

CORE STRATEGY FOR CHILTERN DISTRICT - EXAMINATION

INSPECTOR'S POST HEARING NOTE (1)

IDENTIFIED UNSOUNDNESS AND REQUIRED OR POSSIBLE CHANGES

1. Introduction

1.1 During the hearing sessions (11-15 and 19 April 2011) I indicated that I would be issuing this note to progress the Examination.

1.2 This note indicates where I consider that the submitted Core Strategy is unsound. Most of these concerns were aired as potential findings of unsoundness during the hearings. For some matters where there is unsoundness, I have set out the details of a change which I consider would remedy that unsoundness (subject to my consideration of consultation responses and any further Sustainability Appraisal, if required). On other matters, I have indicated the broad approach that is required so that the Council can consider in more detail the changes which might remedy the unsoundness.

1.3 This note is not intended to set out any reasoning on matters where I am likely to conclude that the submitted plan is sound and that no changes are required.

1.4 There were also a number of matters discussed at the hearings which do not go to soundness, but where changes would clarify, correct, update or otherwise improve the plan. The Council had submitted a number of such a changes prior to the hearings and others emerged at the hearings. I highlight some that would be particularly useful. Nothing in this note is intended to prevent the Council putting forward other minor changes which would clarify or improve the plan.

1.5 In this note I refer to "Council proposed" or "suggested" changes to refer to the possible changes set out prior to the hearings in CDN 117/118 or during the hearings (notably CDN121). However, I am aware that some or all of these possible changes have not been formally endorsed by the Council and have been put forward as officer working suggestions. My reference to them does not imply any greater status than officer suggestions.

2. Regulatory Matters

2.1 It is a matter for the Council, but I suggest that a revised Sustainability Appraisal (SA) should accompany the published possible changes, particularly in relation to the matters on which substantial changes are proposed to the wording in the Core Strategy, such as the locational strategy, overall housing provision and employment land. The Council should have regard to the implications of the High Court judgment in *Save Historic Newmarket Ltd & Others v. Forest Heath District Council* [2011] EWHC 606 and to the evolution of the locational strategy and the updated evidence since the SA assessment of the 4 locational scenarios in 2008.

3. Issues, Vision, Objectives

3.1 The Council agreed to explore as a minor change the inclusion in the vision for Chalfont St Giles words highlighting the local desire to manage/mitigate traffic impact on the village. I would encourage the Council to do so. No changes are required for soundness in this part of the plan, apart from those matters relating to strategic objectives and targets referred under other topics below.

4. The Locational Strategy

4.1 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). Significant Council suggested changes are set out in CDN117 to both the text and CS1 and CS2. As this unsoundness largely arises from a failure of the document to reflect what the Council had previously decided, the Council itself should seek to identify the changes which would remedy this unsoundness.

4.2 At the hearings, the Council tabled a suggested summary wording of the overall strategy in CDC/15. This appears to be a fair summary of what the Council actually intends, but is nonetheless a substantial change from the words in the submitted document. It is now appropriate for the Council to pursue this expression of the strategy as part of the changes for consultation. I focus below on the consequences/implications of doing so.

4.3 The suggested paragraph (CDC/15) on its own would be an inadequate explanation for the locational strategy in the supporting text of the Core Strategy. I suggest that there should be some explanatory sentences or a paragraph of text for each of the main points of the strategy included in CDC/15. The new Topic Paper which I suggest should accompany the consultation changes (see below) could usefully summarise the key stages that resulted in the evolution of the strategy from that which was selected in September 2008 (essentially scenario 3, but with caveats) to that now expressed in the other policies of the submitted plan and summarised in CDC/15.

4.4 In so far as the text in CDC/15 is a succinct summary of the Council's intended overall strategy for the district then it could usefully become the policy expression of the strategy in policy **CS1**. The policy as submitted and as proposed to be changed in CDN117 is only a partial explanation of the overall locational strategy.

4.5 Policy **CS2** is unsound because it does not recognise the significant contribution to housing to be accommodated on Major Developed Sites (MDS) in the Green Belt under policy CS7. Bundling these sites in with the main settlements (as proposed in CDN117) does not present a clear picture of where housing delivery is expected. Policy CS2 should include a separate row for the CS7 sites as they are clearly a different type and location for development than the other 2 categories. The overall numbers and breakdown by locations should reflect the points made below in relation to overall housing provision.

4.6 Furthermore if CS1 is replaced by wording which provides a more strategic overview (as in CDC/15) then greater clarity is required in policy CS2 as to where the expected housing will be delivered with respect to the "main settlements" and "villages" (eg within the existing built-up areas) so as to make clear that outward expansion of these settlements is not part of planned delivery.

