



c/o Little Chalfont Parish Council
 Little Chalfont Village Hall
 Cokes Lane
 Little Chalfont
 HP8 4UD

24 March 2018

CLlr P E Martin
 Planning & Economic Development
 and
 Members of the Cabinets
 Chiltern and South Bucks District Councils
 c/o King George V Road
 Amersham
 Buckinghamshire
 HP6 5AW

Dear CLlr Martin and Cabinet Members,

EMERGING LOCAL PLAN - OPTION 6 EVIDENCE UNSOUND

Little Chalfont Parish Council and Little Chalfont Community Association are strongly opposed to the proposal in the emerging local plan to release Preferred Option 6 (Area South East of Little Chalfont) from the Green Belt for development. In this we are supported by a very large number of local residents who, in response to your consultations, have made known to you their concerns about loss of Green Belt and overdevelopment of the village. Such overdevelopment would place excessive demands on our already overstretched infrastructure and services, harming the amenity and character of the village.

We are writing now to give you notice of the areas where we consider that the evidence presented to support Preferred Option 6 (PO6) in the emerging local plan is unsound. Unless these points are rectified by the removal of PO6 from the draft plan they will form the basis of our case to the inspector that the plan is unsound and legally flawed. In the statement below we have included only those points which are matters of evidence rather than opinion. However, we take this opportunity to record that 32% of all responses received from both districts to the preferred options consultation in 2016 were objections to the inclusion of PO6, confirming the very high level of local opposition to the development of this site.

In short, on the basis of the legal and professional planning advice which we have obtained, we believe that, if they proceed with the release of PO6 from the Green Belt, the councils will be at high risk of pursuing an unsound, unreliable and unproven planning case at the forthcoming EiP. We approach you at this juncture in the hope that you will take the crucial opportunity to redirect yourselves and your officers and to seek alternatives, which, from our reading of the evidence documents, appear not to have been properly considered thus far in the planning process.

This letter takes into account and refers to the contents of the new draft National Planning Policy Framework published on 5 March.

SUMMARY

Our key points are as follows. They are set out in more detail in pages 3 – 12 below.

- **There is no audit trail to show that the councils have considered all reasonable alternatives to the preferred options, as required by the Strategic Environmental Assessment (SEA) regulations and Planning Practice Guidance (PPG). (Paragraphs 1 - 7)**
- **The planning judgments made in identifying ‘exceptional circumstances’ to justify the release of PO6 from the Green Belt have not been adequately explained. Some which have been explained are unsound. (Paras 8 - 13)**
- **Evidence showing the positive performance of PO6 against NPPF Green Belt purpose 2 has been ignored. The assessment of performance against purpose 3 conflicts with the stated methodology, the proper application of which would have produced a result eliminating PO6 from further consideration for release from the Green Belt. (Paras 14 - 18 and Appendix)**
- **PO6 is exceptionally impermeable to vehicle access. (Paras 19 - 21)**
- **The evidence does not show that the site would deliver a ‘medium’ positive outcome, as claimed, against Sustainability Assessment Objective 9 (Transport and Accessibility). The councils recognise that performance against the vast majority of the other SA objectives is adverse. There are also a number of factual errors which cast doubt on the reliability of the evidence. In para 25 we invite councillors to walk Lodge Lane to appreciate some of these errors – including the failure to acknowledge danger to pedestrians walking to the nearest bus-stop. (Paras 22 - 28)**
- **We share the strong environmental concerns about PO6 raised by many Duty to Cooperate bodies and others (Paras 29 - 30)**
- **The evidence so far presented about landscape is inadequate and indicates lack of due diligence. (Paras 31 - 33)**
- **The social consequences of such a disproportionate development should have been taken into account in the light of policy statements in the Core Strategy and elsewhere, but these consequences have been ignored. (Paras 34 - 35)**
- **In conclusion we ask you to direct your officers to conduct a comprehensive review of the evidence related to PO6, which we believe will lead you to remove PO6 from the draft plan (Para 36).**

