
From: Tim Burden [REDACTED]
Sent: 27 March 2019 14:37
To: NewLocalPlan
Cc: Sarah Milward; Hannah Knowles; Kathryn Hemingway
Subject: Proposed Main Modifications to the Wycombe District Local Plan for consultation on behalf of IM Land
Attachments: Response to Main Modifications obo IM Land - Holtspur Avenue - Final.pdf
Importance: High

Dear Sir / Madam,

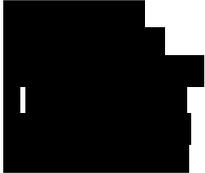
Please see attached representations to the above consultation on behalf of our clients IM Land.

I would be grateful if you could confirm that they have been received and duly lodged.

Regards
Tim

Tim Burden
Director

Turley



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Main Modifications Consultation
Wycombe District Local Plan 2013-2033
Response on behalf of IM Land

March 2019

Turley

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Contact
Tim Burden



27 Mar 2019

1. Introduction

- 1.1 These representations are made on behalf of IM Land regarding their land interests at Land at Holtspur Avenue, Wooburn Green, which has been promoted through the Wycombe Local Plan since June 2016. Despite the on-going promotion, WDC has continuously failed to consider the site within the Sustainability Appraisal process which will be explored further within these representations.
- 1.2 Most recently, IM Land was represented at the Examination into the emerging Local Plan and appeared at the following sessions: 1, 2, 3, 5, 6, 7, 9 and 10, where considerable 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. In light of the modifications proposed, the comments raised within those Statements are still applicable to the Main Modifications Local Plan.
- 1.3 Whilst it is considered that there are a range of matters which rendered the Submission Local Plan unsound, we provide a summary of the main areas of ongoing objection below, with specific references made within these representations as appropriate in light of 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, not allocating our clients Green Belt site at a tier one settlement but instead allocating 100 dwellings within the AONB 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;
 - The identification of proposed allocations for major development within the AONB when alternative sites are available and there is limited evidence to demonstrate that paragraphs 115 and 116 of the Framework; and
 - 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 In light of the matters raised through our representations to the Regulation 19 Local Plan consultation and the relevant Hearing Statements, this response focusses principally on the proposed modifications and considers 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 sufficient 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); and
- whether the allocation of major development within the AONB satisfies the requirements of paragraph 115 and 116 of the Framework.

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, although 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 a number 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.
- **PMM5**- reference is made to *'development is not proposed in areas where development should be restricted such as AONB, Green Belt and areas at risk of flooding, or in places without the facilities and services to support it'* - this is not reflective of the Local Plan. Allocations are proposed at Tier 3-6 settlements (without justification), as major development within the AONB (including RUR8 and RUR10) and as unsustainable Green Belt releases (HW16) when appropriate sites in higher tier settlements are available.
- **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.
- **PMM11** - the identification of between 520-720 dwellings at HW6 and 500-540 at HW7 indicates that detailed capacity has not been undertaken. A 200 dwelling variation in allocation numbers cannot be considered sound – and amounts to nearly half a year's housing land supply. Such an approach is unsound and does not demonstrate that these sites are justified and deliverable. Instead of this approach, the Council should be seeking to allocate further sites, or alternatively allocate them as reserve sites at this stage.
- **PMM44** - the inclusion of RUR 8 is not supported by the Council's evidence. It is not included within the AONB Site Assessment and constitutes major development within the AONB. No assessment against para.115 and 116 of the Framework has been undertaken by the Council.
- **PMM45** - the additional wording within the policy for proposed allocations within the AONB to *'provide a landscape-led positive approach to design and layout to limit its impact upon the AONB'* is not considered sufficient when

sites are allocated within the AONB. The Council has failed to provide sufficient evidence to demonstrate that para. 115 and 116 of the Framework have been satisfied and as such the approach is contrary to the approach taken by other Inspector's recently at West Oxfordshire and Vale of White Horse, amongst others.