4.7 For the reasons previously given, the monitoring target for Strategic Objective 3 (*75% of all completed dwellings...etc*) is an inadequate basis to monitor delivery of the locational strategy. It would be of little use in indicating whether the locational strategy was being complied with. The criterion in relation to bus stops/daily service does not relate to any critical factor relating to the strategy. Greater discrimination in relation to the locational split in CS2 is

required. (This target is also included under policy CS4 and the Council has suggested it for policy CS2 as well). This monitoring target needs to be looked at afresh.

5. Overall housing provision and delivery.

5.1 The submitted plan proposes 2,400 dwellings for the period 2006-2026. This is explained in some detail in the text (eg 4.2.1- 4.2.9, 7.1 -7.2) and this figure is embedded in policy CS2 and is the basis for the target for monitoring the strategic housing objective in section 6.

5.2 Prior to the hearings, the Council had suggested text (CDN117) which proposed a range of 2,550-2,900 as the appropriate level of provision. CDC/14 incorporated this range into CS2 and illustrated the expected consequences for future delivery in a replacement table 2. 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 2,400 as sound.

5.3 The submitted Core Strategy is unsound in relation to housing provision of 2,400. The starting point for considering provision should be the 2,900 dwellings required in the District by the Regional Strategy (RS) - the South East Plan (SEP). The proposed provision is substantially below this figure and is not justified by robust evidence. In the context of the Council's actual strategy, housing land supply is not so constrained as to preclude the delivery of more than 2,400. The figure in the submitted plan is sufficiently below the requirement in the SEP as to call into question whether the plan is in general conformity with RS, as required by the Regulations. Substantial changes are therefore required to remedy this unsoundness.

5.4 The evidence of a very substantial need for affordable housing (as set out in the SHMA CDN51/52) weighs significantly in favour of increasing housing delivery. Although there is evidence that household formation over the plan period may result in a greater demand for new housing than the figure in the SEP, I do not consider that provision above the regional requirement is required for soundness, particularly bearing in mind the constraints on development in the district and that the district is, accordingly, not an identified growth area. The recent Ministerial Statement *Planning for Growth* 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.

5.5 In relation to the Council's evidence on housing supply and delivery (principally CDN113, 114, 115/115a and CDC14), I consider that the following components are not robust and that revised figures should be used (and explained in the suggested Topic Paper).

5.6 Firstly, unidentified small sites (below the threshold of the SHLAA). Whilst a contribution from these can reasonably be included in the supply for years 11-15, the past annual average rate of delivery (49 dwellings - table 2, CDN113) is not a robust guide to their future contribution. Given that: garden land is no longer defined as previously developed land; that an affordable housing contribution will be required from such sites for the first time; and the general uncertainty with predicting circumstances in 10 years time, some discount on the past average is necessary. I would suggest a 20% reduction unless, on reflection, the Council considers that it should be more. The CS will have to include a definition of these sites as some of the assumed contribution will no longer meet the definition of windfalls in terms of the footnote in PPS3. Small sites will also contribute to

housing provision before year 11, but can only be counted as part of the supply when permissions have actually been granted.

5.7 Secondly, the delivery from the strategic allocations and MDS housing sites. Assumed capacity on the Amersham and Wycombe College site in Chesham (CS6) is 57. As there is no evidence testing this against the necessary criteria in Annex 2 of PPG2, a more cautious approach is required. For the purpose of assessing housing delivery a figure of 40-50 would seem more reasonable, but this is not suggested as a cap on what might eventually be achieved.

5.8 Thirdly, the delivery from the SHLAA sites. The latest SHLAA (CDN115) identifies sites with capacity estimated at between 901 and 1,269 dwellings, depending on the density assumption used in assessing site capacity. With only a few exceptions, the SHLAA sites are sites in multiple ownership, involving parts of many rear gardens and/or sites of existing dwellings. There is no specific information about the intentions of the landowners. No SHLAA site is required to support housing delivery within the first 5 years (up to overall housing provision of 2,900). Accordingly, the relevant test from PPS3 (paragraphs 55 & 56) is whether the SHLAA sites can reasonably be considered as "developable" in years 5-15.

5.9 The multiplicity of ownerships and the lack of any indication of future availability raises a question mark over the developability of individual sites. But it would not be justified to ignore the likely contribution from such sites over the plan period. Housing has been delivered on these types of sites over the years in Chiltern District and 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 identified in the SHLAA. A reasonable approach is to rely only on a proportion of the SHLAA sites contributing to supply. The Council suggested (CDN114, paragraph 3.1.10) that the actual housing yield from the SHLAA sites could be between 400 and 676 dwellings (45%-75% of the minimum capacity figure). This minimum figure for expected delivery was the reason for the proposed floor in the Council's suggested range of 2,550-2,900.

