

CORE STRATEGY FOR CHILTERN DISTRICT - EXAMINATION

INSPECTOR'S MAIN MATTERS AND QUESTIONS

This note is issued now give all parties, but especially the Council, as much notice as possible of the matters I want to explore further. If any of my questions require clarification please raise the point with the Programme Office (but I will not enter into any discussion of the merits of the matters covered). The questions will form the structure of the matters to be discussed at the hearing, as refined in the light of the further written responses.

1. Compliance with Statutory and Regulatory matters

Includes Core Strategy Section 2 and many of the reps covering procedural and consultation matters.

A) Has the Core Strategy been prepared in accordance with the Local Development Scheme (LDS) and have the relevant details in the LDS been met in respect of the role, rationale and scope of the CS?

1.1 I have not seen any evidence that this requirement is not met. The current LDS is that dated November 2010 (CDN099). Is the scope and coverage of the CS consistent with that set out in the LDS?

B) Has the CS been prepared in compliance with the Statement of Community Involvement (SCI) (CD07/22)?

C) Does the CS comply with the 2004 Regulations (as amended) in relation to the publication of documents, advertising and notification?

1.2 A substantial body of the representations raise concerns about the Council's process of consultation and the way that the Council has responded to consultation results.

1.3 Many representations indicate that the forms on which to make representations to the publication version of the Core Strategy were too complex to use for many people, were off-putting and or excluded those without internet access and familiarity. Q. What is the Council's response to these criticisms?

Q1.4 Did the processes undertaken at each consultation stage, involving who was to be consulted and the manner of the consultation, including the availability and type of document and how they were made available, depart from what is set out in the SCI? If they did, does this amount to a significant departure from the Regulatory requirements?

1.5 Among the criticisms made is that there were no statements published after each stage of consultation documenting how each representation had been considered and dealt with by the Council and that, in the absence of such documentation, there is a breach of the SCI (and thus of S19(3) of the Act) and of Reg. 25 (5).

1.6 The Council has included in the submission documents *Summary of Comments to the Pre-Publication Stages of the Core Strategy (2008-2010)* (CDN107) in which there is a summary of comments made and a brief CDC comment.

Q1.7 Does paragraph 3.15 of the SCI mean that a response to each individual representation should have been published before the next stage of consultation? If the answer is *yes*, was there a failure to comply with SCI?

Q1.8 In CDN107, what is the origin of CDC's comments? Were these the comments made at the time of each consultation or do they reflect the position at submission? Have they been reported to or considered by the Council?

Q1.9 Does the publication of CDN107 overcome any past failure to comply with the SCI? If not, what are the implications?

D Has there been sufficient regard given to the Sustainable Community Strategy (SCS) as required by S19(2) of the 2004 Act?

1.10 The SCS is that for Chiltern District 2009-2026 (CDN076). Many representations highlight one element of its vision, namely *a place with enough affordable housing to meet local needs and maintain our services and communities*. The Vision for Chiltern in the Core Strategy is the same as that in the SCI.

Q1.11 How did the Council take into account this aspect of the SCS when deciding that 2,400 is the appropriate overall housing provision and the implications for affordable housing? (Related questions arise under other main issues)

E Has the DPD been subject to sustainability appraisal (SA)? Does the SA show how different options perform and is it clear that sustainability considerations informed the content of the CS from the start?

Q1.12 In particular, how has the evolution of the locational strategy been informed by SA? Any detailed conclusions of the SA in relation to specific sites/policies can be considered under the main uses where those are discussed.

F Is the Core Strategy in general conformity with the Regional Spatial Strategy - the South East Plan?

1.13 This remains a statutory test (Reg 21(1)(a)). The substance of this issue relates only to the scale of housing provision and is best discussed under main matter 3.

G Have the requirements of the Habitat Regulations been satisfied?

1.14 At submission, the Council provided a *Habitat Regulations Assessment* (HRA) September 2010 (CDN087). Has Natural England (NE) commented on the HRA. If not, Council to seek NE's views.

Q1.15 Is the HRA fit for purpose and is its assessment consistent with the policies in the CS?

2 Main matter 1: Issues, Vision and Objectives

Representations encompassing CS Sections 3, 4, 5 and 6 (except 4.2.1 - 4.2.9 which are best addressed under MM3).

2.1 *This* issue is intended as an overview of these sections of the CS to check whether there are any fundamental omissions or inconsistencies (both within this section and between the vision/objectives and the rest of the document). I recognise that if there is a significant change to a policy, then aspects of the

vision and/or objectives may need to be changed as a consequence. This should be identified during the hearings.

Q2.2 Do the 8 spatial issues at paragraph 4.5 address the main challenges which the Core Strategy needs to address?

2.3 A few representations draw attention to the Government's proposed route for a high speed railway line, which passes through Chiltern District. This is mentioned at 14.3 of the CS. I understand that the Council is opposed to this proposal. There is no need for the Core Strategy to address the controversy. Q If the line were to proceed, would it have any implications for the strategy which the document should address, or would it require a review of the Core Strategy? Would any such implications arise primarily at the end of the current Core Strategy period?

Q2.4 Are cross boundary issues adequately addressed in setting the context? Have any concerns been raised by adjoining authorities/agencies?

Q2.5 To what extent should the Visions for individual settlements reflect any local expression of a vision by that community? Do they?

Q2.6 How will the Core Strategy help deliver these settlement visions? Is the Core Strategy sufficiently spatial in its engagement of the issues and visions?

