

Chiltern and South Bucks Local Plan Examination in Public Consultation form

Regulation 19 Consultation Response on behalf of Chesham Renaissance Community Interest Company

You should try to support your representation by evidence showing why the plan should be modified. It will be helpful if you also say precisely how you think the plan should be modified. Representations should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further submissions based on the original representation made at publication.

Where there are groups who share a common view on how they wish to see a plan modified, that group should send a single representation. In such cases the group should indicate how many people it is representing and how the representation has been authorised.

Part A – Personal details

For your comments to be submitted to the Inspector, you must provide contact details

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Organisation: Chesham Renaissance Community Interest Company

Part D Supporting Information

If you wish to attach any formal evidence, maps or PDFs please ensure they are clearly marked with the Policy-Level number where required.

Document 1: Chesham Masterplan Stage 2 report, February 2018 (108 pages)

Document 2 Chesham Masterplan Consultation report, April 2018 (67 pages), including Appendix Qualitative questionnaire data (19 pages)

Document 3 “A Vision of Chesham” – included within the Response of Chesham Society to the Regulation 18 Initial Consultation to the Chiltern & South Bucks Local Plan, 14.03.2016. (47 pages)

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Introduction

1. The Chesham Society became closely involved in the new Local Plan since June 2011, when Trustees of the Society attended the public hearing conducted by Simon Emerson, the Inspector appointed by the Secretary of State, to examine the Core Strategy for the CDC Development Plan Document. The opportunity this presented inspired the Society to produce "A Vision of Chesham". This was subject to public consultation and received strong public support. The Society decided to progress this "Vision of Chesham". A special purpose vehicle, Chesham Renaissance Community Interest Company, was formed, local finance and community support raised, and preparation of the Chesham Masterplan was commenced, Allies & Morrison, a leading London based Architect was commissioned to deliver the Masterplan.
2. The NPPF encourages the effective use of land with emphasis on the redevelopment of previously developed or brownfield land. NPPF Paragraph 117 states "Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or 'brownfield' land". The Local plan is inconsistent with national policy in this regard, missing an opportunity to promote sustainable opportunities to deliver housing in the Chesham Town Centre.
3. The Chesham Masterplan is now in its second stage. It includes the town centre and surrounds. Enabling and delivery phases are currently in progress for the programme of works with initial planning applications for individual projects within the programme scheduled for submission commencing in Q4 2019. Stage 3 of the Chesham Masterplan, covering the area south of the High Street, is scheduled to be commissioned in Q4 2019.
4. At every stage from the Chesham Society initial public Meeting to launch the "Vision of Chesham", through to the formation of Chesham Renaissance and launch meetings of both stages of the Chesham Masterplan, senior Planning Policy Officers, Commercial Officers, Council Leaders of Chiltern District Council, along with local Councillors of Chesham District Council and Bucks County Council have been kept closely informed, invited to attend key presentations by architects and public meetings arranged by Chesham Renaissance. Full documentation has been supplied and made available in time (prior to March 2018) for consideration in the Local Plan.
5. It is thus surprising, indeed a travesty that no mention of the Chesham Masterplan is included for consideration during the Regulation 19 Consultation. Copies of the Chesham Masterplan and the public consultation report and supporting documentation are included for the benefit of the Inspector and consideration during public examination

