
From: Bhavash Vashi [REDACTED]
Sent: 27 March 2019 12:54
To: NewLocalPlan
Subject: Submission to proposed main modification to Local Plan - Merlaue Rise, Marlow
Attachments: WDLP-Main-Mods-Response-Form-2019-01-22 Merlaue Rise.doc; Seymour court place Rep.pdf

Importance: High

Dear Sir/Madam

On behalf of our client, IM Land, please find attached our representations to the draft Local Plan.

Regards

Bhavash Vashi BA(Hons) MA MRTPI
Development & Planning



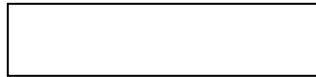
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Wycombe District Local Plan Proposed Main Modifications (February - March 2019) Representation Form

The Wycombe District Local Plan was submitted for examination in public in March 2018. Hearings were held over the summer of 2018.

The independent Local Plan inspector has identified various changes that she considers may need to be made to the Plan (known as “Proposed Main Modifications”) to make the Wycombe District Local Plan a “sound” plan.

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The deadline for responses to be received by the Council is **11:59 pm on Wednesday 27 March 2019**.

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- or sent by post to:
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You can submit as many comments as you would like. Please complete a separate part B for each part of the plan on which you want to comment.

This form has two parts:

- Part A – Your Details
- Part B – Your comment(s). Please expand the comments table as appropriate

All comments received will be passed to the independent Local Plan Inspector for consideration.

PART A

1. Personal Details

2. Agent's Details (if applicable)

* If an agent is appointed, please complete only the Title, Name and Organisation boxes below but complete the full contact details of the agent in 2.

| | | |
|----------------------------------|---------------------|---------------------------|
| Title | | Mr |
| First Name | | Bhavash |
| Last Name | IM Land (c/o agent) | Vashi |
| Job Title (where relevant) | | Senior Associate Director |
| Organisation (where relevant) | | Strutt & Parker |
| Address | | |
| Postcode | | |
| Telephone | | |
| Email Address | | |

3. Client Details

If you are an agent representing a specific site interest, please fill in the details below.

| | |
|---------------|--|
| Site Interest | Merlaue Rise, Marlow (Land off Seymour Court Road) |
| Client's Name | IM Land |

4. Please tick this box if you wish to be notified of future stages of the Wycombe District Local Plan

5. Please tick this box if you wish to receive our electronic Weekly Planning Bulletin which gives you updates on local and national Planning matters (you will need to supply an email address to receive this)

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Strutt & Parker

1. Which of the inspector's Proposed Main Modifications does this response relate to?

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PMM4, PMM6, PMM59, PMM66

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- your home address

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Your submissions, including personal data, may be shared with the Local Plan Programme Officer and the Local Plan Inspector. We may also share your submissions with other government partners and agencies such as Buckinghamshire County Council, the Environment Agency, Historic England and Natural England, or other service departments within Wycombe District Council.

Your submissions will be published on our website. These will be redacted (“blacked out”) to remove personal information including:

- personal contact details - Telephone numbers, email addresses, postal addresses
- signatures
- information about health conditions or ethnic origin
- information agreed to be confidential

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Alternatively you may contact our Data Protection Officer at **Wycombe District Council, Queen Victoria Road, High Wycombe, HP11 1BB** or at access2information@wycombe.gov.uk.

Main Modifications Consultation
Wycombe District Local Plan 2013-2033
Response on behalf of IM Land (Merlaue Rise,
Marlow) – Strutt and Parker

March 2019

1. Introduction

- 1.1 These representations are made on behalf of IM Land regarding their land interests at Merlaue Rise, Marlow (land off Seymour Court Road) which has been promoted through the Wycombe Local Plan since June 2016. Despite the on-going promotion, WDC has continuously failed to consider this site within the Sustainability Appraisal process which will be detailed further within these representations.
- 1.2 IM Land was represented at the Local Plan Examination and appeared at various sessions, where evidence (both oral and written) was submitted to demonstrate that the Wycombe District Submission Local Plan failed to meet the tests of soundness under paragraph 182 of the Framework. Considering the modifications proposed, the comments raised within those Statements remain applicable to the Main Modifications Local Plan.
- 1.3 Please see below a summary of the main areas of ongoing objection below, with specific references made within these representations as appropriate considering the proposed Main Modifications:
 - The failure of WDC to meet its Objectively Assessed Needs for housing within its own boundaries despite deliverable and available sites; and to robustly demonstrate it cannot meet its full OAN based upon site availability and reasonable alternatives within the SA;
 - The failure of the Sustainability Appraisal to consider all 'reasonable alternatives' where they align with the Council's strategic options and Local Plan objectives – for example, the non-allocation of our clients Green Belt site at a tier one settlement but instead allocating 100 dwellings at Stokenchurch;
 - The lack of consistency in the application of the Green Belt Review findings to the proposed allocations and that allocations fails to satisfy para.84 and 85 of the Framework;
 - A lack of evidence to support the delivery and the capacity of the sites against proposed Development Management Policies and the housing provision proposed to 2033.
- 1.4 This response focusses principally on the proposed modifications and considers whether comments raised through the Hearing Sessions have been addressed:
 - whether the proposed modifications demonstrate that the Council has fully assessed all alternative site opportunities specifically within the Sustainability Appraisal;
 - whether there is enough evidence to demonstrate the capacity and delivery of sites over the plan period;
 - whether the proposed allocations align with the spatial objectives of the Local Plan;
 - whether the spatial strategy focusses upon Green Belt release in sustainable locations in line with the Framework (paragraph 84);

