infilling or redevelopment to be compatible with the continuing occupation of parts of the site by the NSE for care and medical use. This change is made in **IC1**. The changes on this matter proposed by the Council are not in Schedule A.

Gypsies, Travellers and Travelling Showpeople

80. National policy remains as set out in Circulars 1/2006 and 4/2007. The Government has indicated that it considers these to be flawed and that it intends to revoke them to be replaced by "light touch" guidance. On April 13 2011 the Government published for consultation, a draft *Planning for traveller sites*. This draft was taken into account by participants at the hearing on this matter on 19 April 2011. There was agreement that very limited weight

should be attached to the draft because the final form of the guidance is necessarily uncertain.

81. Circulars 1/2006 and 4/2007 set out a process whereby the number of new pitches and plots that should be accommodated in each district will be set out in the RS. The approved SEP does not include such detail. The single issue Partial Review of the SEP which was intended to provide the necessary figures for each district is not being progressed. In the absence of regional guidance, needs are most appropriately addressed on the basis of local evidence.
82. The published evidence of need supporting the submitted Core Strategy is in the *Gypsy and Traveller Accommodation Needs Assessment* (GTANA) for the Thames Valley Region September 2006 (CDN021) and the *Needs Assessment of Travelling Showpeople* July 2007 (CDN032). The GTANA indicates a gross need for 21 additional permanent pitches for the period 2006-2011. This figure includes an estimate for needs from concealed households and from those living in housing, but in need of a site. Whilst these figures have necessarily been based on assumptions, there is no better local evidence for an alternative approach to these hidden needs.
83. From the figure of 21, the GTANA subtracts 8, which is the estimate of pitches that were expected to become available between 2006-2011. As explained in my advice note to the Council of 4 May 2011, there is no evidence that expected vacancies have actually arisen and there is double counting in relation to 2 planned local authority pitches which have been subtracted from need, but also included in the Core Strategy as part of the new supply since 2006. Accordingly, the GTANA evidence indicates that needs arising from 2006-2011 are likely to be in the range of 15-21 pitches.
84. The Core Strategy (paragraph 11.5) explains that the need identified in the GTANA was subsequently subjected to a "benchmarking" exercise in the light of national guidance. As a result, there was a substantial reduction of need to 9 pitches for the extended period of 2006-2016 (CDN117). This benchmarking was part of the Council's input to the progression of the Partial Review of the SEP, but there is no evidence/explanation accompanying the submitted Core Strategy of why such a considerable reduction from the figures in the GTANA is justified. The only available explanation of this benchmarking is the summary in the draft, incomplete report of the Panel which held the Examination-in-Public in February 2010 into the SEP Partial Review. The report is sharply critical of the outcome of this process.
85. Given the above, it is not justified for the Core Strategy to identify a need for only 9 pitches to 2016. To remedy this unsoundness, the last 3 sentences of paragraph 11.5 should to be deleted and some additional commentary included about the findings of the GTANA. This is achieved by proposed change **C8d** (which incorporates for clarity a minor addition to the wording in CDN125, agreed with the Council). I endorse this change.
86. The *Needs Assessment of Travelling Showpeople* July 2007 (CDN032) identifies a need for 21 additional permanent plots for the period 2006-2011. The study is a reasonable assessment of local needs apparent at the time. Paragraph 11.9 of the Core Strategy notes the need for 21 plots to 2011, but reference is then made to the benchmarking exercise which resulted in needs

being reduced to 16 for the period of 2006-2016. For the reasons already given in relation to the GTANA, this reduced figure for an extended period is not justified. To remedy this unsoundness, the last 4 sentences of paragraph 11.9 should be deleted. This is done by **C8e** which I endorse.

87. Given that there is clearly a material remaining need it is unacceptably ambiguous for the plan at 11.12 to say: *any sites which may be required to provide the additional pitches indicated above ...will be allocated*, since additional permanent pitches are clearly required (to 2011) and further pitches are likely to be required to 2026. I therefore endorse proposed change **C8f** which makes clear that needs will be met by allocations in the Delivery DPD.
88. Policy CS14 is unsound. The reasons are set out in detail in my note of 4 May 2011. In summary, the policy seeks to apply a more restrictive approach to the development of Gypsy and Traveller sites than would apply to other forms of development under other policies. There is no justification for such an approach. There is also no evidence to suggest that deliverable sites (eg suitable, achievable, affordable) can be identified within the terms of the policy to meet the identified needs.
89. Proposed change **C8g** substantially rewrites and simplifies this policy. Most importantly it indicates that allocations will be made in the Delivery DPD and that if there are no suitable/deliverable sites in the non-Green Belt settlements then sites will be allocated in the Green Belt to meet needs. Although the policy would no longer include other criteria, this is preferable to criteria which are more restrictive than the general policies in the plan. The changes are sufficient to make the policy sound and are therefore endorsed.