- **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.
- **PMM63** - Point 2 of the policy is unsound on the basis that WDC is allocating major development within the AONB with no justification under para 115 and 116 of the Framework. The supporting text '*where development in the setting of the AONB would demonstrably harm the AONB, and having regard to the scale of harm and the significance of the landscape, consent will be refused unless this harm is outweighed by other land use planning benefits*'. WDC has not demonstrated through the evidence base that this will not happen through the allocations proposed within the Local Plan which are within the AONB.
- **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; reliance on sites clearly constituting major development within the AONB; and Green Belt release that does not accord with para. 84 of the Framework, but request that the Inspector gives these concerns full and rigorous consideration.
- 3.4 Given these points were heavily laboured through the Local Plan process within Regulation 18 and 19 Local Plan representations and supporting Hearing Statements, we do not repeat this position here.

3.5 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, which proposes 3 major development sites within the AONB and 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.¹ One of these related explicitly to the Sustainability Appraisal process. As noted previously, an Opinion prepared Leading Counsel on behalf of our client has been submitted to the Examination.
- 4.2 We also made detailed submissions at Regulation 18 stage as 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 SEA²:

'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'.

¹ <https://www.wycombe.gov.uk/uploads/public/documents/Planning/New-local-plan/Local-plan-examination-2018/EXAM6-Inspectors-Follow-Up-Questions-October-2018.pdf>

² Paragraph: 017 Reference ID: 11-017-20140306

4.7 The present failure to give consideration to any other growth figure amounts to a failure to assess a reasonable alternative, commensurate to the error considered by the Court of Appeal in *Ashdown Forest Economic Development LLP V Wealdon District Council, South Downs National Park Authority* [2015] EWCA Civ 681, [42].

4.8 The PPG guidance³ 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 152⁴ 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”.

4.9 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.

4.10 This is a serious error. It is a breach of Regulation 12(2) (b) and Schedule 2 (8) of the SEA Regulations.

4.11 The error is as fundamental as that explored by the High Court in *Save Historic Newmarket Ltd v Forest Heath DC*, [2011] EWHC 606 (Admin), [40]:

“It was not possible for the consultees to know from it what were the reasons for rejecting any alternatives to the urban development where it was proposed or to know why the increase in the residential development made no difference. The previous reports did not properly give the necessary explanations and reasons and in any event were not sufficiently summarised nor were the relevant passages identified in the final report. Thus there was a failure to comply with the requirements with the Directive and so relief must be given to the claimants”.

4.12 This deficiency can only be rectified by the production of a new IA which clearly provides the justification for the selection/ rejection of housing and employment sites.

Procedure

4.13 It is therefore necessary to explore two issues

- Whether the IA is legally compliant under the SEA Regulations and has had regard to the Planning Practice Guidance (PPG); and

³ <https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal#Sustainability-appraisal-process>. Paragraph: 017 Reference ID: 11-017-20140306

⁴ Now amended to paragraph 32 of NPPF 2019

- Whether the IA has provided justification for selecting the distribution and locations of housing and employment sites, and the omission of other sites.
- 4.14 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.*
- 4.15 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).
- 4.16 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.
- 4.17 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.
- 4.18 The PPG provides important Government guidance (reflecting well-established SEA case law⁵) 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)’.*
- 4.19 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.

⁵ *Heard v Broadland DC* [2012] EWHC 344 (Admin); [2012] P.T.S.R. D25, [71];

- 4.20 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

- 4.21 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 position against the specific characteristics of our Client's site.
- 4.22 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 factually 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.
- 4.23 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 - indicating a retrofitting of 'the reasonable alternatives' to reflect the Regulation 18 Local Plan.
- 4.24 In addition, there are a number of 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.
- 4.25 This principally relates to the consideration of Green Belt and AONB sites within the Sustainability Appraisal process (a number of these comments have been previously raised within the Turley Regulation 19 Submission representations):
- 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 stems from the Regulation 18 consultation and the 'retrofitted' SA – it is not an iterative process but one which has been predetermined. This latest consultation again demonstrates that the Council has simply sought to justify its initial draft Local Plan, despite our clients site being available and deliverable.