2. Main Modifications Consultation

2.1 The Main Modifications Local Plan consultation has commenced with the following documentation available for comment:

- Proposed Main Modifications Local Plan
- Sustainability Appraisal (December 2018)
- Habitats Regulation Assessment of the Proposed Main Modifications and Revised Habitats Regulations Assessment (January 2019).

2.2 We understand that such modifications have been agreed between the Inspector and the Council, there is no publicly available correspondence with regard to the following:

- WDC's response to the Inspector's Follow-up question 1 following the Hearing Sessions in relation to the Sustainability Appraisal:
- Any on-going discussions between WDC and the Inspector in relation to preparing the Main Modifications.

2.3 The above is particularly relevant to our Client's site which directly abuts a Tier 1 settlement and would align with several of the spatial strategy options set out within the Sustainability Appraisal.

2.4 Despite the site being promoted since 2016, there has been no justification as to why it has not been included either within the Sustainability Appraisal as a 'reasonable alternative'. The Council has once again failed to assess it despite it clearly according with its stated methodology on site selection.

3. Main Modifications - Local Plan

- 3.1 There have been limited modifications to the Submission Local Plan despite the significant objections raised with regard to the soundness at the Local Plan Examination. We provide detailed comments on Sustainability Appraisal and site assessment at Section 4 below.
- 3.2 In terms of the Main Modifications themselves, we make the following comments:
- **PMM4 - Oxford to Cambridge Arc** - it is appreciated that it is may be early to understand the implications of homes and job growth that could be associated with the delivery of the expressway. However, WDC needs to be alive to an early review where additional housing and employment allocations are likely to be required as it has now been confirmed that the District is included within the Arc. At the time of submission, this was not the case.
 - **PMM6** - the reference to the Plan allocating between 5,360 – 5,600 dwellings and the overall provision between 2013-2033 of 11,659 - 11,899 dwellings is unsound. There is no evidence on the certainty of delivery of the sites informing Table 5, as we demonstrated at the Examination within our Hearing Statements. In a Local Authority that has identified a significant quantum of unmet need, this is an unsound position to be taken to demonstrate that it has exhausted all options for meeting its housing requirement within its administrative boundary.
 - **PMM59** - the Council's proposed re-wording of the policy is unsound. The Council's evidence does not support 48% affordable housing on greenfield, land based on its own viability evidence. The Council's evidence identified a lower density assumption which levied affordable housing at 48%, albeit this was a lower percentage against the higher density assumption. Our view is that higher density development should be considered by WDC, given it is currently fail to meet its OAN and the Council has already considered high density assumptions within the site capacity assessments. There is no evidence being considered as part of this consultation to justify the position being taken, which should be subject to full consultation prior to the policy being adopted. Such an approach is likely to render a number of the proposed allocations unviable, and the Council should show site viability for each of these at this stage of the process if it is to continue to promote such a high affordable housing policy threshold.
 - **PMM66** - we have previously raised comments regarding the requirement for significant tree cover for sites outside town centres or on sites of 0.5 ha or more. The policy remains, and no capacity assessments have been undertaken to understand how the housing projections within Table 5 will be affected. As such, housing provision could be significantly lower than identified if this policy were to be applied.
- 3.3 Our principle objectives to the Local Plan are on the basis of it failing to accord with the test of soundness under para.182 of the Framework still apply given the limited amendments proposed. There have been no changes to the distribution of housing, ongoing unnecessary and heavy reliance upon development at Tier 3 -6 settlements and request that the Inspector gives these concerns full and rigorous consideration.

