

17<sup>th</sup> February 2020

Great Kimble Neighbourhood Plan Consultation  
Planning Policy Team  
Wycombe District Council  
Council Offices  
Queen Victoria Road  
High Wycombe  
Bucks  
HP11 1BB



Dear Sirs,

**Re: Great Kimble Neighbourhood Plan – Submission on behalf of Whiteacre Ltd**

I write to submit formal representations to the above neighbourhood plan consultation on behalf of my clients Whiteacre Limited, who are the promoters of land at The Orchards and The Chequers, Bridge Street, Great Kimble (site 20).

Our submission includes the following documents:

- Completed Consultation Comment form
- Additional further comments relating to Part B of that form
- Full copy of earlier representations relating to the NP preparation and site selection process (with appendices)

We would be grateful to receive the council's acknowledgement of receipt of this submission.

My clients would be willing to attend a meeting with the independent examiner, the council and the NP team, in order to address any questions arising from these representations.

Yours faithfully,



Stuart D Oldroyd MRICS  
Consultant Chartered Surveyor

cc: Paul D Phipps, Director, Whiteacre Ltd

# Great and Little Kimble-cum- Marsh Neighbourhood Plan Publication Stage Consultation Comment Form

December 2019 – February 2020



This consultation seeks your views on the Great and Little Kimble-cum-Marsh neighbourhood plan and [whether it meets the basic conditions](#). All comments will be sent to an independent examiner who will examine the plan. If the examiner determines that the plan meets the basic conditions then a referendum will be held on whether to 'make' the neighbourhood plan.

All comments should be submitted to us by **11.59pm on Tuesday 18 February 2020**.

## How to submit your comments

Return this form to us by:

- email: [neighbourhood.planning@wycombe.gov.uk](mailto:neighbourhood.planning@wycombe.gov.uk)
- post: Planning Policy Team, Wycombe District Council, Council Offices, Queen Victoria Road, High Wycombe, Bucks, HP11 1BB

## Completing the comments form

There are two parts to this comment form.

- Part A: Personal/agent contact details (personal details will not be published except your name and organisation if applicable).
- Part B: Your comments (this will be made publically available).

Please do not send multiple copies of the same comment (either electronically or in writing). Where groups share a common view you may submit one comment representing the group.

## Personal data - fair processing notice

As part of this public consultation exercise any information received by us, including personal data, may be put into the public domain, including on this website.

## Privacy notice

Before completing and send this form please ensure you read and agree with [our privacy policy](#).

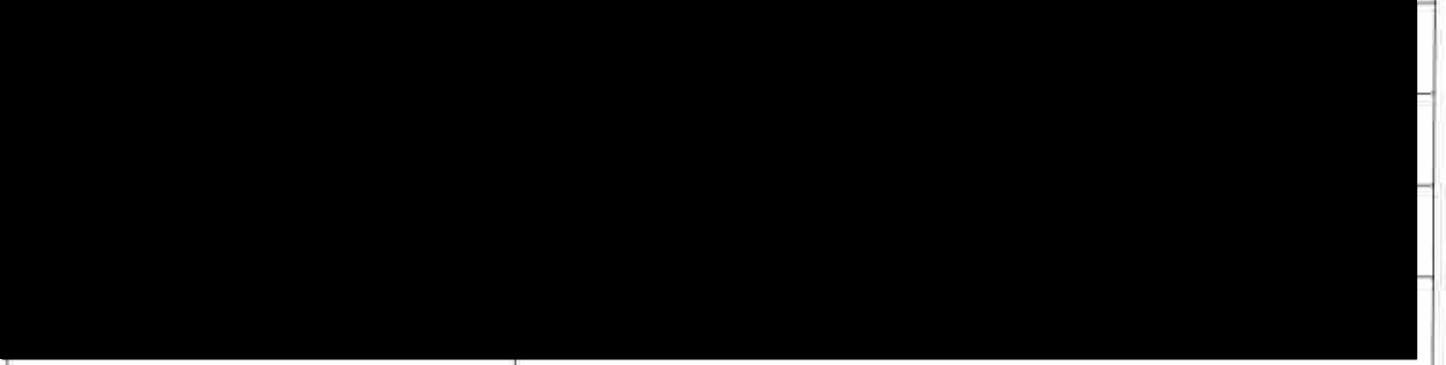


## Comments form: Great and Little Kimble-cum-Marsh Neighbourhood Plan publication stage

### Part A: Contact details

In this section, we would like some information about you. We will need your contact details in order to take your comments into account. Personal details will not be published by us, other than your name and organisation.