Issue 7 - Does the Core Strategy make appropriate provision for employment and economic development?

90. The Council has felt constrained in its approach to employment land by the statement in the SEP (paragraph 25.17) that: *strong protection for existing employment land in Chiltern district should be maintained unless new land is substituted*. As the Council's strategy does not propose new land for employment, the Council has considered it necessary to protect all existing employment land. This is reflected in the wording of SO4 and policy CS16. The SEP statement is an important starting point, but needs to be considered in the light of more up to date evidence and the intended (if unstated) positive outcomes for protecting employment land. The approach in the SEP was developed in the context of an economic boom and was supported by the evidence of the *Buckinghamshire Employment Land Review* (BELR) 2006 (CDN020).
91. Recent evidence (CDN96 & CDN119) indicates a large number of vacant employment premises. There are also a significant number of cleared employment sites which have been awaiting redevelopment for some time. In the representations received on this policy and among the diverse interests represented at the hearing on this matter, there was a strong consensus that, particularly in Chesham, there was a need to review which sites are retained for employment use, including small non-designated sites.
92. It appears that a considerable restructuring of employment activity has been

underway in Chesham in recent years, resulting in considerable loss of active employment uses, with very limited market interest in the resulting vacant premises or sites. The consensus view was that the lack of development interest in relation to some vacant/cleared sites in the town was not solely the result of the recession. The number of vacant sites and premises may well serve to discourage new investment in the best sites which might otherwise be attractive to the market.

93. There is sufficient evidence to indicate that a more flexible approach is necessary. The current aim of severely limiting any loss of employment land from B use classes is more likely to stifle economic development than promote it. In all these circumstances, a more flexible approach would not take the plan out of general conformity with the SEP, since it would be more likely to encourage the provision of employment on sites attractive to the market.
94. Policy CS16 is unsound because it lacks flexibility to ensure that sites which are protected for employment use have reasonable prospects of remaining in useful employment use or of being brought back into employment use through new development. It is not compliant with national policy in PPS4. The policy also does not clearly explain how it is intended to relate to the saved employment policies in the local plan, particularly E2 and E3, which protect sites designated for B class use. CS16 is intended to replace local plan policy E4 which protects small employment sites not covered by the E2/E3 designations, but lacks flexibility for the varied circumstances of such sites.
95. Council proposed change C9d (in CDN125) re-writes policy CS16 and some amendments to the supporting text are made in C9b and C9c. In the absence of a detailed economic strategy predicated on the flexible approach local circumstances require, it is difficult for a sound replacement policy to be very prescriptive or detailed, but it can signal the appropriate direction of travel for subsequent, more detailed work.
96. The Council's proposed wording for CS16 in CDN125 did not go far enough in introducing the needed market realism and flexibility. I sought the views of all parties on a revised wording for policy CS16 and have taken the responses into account in finalising the wording set out in **IC2**. The Council accepted much of the suggested new wording, subject to some amendments. I have accepted some of Council's amendments so as to provide a clearer basis for development management decisions, but as I have not incorporated all the Council's suggestions the proposed new policy is in Schedule C as an imposed change.
97. Compared with the policy in the submitted plan, the policy proposed in IC2 states a positive aim to secure a portfolio of employment sites and premises to provide a range of jobs to meet local needs and for identified sites and premises to be those which are attractive to the market. The policy also gives explicit encouragement to redevelopment to make more efficient use of sites and the provision of modern premises and recognition of the role of mixed use schemes in bringing forward employment opportunities.
98. The Council's commitment to review the sites currently protected by local plan policies E2 and E3 has been amplified to clarify the scope of the intended review and its aim. The policy also now explicitly states that the policies

applying to any such designated sites will be reviewed in the Delivery DPD. This will enable any policies to be framed in the light of future national policy in the forthcoming NPPF. Pending this review, the Core Strategy needs to signal a more flexible approach to economic development within these designated areas consistent with national advice in PPS4. To avoid prejudicing the forthcoming review of sites, I have adopted the Council's more detailed and cautious suggested wording for the interim period.