DETAIL

LACK OF TRANSPARENCY IN OPTION SELECTION

1. With regard to the Preferred Options, it is not clear that the councils have considered all reasonable alternatives as required by the SEA Regulations (12 (2) (b) and the PPG (Reference ID: 11- 018-20140306).
2. The information in the Green Belt Development Options Appraisal (Post Preferred Green Belt Options Consultation) document of November 2017 (hereinafter referred to as the PPO document) and accompanying Sustainability Assessment (SA) report relates only to 'Preferred Options'. The Green Belt Options Appraisal (October 2016) seems to suggest that these are the only sites identified through the Green Belt Assessment work which are suitable for release from the Green Belt and therefore for allocation in the plan. This is further supported by paragraph 2.4 of the PPO document.
3. However, to refer to the options presented as 'preferred' implies that there are other options which are not preferred. Furthermore, the councils seem already to have dismissed additional options which will appear in the Green Belt Assessment Part 2, despite the fact that these have not yet been subject to SA – which cannot, therefore, have informed the decision-making process. So it may be that these would be reasonable alternatives not yet considered.
4. The 2017 Sustainability Assessment states *'It is not known which options presented will be carried forward.'* If, indeed, some options are not to be carried forward, the SA does not present or assess reasonable alternatives to these, nor does it explain why it is considered that there are no reasonable alternatives, if this is the case.
5. The plan-making process and SA lack transparency with regard to reasonable alternatives, as there is no clear audit trail of how the areas of search identified in earlier SA work (January 2016) relate to the options now being considered. In particular, some options considered in the January 2016 SA are not included in the September 2017 SA work, yet there is no explanation as to whether these are still considered to be reasonable alternatives, and if not, why not. The PPG requires the SA to outline the reasons why the alternatives were selected, yet this is not included in the SA documents. We assume that the inspector at the EiP will have similar stringent requirements.
6. The current lack of certainty as to whether the Preferred Options can deliver sufficient housing adds further significance to the question whether there are other reasonable alternatives.
7. Therefore we find insufficient evidence to show that the right sites have been selected. This must cast doubt on the selection of PO6, and on the soundness of the planning process.

THE GREEN BELT

Exceptional Circumstances

8. The evidence documents do not contain the full reasoning which led the councils to believe that exceptional circumstances consistent with paragraph 83 of the current NPPF apply to PO6. The development Options Appraisal of 2016 says only 'Exceptional circumstances may exist'.
9. There is a limited attempt to define exceptional circumstances for PO6 in the pro forma at Vol 2, App 5 of the Draft Green Belt Assessment Part 2. We find the argument there unsound and we expect the inspector to find likewise. It contends that existing developed roads separating the site from the adjacent Green Belt, and a depot in the area, give an urban fringe character to the area and that the site could therefore be removed from the Green Belt without harming the wider Green Belt.
10. In fact the eastern side of the site contains only very limited development, and overlooks open Green Belt and AONB across Lodge Lane which the councils accept has a '*country lane character*' and needs to be '*incorporated into the landscape buffer with the Chilterns AONB*' (Development Options Appraisal Nov 2017). Therefore the site is an extension of the open Green Belt into the outskirts of Little Chalfont, and the removal of that extension would cause harm to the rest of the open Green Belt. As established in case law, the concept of openness is distinct from visual impact. Policy GB2 of the Adopted Local Plan is in step with the NPPF in this regard.
11. Furthermore, the site, which contains well under 5% built form, is by far the most open and undeveloped of the three large Preferred Options, meeting strongly the NPPF definitions of openness and permanence as Green Belt characteristics; this was emphasised in an appeal judgment in 2013, quoted in our submission of 9 December 2016. If being adjacent to a built-up area makes a site weaker Green Belt, this would permit the gradual removal of the entire Green Belt. Common sense suggests that it is at the urban edge that Green Belt is at its most vulnerable and most needs protection.
12. It is not the case that generic factors, such as housing need, can be applied as exceptional circumstances across the district without consideration of the circumstances at individual sites. Paragraph 51 of Mr Justice Hay's judgment of 24 March 2015 in the Calverton case shows that the nature and extent of harm to a particular Green Belt site should be 'grappled with'.
13. Paragraph 42 of the Calverton judgment makes a further important point relevant to PO6. The suitability of a site for development does not by itself amount to exceptional circumstances, but may do so if combined with availability. The former golf course part of PO6 is known to be available but the councils say there is uncertainty about the rest. The four tests of 'soundness' for a plan include 'effectiveness'. If any land is not known to be available, both exceptional circumstances and effectiveness must be diminished.