Q2.7 Does the Core Strategy seeks to advance any measures to address the acknowledged *pockets of localised deprivation* (paragraph 3.3)? Does it have a role to play in addressing such matters?

Q2.8 Are the Strategic Objectives appropriate and are the targets an appropriate measure of how each objective should be met? Objective 1 (amount of housing) and objective 2 (proportion of affordable housing) will be discussed under main matters 3 and 6 and do not need to be separately addressed here.

Q2.9 Is objective 4 (no net loss of employment land or floor space) appropriate as an objective, since the wording of the objective, the related target and the policy approach (CS16) are essentially the same? Should the objective express an overall aim or outcome, rather than perhaps the means to an end?

Q2.10 A number of representations question the appropriateness of the target relating to sustainable locations (SO3). Based on the evidence used to assess the sustainability of locations for development (e.g. CDN008 & 009), is this the most appropriate practical measure? Does it provide a reasonable measure of the effectiveness of the Council's chosen spatial strategy (of urban concentration)? Should any change of this indicator also change the identical indicator under policy CS1 Table 1?

Q2.11 Should the target for SO6 (AONB/natural assets) refer to National and Local Biodiversity Action Plans or should these be referred to in indicators under policy CS1 Table 1? Council to respond to points made by Bucks, Berks and Oxfordshire Wildlife Trust (414840).

2.12 The indicator of 300 additional places for SO7 is considered under MM 6.

3. Main matter 2: Spatial Strategy

Representations encompassing section 7 and policies CS1 and CS2. There is an overlap in these representations with MM3. Representors who have indicated that they wish to appear in the context of objections to this section of the plan should confirm with the PO which hearing session(s) they wish to attend.

3.1 *Over-arching issue: is the spatial strategy clearly expressed, does it derive from a proper consideration of reasonable alternatives and is it justified by evidence?*

3.2 I have seen no significant evidence to suggest that the 4 spatial scenarios (elsewhere referred to as Options) set out in the *Core Strategy Options Paper* June 2008 excluded any reasonable alternative and I do not intend to explore further matters prior to that Paper. I regard the 4 Scenarios in the 2008 Paper as the starting point.

3.3 I sought some preliminary clarification from the Council and expressed some concern about the description and evolution of the spatial strategy in my 2nd Note to the Council (2 February 2011). The Council's initial response is in CDC/2 (9 February 2011). Both these are available on the Examination page of the Council's website. As requested, the Council has provided (CDN111) a summary of the reports to the Council's committees/cabinet and full Council at each stage of the evolution of the strategy since the June 2008 publication. Contrary to what is stated in the Core Strategy, the Council now accepts that the chosen locational strategy is more closely related to Scenario/Option 1 of the June 2008 scenarios than option 3, which was approved by the Cabinet in 30 September 2008. The key Council decisions resulting in this change are summarised in CDN11.

3.4 The Council will be proposing some changed text to clarify the description of the chosen strategy. Q: Does this text appropriately explain what the chosen strategy is meant to be? Is it consistent with policy CS1?

Q3.5 Policy CS1 refers to the *four main, and most accessible settlements*. The Chiltern Accessibility Plan (B10 in CDN009) shows that Great Missenden has a higher accessibility index at its centre than Little Chalfont. How has *most accessible* been assessed in choosing the main settlements in CS1/CS2? Is the description of the selected settlements justified?

3.6 In September 2008 the Council had recognised that some Green Belt sites might be required to deliver the spatial chosen strategy (Scenario 3). In April 2009 the Council decided that it was no longer necessary to contemplate sites in the Green Belt because there were sufficient sites to deliver the SEP requirement of 2,900. (CDN11 Table 1). In September 2010 the Council decided to reduce provision to 2,400, in part, because of land supply constraints.

Q3.7 In September 2010, did the Council review the chosen strategy including the constraints it was imposing on supply (such as by not contemplating development in the Green Belt)? Where is any such assessment set out? What are the Council's reasons now for not considering any housing sites in the Green Belt?

Q3.8 Is the Council's evolved choice of urban concentration as the locational strategy justified by evidence and has it been the subject of Sustainability Appraisal which has informed the development of the strategy?

Q3.9 Has there been a change in locational strategy (or in the practical consequences flowing from how the strategy is expressed) between the Consultation Document March – April 2010 (CDN084) and the publication/submission version, now that housing numbers are not given for individual settlements?

Q3.10 Does policy CS2 provide a sufficient strategic spatial steer for the scale of housing in different settlements? Would figures for individual settlements make any difference to the scale of development that occurs, bearing in mind the strategic allocations made and reliance on SHLAA sites within the urban areas?

Q3.11 Does policy CS2 achieve what the Council intends? The Council will be proposing a change to the policy to refer to the strategic housing MDS sites. Does policy CS2 (in the submitted document and as proposed to be amended) fulfil the spatial strategy expressed in CS1 (of *urban concentration*)?

Q3.12 Is the balance between the urban areas and the rest of the district appropriate? What has informed this split?

Q3.13 Would any settlement or parish, particularly Chalfont St Peter or Little Chalfont, have a disproportionate amount of new housing over the plan period or be affected by disproportionate impacts from developments?

4. Main matter 3: Overall housing provision and delivery

Representations on section 4.2 (4.21-4.29), 7.6 7.7 Policy CS2.

Overarching issues: Is the Core Strategy in general conformity with South East Plan (SEP). Is housing provision below that required by the SEP justified by local circumstances (as demonstrated in evidence by the Council). Are there reasonable prospects for the delivery of the proposed housing in accordance with the advice in PPS3.