5.10 I am not persuaded that the minimum expected delivery has to be as low as 400/45%. The Council's assessment is based on the lowest figure where capacity of a site has been suggested as a range. The density assumptions are generally compatible with the character of the surrounding area and the overall number of expected dwellings on each site is quite modest. This is likely to give flexibility to how, precisely, each site is actually developed. The latest SHLAA assessment has excluded any expected delivery from sites in conservation areas, the existing defined Established Residential Areas of Special Character and additional areas identified in the recent Townscape Character Assessment (CDN112) as areas with "limited" or "very limited" capacity to accommodate change. This avoids sites where new development may be more difficult to assimilate or more controversial.

5.11 Drawing together all the above considerations, planned housing provision expressed as a range which encompasses the SEP requirement of 2,900 is a justified approach, but the floor can (within the terms of the Council's strategy) and should (because of housing needs) be somewhat higher than the 2,550 currently suggested. On the evidence reviewed above, at least 2,650 would be justified. Given the potential capacity in the SHLAA and likely delivery from other sources, such as small sites up to year 11, a maximum figure for housing provision below 2,900 could not be justified. Housing supply will not be significantly reliant on multi-ownership SHLAA sites until years 11-15, so there

will be time for the Council to monitor the take-up of such sites and to take action if assumed delivery is not occurring.

5.12 I therefore invite the Council to ensure that the advertised possible changes includes housing provision in the range of at least 2,650-2,900 and for this range to be reflected in the distribution of housing in the proposed changes to policy CS2 and in consequential changes elsewhere in the document. The proposed changes should include the consequential revision and expansion of table 2 of the CS based on the format in CDC14. However, the revised table needs to reflect the contribution from small sites in years 11-15. I consider that a table of this nature in the CS is a necessary part of making housing delivery effective.

5.13 As noted above, monitoring will be an important part of ensuring the effective delivery of the intended strategy. In addition to a revised criteria/target for monitoring the overall locational strategy, I suggest that housing delivery should relate to the delivery of houses against the numbers expected in the different locations and the take-up of SHLAA sites in those locations. The Council should consider what thresholds should trigger a review and action to assist delivery, including, if necessary, a review of elements of the strategy.

5.14 For clarity, it would be helpful if the CS indicated whether or not a selection of SHLAA sites are expected to be allocated in the Delivery DPD, so that the task for that DPD is clear one way or the other.

6. Strategic Housing Allocations and MDS Housing Sites

6.1 No changes are suggested at this stage as necessary for soundness. I will await the Council's written comments on the further submission received from Chalfont St Peter Parish Council regarding the Holy Cross Convent Site before indicating how I intend to proceed on that matter.

6.2 Council to consider whether it wishes to introduce additional policy wording or text relating to the objectives for the development on the Donkey Field, Little Chalfont and in relation to parking and changing facilities for the retained playing fields at Amersham and Wycombe College site, Chesham.

7. Green Belt

7.1 I am not persuaded that a fundamental review of the Green Belt boundary is required.

7.2 The heading for policy CS23 "Review of Green Belt village boundaries" is confusing since the intention of the policy is solely to review 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. The Council's proposed change to the heading and footnote to the policy clarify the intended limited scope of the policy.

7.3 There is, however, an anomaly in the local plan's treatment of the GB4 and GB5 villages which was particularly highlighted at the hearing on this issue. 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, however, washed over by the Green Belt. PPG2, which has been national policy on Green Belts for many years, 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 or inset (ie excluded from the Green Belt). Accordingly, 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 – that is excluded from the Green Belt. The GB5 villages, by remaining washed over by the Green Belt, but where limited residential development is allowed, are therefore inconsistent with national policy and I have seen no evidence to justify a different approach.

7.4 Whilst the above inconsistency would seem, at face value, a legacy of the evolution of the local plan rather than a matter concerning the soundness of the Core Strategy, ignoring the implications of this anomaly at this stage, is likely to have unintended or untested consequences when the Delivery DPD reviews the wording of these policies and the relevant boundaries. Paragraph 14.4 of the Core Strategy refers only to Green Belt settlements where infilling is permitted and appears to ignore the fact that GB5 allows something more, namely limited residential development.

7.5 Since none of the settlements/groups of dwellings have been inset, the application of PPG2 during the preparation and subsequent examination of the Delivery DPD may well lead to the conclusion that only infilling should be permitted in all of these areas. By that stage, it would be very difficult to consider, whether any villages should be inset (ie removed from the Green Belt) if the Core Strategy had clearly signalled that no changes to the Green Belt boundary were proposed. The proper consideration of whether limited residential development should continue to be allowed in some settlements would not have been objectively assessed.

7.6 The Core Strategy is unsound in ignoring this anomaly. The Core Strategy is the appropriate place to consider the question: is continued limited residential development (as opposed to only infilling) appropriate for any settlement in the Green Belt? If so, the Core Strategy should signal that any such settlements would need to be excluded (inset) from the Green Belt when the Delivery DPD reviews the boundaries. The Council has not undertaken any review in preparing the Core Strategy of whether any small villages should be excluded from the Green Belt (response to my Q6.7 in CDC7). It would not be inconsistent with national policy to exclude a settlement from the Green Belt (to inset it, in PPG2 terms) if continued limited residential development was appropriate and intended.