NPPF Purpose 2: coalescence

14. The Green Belt land north of Long Walk (part of PO6) was the subject of planning application CH/1979/0103/FA - Refused: *'inappropriate development in the green belt and would extend and intensify the existing ribbon development along Long Walk, which is an open and rural zone important in preventing the merging of the settlements of Little Chalfont and Chorleywood'*.
15. In the draft Green Belt Assessment Part Two, Parcel Ref. 4.349, a triangle of land immediately south of Long Walk, was scored 3 for Purpose 2 with the comment *'The option is considered to make a significant contribution to both the real and perceived gap between the settlements of Little Chalfont and Chorleywood.'* A glance at the map will show that PO6, which lies immediately to the north of Parcel 4.349, must perform the same role.

NPPF Purpose 3 (encroachment); scoring of PO6

16. In our submission of 9 December 2016, responding to the Preferred Options Consultation, we pointed out that under the methodology published for the Green Belt Assessment process the parcel now known as PO6, which contains less than 5% built form, should have received a score of at least 4 against NPPF purpose 3. To make our point quite clear, under the stated methodology that score would have eliminated the parcel from further consideration for release from the Green Belt. However, it is claimed that the site was scored only 3 because of 'qualitative assessments of character' made under the methodology in GBA1 4.4.23-25. The result of the application of those assessments is inconsistent with the stated methodology, which, according to the table in 4.4.25, would certainly have led to a score of 4. The assessments appear to have been unduly narrow and to have disregarded important features of the site. We consider the flawed nature of the assessments and the lack of transparency in the scoring methodology to be significant failures of soundness, and for convenience have set out our detailed argument in the attached Appendix.
17. Inevitably the greater the size of the proposed release, the greater the damage caused by encroachment. Such a very large, tranquil, area of Green Belt as PO6, with such a high percentage of open land, should have been treated with greater caution than the other Preferred Options, all of which are either much smaller or contain a much higher proportion of built form. We believe the inspector at the EiP will reach the same conclusion.

New draft NPPF – March 2018

18. We have read the draft new NPPF published on 5 March. We do not think the proposed new wording on 'exceptional circumstances' would add any further justification to the selection of PO6. The site does not meet the criterion in draft paragraph 137 that first consideration for the release of Green Belt should be given to land which is previously developed and/or is well served by public transport. The land is almost entirely undeveloped, is exceptionally impermeable to vehicle access, and is less convenient for local transport than the councils claim (see paras 19-21 and 25 below). From the commuter's point of view, trains from Chalfont and Latimer station are already overcrowded at peak times and there is a severe shortage of parking.

TRANSPORT

The site is exceptionally impermeable to vehicle access

19. We draw special attention to this defect because it should, alone, render the site unviable. Burtons Lane and Lodge Lane are both unsuitable for access. All other roads surrounding the site are private, and a railway line forms the site's northern boundary.
20. Bucks County Council says in the PPO document that PO6 is *'unlikely to be supported by the Highway Authority unless a suitable access can be achieved from Burtons Lane'*, and the councils now propose Burtons Lane as the *'principal vehicular access'*. However, the access would be very difficult to achieve without harm to the dry valley, a valued landscape feature which the councils intend to leave as *'open grassland managed for wildlife and public access'*. Access to Burtons Lane therefore appears impractical. The lane is also narrow, winding and unsuitable for heavy traffic; its junction with the A404 is already heavily congested. Those parts of the lane adjacent to the site are in an Established Residential Area of Special Character (ERASC), which should preclude significant change.
21. The councils propose only *'limited access and alteration to Lodge Lane so as to retain its country lane character and incorporated (sic) into the landscape buffer with the Chilterns AONB.'* This protection is welcome as far as it goes, but we are certain that even a subsidiary access to Lodge Lane would in practice lead to heavy traffic there for which the lane is unsuitable. If there is even a restricted access to Lodge Lane, most residents in the new development must be expected to prefer to use that route to reach the station or the A404 east, rather than drive through the village centre via Burtons Lane. The Chiltern Conservation Board describes Lodge Lane as *'a very attractive sunken lane characteristic of the Chilterns AONB woodland and unsuitable for additional traffic or upgrade.'*