99. The Council's proposed change in CDN125 would allow small employment sites to be redeveloped for residential or other purposes if there is no reasonable prospect of the site being used for employment or if the location or use causes highway or amenity problems. However, these exceptions should be applied now to all employment sites, including E2 and E3 sites, so that inappropriate sites are not kept in employment use. Extending this flexibility to the larger protected sites would not seriously prejudice the forthcoming review of employment sites because if the policy criteria are met then such sites would be unlikely candidates for long term retention. I agree with Council's suggestion that the criteria should refer to *significant* highway problems. This part of the policy applies to employment sites outside the Green Belt where a range of new uses may, in principle, be acceptable. Whilst there may be similarly constrained employment sites in the Green Belt, the acceptability of alternative uses is not clear cut and it is best for such sites to be considered on a case-by-case basis, rather than included in this strategic policy.
100. The Council now accepts that local plan policy E1 which directs employment development only to existing and designated employment sites is not compatible with national policy in PPS4 and it should be cancelled on adoption of the Core Strategy. This change has therefore been included in Schedule A as **C16** which I endorse. Given the intended deletion of this policy, which might have acted as an inappropriate constraint on economic development, I see no need for policy CS16 to indicate that new employment locations would be acceptable. The proposed new policy does not preclude new sites.
101. It is reasonable to refer in the proposed text (**C9c**) to the background studies on employment sites undertaken by the Council, even though these are now some years old. But past work will need to be supplemented and updated in the light of current circumstances by further evidence, particularly about the need for and demand for particular sites. The BELR drew on individual site assessments in the *Large Employment Sites Study 2004* (CDN005). There is clearly an error in this Study in the ranking of some of the factors relating to Chartridge Business Centre (C17), but this is readily identifiable and does not undermine the general usefulness of this study or the BELR as a starting point, subject to taking account of changed circumstances since their publication.
102. I therefore recommend the new replacement wording for policy CS16 set out in **IC2**. The Council's previously proposed new wording is not included in Schedule A, but I endorse the changes to the related monitoring indicators in **C9d** and the new supporting text (**C9b** and **C9c**) which are still applicable. As part of the Council's re-write of chapter 7 on the Spatial Strategy, paragraphs 7.8-7.12 under the heading *Non Residential Development* have been re-written along with policy CS3 *Amount and Distribution of Non Residential Development*. These changes are included in **Appendix 1** of Schedule A. This re-write does not significantly change the strategy for these

types of development. The policy focuses non-residential development on the 4 main settlements. I endorse these changes for completeness and consistency.

103. Policy CS17 proposes an MDS for employment purposes at Chalfont Grove. Policy CS18 sets out the policy on District Shopping Centres. These policies are sound. Policy CS19 is concerned with supporting the rural economy. Part of the policy concerns the reuse of existing buildings and links such reuse to future farm viability. This was a mistake in the drafting of the policy, contrary to the Council's intention and inconsistent with the aim of national policy. This unsoundness is overcome by change **CS9e** which I endorse.

Other Matters

Key Diagram

104. The Key Diagram shows an *Improved Rail Link to Chesham*. This does not relate to any proposal in the Core Strategy and is not mentioned in Appendix 7 - Draft Infrastructure Delivery Schedule (DIDS) and does not relate to any specific proposal. Accordingly, the notation is confusing and its removal is necessary for soundness. This change is made by **C4** and shown on the amended Key Diagram at **Appendix 2** of Schedule A, which I endorse.

Water Supply and Sewerage and Sewage Treatment

105. As outlined in my advice note to the Council following the hearings (4 May 2011) local circumstances concerning the rivers Chess and Misbourne and water extraction would justify (in the context of the PPS1 Supplement on Climate Change) the imposition of a local construction standard in relation to water efficiency if the Council wished to impose such a standard. The Council has considered the matter further, but has decided that it does not wish to impose in the Core Strategy a water restriction standard tighter than current Building Regulations. It cites the difficulties of enforcing such a requirement both at application stage and during the life of the development. I am not persuaded that such a standard is essential for soundness, such that I should impose it against the Council's wishes.

106. Prior to the hearings I sought further information from the Council and Thames Water on the adequacy of the Chesham Sewage Treatment Plant and sewerage capacity. In the light of the responses received I am satisfied that the Core Strategy is sound in relation to these matters.

Monitoring

107. A number of changes to targets and indicators have already been referred to and others have been treated as minor changes. Monitoring should not be made unduly onerous or disproportionate. Overall, with the changes proposed, the plan is sound in relation to monitoring.