The Chesham Masterplan

1. Chesham Renaissance considers that ignoring the Chesham Masterplan, both for Chesham and as a model for developing other urban settlements, is unjustified, inconsistent with national policy guidance and results in an ineffective solution. It therefore renders the Emerging Local Plan unsound and to consider the draft Local Plan in isolation would be a missed opportunity.
2. The Chesham Masterplan welcomes new housing to Chesham in and around its central core on central/brownfield sites close to transport hubs as a contribution to revitalising the Town. The National Planning Policy Framework has provided in this respect the opportunity to consider retail and commercial aspects of the town most of which stem from its industrial legacy.
3. The NPPF requires that plans should provide a positive vision for the future of each area. The draft Local Plan is ineffective in this regard, certainly in respect of Chesham, and is therefore unsound as it is not effective or compliant with national guidance. The Masterplan however has a concise and comprehensive vision at its core which has been underwritten by the community which during the consultation process on the Masterplan provided overwhelming support.
4. The Response by The Chesham Society to The Chiltern and South Bucks Local Plan Initial Consultation (Regulation 18) Incorporating issues and options was submitted on 14 March 2016. This included "A Vision of Chesham" which was the precursor on which the Chesham Masterplan brief was prepared. It should be noted that a substantial public consultation on "A Vision of Chesham" was conducted with a large public meeting/workshop held on 25.02.2016 in which CDC officers and councillors participated.
5. The Masterplan for the largest town centre in Chiltern District developed by Chesham Renaissance has been ignored despite being published in February 2018, supported by a large majority of the community. In addition, Chiltern District Council are Members of Chesham Renaissance which is a Community Interest Company. There has been enough time for the Masterplan to be properly assessed and incorporated into the Emerging Local Plan.
6. It has to be concluded that a decision was made at an early stage to concentrate on releasing Green Belt land for redevelopment and limited resources were committed to examining opportunities for central/brownfield development. This conclusion is supported by the quantity of reports on Green Belt and Exceptional Circumstances in the Evidence Base and the late arrival of the HELAA.
7. The Chesham Masterplan has now reached the implementation stage and a programme of work is being established and individual projects are being considered in detail. Agreements are being finalised with developers both for residential and employment projects and land assembly for these is at an advanced stage. Planning applications are being prepared. **It should be noted that the residential sites are deliverable and located in the Town Centre.** The asset lock feature of CICs provides the means for accumulating funds for necessary infrastructure and public realm works, and for leaving a legacy of fixed assets for the community when Chesham Renaissance has concluded its work.

8. In addition to Chiltern District Council, Chesham Town Council is also a Member of the Chesham Renaissance which also has a close relationship with Buckinghamshire County Council.
9. The Council's published the Green Belt Exceptional Circumstances Report in May 2019 has been prepared to demonstrate that exceptional circumstances exist to justify the release of Green Belt. NPPF Paragraphs 136 and 137 make it clear that all other reasonable alternatives need to be considered. The Local Plan cannot be considered sound if all reasonable alternatives have not been considered. The Chesham Masterplan is a reasonable alternative that has not been given due consideration by the Councils during the plan-making process over a similar period as preparation of the Masterplan. The Chesham Masterplan is deliverable and should therefore be considered as a reasonable alternative to ensure that unjustified releases of Green Belt are not proposed in the Plan.
10. 'It should be noted that the Chesham Renaissance response has been consistent since the Examination of the Delivery Development Plan - see Reg 18 Response enclosed.
11. It is difficult to conclude other than that the Local Plan is not positively prepared because it has ignored credible alternative options which have been made in consultation with other stakeholders and the community at large.

Strategic Policy SP EP3

6. The recent inclusion in the draft Local Plan of two large retail led development sites in Chesham (policy SP EP3) (Star Yard and Station car parks) on current car parking land appears to have been prompted by the very recently prepared 'Lichfields' Report of April 2019. The identified demand for such space is across the combined Districts but unjustifiably large areas are being promoted in Chesham despite Lichfields' own caveats that its forecasts should be used with caution. Since these sites have emerged since earlier drafts of the Local Plan, in the timescale they cannot have been properly tested by Highways and alternative parking and service goods access is not identified. There has been no public consultation on this policy and the alleged demand is not recognised.
7. The very marked contrast between the rushed inclusion of retail led development sites and ignoring a properly prepared and consulted Masterplan published in February 2018 indicates that Strategic Policy SP EP3 is not positively prepared, justified or effective and therefore must be unsound.
8. The effect of this proposed policy is the loss of car parking space on both of these sites with no provision for replacement or the existing shortfall in parking space for the Underground Station or for public parking more generally