SUSTAINABILITY

22. The councils have sought to justify the development of PO6 on grounds of Sustainability. We dispute specific findings of the Sustainability Appraisal (SA) and the conclusion drawn from those findings.
23. The selected SA Framework was composed of objectives and decision-aiding questions. Acting as yardsticks of sustainability performance, the twelve SA Objectives were designed to represent the topics identified in Annex 1(f)3 of the Directive, and to reflect all subject areas to ensure the assessment process was transparent, robust and thorough.
24. The Sustainability Appraisal of Regulation 18 Green Belt Preferred Options (September 2017) showed adverse implications on eight of the twelve SA tests (Landscape, Biodiversity and Geodiversity, Climate Change Mitigation, Natural Resources, Pollution, Waste and Health) and claimed positive implications essentially on only two tests, Housing and 'Transport & Accessibility'. We dispute the claim for a positive implication for Transport which we believe stems from excessive preoccupation with the site's proximity to our railway station and disregards the following points (as well as the site's impermeability to vehicle traffic (see above)).
25. The claimed positive implication for Transport & Accessibility disregards the two fundamental questions set out in Appendix A of the published SA Framework: Q9a: Will it reduce the need to travel? Q9b: Will it provide adequate means of access by a

range of sustainable transport modes (i.e. walking/cycling/public transport)? In the context of these questions, the councils' supporting arguments include two incorrect assertions:

- *'A regular bus service to Watford and Chesham operates from Amersham Road, with majority of prospective residents anticipated to be within 400m'* In reality very few, if any, residents would be within 400 metres, and the implied pedestrian route via Lodge Lane is dangerous with poor vision and no footpath. We shall invite the inspector to walk the length of Lodge Lane under the railway bridge as part of his examination at the EiP, and we respectfully suggest that members of the cabinets may wish to do the same walk before progressing the draft plan any further.
- *'The PRoW network around the option is good, offering walking or cycling access into Little Chalfont and the surrounding countryside... likely to contribute to moderate personal car use by prospective residents.'* In fact, there are no PRoW across the site, and although the Councils indicate the possibility of reinstating (sic) pedestrian access over a disused railway bridge to the north, there has **never** been any public right of way or permitted pedestrian access over the disused railway bridge, which was established only for cattle crossing before the land to the north of the crossing was developed for its current housing.

26. Furthermore, and most significantly, as already noted the councils have proposed that the principal (vehicular) access to the site should be off Burtons Lane. Burtons Lane is situated at the extreme western border of the site, whereas the main area for development is proposed for the higher ground within the former golf course, situated at or close to the extreme eastern border of the site. Therefore, it is unrealistic to expect only moderate personal car use by residents, or convenient access to the public transport services available from the village centre. We agree with the Chiltern Conservation Board's concern that the proposed "development would add traffic and air pollution to the AONB at Lodge Lane (and wider)."
27. Therefore we believe that the site would have overall negative implications under the Transport & Accessibility objective. See para 108b of the new draft NPPF on the need for safe and suitable access to the site for all users, and para 109. The cumulative impact on the road network would be severe.
28. Given that negative outcomes are forecast by the councils themselves on eight out of twelve of the SA Objectives, and that the benefits claimed for a ninth, Transport and Accessibility, are highly questionable for the reasons given above, we challenge the claim that PO6 could be sustainably developed. In the current climate, which affords enhanced weight to sustainability, we believe the inspector will give detailed scrutiny to this flawed aspect of the councils' case at the EiP. We shall urge the inspector to do so.