7.7 There may be several ways this problem can be addressed sufficient to remedy the unsoundness at this stage. Two suggestions. The comprehensive approach would be for the Green Belt settlements to be assessed now, in the light of the Council's revised expression of its strategy, to determine whether limited residential development is appropriate in any of the locations. If it is, the settlements should be identified and the Core Strategy should make clear that they will be removed from the Green Belt either now or through the Delivery DPD. If no settlements are considered appropriate for limited residential development (but only for infilling) the Core Strategy should make that clear, with the implication that there would no longer be the need for 2 different policies for Green Belt settlements. The evidence on which any such assessment was made would need to be published as part of the consultation on the proposed changes. Alternatively, the Core Strategy could highlight the problem and make clear that the appropriate scale of development will need to be reviewed as part of the Delivery DPD with the consequence that any settlement where limited residential development is appropriate will need to be excluded from the Green Belt and that this would be compatible with the overall strategy.

8. Housing Needs of the Community

Affordable Housing

8.1 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 very difficult. The considerable need for affordable housing means that a challenging/aspirational target for affordable housing is not unsound. However, the Council should consider a change if it becomes clear that the target is, in practice, very unlikely to be achieved, so as to avoid a misleading impression of intended provision.

8.2 As submitted, policy CS8 is unsound as it imposes an inflexible requirement for affordable housing. Such inflexibility is not justified by the evidence on viability and is inconsistent with the advice recommended in the main supporting evidence, namely: *The Affordable Housing Development Economics Study July 2009 (CND031) and 2009/10 Update (CDN082)*. Consistent with that evidence and advice, the policy needs to embed considerations of viability as an integral part of the policy and sufficient flexibility to ensure that the circumstances of each site and market conditions at the time of the application are properly taken into account. For schemes of 1-4 dwellings, the 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 for schemes of 5-7 units.

8.3 The Council proposed some changes to the policy in CDN117. Amended and more substantial changes were suggested in CDN121, including the deletion of the 20% figure in relation to the contribution from schemes of 1-4 units. The suggested paragraph on viability goes some way to addressing the unsoundness in relation to viability, but still does not embed sufficient flexibility. A development which cannot achieve the desired proportions of affordable housing because of justified viability considerations should not automatically be in conflict with the policy.

8.4 There are a number of ways that the policy could be worded to be sound. As explored at the hearing, I suggest that the start of the policy should be reworded: *The Council will negotiate to achieve the following targets for the provision of affordable housing. In new developments...* The other changes suggested by the Council should be retained, but in the new paragraph on viability "requirements" should be replaced with "targets".

8.5 Consistent with the need for a negotiated approach, the Core Strategy should not require the applicant to pay for an independent review of the evidence they submit on viability. The penultimate sentence of paragraph 10.5 should be deleted. (This does not, of course, preclude the Council introducing such charges, but it is not justified to make the charge a requirement of the development plan). The last sentence of this paragraph will also need amending or deleting since, where justified, provision below the targets would accord with the policy.

8.6 Given that affordable housing will now be required from schemes of less than 15 dwellings for the first time, it is particularly important to monitor the impact/success of the policy and, if it is not working effectively, to review the approach. This would not be achieved simply by monitoring the percentage of affordable new homes overall (as suggested in CDN117). Monitoring should relate to the achievement of the target percentages for the different scales of development set out in the policy and set a time/threshold which would trigger a

review of the policy. Council to consider the appropriate approach. (For example: *if within 4 years less than 50% of schemes in any size category have secured the target provision, the policy will be reviewed.*)

8.7 Given that the tenure mix (social rent/shared ownership) of affordable housing can have a significant effect on viability, it would be consistent with the above approach for policy CS10, which specifies the preferred mix, to acknowledge this. Flexibility may also be required in the light of local needs and the existing local housing mix. Council to consider a change along the lines of: *The appropriate mix in any particular development will be considered in the context of viability and local circumstances.*

8.8 Policies CS9 and CS11 – no changes required for soundness.

Housing for special needs

8.9 Policy CS12 requires a clear, more useful monitoring indicator than “sheltered accommodation” suggested in CDN117. This term, as defined in the Glossary of the CS, does not encompass the different types of needs/accommodation referred to in the Core Strategy and about which the Council have an interest. Council to consider a revised wording for the indicator.

8.10 Policy CS13 requires any redevelopment within the proposed MDS occupied by the National Epilepsy Society (NSE) 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.

8.11 Whilst “medical facilities and residential institutions” reasonably reflect 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 the existing activities.