3.4 Overall, we submitted that the Main Modifications Local Plan when assessed against paragraph 182 of the Framework is unsound as follows:

- **Has not been positively prepared** - The Local Plan fails to be based upon a strategy that seeks to meet the objectively assessed need for housing and does not allocate sites that are consistent with achieving sustainable development with sites adjacent to Tier 1 settlement with the strategic options provided a greater focus on lower tier settlements;
- **Is unjustified** - we have consistently stated that the Council's own evidence does not support the proposed spatial strategy for meeting housing needs, identifies Green Belt release at Tier 6 settlements, not adjacent to existing sustainable settlements.
- **Is ineffective** - we have demonstrated that a number of the Council's proposed allocations are not appropriate for allocation and nor are deliverable. Significant questions have been raised over the deliverable capacity of a number of sites thus questioning the Council's housing trajectory over the plan period.
- **Is not consistent with national policy** - The proposed Local Plan fundamentally fails to accord with the policies of the Framework and will not deliver sustainable development.

4. Sustainability Appraisal - Modifications

Inspector's Further Questions

- 4.1 In October 2018, after the closure of the Hearings, the Inspector wrote to the Council requesting a response to a number of Follow Up questions. One of these related explicitly to the Sustainability Appraisal process.
- 4.2 We made detailed submissions at Regulation 18 stage stating that the SA at that time was fundamentally flawed and released for consultation after the Plan was released. It also failed to look at any reasonable alternatives, only the proposed allocations, which have in effect been carried through the whole Plan-making process.
- 4.3 We note that the Council's website states in response that:
- "Follow-up question 1: Sustainability Appraisal - this will be published alongside the main modifications consultation, and will be consulted on as a part of the consultation."*
- 4.4 For the reasons stated below, we submit that the Council has not adequately responded to this important question.

RELEVANT LEGISLATION AND GUIDANCE

Environmental Assessment of Plans and Programmes Regulations 2004

- 4.5 The updated Sustainability Appraisal is intended to comply with the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 ("the SEA Regulations"), including the PPG Chapter 11 on Strategic environmental assessment and sustainability appraisal, and the requirements of NPPF 35b.
- 4.6 To meet those requirements, it should appraise all reasonable alternatives (policy options and site allocations) consistently against a comprehensive framework to provide the decision maker with evidence to determine the sustainability implications of each reasonable alternative. This evidence should then be used to select, or guide the development of, the most sustainable policy or site allocation as stated within the PPG SEA.

'Plan-makers should assess the policies in a draft Local Plan, and the reasonable alternatives, to identify the likely significant effects of the available options (Stage B). Forecasting and evaluation of the significant effects should help to develop and refine the proposals in each Local Plan document'.

- 4.7 The PPG guidance states that:

"Reasonable alternatives should be identified and considered at an early stage in the plan making process, as the assessment of these should inform the local planning authority in choosing its preferred approach (when developing alternatives, paragraph 152¹ of the National Planning Policy Framework should be referred to).

Reasonable alternatives are the different realistic options considered by the plan-maker in developing the policies in its plan. They must be sufficiently distinct to highlight the different sustainability implications of each so that meaningful comparisons can be made. The alternatives must be realistic and deliverable”.

- 4.8 There is no list of those sites which have not been included and the reasons for their rejection. There is also no record of the specific reasons why the allocations were selected.
- 4.9 This is a serious issue and is considered a breach of Regulation 12(2) (b) and Schedule 2 (8) of the SEA Regulations.
- 4.10 This deficiency can only be rectified by the production of a new Assessment which clearly provides the justification for the selection/ rejection of housing and employment sites.

Procedure

- 4.11 It is therefore necessary to explore two issues
- Whether the Assessment is legally compliant under the SEA Regulations and has had regard to the Planning Practice Guidance (PPG); and
 - Whether the Assessment has provided justification for selecting the distribution and locations of housing and employment sites, and the omission of other sites.
- 4.12 Both Strategic Environmental Assessment (“SEA”) and Sustainability Appraisal (“SA”) are statutory processes, required the following legislation:
- 1) *Regulations 5, 12 and Schedule 2 to the Environmental Assessment of Plans and Programmes Regulations 2004 (hereafter referred to as “the SEA Regulations”), implementing the requirements of the European SEA Directive 2001/42/EC;*
 - 2) *Regulation 7 of the Combined Authorities (Spatial Development Strategy) Regulations 2018 (which is in similar terms to Section 19(5)(a) and (b) of the Planning and Compulsory Purchase Act 2004) requires local planning authorities to carry out an “appraisal of the sustainability” setting out how it contributes towards the achievement of sustainable development.*
- 4.13 The Government’s guidance on the conduct of the SA/SEA is set out in Planning Practice Guidance (PPG): Strategic Environmental Assessment (SEA) and Sustainability Appraisal (SA).
- 4.14 The SEA Regulations require environmental assessment as a qualifying plan (Regulation 5(2)). Regulation 12(2) requires the production of an environmental report identifying, describing and evaluating the likely significant effects on the environment of (a) implementing the plan or programme; and (b) reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme.
- 4.15 The SA process goes wider in considering a plan’s economic and social effects in addition to its potential environmental effects. Thus, the SA process conventionally incorporates the requirements of the SEA Regulations.