Overall provision and relationship the South East Plan (SEP)

4.1 I sought some preliminary clarification from the Council and expressed some concern about this topic in my 1st Note to the Council (27 January 2011). The Council's response and the further work the Council is undertaking is set out in its response CDC/1 (8 February 2011). Both documents are available on the Examination page of the Council's website. If the Council publish a revision of the SHLAA or related evidence (intended to be produced by 25 February 2011) I will take that evidence into account and any further responses to these questions should have regard to such further documents.

Q4.2 By proposing 2,400 dwellings, rather than the 2,900 set out in the SEP, is the Core Strategy in general conformity with the SEP? Would some degree of variation from 2,900 still keep the Core Strategy in general conformity? If I were to conclude that local evidence did justify provision for only 2,400 in the SEP (taking into account all other factors), but that the difference from the requirement of the SEP meant that the plan was not in conformity, what would be the implications (given that general conformity is a Regulatory requirement)?

Q4.3 Section 4.2 of the Core Strategy refers to the advice of the DCLG's Chief Planner issued on 6 July 2010 and to the former *Option 1* figure, which was the Council's input to the draft SEP. Given that the SEP remains part of the development plan and the Secretary of State's act of revocation on 6 July was

unlawful, are these matters now of relevance in justifying the Council's housing provision of 2,400?

Q4.4 Section 4.2 also reassesses the reasons given by the Panel which conducted the Examination in Public of the SEP for recommending that provision in Chiltern be increased from 2,400 to 2,900. Given that the figure of 2,900 has subsequently been incorporated in the SEP as approved by the Secretary of State, to what extent is it justifiable to explore again these particular reasons? How does this approach relate to the Council's acceptance that the SEP requirement should be the starting point?

Q4.5 In making housing provision below that required by the SEP, how has the Council taken into account the factors in PPS3 paragraph 33? (Paper yet to be produced by the Council.) What weight should be given to factors other than land supply? Is the Council's approach justified?

(I note that the Council intends referring to population figures to be produced by Buckingham County Council, would the Council please also have regard to the most recent ONS population and household projections and explain any differences and why the Council may prefer one set of figures to another.)

Q4.6 In as much as the Council's justification for 2,400 is based primarily on land supply constraints as the critical consideration, Council to explain carefully how the evidence from the SHLAA (both at the time of submission and in the light of the updating about to be undertaken) leads to a conclusion that only 2,400 can be provided. Is 2,400 the most houses that can reasonably be expected to be delivered in accordance with the strategy?

Q4.7 In as much as the Council are correct in suggesting that the SHLAA can only properly give a range of potential housing capacity, should the housing provision in the Core Strategy be expressed as a range or in some other way indicate flexibility?

Q4.8 Should any past or current evidence of a supply constraint which prevents the delivery of 2,900 required by the SEP, prompt the Council to undertake a review of the locational strategy? If it did so, where is this set out? If not, why is a review not required?

Land supply and delivery

4.9 In its response of 8 February to my 1st Preliminary Note, the Council emphasises the limited need to rely on any sites in the SHLAA to deliver its proposed 2,400, primarily only in the last 5 year period. But, in as much as the Council is relying on the SHLAA to demonstrate why a figure below the 2,900 of the SEP is justified, it is essential that any re-assessment of sites in the SHLAA is not constrained by the Council's chosen figure of 2,400. The SHLAA should demonstrate as objectively as possible what capacity, or range, of housing is possible within any given set of policy/locational constraints. I would highlight the request made in my 1st note for any changes made to capacities or sites in the SHLAA to be clearly distinguished and explained.

Q4.10 Item 1.1 of table H2-2 in the Housing Trajectory (CDN089 or subsequent update) assumes all extant planning permissions of 5 dwellings or more will be delivered. Is this justified? On what evidence has the Council assessed whether these sites are deliverable (and especially *achievable* - PPS3, paragraph 54)?

Q4.11 Item 1.2 of table H2-2 (CDN089 or subsequent update) discounts the supply from small site planning permissions by 10%. Is this justified? Is the discount based on any past evidence of implementation on such sites and, if so, is that evidence still credible?

Q4.12 Is the assessment of the sites in the SHLAA (CDNO88 or subsequent update) without planning permission and not allocated in the Core Strategy consistent with the advice in PPS3 (paragraphs 55 & 56)? How has the Council assessed the *reasonable prospects* of sites being developable, particularly those in multiple ownership? Is the Council's assessment realistic?

Q4.13 Is the approach to the density of sites in the SHLAA set out in CDN108 justified and appropriate? How has the Council taken into account the relevant sustainable principles in policy CS4 Table 1, including b) *achieving higher densities in accessible locations*? What are the most appropriate considerations in assessing likely site capacity/density for SHLAA sites? Will the changes in PPS3 (June 2010) make any material difference to previous assessments?

Q4.14 The SHLAA (CDNO88) excludes sites in a number of categories of location/constraint. If land supply is a constraint on deliverability, should the contribution of sites within any of the excluded categories be reviewed? Could any of these categories make a material contribution to land supply as part of the existing strategy (in policy CS1) or would they require a change of strategy?

4.15 In response to a request in my 1st Preliminary Note, the Council has set out (8 February) the past contribution to housing supply from small sites (4 dwellings or fewer) since 1996. The average is 50 dwellings a year. The Council suggest that in years 10-15, a contribution of around 250 dwellings could realistically be provided from small sites.

Q4.16 How does such an assessment take into account the changes to PPS3 (June 2010)? What proportion of past and projected future small sites windfalls are on garden land? Given footnote 31 in PPS3, which defines windfalls, can such sites be described as *windfalls* since they would no longer occur on previously developed land? Can their possible contribution to housing delivery still be acknowledged?