Policy DM EP3 Enterprising - Economic Land

1. Officers from or representing Chiltern District Council, it is presumed, prepared this policy on the assumption that it was safe to assume that it was not necessary to identify any opportunities for centre or edge of town development in the Chesham settlement in the Green Belt assessment work that underpins the Local Plan. The Local Plan's strategy is instead to protect the bulk of existing employment sites at the expense of designated landscapes.
2. The emerging Local Plan appears to maintain the employment designations from the adopted Chiltern Local Plan without any consideration for more practical and sustainable solutions that would free up the Town Centre sites to deliver more housing.
3. This is a false assumption because assessment work was limited to the FEMA. Chesham is on the boundary of the FEMA and employers are indicating willingness to relocate into Dacorum and elsewhere close by. They are obviously not constrained by a FEMA. Since Chiltern District Council appears to have declined to consult with the adjoining Dacorum Council concerning employment sites, the preparation of the Local Plan is not Legally Compliant.
4. The Chesham Masterplan seeks to relocate employment inappropriate and unsuitable within the town centre out of the central residential areas, releasing land for housing and relieving local traffic congestion and pollution.
5. Safeguarding existing employment sites without the option to relocate the use will lead to stagnation in these outdated buildings. Building new homes on the periphery of the town will generate further traffic congestion and air pollution in the town centre making matters worse.
6. Chesham Renaissance is in negotiation with landowners for peripheral brownfield sites both within and outside the Chiltern District Council area. Further details should be available at the time of the Public Examination of the Local Plan.
7. Policy DM EP3 is therefore not a sound Policy, there being a failure under paragraph 24 of the National Planning Policy Framework, It states for example: 'Local Planning Authorities ... are under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries' In this case and in particular Dacorum District Council.
8. The draft Local Plan is unsound because providing new enterprise and employment predominantly in South Bucks will mean the requirement to travel to these sites by road from Chesham, something that Chiltern and South Bucks road infrastructure is unlikely to support successfully. There is an allocated employment site (SE5) included in the Local Plan in Asheridge Road that has already been granted permission for housing rather than employment.
9. Referring specifically to Chesham, there is a need to ensure the provision of employment/enterprise space, and to attract employers that do not require a large footprint for land as options are limited to accommodate these. Current employment sites are mostly difficult to access.

Sustainability Appraisal

NPPF 'Achieving sustainable development', para 7.

"The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs."

1. Referring to the Conclusion (section 14) of the Sustainability Report June 2019 it is stated that amongst many negative impacts of the Local Plan, after (unfunded) mitigation:

"it is likely that the large quantity of development proposed within the Local Plan would increase the Plan area's carbon footprint by 21% or more, this results in increased carbon emissions. This increase would exacerbate the impacts of climate change". The population increase is approximately 11%.

2. The Sustainability Report was published after the Chiltern District Council approved the draft Local Plan. This major divergence from sustainable development and the timing of the publication must make the local plan unsound, if not unlawful.

Strategic policies

1. In response to the Regulation 18 Consultation, the Councils stated that they would engage with infrastructure and service providers and that 'an Infrastructure Delivery Schedule will be prepared alongside the Local Plan which will set out what infrastructure investment is needed to support new development, when this should be provided, by whom and where the funding is expected to come from.'
2. The 2019 Infrastructure Delivery Schedule (IDS) is little more than a 'wish list' of un-costed and unfunded projects which have not been costed despite at least five years preparation. Furthermore appendix 3 of the IDS reveals a £179m to £231m funding gap over the Local Plan Area. Therefore, not only is the IDS unsound but also all measures seeking to make policies sustainable in other areas must be considered unsound. Even the availability of CILs is unlikely to fill this funding gap.
3. The National Planning Policy Framework at (paragraphs 20 b and 20c) requires that strategic policies should make sufficient provision for:

b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);

c) community facilities (such as health, education and cultural infrastructure);

Question on Regulation 19 Response Form

“If you wish to participate at the examination in public, please outline why you consider this to be necessary.”

1. **We wish to participate at the forthcoming examination in public.**
2. A viable alternative strategy for Chesham Town Centre which would make the most efficient use of previously developed land in the most sustainable location has effectively been ignored at the outset despite being made available to the Chiltern District Council planning officers and councillors. It must not be ignored at the Examination stage.
3. The Chesham Masterplan currently covers only the inner area of the Town and Chesham Renaissance will want to report on progress with Phase 3 involving surrounding areas within the current town boundary. The Masterplan offers a sound alternative that not only delivers more genuinely affordable homes in much more sustainable locations than the Green Belt area north east of Chesham but also serves to rejuvenate the town centre.
4. Also as mentioned above, agreements are currently being made with development partners, land is being assembled and planning applications prepared. Reporting on progress on these matters to the Examination will establish that the Chesham Masterplan is deliverable and sustainable.