- 4.16 The PPG provides important Government guidance (reflecting well-established SEA case law²) that an SA/SEA should provide an objectives-led approach whereby the potential impacts of a plan, its allocations and all reasonable alternatives, are appraised to the same level of detail in order to identify their contribution to sustainable development:

‘The sustainability appraisal should identify any likely significant adverse effects and measures envisaged to prevent, reduce and, as fully as possible, offset them. The sustainability appraisal must consider all reasonable alternatives and assess them in the same level of detail as the option the plan-maker proposes to take forward in the Local Plan (the preferred approach)’.

- 4.17 In addition to the above-stated legislative requirements, SA is also a very useful mechanism for assessing and improving the sustainability performance of policies and allocations within a draft plan to ensure that development is directed to the most sustainable locations within the local authority area. Achieving sustainable development is a fundamental requirement of national policy.
- 4.18 We consider that there have been legal errors, both substantive and procedural. There is therefore a need for the SA process to begin again, culminating in a new SA.

Updated Sustainability Appraisal

- 4.19 In light of the additional text now included within the Sustainability Appraisal, which seeks to provide clarification of how ‘alternative’ sites were taken forward to a detailed assessment within the Sustainability Appraisal, we have reviewed this against the specific characteristics of our Client’s site.
- 4.20 We would note in the first instance, that paragraph 3.1 of the SA states that *‘the assessment of reasonable alternatives has been an integral part of the plan preparation process’*. This is incorrect given that the Regulation 18 Draft Local Plan was released for consultation before the Sustainability Appraisal was published, and the SA at that stage did not consider any reasonable alternatives. It simply looked at the proposed allocations, which remain substantially unchanged.
- 4.21 Since that time, there have been minimal changes to the Plan to the Submission version and subsequent Main Modifications with the principal allocations remaining within the Local Plan to support ‘the reasonable alternatives’ to reflect the Regulation 18 Local Plan.
- 4.22 In addition, there are several matters which we consider go to the heart of the Sustainability Appraisal and that there is a fundamental failure on the basis of the Council’s own methodology for identifying reasonable alternatives (based upon the HEELA). This approach has resulted in a constrained figure contained within Option B of the strategic options for housing by artificially reducing the supply of available housing identified WDC with sites identified solely based on preference rather than evidence.
- This principally relates to the consideration of Green Belt and AONB sites within the Sustainability Appraisal process
-

- The Sustainability Appraisal does not reflect the spatial strategy, as set out in Policy CP2, which focusses on distributing housing and employment to the most sustainable locations - equally there is no justification for how Options B-E have been derived and why it is appropriate to assess a 20% growth at Kimble (a Tier 6 settlement) when other sites are available in higher tier settlements. This indicates the Options have been 'retrofitted' to the strategy before the spatial options were considered.
- This has been as a result of the selective assessment of sites, with no justification of when sites have been selected or rejected to address each of the strategic options (namely B, C and D).
- This approach appears to be as a result of the Regulation 18 consultation and has not been an iterative process. Our clients site should have been considered as it is available and deliverable.
- A continued failure to consider Merlaue Rise, Marlow within the Sustainability Appraisal as a reasonable alternative despite clarification contained within the SA (2018) of the site selection process.

4.23 P.28 identifies how the reasonable alternatives have been identified, which are not carried through in to the sites assessed within the SA:

- *Maintaining a robust green belt boundary*
- *Would not result in unsustainable patterns of development* - there has been no detailed assessment of sites promoted to the Local Plan process around Tier 1 and 2 settlements which has resulted a significant proportion of housing proposed at Tier 3 -6 settlements which does not result in sustainable patterns of development. (Longwick and Kimble)
- Deliverability of a number of draft allocations through the Local Plan process as set out within our Regulation 19 Local Plan consultation and Hearing Statements.

4.24 Furthermore, the additional text relating to paragraph 4.3.2 discusses the relationship between the SA and the site selection process (p. 31), and is stated as setting out the approach taken by the Council to considering the reasonable alternatives.