Q4.17 In the light of the above, the Council *welcomes the opportunity to discuss an allowance from small sites windfalls in the first 10 years of supply*. PPS3 makes clear (paragraph 58) that windfalls should not be included in the first 10 years of supply unless there is robust evidence of genuine local circumstances that prevent specific sites being identified (my emphasis). Accordingly, if the Council now seek to include such an element in the first part of the supply, it needs to explain what prevents sites being allocated, including those in the categories which have been excluded, as a matter of local choice, in the SHLAA. Relevant representatives on this issue can respond to any such case put forward.

Q4.18 Even if not justified as a contribution to supply in the first 10 years, would small site windfalls provide any flexibility for ensuring delivery of the housing requirement?

Q4.19 Are the indicators after policy CS2 adequate to measure whether the policy is being implemented effectively? Should there be monitoring of where development is taking place and/or its relationship to accessible/sustainable locations?

Q4.20 Should any action be proposed if the delivery of new homes falls behind the rate necessary to ensure total provision is delivered within the plan period? If so, how?

5. Main matter 4: Strategic Housing Allocations and Major Developed Sites (MDS) in the Green Belt allocated for residential development

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

I note that planning permission has recently been granted for residential development at the Holy Cross Convent site. The principle of such development on that site has thus been established. I therefore do not intend to consider further the principle of redeveloping that site as the allocation reflects current circumstances.

Q5.1 Why did the Council select these 3 sites from other sites in the SHLAA as strategic sites? Are there any other sites which could or should be considered as strategic allocations which accord with the stated strategy?

Q5.2 What contribution does the undeveloped state of the Donkey Field make to the character of Little Chalfont? How does the significance of any such contribution compare with its suitability for housing and the need for housing?

Q5.3 There are figures in the Housing Trajectory (CDN089) for what the Council expects from these sites. Are these figures appropriate and justified by evidence?

Q5.4 What is the evidence for the anticipated delivery from these sites as set out in the Trajectory (CDN089)? Is delivery realistic?

Q5.5 Are there any specific infrastructure requirements which the development of these sites requires or should contribute to? If so, should these be identified in the Core Strategy?

Q5.6 How will the Core Strategy be effective in securing the appropriate delivery of what the Council intends/expects from these sites?

Q5.7. Should the allocation for the Holy Cross site include the land shown in the approved planning application as a relocated playing field?

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

5.8 The general approach to identifying MDS sites and the policies for non residential MDS (CS13 and CS17) will be considered under other main matters. During the course of the Examination, the Council should make me aware when the current planning application at Newlands Park is reported to the Planning Committee and when it is finally decided.

Q5.9 Do these 2 sites come within the type of sites referred to in PPG2, Annex C as potential MDS?

Q5.10 Is the allocation for housing of these 2 MDS consistent with the stated strategy in policy CS1? If not, are there factors which justify development here?

Q5.11 Bearing in mind the sites' low scores on the Chiltern Accessibility Plan (B10 in CDN009), how is the proposed residential development consistent with the sustainability objectives of the Strategy or, if not, what are the factors which justify development here?

Q5.12 Given the low scores on the Chiltern Accessibility Plan (B10 in CDN009) are these appropriate locations for seeking a high proportion of affordable housing in accordance with policy CS8?

Q5.13 Is there any evidence of a continuing need for the site or premises at Amersham & Wycombe College for educational or other community purposes?

Q5.14 Has the impact of residential development at the Amersham & Wycombe College site on traffic congestion and air quality in Chesham been assessed? What were the conclusions and should any mitigation be specified in the Core Strategy?

Q5.15 There are figures in the Housing Trajectory (CDN089) for what the Council expects from these sites. Are these figures appropriate and justified by evidence?

Q5.16 What is the evidence for the anticipated delivery from these sites as set out in the Trajectory (CDN089)? Is delivery realistic?

Q5.17 Policy CS7 lists some requirements of development at these sites. Are these requirements justified and sufficiently comprehensive?

6. Main matter 5: Green Belt

Sub matter: MDS (general principles and non residential MDS)

Reps on 14.5; 11.4 and policy CS13 (Special needs aspects to be considered under MM6); 12.7 and policy CS17 (employment aspects to be considered under MM7). Discussion of the 2 housing MDS will be considered under the sub matter above.

Q6.1 Were any other potential MDS sites considered and rejected when identifying the 4 chosen MDS? Are the selected MDS considered by the Council the only MDS of strategic significance? Are there any comparable sites?

Q6.2 Paragraph 1.5.1 of CDN091 indicates that there may be other sites which could be considered as MDS and that the Council may designate MDS in the Delivery DPD. Is this made clear in the Core Strategy? Should it be?

6.3 Some representations seek the designation of other MDS. Subject to clarification of whether the Core Strategy is seeking to deal only with MDS of strategic significance and clarification of the opportunity for other non-strategic MDS to be identified in another DPD, I would not need to explore the merits of possible non-strategic MDS.

Sub matter: Policy CS23 Green Belt Boundaries

Reps on 14.4 and policy CS23.

Q6.4 What is the Council intending to indicate in CS23: change to Green Belt boundaries where the Green Belt abuts the edges of settlements which are

outside the Green Belt and/or changes to the envelopes of villages within the Green Belt (LP GB4 and GB5 policy areas) and which would remain in Green Belt? Does the policy title and text appropriately signal what the Council intend? Is any change in wording required for clarity?