#### 1. Your details

<b>Name</b>	Stuart Oldroyd MRICS
<b>Job title (where relevant)</b>	Consultant Chartered Surveyor
<b>Organisation (where relevant)</b>	Client - Whiteacre
	

#### 2. Agent details (if you are responding on someone's behalf)

<b>Name</b>	Paul Phipps Esq
<b>Job title (where relevant)</b>	Director
<b>Organisation (where relevant)</b>	Whiteacre
	

3. Which of the following do you consider yourself (please tick only one):



	Adjoining Local Authority
	Other Local Authority
	Local resident
	Parish or town councillor
X	Developer / housebuilder
	Community group
	Environmental organisation
	Other (please specify)

4. Keeping in touch – please tick if you wish to be kept updated on any of the following:

X	<b>Please inform me of Wycombe District Council's decision to 'make' the Neighbourhood Plan (Regulation 19).</b>
X	<b>Please notify me of future Local Plan consultations (This parish only please)</b>
	<b>Please add me to the mailing list for the Weekly Planning Bulletin, for planning news and information of wider interest.</b>

**End of part A**



## Part B: Comments on the neighbourhood plan

Please note all comments will be made publically available. Please continue on a separate sheet if necessary.

**Which part of the Great and Little Kimble-cum-Marsh Neighbourhood Plan does your comment relate to?**

The soundness of the plan.

Site selection criteria and process.

Proper consideration of submitted evidence.

Disregard to adopted national planning policy and local plan policies.

Failure to meet the Statutory 'Basic Conditions'

**What part of the Basic Conditions does your comment relate to? (please tick all that apply)**

having regard to national policies

the achievement of sustainable development

general conformity with the strategic policies contained in the development plan area

compatibility with EU obligations

**Please make your comments here. Please be as clear as possible and ensure any relevant supporting information is included, and continue on additional sheets if necessary. There will not normally be a subsequent opportunity to make further comments.**

**We have set out our comments in detail, within the accompanying statement and letter. We also respectfully draw the council's attention, and the Inspector's attention, to the comprehensive representations submitted last year, which have been ignored by the NP team, and which are therefore also re-attached to this submission in full.**

**End of part B**

Thank you for completing the comment form.

### Contact Details

If you have any questions, comments or queries please contact us on the details below:

Neighbourhood Planning - Telephone: 01494 421570

Email: [neighbourhood\\_planning@wycombe.gov.uk](mailto:neighbourhood_planning@wycombe.gov.uk)

Address: Planning Policy Team, Wycombe District Council, Council Offices, Queen Victoria Road, High Wycombe, Bucks HP11 1BB

Website: [www.wycombe.gov.uk/council-services/planning-and-buildings/planning-policy](http://www.wycombe.gov.uk/council-services/planning-and-buildings/planning-policy)

# Great and Little Kimble cum Marsh Parish Council

## Neighbourhood Plan Consultation

### REPRESENTATIONS ON BEHALF OF WHITEACRE LTD

February 2020

#### **Introduction and Purpose**

This document is submitted with a completed consultation comment form, and sets out the shortcomings in the draft Neighbourhood Plan which we believe have the effect of demonstrating that it does not meet the statutory 'Basic Conditions' and therefore cannot be put to a referendum, without significant modifications.

#### **Previous Representations**

We submitted a comprehensive representation to the NP consultation carried out in June 2019. We have received no engagement and no response to those representations, in which we set out no less than nine serious shortcomings and failures in the draft NP at that time.

Because there has been no substantive response, and because the NP now submitted for independent examination has not been modified to reflect those representations, we attach a full copy of those earlier representations to this document. We submit that the serious shortcomings set out in those representations have not been properly considered, let alone remedied, and therefore remain relevant. As such the independent examiner is respectfully asked to read them, as they go to the soundness of the plan and demonstrate that the basic conditions of a sound NP have not been satisfied in this case.

We set out our reservations relating specifically to the soundness and basic conditions below:

#### **1 - The Soundness of the Plan**

The draft Neighbourhood Plan cannot be considered to be sound, because of the failure of the NP team to demonstrate a logical and consistent approach to site evaluation and selection.

Furthermore the NP team have failed to take account of updated evidence at all stages of plan preparation, as set out below.

Those failures are set out in detail, within the attached copy reps from June 2019. In the absence of any document setting out how those points have been considered, and what modifications might be appropriate, the NP team have failed to demonstrate that the draft NP has followed due process. It must therefore be found fundamentally unsound, in the absence of such an assessment.

## **2 - Site Selection Criteria and Process**

Sites have been selected by reference to a scoring system which is not only blunt and unsophisticated, but which contains patent errors.

The colour coded tables produced by the NP in scoring sites is flawed and inconsistent. For one example it fails to accurately reflect the agricultural land quality of each site, as we have previously demonstrated beyond doubt.

As a second example, that scoring system also fails to reflect, or even acknowledge, each site's score in the council's own expert 'Landscape Sensitivity and Capacity Study'. This is a very serious omission, with the consequence that the NP simply does not take account of the impact of sites on the AONB and open countryside.

In a location such as Great Kimble, impact on open countryside must surely rank as one of the most important criteria in identifying development sites, yet the draft NP totally fails to consider this aspect, or to reflect the council's expert report relating to it.