ENVIRONMENT

29. We draw attention to, and share, the strong concerns and objections in relation to PO6 raised by Duty to Cooperate bodies and other key consultees listed in Table 3 of the Summary of Responses to the Preferred Options Consultation, in particular those dealing with environmental protection. The objections made by those bodies indicate that the councils have undervalued the function of this tranquil site in protecting and enhancing the natural environment and biodiversity (current NPPF para 7).

BIODIVERSITY

30. The sensitivity of the current biodiversity balance maintained through the wildlife corridor, and its capital value, are not documented. Without these the migration strategy is ill-informed and gives the impression of being purely tactical. The strategy's main thrust is to replace the trees that are cut down in one area by planting in another area, and to add screening (of the view). There is a general statement about enhancing biodiversity with no substance or recognition of the flora and fauna which can be found in the ancient woodland, the water of Netherland Spring, or how the water flows to sustain the biodiversity within the option. We believe this land has value in its landscape and biodiversity. We note the stronger protection for irreplaceable habitats including ancient woodland now to be provided by para 11bi, Footnote 7 and para 173 (c) of the new draft NPPF.

LANDSCAPE

31. The councils have not yet presented a landscape character assessment including a visual impact assessment. A Landscape Capacity Study is presented, but it differs in significant ways from the advice in the 'Direction of Travel' document presented to the Joint Committee in November 2017 – for example with regard to points of access to the site.
32. The councils appear only recently to have recognised the importance of the dry valley and the need to protect such valued landscapes (para 168a of the new NPPF), points not mentioned in the Green Belt Assessments. This casts significant doubt on the effectiveness of those assessments, at least in respect of PO6.
33. Furthermore, we do not understand how adding vegetation can be considered to mitigate the impact on the setting of the AONB. The current setting is one of open fields interrupted by woodland through which the openness can be enjoyed from within the AONB. Further planting, as proposed in the Landscape Capacity Study Conclusions and Recommendations for Site 6, would have a detrimental impact on that setting; it could materially reduce vistas and reduce the sense of openness.

SOCIAL AND INFRASTRUCTURE CONSEQUENCES OF THE DEVELOPMENT FOR LITTLE CHALFONT

34. While the following is not addressed in the evidence papers, we would ask an inspector to take account of the effects on our community of such a disproportionate increase, amounting to about 30%, in the population of the village in addition to other housing developments.
- Little Chalfont is by far the smallest of the settlements identified as 'primary' for development in Chiltern District, and its infrastructure has far less absorptive capacity than does the infrastructure in the others. Such a radical urbanisation would materially damage the character of the settlement. See para 86 of the draft new NPPF on the viability of town centres.
 - The immense new pressure on our already overloaded roads, parking (see paras 103 e and 107 of the new draft NPPF), station and services could damage social cohesion.

- Little Chalfont is alone among its 'primary settlement' neighbours in having no bypass. Therefore increased congestion on the A404, a Strategic Inter-Urban Route which passes through the village centre, would have a more direct effect in reducing the amenity of the centre.
35. These problems are in conflict with policy statements in the Core Strategy including the 'Key Spatial Issue' *'How to maintain and improve the high quality environment of our towns, villages and countryside'*, and with GB Development Options Appraisal Nov 2017 section 1.3. *'Focusing new development in or close to settlements within the Plan area proportionate to the size and function of those settlements informed by the settlement hierarchy. At the same time taking into account the ability of settlements to support development through adequate and timely delivered infrastructure (e.g. roads, education and health).'*

CONCLUSION

36. While we recognise that there is further evidence still to come, we consider that the significant deficiencies we have identified above are sufficient to show that PO6 is not suitable for release from the Green Belt. Unless they are removed, these deficiencies will form the basis of the case, based on expert advice, which we shall make to the Inspector at the EiP. We believe that our case will show the extent to which the councils' position is unsound. To avoid that outcome, and the costly and abortive work associated with it, we ask you to direct your planning policy team urgently to revisit the evidence. We believe that, having done so, you will conclude as we have done that the whole site at PO6 should be excluded from the draft plan.