- The Sustainability Appraisal does not accord with the spatial objectives despite comments at p.26, paragraph 3.4 of the SA December 2018 - with regard to:
 1. *Cherish the Chilterns* - Cherish the Chilterns by conserving and enhancing the natural beauty of the landscape of the Chilterns Hills - *limited weight has been given to the AONB within the SA criteria and the role the proposed allocations make to achieving this objective.*
 2. *Deliver Housing* - contribute our fair share towards tackling the need for more housing including affordable housing and other site specific housing needs of the community, including catering for a growing ageing population -*The Council is not meeting its OAN and Option B has been derived based on Officer judgment which is not reflective of the Council's evidence nor the SA methodology.*
- The deficiencies within the process of site selection and rejection of reasonable alternatives against the Strategic Options to meet the housing requirements - namely the assessment of sites within the AONB against the landscape criteria alongside no explicit strategic options considering the appropriateness of AONB sites or clear assessment of why major development within the AONB is an appropriate spatial option (Lane End and Stokenchurch p. 18 of the SA 2018).
- A continued failure to consider Holtspur Avenue within the Sustainability Appraisal as a reasonable alternative despite clarification contained within the SA (2018) of the site selection process.

4.26 With regard to the last point, this position has become more apparent through the proposed amendments to the Sustainability Appraisal. It is appreciated that 'planning judgment' forms part of the consideration of reasonable alternatives as referenced on p.28 of the SA 2018.

4.27 However, we challenge that WDC has taken a proportionate approach given the evidence available to it, and the lack of evidence to demonstrate that allocations as major development within the AONB and at lower tier settlements is necessary.

4.28 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* - Our Client's site was scored down on the Green Belt assessment despite having the M40 as an enduring Green Belt boundary, whilst other sites including Wycombe Air Park in the Green Belt Part 2 were identified as 'holes' in the Green Belt and not suitable for removal from the Green Belt.
- *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)

- Sites of 100 dwellings (Stokenchurch and Tier 3 settlements) are considered major development in the AONB. This view is stated by the Chilterns AONB Board. There has been no assessment of smaller sites that would not constitute major development at higher tier settlements within the assessment of reasonable alternatives.
 - are also deliverable within the plan period - we have challenged deliverability of a number of sites through the Local Plan process which is set out within our Regulation 19 Local Plan consultation and Hearing Statements.).
- 4.29 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.
- 4.30 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.
- 4.31 Our Client's site within the Green Belt 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.
- 4.32 With regard to the process of site selection, we provide commentary against the approach set out by WDC at p.31 para 4.3.2:
- The initial site assessment work for the plan was used to identify which sites should be included and individually appraised in the SA as part of the pool of sites used to test the reasonable alternative strategies. - *What are these sites, there is no clear paper trail as to what sites fall within each strategic option for development (options B-E)*
 - As with the Regulation 12(2) SA process of identifying reasonable alternatives, the initial site selection processes for the plan had regard to the sustainable development objectives of the plan. - *The Council's reasonable alternatives do not accord with the sustainable development objectives with an inconsistent approach applied to the assessment of AONB sites and nor do they consider the additional site specific information provide by promoters.*
 - At a site selection level, consistency with the preferred strategy selected by the SA is a contributory factor to the overall reasons for selecting or rejecting any particular site.
- 4.33 Page 34 of the SA 2018 provides additional clarification on how sites within the Green Belt were considered by the Council within their site assessment process. The

additional text (not previously included within the Submission version of the Sustainability Appraisal) states:

“The process of shaping reasonable alternatives for SA (having regard to the plan objectives) had not excluded strategies which would entail releasing sites which contributed more strongly to Green Belt purposes in order to meet full needs. For that reason, reasonable alternative strategies for SA were identified (Options C and D). These comprised sites which were in sustainable locations, and otherwise capable of removal from the Green Belt, and otherwise developable. In other words, sites which had only been rejected for the strength of their contribution to meeting GB purposes, and for no other strategic reason.”