8.12 The policy is too inflexible and is likely to be ineffective in securing the appropriate redevelopment of redundant buildings. The narrow scope of the policy is not justified by the advice in PPG2 Annex C (*Future of Major Developed Sites In the Green Belt*). The policy needs to reflect the fact that part of the site is likely to continue in its present state (and thus limited infilling may be acceptable in accordance with paragraph C3), but that part is redundant and requires redevelopment (to which paragraph C4 would apply). The scale of any new uses/buildings would be governed by the detailed criteria in C4 and these are likely to considerably constrain the scale of development (and any wider implications). These important limitations further weaken the justification for so narrowly restricting the types of new uses that can be considered.

8.13 To remedy this unsoundness the penultimate sentence of policy CS13 needs to be deleted. Council to suggest any alternative wording in the policy and/or the supporting text which would provide appropriate guidance and flexibility.

Gypsies, Travellers and Travelling Showpeople

8.14 I have set out my reasoning more fully on this topic than others because it is a matter where the changes that may eventually be necessary may not be accepted by the Council, but also to assist the Council in proposing any alternative changes or clarification which may address my findings of unsoundness.

8.15 National policy remains as set out in Circulars 1/2006 and 4/2007. But the Government has previously 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. The Council's forthcoming consultation on possible changes will provide the opportunity for any other party to comment on the relevance or applicability of the draft to the soundness of the submitted plan and of the proposed changes.

8.16 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. This process would no longer apply if and when these Circulars are withdrawn. However, the approved SEP does not set out such detail. The single issue partial review of the SEP was intended to provide the necessary figures for each district. This review was the subject of an Examination-in-Public (EIP) in February 2010. Following the Government's proposal to revoke all RSs, the work on this partial review has, in practice, been abandoned. The draft, incomplete, report of the Panel which held the EIP has been made public as a result of a Freedom of Information request. Clearly the report is not being progressed. As work on this previously emerging RS has been abandoned and its proposals have little or no prospect of ever becoming part of the development plan, I consider that they carry little weight. Accordingly, there is no framework within which any redistribution of needs among the districts of the South East Region is likely to occur and needs are most appropriately addressed on the basis of local evidence. This is the approach broadly signalled in the draft government advice.

8.17 The published evidence of need supporting the submitted CS is set out in the *Gypsy and Traveller Accommodation Needs Assessment for the Thames Valley Region* September 2006 (CDN021) and the *Needs Assessment of Travelling Showpeople* July 2007 (CDN032). I will refer to the former as the GTAA. This (p199) indicates a 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, I have not seen any better local evidence for an alternative approach to these hidden needs. It is essential that such hidden needs are recognised.

8.18 From the figure of 21, the GTAA subtracts 8, which is the estimate of pitches that were expected to become available between 2006-2011. Five of these are assumed to be vacancies on the Council (socially rented) sites within the district as a result of the application of an 8% annual void rate. In my experience, there is often little turnover among families resident on long-standing and well-run Council sites, and it is questionable whether during the past 5 years, 5 new families in need of their own pitch in 2006 have been accommodated on the Council sites in the district as envisaged in the GTAA. Whilst this could have been verified by careful monitoring over this period, I have seen no evidence that

5 such vacancies have actually arisen. One vacancy is assumed to arise as a result of an expressed interest in moving to a house by one site resident, but again, it is unclear whether any such vacancy has actually occurred.

8.19 The estimate of need in the GTAA is further reduced as a result of 2 planned local authority pitches. The GTAA indicates that there were 12 authorised Council pitches in 2006. The Core Strategy (paragraph 11.7) notes that there is now planning permission for a total of 14 pitches on the Council sites, an increase of 2 since 2006. Only one of the 2 new pitches has actually been provided (CDC/8 p3). There is no suggestion that any other additional pitches are to be provided on the Council sites. The increase of 2 referred to in the CS, and implied as contributing to supply since 2006, have already been taken into account by the reduction of need in the GTAA. This is erroneous double counting. To avoid the danger of this error occurring again, the 2 planned sites noted in the GTAA should not be taken off need, but included only in the additional provision made since 2006. This currently amounts to only one additional pitch. Accordingly, I consider that the GTAA evidence indicates that needs for the period of 2006-2011 are likely to be in the range of 15-21 pitches.

8.20 The CS (paragraph 11.5) explains that the GTAA was subsequently subjected to a "benchmarking" exercise in the light of national guidance. As a result, there was a substantial reduction in the number of additional pitches considered to be required. The Council now considers that only 9 pitches are needed for the extended period of 2006-2016. This is confirmed in a proposed change (in CDN117). This benchmarking process was carried out as 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 CS of why such a considerable reduction from the figures in the GTAA is appropriate. On this basis, I cannot consider this figure to be justified. The only explanation of this benchmarking process which I have seen is the summary in the draft EIP Panel's report. The report is sharply critical of the outcome of this process. On the evidence before me, it is not justified for the CS to identify a need for only 9 pitches to 2016. To remedy this unsoundness, the last 3 sentences of paragraph 11.5 would need to be deleted and some additional commentary included about the findings of the GTAA.