4.25 This states that the *'overall principle for selecting sites for individual appraisal in the SA is that sites are only capable of informing the assessment of reasonable alternatives if they are generally consistent with one or more of these alternative strategies. The inclusion of other sites, inconsistent with the plan objectives, and therefore incompatible with the reasonable alternatives, would not assist with the SA process.'* On that basis, there should be a detailed assessment of how Option B has been derived, and which Green Belt sites have been considered in the testing of those Options.

4.26 Our Client's site within the Green Belt and AONB has never been included within the SA nor assessed against Option B-E despite only being discounted within the HEELA on the basis of Green Belt.

- 4.27 On that basis, our Client's site, which was only discounted in the HELAA on Green Belt grounds and which we have continued to challenge should have been assessed as a reasonable alternative within the Sustainability Appraisal especially given it is adjacent to Marlow, a Tier 1 settlement.
- 4.28 The site does not appear in Appendix III of this SA. This wholly undermines the site selection process that WDC has said has occurred to inform the assessment of strategic options. Ultimately, sites that will result in isolated areas of non-green belt land within the Green Belt such as Wycombe Air Park (as suggested within the Council's own Green Belt Part 2 Assessment) have been considered as reasonable alternatives, and ultimately allocated at a Tier 6 location, which does undermine a sustainable pattern of growth.
- 4.29 There is no consistency in the approach taken to identifying reasonable alternatives and nor to planning judgement taken in leading to those sites identified within Appendix III of the SA.

From: Bhavash Vashi [REDACTED]
Sent: 27 March 2019 12:52
To: NewLocalPlan
Subject: Submission to proposed main modification to Local Plan - Barley Gate, Marlow
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[REDACTED]



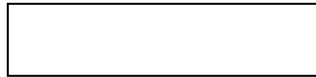
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| Organisation (where relevant) | | Strutt & Parker |
| Address | | |
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| Site Interest | Barley Gate, Marlow (Land off Berwick Road) |
| Client's Name | IM Land |

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Main Modifications Consultation
Wycombe District Local Plan 2013-2033
Response on behalf of IM Land – Barley Gate,
Marlow – Strutt and Parker

March 2019

1. Introduction

1.1 These representations are made on behalf of IM Land regarding their land interests at Barley Gate, Marlow (land off Berwick Road) which has been promoted through the Wycombe Local Plan since June 2016. Despite the on-going promotion, WDC has continuously failed to consider this site within the Sustainability Appraisal process which will be detailed further within these representations.

1.2 IM Land was represented at the Local Plan Examination and appeared at the various sessions, where evidence (both oral and written) was submitted to demonstrate that the Wycombe District Submission Local Plan failed to meet the tests of soundness under paragraph 182 of the Framework. Considering the modifications proposed, the comments raised within those Statements remain applicable to the Main Modifications Local Plan.

1.3 Please see below a summary of the main areas of ongoing objection below, with specific references made within these representations as appropriate considering the proposed Main Modifications:

- The failure of WDC to meet its Objectively Assessed Needs for housing within its own boundaries despite deliverable and available sites; and to robustly demonstrate it cannot meet its full OAN based upon site availability and reasonable alternatives within the SA;
- The failure of the Sustainability Appraisal to consider all 'reasonable alternatives' where they align with the Council's strategic options and Local Plan objectives – for example, the non-allocation of our clients Green Belt site at a tier one settlement but instead allocating 100 dwellings at Stokenchurch;
- The lack of consistency in the application of the Green Belt Review findings to the proposed allocations and that allocations fails to satisfy para.84 and 85 of the Framework;
- A lack of evidence to support the delivery and the capacity of the sites against proposed Development Management Policies and the housing provision proposed to 2033.

1.4 This response focusses principally on the proposed modifications and considers whether comments raised through the Hearing Sessions have been addressed:

- whether the proposed modifications demonstrate that the Council has fully assessed all alternative site opportunities specifically within the Sustainability Appraisal;
- whether there is enough evidence to demonstrate the capacity and delivery of sites over the plan period;
- whether the proposed allocations align with the spatial objectives of the Local Plan;
- whether the spatial strategy focusses upon Green Belt release in sustainable locations in line with the Framework (paragraph 84);

2. Main Modifications Consultation

2.1 The Main Modifications Local Plan consultation has commenced with the following documentation available for comment:

- Proposed Main Modifications Local Plan
- Sustainability Appraisal (December 2018)
- Habitats Regulation Assessment of the Proposed Main Modifications and Revised Habitats Regulations Assessment (January 2019).