Yours faithfully

Cllr I S Griffiths
Chairman
Little Chalfont Parish Council

R A Funk
Chairman
Little Chalfont Community Association

cc

G Winwright
Planning Policy Manager
Chiltern & South Bucks District Councils

Cllr D Phillips
Cllr C Jackson

APPENDIX

Green Belt Purpose 3

1. We challenge the score of only 3 awarded in the pro-forma at Appendix 5 Vol 2 to GBA2 for this site.
2. Section 4.4.25 of the Buckinghamshire Green Belt Assessment Part 1 Methodology and Assessment of General Areas (Referred to below as GBA1) records that when the General Areas identified at Stage 1 of the assessment were reviewed, for Green Belt Purpose 3, a score of 4 was awarded where an Area contained less than 10% built form and/or possessed a strong unspoilt rural character.
3. The councils' own analysis (Green Belt Assessment Part 1 (January 2016) - Parcel Proformas) of GB Parcel 35 (the "General Area 35") site which is now the Little Chalfont 'preferred option', confirms that the built form within the site is less than 5%. In fact, it is only about 2.4% (Source: Magic Maps). In this case, the first requirement (that the site contains less than 10% built form) is satisfied and therefore, the site should score at least 4.
4. According to Section 3.8 of GBA2, land "scoring strongly (4 or 5) against the criteria for one or more of the Green Belt Purposes was judged to be meeting the Purposes strongly overall" and Section 3.9 confirms that GBA2 adopted the same approach as the Part One Assessment, GBA1. In Section 4.4.4 of the GBA1, land "judged to be meeting the [NPPF] purposes strongly overall" was "deemed unsuitable for further consideration in Part 2 of the Green Belt Assessment".
5. In GBA1, an exception to the scoring methodology was allowed where a possible sub-division of sites was identified. The scoring of this Little Chalfont site was clouded because it was only part of the site taken forward as a strategic option site for consideration in the Green Belt Assessment Part 2. The site taken forward encompassed the western parts of the large General Area 29 and all of General Area 35. While it was considered that the combined site had "the potential to score differently" and "may score weakly", no score was awarded to the combined site. However, the Draft Green Belt Assessment Part 2 concluded that the initially proposed extension of General Area 35 was ruled out in the Green Belt Development Options Appraisal because of "significant harm to the AONB " and "exceptional circumstances are not demonstrated" to include the western parts of General Area 29.
6. With the exclusion of the western part of General Area 29 from the strategic option site, the Preferred Option 6 site is the same as the original General Area 35, which under the published methodology (specifically the table in 4.4.25 of BA1) warrants a score of at least 4, and should therefore have been excluded from further consideration for development.
7. The councils have recently sought to justify the score of 3 for Green Belt Purpose 3 on the grounds that the initial score for the site's low percentage of built form was appropriately adjusted on the basis of 'qualitative assessments of character', referred to in GBA1 4.4.23-24. It is claimed that the factors which influenced that assessment of character of General Area 35 as "semi-rural" were the position of the site on the edge of Little Chalfont, with development on 3 sides, the fact that it includes a former golf course and some built form, but the assessment appears to have excluded acknowledgement of the site's tranquillity, dry valley, ancient woodlands, traditional orchards and pre-18th century field enclosures – all features identified by the Chilterns Conservation Board. The councils then contend that a score of 3 is correct* for a site with less than 10% built form and

with a largely rural character. **We dispute this justification: it is flawed because it is in direct conflict with the scoring table at the end of 4.4.25 which, if the council's claimed justification were accepted, would be rendered unexplained and redundant.**

*Although it is not directly relevant to our contention that the councils' justification is flawed, it is also noted that the methodology used by the councils to justify the score was significantly amended by the councils just four days before the close of the Initial (Regulation 18) Consultation, and that under the previously published methodology, a site with as much as 20-30% built form and a semi-rural character would have scored 3.

Little Chalfont Parish Council
Little Chalfont Community Association

24 March 2018