8.21 The *Needs Assessment of Travelling Showpeople* July 2007 (CDN032) identifies a need for 21 additional permanent plots for the period 2006-2011. This figure includes an estimate of needs from concealed households. This study also makes an assumption about vacancies arising on authorised pitches, but as there was only one authorised plot in Chiltern District in 2006, applying this assumed vacancy rate makes no practical difference to the outcome. The study is a reasonable assessment of local needs apparent at the time. But neither this assessment nor any other in the South East took into account the needs of any of the 42 homeless travelling showpeople in the South East which are referred to in paragraphs 14.19 - 14.29 of the draft EIP Panel report. Eight of these homeless families are noted in that report as owning land in Chiltern District. In the absence of any regional assessment process, it is difficult to see how the needs of these families will be properly taken into account anywhere. Some of these needs may be a relevant consideration for any further assessment of needs in Chiltern, but the absence of any reference to them in the 2007 Assessment does not undermine the credibility of the study for this district, taken in isolation.

8.22 In the CS (paragraph 11.9), the need for 21 plots to 2011 is noted, but reference is then made to the benchmarking exercise which resulted in needs being reduced to 16 for the period 2006-2016. For the reasons already given in relation to the GTAA, I cannot be satisfied that this considerably reduced figure

for an extend period is justified. To remedy this unsoundness, the last 4 sentences of paragraph 11.9 should be deleted.

8.23 Having identified the need for additional pitches/plots for these 2 groups, Core Strategy paragraphs 11.7 and 11.11 outline what has changed since the base date of 2006 in respect of planning permissions for additional pitches. Temporary planning permissions do not adequately meet the identified need. This is not clearly expressed in these paragraphs, but I do not consider that changes are essential for soundness. Given that there is clearly a material remaining need, even in the context of the reduced, benchmarked need relied on by the Council, it is confusingly ambiguous for the plan at 11.12 to say: "any sites which may (my emphasis) be required to provide the additional pitches indicated above ...will be allocated", since additional permanent pitches are clearly required (to 2016) and further pitches may be required to 2026. I propose an amendment to this sentence to clarify the circumstances in which allocations will not be required.

8.24 I turn now to policy CS14. To be sound this needs to be effective in ensuring that sites will be found to meet the identified needs. The policy as submitted is unsound. In summary, the reasons are:

- The policy is ambivalent as to whether sites will be allocated even when there is a need.
- The policy indicates that even when acceptable under the policy criteria, permissions may be temporary pending the adoption of the Delivery DPD. This is unjustified. Temporary permissions are a consideration only where there is combination of factors, namely: conflict with policy, a clear need, and a likely change in planning circumstances in the foreseeable future.
- There is an unjustified emphasis (signalled by the ALL in the policy) on all the listed criteria being met. This approach is not applied to any other policy in the plan.
- The preclusion of sites from the AONB is a more restrictive approach than would apply to other forms of development in the AONB, to which policy CS22 would be applied.
- The approach to the Green Belt is inconsistent with the approach to residential infilling in small settlements under local plan policies GB4 and GB5.
- There is 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. In particular, there is no evidence to suggest that deliverable sites will be found outside the Green Belt, given that any potential gypsy/traveller sites within the non-GB settlements would be competing with higher value housing and other developments.
- No criterion relates to the adequacy of living conditions for future occupiers of the proposed sites.

8.25 In the light of the concerns I expressed prior to the hearings, the Council suggested substantial changes to the policy in CDN121, including the deletion of all the criteria other than the text on the Green Belt. I welcome the suggested clear emphasis that sites will be allocated. But this is limited by the introductory comment: "where the Council has identified the need..." This is too tentative given that needs have already been identified for the short term, let alone for the whole plan period.

8.26 The suggested wording would still imply a difference in treatment between a single family pitch/plot and a single dwelling in the Green Belt villages. There is no justification for this difference. More fundamentally, in the absence of any

evidence to suggest that deliverable sites can be found within the non-Green Belt settlements, it would seem inevitable that sites will have to be allocated in the Green Belt. This is the difficult strategic decision which the Core Strategy should acknowledge, paving the way for delivery in the Delivery DPD. The retention of most of the text of the former criterion d) implies that the only possible sites in the Green Belt might (in very special circumstances) be those with temporary planning permission. The consideration of sites for allocation in the Green Belt via the Delivery DPD need not be confined to those sites. Very special circumstances would remain the necessary test for any planning application in the Green Belt not on an allocated site. I therefore invite the Council to consider a further revision, drawing on CDN121.