Response to Chiltern and South Bucks Community Infrastructure Levy Draft Charging Schedule

1. The charging rate for dwelling houses is £150 / sq. m.
2. We do not agree that the residential CIL rates should be same across all areas within the districts.
3. Many pages in the accompanying reports are devoted to demonstrating that there is a very wide disparity of both new and resale prices across the district. In such circumstances most authorities adopt a differentiated or zonal approach to charging rates.
4. It is only necessary to look as far as the Inspector's Report on Hertsmere Borough Council Inquiry (29 October 2013) and its draft CIL Charging Schedule to find the following:
'paragraph 23: The Stage 2 EVA sought to build on the Stage 1 EVA to provide evidence and justification for a differentiated approach to reflect differences in values and development characteristics across the borough. Clearly, where there are significant differences in values across an area, a zonal approach can be appropriate and, indeed, desirable, as it helps to mitigate risks to viability.'
5. Further support for the view of Chesham Renaissance may be found in nearby Enfield where four CIL rates have been adopted varying from nil to £120 /sq. metre to reflect variations in values. This was supported by the Inspector as reflecting market information.
6. We do not agree with the rate proposed for B1, 2 & 8 Uses.

CIL Viability Assessment June 2019

1. 3.7.7
Unfortunately, it continues to be necessary to restate our acknowledgment that, particularly when viewed in terms and using assumptions appropriate to this type of strategic level local authority viability assessment, the viability of many non-residential forms of development looks likely to remain challenging.
2. 3.7.30
Looking at other forms of employment (B Use Class for example) development, the smaller town centre offices scenario testing produces poorer results still, across a wider range of tests and bearing in mind that significantly higher land values (BLVs) could be expected to be relevant (all would be on PDL rather than greenfield). While these again are potentially strongly positive at 5% and to a lesser extent 5.5% yields with 'H' rent assumptions but are negative otherwise.
3. 3.7.32
Coming back to the overview, a nominal CIL level would not in itself make the difference between viability and non-viability – the viability issues are inherent in the relationship between the much larger figures involved in considering development values and costs. Potentially a theme also for a wider range of CIL assessment assumptions based non-viable scheme types, we acknowledged earlier that there is room for pragmatism; and that the viability evidence need not be exactly followed in the Councils' approach (the CIL viability guidance within the PPG refers to this).

4. 3.7.33

Overall, therefore, although the viability evidence alone cannot specifically support the proposed £35/sq. m CIL charges, there is a wider context to look at here and perhaps particularly in relation to the 'out of town offices' scenarios/plan relevance.

From these statements it would seem logical to have a nil rate rather than a nominal rate on all B Class development.

Part E – Data Protection and Signature In submitting comments to this consultation we are required, under the Town and Country Planning (Local Planning) (England) Regulations 2012, to notify you when the independent examination will take place. We will use the contact details you have provided to do this.

Please note: at the end of the consultation period all comments will be made public and will be submitted to the Secretary of State along with the Local Plan and other relevant supporting documents. Your comments and name will be published but other personal information will remain confidential.

Your comments will be reviewed by the independent Planning Inspector appointed by the Secretary of State to carry out the Examination in Public. You may be invited to discuss your comments at the Examination in Public at the discretion of the Inspector. In line with General Data Protection Regulations (2018), your details are stored on a secure system and are used only for the purposes of consultation for the Local Plan and associated documents.

Your details will be stored until such a time that the Local Plan has been adopted. If you do not wish to receive further updates from the Council in relation to the Local Plan, please email us.

Please indicate you have read this notice.

 YES

V11, final 22.08.19

[https://d.docs.live.net/5977191437f28413/CIC/Local Plan 2019/Regulation 19 Response V11 final 220819 .docx](https://d.docs.live.net/5977191437f28413/CIC/Local%20Plan%202019/Regulation%2019%20Response%20V11%20final%20220819.docx)