Q6.5 Bearing in mind the advice in PPG2, paragraphs 2.6, 2.7 and 2.11 (and the text in the box), are exceptional circumstances required to trigger any type of review of actual Green Belt boundaries around settlements? If so, do such circumstances exist? Would a demonstrable inability to meet the SEP housing requirement from non Green Belt sites provide such exceptional circumstances? If they do, does that mean that Green Belt boundaries should be reviewed or is this still a choice for the Council to make?

Q6.6 Are exceptional circumstances required to review the boundaries of villages washed over by the Green Belt and if so, do they exist? What is the purpose of this exercise?

Q6.7 Did the Council undertake any review of which villages should be excluded from the Green Belt? If not, does PPS2 require such a review of villages if they have already been identified in a development plan?

7 Main matter 6: Meeting the housing needs of the community

Sub matter - Affordable Housing

Reps on all of Section 10 including policies CS8, CS9, CS10 and CS11

7.1 The Council has proposed a minor change (see CDN100) to the notes accompanying policy CS8. Note ii would be changed to: All *dwelling figures are net* (not gross).

7.2 To provide a context for the requirements of CS8 and to test the credibility of the overall affordable housing target stated in the Strategic Objectives, could the Council illustrate what is the projected outcome for the provision of affordable housing between 2011-2026, taking into account:

a) The number expected to be provided on sites with planning permission/agreed in principle (as the proportion will already be known);

b) An estimate of what might be delivered from the strategic allocations and MDS housing sites. (Please show Newlands Park separately as the outcome from this site might be known during the Examination.)

c) An estimate of what might be delivered from development of sufficient SHLAA sites to achieve 2,400 dwellings by 2026, applying the proportions in policy CS8 to the Council's latest estimate of individual site capacities.

d) Any schemes for 100% affordable provision, including Rural Exception schemes.

7.3 Please show explicitly the assumptions made, including the proportion of future developments where it has been assumed that the percentages in CS8 have been fully met and the proportion where provision may have to be discounted for viability reasons.

Q7.4 In the light of the evidence to be produced above, does the 500 target have reasonable prospects of being met?

7.5 On the basis of the evidence in the *Buckingham Strategic Housing Market Assessment* July 2008 (CDN051/5253) and given the absence of any evidence of substance which undermines its conclusions, my preliminary view is that there is a well justified need for a substantial scale of affordable housing. This need is much more than is likely to be delivered in any realistic scenario. Accordingly, I consider that the overall "need" requires no further exploration. I also consider that there is sufficient evidence to justify a policy which seeks to secure some affordable housing from developments below the national minimum threshold of 15 dwellings, subject to the appropriateness of any lower threshold, the details of how such a policy should be applied and its practical consequences. Whether it should apply to developments of 4 or less remains an issue for further examination.

Policy CS8

7.6 The Affordable Housing Development *Economics Study -2009/10Update* (CDN082) assessed the viability of various affordable housing requirements in relation to a range of house price bands typical of the district at the time of the study. I am unclear as to what conclusion the Council has actually drawn from the Study as to the deliverability of the expectations in CS7. Council to explain, in general terms, how it considers that the Study supports the policy.

Q7.7 The Study suggests that the evidence supports the Council's approach in terms of suitably challenging *targets* (3.5.1), that they form a clear basis for a *negotiated* approach (3.5.6), and that the role of *viability* considerations needs to be acknowledged in the policy (3.5.8.). The policy not does incorporate these words. Does it adequately reflect this advice? If not, is the Council justified in departing from it?

7.8 Whether any Residual Land Value (RLV) is sufficient to encourage development to proceed, as well as to provide any affordable housing, will depend on existing/alternative use value and the owners' expectations. Most of the SHLAA sites relied on by the Council are garden land or sites of existing residential property with relatively high existing use values (3.3.4, CDN082).

Q7.9 At what value points do the RLVs represent realistic values to exceed existing garden/residential use values? Is there an industry norm/guide for the land cost as a proportion of Gross Development Cost for small schemes on residential sites? If so, how does this compare with outcomes shown in Table 2a of CDN082?

Q7.10 The representation by Mr Stent (401227) provides some worked examples of small schemes. Council to comment on whether these suggest that a financial contribution may often not be achievable.

Q7.11 In applying CS8, a scheme of 4 units would need to contribute 80% of the cost of a 2 bed house locally. Could this be a more onerous requirement than providing 1 affordable unit on site in a 5-7 unit scheme? When affordable housing is provided on site, does the developer normally expect a financial contribution from the RSL, such as towards build costs (funded by capital borrowing by the RSL)? (I am not assuming any additional public subsidy.)

Q7.12 Is it reasonable to expect the applicant to provide a full financial viability assessment and justification as well as to pay for an independent review of the information (CS paragraph 10.5)? Would the Council's position be different if the policy referred to *negotiations*, *targets* and embedded *viability* as a policy consideration from the outset?

Q7.13 What arrangements are, or will be, put in place to make transparent and accountable how financial contributions obtained towards affordable housing are used?

Q7.14 Is it consistent with advice on affordable housing in PPS3 to expect development of only additional new dwelling to contribute to the provision of affordable housing?