2.2 We understand that such modifications have been agreed between the Inspector and the Council, there is no publicly available correspondence with regard to the following:

- WDC's response to the Inspector's Follow-up question 1 following the Hearing Sessions in relation to the Sustainability Appraisal:
- Any on-going discussions between WDC and the Inspector in relation to preparing the Main Modifications.

2.3 The above is particularly relevant to our Client's site which directly abuts a Tier 1 settlement and would align with several of the spatial strategy options set out within the Sustainability Appraisal.

2.4 Despite the site being promoted since 2016, there has been no justification as to why it has not been included either within the Sustainability Appraisal as a 'reasonable alternative'. The Council has once again failed to assess it despite it clearly according with its stated methodology on site selection.

3. Main Modifications - Local Plan

- 3.1 There have been limited modifications to the Submission Local Plan despite the significant objections raised with regard to the soundness at the Local Plan Examination. We provide detailed comments on Sustainability Appraisal and site assessment at Section 4 below.
- 3.2 In terms of the Main Modifications themselves, we make the following comments:
- **PMM4 - Oxford to Cambridge Arc** - it is appreciated that it is may be early to understand the implications of homes and job growth that could be associated with the delivery of the expressway. However WDC needs to be alive to an early review where additional housing and employment allocations are likely to be required as it has now been confirmed that the District is included within the Arc. At the time of submission, this was not the case.
 - **PMM6** - the reference to the Plan allocating between 5,360 – 5,600 dwellings and the overall provision between 2013-2033 of 11,659 - 11,899 dwellings is unsound. There is no evidence on the certainty of delivery of the sites informing Table 5, as we demonstrated at the Examination within our Hearing Statements. In a Local Authority that has identified a significant quantum of unmet need, this is an unsound position to be taken to demonstrate that it has exhausted all options for meeting its housing requirement within its administrative boundary.
 - **PMM59** - the Council's proposed re-wording of the policy is unsound. The Council's evidence does not support 48% affordable housing on greenfield, land based on its own viability evidence. The Council's evidence identified a lower density assumption which levied affordable housing at 48%, albeit this was a lower percentage against the higher density assumption. Our view is that higher density development should be considered by WDC, given it is currently fail to meet its OAN and the Council has already considered high density assumptions within the site capacity assessments. There is no evidence being considered as part of this consultation to justify the position being taken, which should be subject to full consultation prior to the policy being adopted. Such an approach is likely to render a number of the proposed allocations unviable, and the Council should show site viability for each of these at this stage of the process if it is to continue to promote such a high affordable housing policy threshold.
 - **PMM66** - we have previously raised comments regarding the requirement for significant tree cover for sites outside town centres or on sites of 0.5 ha or more. The policy remains, and no capacity assessments have been undertaken to understand how the housing projections within Table 5 will be affected. As such, housing provision could be significantly lower than identified if this policy were to be applied.
- 3.3 Our principle objectives to the Local Plan are on the basis of it failing to accord with the test of soundness under para.182 of the Framework still apply given the limited amendments proposed. There have been no changes to the distribution of housing, ongoing unnecessary and heavy reliance upon development at Tier 3 -6 settlements and request that the Inspector gives these concerns full and rigorous consideration.

3.4 Overall, we submitted that the Main Modifications Local Plan when assessed against paragraph 182 of the Framework is unsound as follows:

- **Has not been positively prepared** - The Local Plan fails to be based upon a strategy that seeks to meet the objectively assessed need for housing and does not allocate sites that are consistent with achieving sustainable development with sites adjacent to Tier 1 settlement with the strategic options provided a greater focus on lower tier settlements;
- **Is unjustified** - we have consistently stated that the Council's own evidence does not support the proposed spatial strategy for meeting housing needs, identifies Green Belt release at Tier 6 settlements, not adjacent to existing sustainable settlements.
- **Is ineffective** - we have demonstrated that a number of the Council's proposed allocations are not appropriate for allocation and nor are deliverable. Significant questions have been raised over the deliverable capacity of a number of sites thus questioning the Council's housing trajectory over the plan period.
- **Is not consistent with national policy** - The proposed Local Plan fundamentally fails to accord with the policies of the Framework and will not deliver sustainable development.

4. Sustainability Appraisal - Modifications

Inspector's Further Questions

- 4.1 In October 2018, after the closure of the Hearings, the Inspector wrote to the Council requesting a response to a number of Follow Up questions. One of these related explicitly to the Sustainability Appraisal process.
- 4.2 We made detailed submissions at Regulation 18 stage stating that the SA at that time was fundamentally flawed and released for consultation after the Plan was released. It also failed to look at any reasonable alternatives, only the proposed allocations, which have in effect been carried through the whole Plan-making process.
- 4.3 We note that the Council's website states in response that:
- "Follow-up question 1: Sustainability Appraisal - this will be published alongside the main modifications consultation, and will be consulted on as a part of the consultation."*
- 4.4 For the reasons stated below, we submit that the Council has not adequately responded to this important question.