If the NP assessment had properly taken that study into account, it would have selected different sites for development, with substantially less impact on the AONB and open countryside; not the ones which were chosen and scored using a table which didn't even contain that vital criteria.

We have also pointed out that sites have been scored in a wholly inconsistent manner, in relation to accessibility and suitability for a new neighbourhood shop. This had led to unreliable evidence and a poor quality scoring outcome, which goes to the heart of the adequacy of the site selection process.

Furthermore sites have been allocated without proper reference to the impact upon their deliverability of major proposed rail infrastructure and improvement works, as we stated in our earlier representations.

Taken together, these fundamental inadequacies demonstrate that the site selection criteria in the NP is flawed.

## **3 - Proper Consideration of Submitted Evidence at Every Stage**

Not only is some of the evidence used in the preparation of the draft NP flawed, the NP team have chosen to ignore new information which has been provided to them in response to their own consultations.

There is little point in carrying out consultation, if the draft plan is not modified to reflect that consultation, but that is exactly what this NP team has done.

Specifically, the NP team has ignored:

- A. The grant of planning consent for the redevelopment of the Orchards Site and its provision of an access to The Chequers land.
- B. The fact that the alternative access addresses the vast majority of the early-stage objections to that land being accessed from Bridge Street, which is no longer necessary.
- C. The NP team has continued to score the Chequers land as if those objections had not been overcome, giving it the same score as at the outset, when the Orchards access was not available.

- D. The agricultural land classification report provided to it (as the current NP still has the wrong classification in it, being inconsistent with other 'scored' sites).

The consequence of its failure to update the plan to reflect evidence arising from the consultations, is that it is not based on correct up-to-date information, and is therefore inherently flawed and unsound.

#### **4 – Failure to Deliver Sustainable Development**

One of the basic conditions of all NPs is that they must contribute to the achievement of sustainable development.

This draft NP fails to do so, in the following ways:

- A. Development sites are selected which are not well-related to the existing pattern of development.
- B. The selected sites are fragmented, and thus also unrelated to each other. They therefore do not promote a cohesive pattern of development which will be defensible in the future. It does not meet the basic requirements of sustainable development.
- C. Sites are selected which will have an undue impact on open countryside, because that criteria appears to have been ignored.
- D. The selected shop site is not close to the majority of the existing homes in the village, and will thus not be accessible by non-car modes of transport to most people in the settlement.

The resultant failure of this NP to deliver sustainable development is in direct contravention of part D of the basic conditions, as set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990.

#### **5 - Disregard to Adopted National Planning Policy**

Part A of the basic conditions, as set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 also require NPs to comply with National Planning Policy.

This draft NP fails to comply with National Planning Policy in the form of the NPPF because:

- A. It does not promote a sustainable form of development, as set out in paragraph 8 of the NPPF, which sets out criteria for sustainable development; which this NP fails to comply with, for the reasons stated elsewhere in this statement.
- B. It fails to preserve or enhance open countryside and an important AONB, as set out above, and in earlier reps. Paragraph 170 of the NPPF states that "*Planning policies and decisions should contribute to and enhance the natural and local environment*".

The failure of this draft NP to deliver sustainable development, and to respect the AONB (and to even to consider the impact of development on the rural natural environment in which it will be situated) are patently all out of step with national policy in the form of the NPPF. This must surely be a demonstrable indication that basic condition A simply has not been met.



## **6 - Disregard to Adopted Local Plan Policies**

A neighbourhood plan must be in general conformity with the strategic policies contained in the development plan for the area of the authority, in order to be compliant with part E of the basic conditions, as set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990.

The Wycombe DC local plan contains policies relating to:

- Sustainable development,
- Protection of open countryside beyond the Greenbelt
- Impact of development on AONB
- Landscape Character and Visual Impact of Development
- Community Infrastructure and access to open space

The draft NP fails to conform with these policy areas, in its current form. This is a further indication that statutory basic condition E has not been met.

### **Conclusion and Remedy**

Previous representations (appended to this document) highlighted nine separate areas in which the draft NP was flawed. Significant inconsistencies and omissions were highlighted, but the NP team has failed to address those issues, and now presents an unsound NP for examination.

This document has set out a number of key areas in which there has been a demonstrable failure to meet the Statutory 'Basic Conditions' required to put this draft NP forward to a local referendum.

We urge the independent examiner to acknowledge those failures, to find that the draft NP has not met the statutory basic conditions, and thus requires modifications to address the inadequacies, before it can be out to a referendum

It is not too late to remedy and address the shortcomings and failures which we have been consistently highlighting. We remain willing to engage with the council, the examiner and indeed the NP team, to bring about an NP which is sound, and which properly meets the statutory basic conditions. Only then should it be put to a vote, and only then can it serve as a robust and high quality plan which the residents of Kimble deserve.

### **Enclosures:**

1. Full copy of representations submitted in June 2019, with its appendices:
  - Plan showing draft NP shop locations and The Orchards alternative
  - Agricultural Land Classification Report