8.27 Accordingly, as part of the forthcoming consultation process, I request the Council to advertise the following possible changes (to be set out in the conventional manner):

- CS paragraph 11.5, delete last 3 sentences of paragraph;
- Add at the end: *The GTTA assumed that by 2011 five vacancies would have arisen on the Council-owned sites in Chiltern and one vacancy as a result of a desired move into housing. But there is no evidence to indicate that any such genuine vacancies for families in need have actually occurred. The identified need was reduced by 2 planned pitches, but these are included in the supply referred to below.*
- CS paragraph 11.9, delete last 4 sentences of paragraph.
- CS paragraph 11.12: delete first sentence and add: *Unless all identified needs have been provided for as a result of development management decisions resulting in suitable and deliverable sites to meet the respective needs for pitches for gypsies and travellers and plots for travelling showpeople, the Delivery Development Plan Document will allocate sufficient sites to meet the remaining needs.*
- Policy CS14 to be further revised to remedy the unsoundness identified above.

8.28 If the Council wants to provide any further justification of the needs set out in the submitted plan, the evidence would have to be published as part of the consultation process, with an invitation for comment.

9. Economy

9.1 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. 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.

9.2 The Council has clearly felt constrained in its approach to employment land by the statement in the South East Plan (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. 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 of 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 2006 CDN20.

9.3 Recent evidence (CDN96 & CDN119) indicates a large number vacant of 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 session 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. 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 such 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 sites which might otherwise be attractive to the market.

9.4 There is sufficient evidence to indicate that a more flexible approach is necessary. The appropriate policy approach needs to be set within the context of clear objectives which should be related to positive outcomes (eg diverse/thriving economy, provision of new jobs). The present strategic objective 4, related target and policy CS16 essentially say the same thing (no net loss of employment land) and are not focussed on achieving positive outcomes. The stated objective could be achieved and the policy complied with whilst the number of vacant units and vacant sites increased over the long term, which would be a perverse outcome and contrary to the underlying, unstated, aim of the Council and the statement in the SEP. In all these circumstances, a more flexible approach would not take the plan out of general conformity with the SEP.

9.5 A suggested change by the Council would add a footnote in the Core Strategy to indicate that the Delivery DPD would review the areas designated under policies E2 and E3. Whilst this is an important step towards greater flexibility its scope would be constrained by the wording of policy CS16.

9.6 The Council needs to respond to the above unsoundness in a comprehensive way. A new strategic objective and target needs to be set out based on positive local outcomes in relation to economic activity and jobs. (The Summary of the District Vision in Appendix 1 of the plan needs correcting, as acknowledged by the Council, by deleting the reference to "better balance etc"). The overall structure and content of policy CS16 needs to be revised to include consideration of:

- An overall aim eg the long term retention of a portfolio of employment sites and premises which are attractive to the market and will provide a range of jobs to meet local needs.
- Promoting renewal and more efficient use of employment land.
- Indicating that the designation of land under saved policies E2 and E3 will be reviewed as part of the preparation of the Delivery DPD to ensure that such designations remain fit for purpose, with good prospects of providing jobs over the lifetime of the CS. The supporting text should explain the basis for such reviews.
- Prior to the completion of the above review, set out the basis on which changes from B class uses to other employment uses or from any employment use would be considered (to embody at least the limited flexibility included in the policy and intended – but not achieved – in the Council's suggested changes).

- Consideration of the role of mixed use proposals in facilitating redevelopment and achieving new, more suitable employment premises.
- The permanent policy approach for small, non-designated employment sites (ie the replacement policy wording for saved policy E4 which it to be superseded) embodying flexibility especially for sites which are unsuitable in physical/environmental terms or in market terms, for continued employment use.
- Any other elements dealing with particular types of premises/circumstances.

The supporting text will need to be reviewed to be consistent with and help explain the scope and implementation of the new clauses in the policy.

9.7 Policy CS19 Supporting the Rural Economy is unsound because it has confusingly combined elements relating to the rural economy generally with particular matters only relevant to farm diversification. This unsoundness would be remedied by the changes suggested in CDN121 and these should be pursued.

10 Infrastructure

Key Diagram

10.1 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). There appears to be no specific proposals for improvement. Accordingly, the notation should be deleted from the Diagram. (This should be included as a significant change.)

10.2 The Key Diagram also shows "Improved Traffic Route Through Chesham". The Council confirms that this relates to the Congestion Management Corridor in the DIDS and LTP. For clarity, a minor change could helpfully amend the description on the Key Diagram to be consistent with the other references.

Water Supply

10.3 The Chess and Misbourne rivers flow through the district. These are important chalk streams, but often suffer from low flows, which have adverse consequences for the aquatic habitat. Abstraction for public water supply has an impact on the flows of these rivers. Existing abstraction rates are close to the licensed limits. Additional water demands are likely to be met by the importation of water from other areas. These 2 rivers are included in the Environment Agency's Restoring Sustainable Abstraction programme. The Agency supports the introduction of water efficiency measures as a contribution to management of future water demands.