7.15 *In the absence of any direct comparison of predicted RLVs with likely land values for garden/residential sites, and taking account of the Study's own recommendations (section 3.5), my preliminary view is that the viability evidence does not justify the proportions in the policy as explicit requirements, but only as targets to be used as a starting point for negotiation. Also, considerations of viability should be embedded in the policy. I invite the Council to suggest in its response paper alternative wording for discussion at the hearing.*

7.16 *The Study suggests that monitoring of outcomes will be important to judge the effectiveness of the policy and whether it should be reviewed. The stated indicator relates only to the overall numbers of affordable housing provided, which is a crude measure of outcome. I invite the Council to consider the need to monitor the proportion of affordable units achieved in relation to the policy targets and what might trigger a review of the policy.*

Other policies

Q7.17 Where is policy CS8 (Rural Exceptions) intended to apply? It refers to adjoining the *built-up areas of settlements*, which could include the large towns. Does this fit the guidance in PPS3 that exception sites are to meet needs in rural areas?

Q7.18 The policy requires the housing to remain affordable in *perpetuity*. This is only achievable where the right to buy/stair casing is excluded in accordance with listed parishes/settlements identified in SI 1997/625 (or similar Regulations). If the policy is intended to apply only to these smaller settlements, should this be made clear?

Q7.19 Policy CS10 seeks to split provision of affordable housing between 70% social and 30% shared ownership (intermediate). Many representations seek a greater proportion of intermediate affordable housing. Is the split in CS10 justified by evidence? Would more intermediate housing be viable in this area?

Q7.20 I understand that the Council has a preferred mix for affordable housing of 80% 1 and 2 bedroom dwellings and 20% 3 bedroom dwellings. Is this correct? Is policy CS11 intended to achieve this mix? Applying the policy to the size of sites likely come forward for housing over remainder of the plan period (in the manner explained in 7.2 above) would it do so?

Sub matter – Homes for Special Needs

Reps on all of Section 11.1 -11.4 including policies CS12 and, CS13 (specific Green Belt/MDS matters to be considered under MM5).

Q7.21 Is there clear evidence for the scale of accommodation required for people with particular needs over the plan period? What is the source of the figure of 356 in paragraph 11.2 of the Core Strategy, whose needs does it encompass and over what period? (I note, for example, that CDN071 – the most recent evidence on this topic - states that the report does not: *Cover housing needs for people*

that are not supported by Adult social care; p11 under heading What won't the Strategy be able to do.) How does identified need relate to the target for Strategic Objective 7 of 300 additional places between 2006 and 2026?

Q7.22 Are the accommodation needs of older people who are not reliant on support from the County Council covered in paragraph 11.2? Is policy CS12 intended to cover accommodation to meet special needs provided by the public, charitable and private sectors?

Q7.23 Are the 3 sites highlighted at the end 11.3 compatible with the locational steer provided in policy CS12?

Q7.24 Why does policy CS13 restrict any redevelopment to medical facilities or residential institutions? Is this relevant to the site's designation as an MDS? Council to respond to the concerns set out by the National Society for Epilepsy (NSE) (362064).

Q7.25 Does the NSE site provide specialist accommodation for national/regional needs (as well as local needs) and is this expected to continue? If so, should any monitoring of the provision of specialist accommodation which includes developments at that site distinguish between such specialist accommodation and that intended primarily to meet local needs?

Q7.26 The stated monitoring indicator is the number of adults supported to live independently through social services. Would this include those continuing to live in their ordinary home? If so, is this a useful measure of the outcome of policy CS12? Should monitoring encompass the number of additional units of specialist accommodation provided by all the different sectors and should this be recorded separately by sector?

Sub Matter: Gypsies Travellers and Travelling Showpeople

Reps on 11.5 -11.12 and policy CS14.

Q7.27 Is there robust evidence of the pitch requirements for these groups? (Explored further below). Could the Council clarify what it understands are the current needs (2006-20011 or to 2016) for both Gypsies and Travellers and Travelling Showpeople. I am unclear as to what conclusion is intended to be drawn from the text in the Core Strategy. Council to provide the figures from the bi-annual count of caravans for the last 5 years for both the District and County.

7.28 The robustness of the evidence in the needs assessments (CND021, 022 and 032) and other GTAA's in the South East was explored at the Examination in Public of the South East Plan Partial Review in February 2010. The incomplete, draft report of the Panel is referred to in paragraph 11.6 of the Core Strategy and the Council intends to consider the comments made. Q: What is the Council's response to the criticisms made in this report of the Thames Valley GTAA assessment of the evidence relevant to Chiltern and the subsequent benchmarking?

Q7.29 Does the GTAA make reasonable assumptions about:

- The existing backlog of needs (unauthorised sites and encampments and suppressed households)?
- Future arising needs (e.g. household formation)?
- The likely needs of gypsies and travellers living in conventional housing but wishing to return to living in caravan if the opportunity arises?

- The contribution to meeting future needs from genuine vacancies on authorised sites? Does any evidence or assumptions about turnover of pitches on public sites represent genuine vacancies for households without an authorised pitch?

Q7.30 Paragraph 11.7 refers to 2 publicly owned sites which have permanent permission for 14 pitches of which one remains to be provided. When will this one pitch be provided? Is there any budget to do so? Are there any other constraints on its provision?

Q7.31 What are the end dates of the temporary permissions referred to in paragraph 11.11? Are the existing needs short term or permanent? If the latter, how do temporary permissions meet that need?

Q7.32 Why does policy CS14 indicate only the *possibility* of the Delivery DPD making allocations for this type of accommodation? If existing needs and needs to 2026 have not been met, should there be a commitment to make such allocations?

Q7.33 Are the criteria in policy CS14 reasonable and consistent with the approach in other policies in the Core Strategy and with advice in Circulars 1/2006 and 4/2007? (Explored further below.)