RELEVANT LEGISLATION AND GUIDANCE

Environmental Assessment of Plans and Programmes Regulations 2004

- 4.5 The updated Sustainability Appraisal is intended to comply with the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 ("the SEA Regulations"), including the PPG Chapter 11 on Strategic environmental assessment and sustainability appraisal, and the requirements of NPPF 35b.
- 4.6 To meet those requirements, it should appraise all reasonable alternatives (policy options and site allocations) consistently against a comprehensive framework to provide the decision maker with evidence to determine the sustainability implications of each reasonable alternative. This evidence should then be used to select, or guide the development of, the most sustainable policy or site allocation as stated within the PPG SEA.

'Plan-makers should assess the policies in a draft Local Plan, and the reasonable alternatives, to identify the likely significant effects of the available options (Stage B). Forecasting and evaluation of the significant effects should help to develop and refine the proposals in each Local Plan document'.

- 4.7 The PPG guidance states that:

"Reasonable alternatives should be identified and considered at an early stage in the plan making process, as the assessment of these should inform the local planning authority in choosing its preferred approach (when developing alternatives, paragraph 152¹ of the National Planning Policy Framework should be referred to).

Reasonable alternatives are the different realistic options considered by the plan-maker in developing the policies in its plan. They must be sufficiently distinct to highlight the different sustainability implications of each so that meaningful comparisons can be made. The alternatives must be realistic and deliverable”.

- 4.8 There is no list of those sites which have not been included and the reasons for their rejection. There is also no record of the specific reasons why the allocations were selected.
- 4.9 This is a serious issue and is considered a breach of Regulation 12(2) (b) and Schedule 2 (8) of the SEA Regulations.
- 4.10 This deficiency can only be rectified by the production of a new Assessment which clearly provides the justification for the selection/ rejection of housing and employment sites.

Procedure

- 4.11 It is therefore necessary to explore two issues
- Whether the Assessment is legally compliant under the SEA Regulations and has had regard to the Planning Practice Guidance (PPG); and
 - Whether the Assessment has provided justification for selecting the distribution and locations of housing and employment sites, and the omission of other sites.
- 4.12 Both Strategic Environmental Assessment (“SEA”) and Sustainability Appraisal (“SA”) are statutory processes, required the following legislation:
- 1) *Regulations 5, 12 and Schedule 2 to the Environmental Assessment of Plans and Programmes Regulations 2004 (hereafter referred to as “the SEA Regulations”), implementing the requirements of the European SEA Directive 2001/42/EC;*
 - 2) *Regulation 7 of the Combined Authorities (Spatial Development Strategy) Regulations 2018 (which is in similar terms to Section 19(5)(a) and (b) of the Planning and Compulsory Purchase Act 2004) requires local planning authorities to carry out an “appraisal of the sustainability” setting out how it contributes towards the achievement of sustainable development.*
- 4.13 The Government’s guidance on the conduct of the SA/SEA is set out in Planning Practice Guidance (PPG): Strategic Environmental Assessment (SEA) and Sustainability Appraisal (SA).
- 4.14 The SEA Regulations require environmental assessment as a qualifying plan (Regulation 5(2)). Regulation 12(2) requires the production of an environmental report identifying, describing and evaluating the likely significant effects on the environment of (a) implementing the plan or programme; and (b) reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme.
- 4.15 The SA process goes wider in considering a plan’s economic and social effects in addition to its potential environmental effects. Thus, the SA process conventionally incorporates the requirements of the SEA Regulations.

- 4.16 The PPG provides important Government guidance (reflecting well-established SEA case law²) that an SA/SEA should provide an objectives-led approach whereby the potential impacts of a plan, its allocations and all reasonable alternatives, are appraised to the same level of detail in order to identify their contribution to sustainable development:

‘The sustainability appraisal should identify any likely significant adverse effects and measures envisaged to prevent, reduce and, as fully as possible, offset them. The sustainability appraisal must consider all reasonable alternatives and assess them in the same level of detail as the option the plan-maker proposes to take forward in the Local Plan (the preferred approach)’.

- 4.17 In addition to the above-stated legislative requirements, SA is also a very useful mechanism for assessing and improving the sustainability performance of policies and allocations within a draft plan to ensure that development is directed to the most sustainable locations within the local authority area. Achieving sustainable development is a fundamental requirement of national policy.
- 4.18 We consider that there have been legal errors, both substantive and procedural. There is therefore a need for the SA process to begin again, culminating in a new SA.