Legal Requirements

108. My examination of the compliance of the Core Strategy with the legal requirements is summarised in the table below. I conclude that the Core Strategy meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The Core Strategy is identified within the approved LDS November 2010 (CDN099) which sets out an expected adoption date of September 2011. The adoption date will now be several months after the date in the LDS due to the consultation on changes, but this delay is not so substantial as to result in material non-compliance with the LDS. The Core Strategy's content are compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI (CDN028) was adopted in 2006. As explained in the introduction above, one intention in the SCI has not been followed fully, but this is not so substantial and its implications are not so significant as to result in a material breach of the Regulations.
Sustainability Appraisal (SA)	SA has been carried out and is adequate. The proposed changes were also subject to SA (CDN127).
Appropriate Assessment (AA)	A Habitats Regulations Assessment (HRA) was undertaken in September 2010 (CDN087). In response to comments from Natural England an addendum was published in March 2011 (CDN116). Natural England raises no objection to the final HRA. This Assessment is based on 2,900 dwellings in the District and is thus valid for the changes proposed to the submitted Core Strategy. The assessment concludes that the Core Strategy would not have significant adverse effects on relevant interests. The assessment, as amended, is fit for purpose.
National Policy	The Core Strategy complies with national policy except where indicated and changes are recommended.
Regional Strategy (RS)	As proposed to be amended by the changes endorsed and recommended in this report the Core Strategy is in general conformity with the RS.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS.
2004 Act and Regulations (as amended)	The Core Strategy complies with the Act and the Regulations.

Overall Conclusion and Recommendation

109. I conclude that with the changes proposed by the Council, set out in Schedule A, and the changes that I recommend, set out in Schedule C, the Core Strategy for Chiltern District DPD satisfies the requirements of s20(5) of the 2004 Act and meets the criteria for soundness in PPS12. Therefore I recommend that the plan be changed accordingly. For the avoidance of doubt, I also endorse the Council's proposed minor changes, set out in Schedule B.

Simon Emerson

INSPECTOR

This report is accompanied by:

Schedule A (separate document) Changes necessary for soundness proposed or accepted by the Council.

Schedule B (separate document) Council's Minor Changes.

Schedule C (attached) Other changes that the Inspector considers are needed to make the plan sound.

Schedule C – Other changes that the Inspector considers are needed to make the plan sound

Inspector Change	Policy/ Paragraph	Change
IC1	CS13	<p>Amend policy as follows: Policy CS13: MAJOR DEVELOPED SITE WITHIN THE GREEN BELT AT THE NATIONAL SOCIETY FOR EPILEPSY, CHALFONT ST PETER Land at the NSE site Chalfont St Peter as shown on the Proposals Map is designated as a Major Developed Site within the Green Belt as defined by PPG2. Any redevelopment or infilling which may be proposed on the site, will be considered in relation to the guidelines set out in Annex C of PPG2 in order to ensure that development has no greater impact than the existing development on the openness of the Green Belt. Any redevelopment must be for medical facilities or for residential institutions such as a residential care or nursing home. <u>compatible with the continuing occupation of parts of the site by the NSE for care and medical use.</u> Development must preserve and enhance the listed buildings on the Site.</p>
IC2	CS16	<p>Delete existing policy and insert new policy: <u>CS16 EMPLOYMENT LAND</u> <u>The Council will aim to secure the long-term retention of a portfolio of employment sites and premises within the District which are attractive to the market and which will provide a range of jobs to meet local needs.</u> <u>The redevelopment of existing employment sites and premises for employment use to make more efficient use of sites and provide modern premises attractive to the market will be encouraged. Mixed use schemes will be acceptable where these would facilitate appropriate amounts and types of employment uses on the site.</u> <u>The continued designation, role and boundaries of sites currently covered by Policies E2 and E3 in the Adopted Chiltern District Local Plan will be reviewed in the Delivery DPD to achieve a balanced portfolio of fit for purpose sites attractive to the market. Pending the above review of sites and subject to the application of the sequential test for any proposed town centre uses, proposals for economic development on these sites will be assessed on a case by case basis in the light of the scale and nature of the uses, their location within the site and the degree to which they would be compatible with, or complementary to, the existing business use in that location and consistent with the integrity and function of the location for employment purposes.</u> <u>The policies applying to any defined sites will be reviewed in the Delivery DPD.</u></p>

		<p><u>Changes of an employment use to residential use will be acceptable on the upper floors of properties within the three District Shopping Centres as defined on the Proposals Map.</u></p> <p><u>Where an employment site (including sites covered by policies E2 and E3) is within the built-up areas excluded from the Green Belt, the loss of employment land as a result of redevelopment for other uses, including residential use, will be acceptable where there is no reasonable prospect of the site being used for employment purposes, or where it is creating significant amenity issues, or where the existing use is creating significant highway problems.</u></p> <p><u>For the purpose of this policy "economic development" includes development within the B Use Classes (as defined in the Use Classes Order), public and community uses and town centre uses.</u></p>
--	--	--