Q7.34 The policy excludes sites from the AONB and Green Belt (other than the possibility of making permanent some temporary permissions, but only in very special circumstances). Does this mean that gypsy sites are acceptable, in principle, only within settlement boundaries? Is it reasonable or practical to expect gypsy sites to be found in such areas given the competing demands from higher value uses? What assessment has the Council made of whether there are likely to be available, suitable and affordable sites which meet all these criteria? If not, how will the policy ensure that needs are met?

Q7.35 Would the application of the criteria in policy CS14 constrain the location of a pitch/plot for a single family more tightly than saved policies for a single house, such as in Green Belt/AONB villages where infilling is allowed (policies GB4 & 5) or compared with Rural Exceptions sites? If so, why is such an approach justified?

Q7.36 Why does this policy give specific emphasis to the fact that ALL the criteria should be met, when this is not the approach adopted in other criteria-based policies?

Q7.37 Why does the policy suggest that only temporary planning permissions may be granted even if a proposal meets all the criteria (i.e. is acceptable)?

8 Main matter 7: Economic development

Encompassing all reps on paragraphs 7.8, 7.9 and Policy CS3, Section 12 including policies CS15, CS16, CS17, CS18, CS19.

Overarching issue: Are the policies for employment and economic development justified by evidence, consistent with national policy and sufficiently flexible to address changing or site specific circumstances?

Policy CS16

Q8.1 What evidence indicates that the current portfolio of sites and premises is appropriate for current and future needs over the plan period?

Q8.2 Do the vacancy rates of premises, or number of cleared sites with planning permission for redevelopment not started (as recorded in the *Employment Site Vacancy Survey November 2009* CDN096) suggest a lack of demand or unsuitability of some sites/premises?

Q8.3 Has the Council undertaken a more recent vacancy survey (please urgently make a Core Document) and, if so, what trends does this indicate?

Q8.4 Should vacancy levels and number of cleared sites be monitored with a trigger identified to prompt a review of the policy if these indicators remain high as the economy picks up?

Q8.5 How will the policy ensure compliance with PPS4 EC2.1 h) so as not to retain sites *if there is no reasonable prospect of a site being used for the allocated economic use?*

Q8.6 Given that policy CS16 encompasses all employment sites, how does CS16 relate to the saved local plan policies E2 and E3 and the designation of these policy areas on the Proposals Map? Is there any intention to review in the Delivery DPD whether the E2 and E3 designated sites are fit for their allocated purposes? If so, should the Core Strategy make this clear?

Q8.7 Is policy CS16 sufficiently flexible to respond to the individual circumstances of sites to achieve the best overall public benefit eg

- if business use harms residential amenity or where vehicular access is restricted?
- where redevelopment of suitably located employment land could be encouraged to achieve better quality premises or more intensive employment use?
- if beneficial redevelopment requires the economic stimulus provided by mixed use (for some non employment use)?

Q8.8 The policy allows for loss of employment premises to residential on upper floors within the District Centre, but resists the loss of any employment floor space elsewhere. Is this a consistent and justified approach given the District (i.e. town) centres are a sequentially preferable location for office use?

8.9 *Whilst I do not suggest, at this stage, that the thrust of the policy is unsound, I would invite the Council to put forward wording that would allow some greater flexibility, if required, for discussion at the hearing.)*

Policy CS18

Q8.10 Does the policy contain adequate guidance for retail and other town centre uses?

Policy CS19

Q8.11 In CS19 b) what is the justification for allowing the *change of use of suitably constructed building* only where such use is demonstrated to be required to ensure future farm viability, given that many rural building may have no connection with a farm? Is this restriction compatible with PPS4 EC6.2 c)?

Q8.12 Policy CS19 e) indicates that the Council will support the development of high speed broadband access to all communities. Policy CS15 says *all properties*;

and Table 1 of CS4 indicates that new development should be in locations *provided with fast broadband services*. Has the Council assessed the extent of existing provision, future planned roll-out and what infrastructure impediments may needed to be overcome to ensure that this intention is a realistic ambition? If not, are these ambitions/requirements realistic?

9. Main matter 8: Infrastructure, including transport.

Reps on all of Section 15, including policies CS25 and CS, and Appendix 7.

Overarching issue: Are there any infrastructure proposals or constraints which are critical to the delivery of the strategy and if so does the CS adequately address them?

Transport

9.1 The Key Diagram shows an *Improved Rail Link to Chesham*, but this does not appear to be addressed in the text or in Appendix 7 Draft Infrastructure Delivery Schedule (DIDS). The notation should be retained on the Key Diagram only if there is a specific proposal to be included in the text with appropriate details, including deliverability, in the DIDS. Council to clarify.

Q9.2 The Key Diagram shows an *Improved Traffic Route Through Chesham*. Is this the Congestion Management Corridor in the DIDS? Is it significant for place-shaping in Chesham? If so, should it be mentioned in the text of the Core Strategy? Funding is noted as *yet to be committed*. What are the prospects of this scheme being delivered by 2026? Does the emerging Local Transport Plan 3 include this scheme or is it likely to change the priority given to it?

Q9.3 Policy CS25 c) refers to identifying and safeguarding *improvement lines* from development. Are there any?

Q9.4 The Evaluation of Transport Impacts (July 2009 (CND72b) states that development scenarios 2 and 3 are able to be delivered with suitable *mitigation measures* and the transport assessment assumed an element of modal shift when concluding that the impact would be acceptable. Is this the main evidence/technical conclusion underpinning the transport aspects of the Core Strategy? Are any specific mitigation measures taken forward in the Core Strategy or will such mitigation be achieved by other means?