Updated Sustainability Appraisal

- 4.19 In light of the additional text now included within the Sustainability Appraisal, which seeks to provide clarification of how ‘alternative’ sites were taken forward to a detailed assessment within the Sustainability Appraisal, we have reviewed this against the specific characteristics of our Client’s site.
- 4.20 We would note in the first instance, that paragraph 3.1 of the SA states that *‘the assessment of reasonable alternatives has been an integral part of the plan preparation process’*. This is incorrect given that the Regulation 18 Draft Local Plan was released for consultation before the Sustainability Appraisal was published, and the SA at that stage did not consider any reasonable alternatives. It simply looked at the proposed allocations, which remain substantially unchanged.
- 4.21 Since that time, there have been minimal changes to the Plan to the Submission version and subsequent Main Modifications with the principal allocations remaining within the Local Plan to support ‘the reasonable alternatives’ to reflect the Regulation 18 Local Plan.
- 4.22 In addition, there are several matters which we consider go to the heart of the Sustainability Appraisal and that there is a fundamental failure on the basis of the Council’s own methodology for identifying reasonable alternatives (based upon the HEELA). This approach has resulted in a constrained figure contained within Option B of the strategic options for housing by artificially reducing the supply of available housing identified WDC with sites identified solely based on preference rather than evidence.
- This principally relates to the consideration of Green Belt and AONB sites within the Sustainability Appraisal process
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- The Sustainability Appraisal does not reflect the spatial strategy, as set out in Policy CP2, which focusses on distributing housing and employment to the most sustainable locations - equally there is no justification for how Options B-E have been derived and why it is appropriate to assess a 20% growth at Kimble (a Tier 6 settlement) when other sites are available in higher tier settlements. This indicates the Options have been 'retrofitted' to the strategy before the spatial options were considered.
- This has been as a result of the selective assessment of sites, with no justification of when sites have been selected or rejected to address each of the strategic options (namely B, C and D).
- This approach appears to be as a result of the Regulation 18 consultation and has not been an iterative process. Our clients site should have been considered as it is available and deliverable.
- A continued failure to consider Barley Gate within the Sustainability Appraisal as a reasonable alternative despite clarification contained within the SA (2018) of the site selection process.

4.23 P.28 identifies how the reasonable alternatives have been identified, which are not carried through in to the sites assessed within the SA:

- *Maintaining a robust green belt boundary*
- *Would not result in unsustainable patterns of development* - there has been no detailed assessment of sites promoted to the Local Plan process around Tier 1 and 2 settlements which has resulted a significant proportion of housing proposed at Tier 3 -6 settlements which does not result in sustainable patterns of development. (Longwick and Kimble)
- Deliverability of a number of draft allocations through the Local Plan process as set out within our Regulation 19 Local Plan consultation and Hearing Statements.

4.24 Furthermore, the additional text relating to paragraph 4.3.2 discusses the relationship between the SA and the site selection process (p. 31), and is stated as setting out the approach taken by the Council to considering the reasonable alternatives.

4.25 This states that the *'overall principle for selecting sites for individual appraisal in the SA is that sites are only capable of informing the assessment of reasonable alternatives if they are generally consistent with one or more of these alternative strategies. The inclusion of other sites, inconsistent with the plan objectives, and therefore incompatible with the reasonable alternatives, would not assist with the SA process.'* On that basis, there should be a detailed assessment of how Option B has been derived, and which Green Belt sites have been considered in the testing of those Options.

4.26 Our Client's site within the Green Belt and AONB has never been included within the SA nor assessed against Option B-E despite only being discounted within the HEELA on the basis of Green Belt.

- 4.27 On that basis, our Client's site at Barley Gate which was only discounted in the HELAA on Green Belt grounds and which we have continued to challenge should have been assessed as a reasonable alternative within the Sustainability Appraisal especially given it is adjacent to Marlow, a Tier 1 settlement.
- 4.28 The site does not appear in Appendix III of this SA. This wholly undermines the site selection process that WDC has said has occurred to inform the assessment of strategic options. Ultimately, sites that will result in isolated areas of non-green belt land within the Green Belt such as Wycombe Air Park (as suggested within the Council's own Green Belt Part 2 Assessment) have been considered as reasonable alternatives, and ultimately allocated at a Tier 6 location, which does undermine a sustainable pattern of growth.
- 4.29 There is no consistency in the approach taken to identifying reasonable alternatives and nor to planning judgement taken in leading to those sites identified within Appendix III of the SA.