10.4 Table 1 in the CS, which relates to policy CS4, includes at h) use of water efficiency measures during construction projects and as part of new development to reduce consumption and ensure no detrimental impact on water quality. An embedded minor amendment at submission deletes the reference to part G of the Building Regulations, which currently sets water consumption at 125 litres per person per day.

10.5 All the evidence indicates that there is a strong environmental case for seeking to minimise the level and duration of low flows in the rivers Chess and Misbourne. Part of the necessary steps to achieve this would be minimising pressure for any increased abstraction within the catchments of the rivers and facilitating any opportunities to secure a reduction in abstraction rates. The

Supplement to PPS1 *Planning and Climate Change*) sets out in paragraphs 30-33 the relevant tests for any focussed local construction standard which is more demanding than national regulations. The evidence would justify the imposition of a local construction standard in relation to water efficiency of 105 litres per person per day. This would be a small, but material step in achieving desirable environmental improvements to these rivers. However, I am not persuaded that such a standard is essential for soundness, such that I should impose it against the Council's wishes. In these circumstances, I only encourage the Council to give consideration to introducing such a change. Any such measure introduced by the Core Strategy could be subject to the caveat that other measures or tighter restrictions may be introduced through national regulations or in subsequent development plan documents and would supersede the standard introduced in the Core Strategy.

Sewerage and sewage treatment/surface water drainage

10.6 No changes necessary for soundness.

11. Progressing the Examination

11.1 It is for the Council to respond to this note in working up changes where I have indicated these are necessary for soundness and to give further consideration to other possible changes which may improve the plan, but are not necessary for soundness. The Council will arrange for appropriate public consultation on all the possible changes, including those it considers are necessary for soundness and those where I may need to impose a change which the Council does not accept. The Council anticipates commencing the consultation in June.

11.2 I suggest that the Council prepare a short Topic Paper to explain the reasons for the proposed changes. Explanation to assist the public and other stakeholders will be particularly necessary in relation to the evolution of the locational strategy; the evidence underpinning housing provision and supply; and the revised approach to the protection of employment land. This Topic Paper need not repeat the detailed evidence set out in earlier CDNs, but should make clear cross references to that evidence and explain any changes. It may be particularly helpful in bringing together strands of evidence set out in a number of documents (including some of the CDC papers for the hearings). This Topic Paper could also assist in shortening my reporting time and report if it is able to bring together the key points of evidence and explain how matters have progressed, post submission. However, I am not suggesting work of a scale which would delay the progression of the Examination.

11.3 My final report will be accompanied by 3 schedules:

- Council's minor changes incorporating all post submission minor changes which are still relevant, excluding any that have fallen by the wayside. These changes would not be referred to in my report, but I would endorse the schedule to enable the changes to be made. This schedule should not include those minor changes in CDN100 which are now embedded in the submitted document. The reference numbers previously given to any such changes should be retained so that their origin is easily identifiable.
- Significant changes accepted by the Council as necessary for soundness.
- Changes necessary for soundness imposed by the Inspector.

I suggest that the consultation adopts the same format. The changes to the Key Diagram should be itemised in the schedules and shown on a proposed change Key Diagram.

11.4 The Council should provide me with drafts of these schedules before consultation takes place. This is to ensure that all the potential changes which I have indicated may be necessary for soundness have been adequately addressed. It would provide me with the opportunity of making additions to the schedule of potential imposed changes if necessary changes have not been made elsewhere. If the consultation is to commence in June 2011, I would need to be provided with the draft schedules no later than **31 May** and would respond within a few days.

11.5 The draft schedules provided to me after the consultation should not include a column of "reasons" for the change, since reasons will be covered in my report, so far as is necessary. The tables should also be capable of easy manipulation as Word documents, enabling text to be amended and proposed changes deleted or inserted without disturbing the numbering etc.

11.6 I will take into account all the responses to the consultation. (The Council should provide me with paper copies of the consultation responses grouped by policy/section of the plan). I will consider whether any further hearings are necessary, but in most Core Strategy Examinations further hearings have not been required following consultation on changes. If no further hearings are required and the consultation has been completed as currently envisaged, I expect to complete my report during September. Where, in response to the consultation process, I consider that the proposed changes should or could be amended, I will raise the matter with the Council before finalising the schedules.

11.7 No further representations are sought on this note.

11.8 Between now and the close of the consultation period on the proposed changes there may be Government announcements of significant changes to planning policy or the publication of draft planning policies which are of potential relevance to the soundness of the Core Strategy. The simplest way of responding to any such announcements would be for representations to be made during the consultation period.

Simon Emerson
INSPECTOR
4 May 2011