Q9.5 Policy CS25 refers to *any necessary mitigation measures* and policy CS26 f) refers to all development *not materially increasing traffic problems*. These policies would only bite as and when development is proposed on specific sites. Will the application of these policies ensure that the necessary modal shift will occur? Does the Core Strategy need to address any mitigation of general traffic growth or the cumulative impact of development?

Utility services – Water supply

9.6 The Council's Proposed Minor Changes (CDN100) amend paragraph 14.16 of the Core Strategy to indicate that both the Rivers Chess and Misbourne are *over abstracted*. Both are included in the Environment Agency's (EA) *Restoring Sustainable Abstraction Programme*. The local water supply is provided by Viola Water and involves abstraction from these rivers. The Draft Infrastructure Delivery Schedule (DIDS) (Appendix 7 of the Core Strategy) notes: *no additional requirement is identified for additional water infrastructure* and that Viola Water has *made provision in its service plan to provide water to the planned additional*

*dwelling*s. Several representations express strong fears that the additional water demands from additional dwellings must require more water to be taken from these rivers thus exacerbating the environmental harm of low flows.

Would the Council please clarify with Viola Water and the EA:

Q9.7 Whether the additional demands from the planned additional dwellings (both 2,400 and the 2,900 on which they were previously consulted) would require more water to be abstracted from the Chess or Misbourne; whether this would be within the currently licensed maximum abstraction limits; and, even if it is, whether it would have any material effect on low flows? If not obtained from these rivers, where would the water come from?

Q9.8 Would any additional water abstraction from these rivers (even if within currently licensed maximum abstraction limits) weaken the EA's ability to move towards restoring sustainable abstraction?

Q9.9 If yes to any of the above questions, should the Core Strategy seek to mitigate any adverse impact and, if so, how could this be achieved including:

a) Whether local circumstances provide the necessary justification (in the context of the advice in paragraphs 30-33 of the Supplement to PPS1 *Planning and Climate Change*) for a focussed local standard in relation to water use lower than will be required in the Building Regulations. (I note that the bracketed text in Table 1 after policy CS4 is to be deleted in a minor change).

b) Whether there is any action that the Core Strategy can legitimately encourage in relation to water efficiency in existing buildings.

Utility services – Sewerage and sewage treatment

Q9.10 The DIDS (Appendix 7 of the Core Strategy) states that Thames Water has identified that large sections of the District's sewerage infrastructure is operating at or near capacity. The Draft Infrastructure Delivery Plan (DIDP) September 2010 (CDN090) indicates (5.7.8 - 10) that the Chesham Sewage Treatment Works (CSTW) is near capacity; that planned housing will require increased capacity at some stage; and that in some parts of the District there is need for increased capacity in the sewerage network. Several representations highlight the adverse impact of incidents of sewage overflows as a result of lack of capacity and express concern over additional demands placed on the system. The DIDP notes that improvement to the treatment works will be funded by Thames Water, but that funding has to be secured in medium term plans approved by OFWAT.

Council to clarify with Thames Water and the EA:

Q9.11 Whether any capacity or other improvements are programmed for the CSTW in Thames Water's recently approved 5 year plan (2010-2015). If not, what would be the timetable for achieving the necessary improvements to accommodate planned housing (both 2,400 and 2,900)?

Q9.12 What additional capacity exists at CSTW? (Please be clear as to the base date being used and that Thames Water are aware of developments and planning permissions since that base date.)

Q9.13 Whether, as housing developments incrementally take place before any improvements are made, there is an increased risk of pollution incidents or other problems?

Q9.14 Whether, in the light of all the above, there is need for the Core Strategy to be more explicit about the capacity constraint arising from the CSTW and whether there maybe a point at which housing developments have to be embargoed pending the capacity upgrade? If so, does this have any implications for any of the allocated sites?

Q9.15 In relation to more local constraints on the capacity of the sewerage network, are Thames Water confident that the necessary upgrades can be secured from developers before the additional loads come on stream? If not, is there more that the Core Strategy should do to address the problem?

10 Main matter 9: Monitoring

10.1 Are there clear indicators and targets which will measure the effective implementation of policies and actions specified if monitoring indicates a lack of effectiveness?

10.2 I have identified a number of specific questions under individual subject main matters. Indicators may need to be amended if the wordings of policies change. I would ask the Council to review whether the selected indicators are sufficiently related to the scope and purpose of the policy concerned. As highlighted by Natural England, there are no targets or indicators for policy CS32 Green Infrastructure.

11 Other matters

11.1 Policy CS21 refers to *Areas of Little Change* and sets out criteria for development in them. Is the Core Strategy clear as to what does, or will, constitute such areas and how (e.g. selection criteria) such areas will be defined in the Delivery DPD? How do such areas relate to the evidence in the Townscape Character Assessment? How do they relate to existing conservation areas or potential future conservation areas? Does the Council have any programme to consider new or extended conservation areas?

11.2 How will *Areas of Little Change* relate to the areas designated under Local Plan policy H4 *Established Residential Areas of Special Character*? Will these areas be reviewed? The criteria in policy CS21 overlap with those of policy H4. Should the latter policy be superseded or should the Core Strategy focus on the principles of selecting and identifying such areas and leave the details of the development control criteria to the Delivery DPD?

11.3 In policy CS24 (*Biodiversity*) is mitigation of potential adverse impacts given appropriate recognition in the sequence of considerations, in the light of the advice in PPS9 Key Principles vi)?

Simon Emerson
Inspector
21 February 2010