P.37 - Where a site was rejected due solely to the strength of its contribution to meeting Green Belt purposes (and no other reason) the site was added to the pool of sites in Appendix III to inform the testing of Options C and D. Other sites were rejected because they were not otherwise capable of removal from the Green Belt, either because (at GB Part 2 Step 1) they were judged incapable of contributing to a sustainable pattern of growth or (at GB Part 2 Step 2) they were judged to undermine the spatial integrity of the Green Belt. They would create small isolated areas of non-green belt land within the green belt and/or be unable to provide suitable, robust, enduring boundaries for green belt purposes. Such sites were not reasonable to consider for potential allocation and were therefore excluded from the appraisal of site options. These sites are recorded in this table as ‘not capable of removal from the Green Belt’.

- 4.34 **On that basis, our Client’s site at Holtspur Avenue (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 High Wycombe, a Tier 1 settlement.**
- 4.35 **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.**
- 4.36 **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.**
- 4.37 With regard to AONB sites, where our Client is promoting sites which are not considered to be major development with the AONB but have not been considered within the AONB Site Assessment. Furthermore, the two sites at Stokenchurch (RUR10 and RUR8) which we consider are major development have not been referenced at all within the document for recommendation yet are included as ‘reasonable alternatives’. Given these sites clearly should be considered major development within

the AONB, there is no assessment of these sites against paragraphs 115 and 116 of the Framework.

4.38 With regard to the conclusion of the AONB Site Assessment the document states:

On the basis of the above it is concluded that the following sites would be acceptable with regards to the AONB, and that subject to the HELAA assessment, and (where appropriate) the Green Belt Assessment of exceptional circumstances, these sites should be allocated in the New Local Plan.

4.39 **Such a position raises considerable concern given the Assessment was drafted to inform the HEELA, and no reference was made to the Sustainability Appraisal which ultimately should have considered all reasonable alternative sites, notwithstanding the reference to RUR8 and RUR10 above.**

4.40 **As such, there is no evidence to suggest why these sites have been considered as 'reasonable alternatives' within Appendix III, let alone taken forward as proposed allocations. Furthermore, the sites classified as 'major' development has not been agreed with the Chilterns AONB Board given they are continuing to object to the Local Plan.**

4.41 Furthermore, P.27 of the SA relates to Unsustainable locations - and states *'The overall objective of delivering a sustainable settlement strategy underpins all of the plan objectives. These are sites which are too poorly related to a sustainable settlement to support the growth and environmental objectives of the plan. (For sites in the Green Belt, this formed Step 1 of the Part 2. Assessment. For sites outside of the Green Belt this formed part of Part 1 of the HELAA assessment.) As such these sites were not considered for allocation, and they were not appraised.'*

4.42 The above is not accurate and the reasonable alternatives have been skewed towards lower tier settlements (reflective of the sites identified within the HEELA) with WDC not robustly considering sites at Tier 1 and 2 settlements for the reasons mentioned above. In effect, limited weight has been given to the positioning of sites that will promote sustainable patterns of development when considering the reasonable alternatives within the SA.

4.43 The purported 'iterative' process of SA drafting has resulted in a disjointed and fragmented assessment of the entire Plan:

- 1) It does not meet the requirement to have a single, comprehensive Environmental Report for the purposes of Regulation 12 and Schedule 2 of the SEA Regulations;
- 2) It does not meet the essential requirement for an Environmental Report in that it does not identify, describe and evaluate the likely significant effects on the environment of reasonable alternatives to implementing the plan or programme (contrary to Regulation 12(2)(b)) nor does it provide an outline of the reasons for selecting the reasonable alternatives, as required by Schedule 2, paragraph 8 of the SEA Regulations;

- 3) The SA further fails to meet the requirements of Regulation 12(2)(b) and Schedule 2, paragraph 8 of the SEA Regulations to identify all reasonable alternatives for growth (including higher growth options) in addition to the preferred option. It entirely fails to explain why there were no alternatives considered
- 4) The SA further fails to identify reasonable alternatives for the distribution of growth. However, of the identified 'reasonable alternatives' for spatial distribution, none of which meet both the minimum housing and employment figures. There is also no consideration of what the implications of **not** meeting them are – for employment there is no process to secure the significant shortfall in employment land.
- 5) The requirement to meet the OAN as a minimum should specifically stated as the preferred option. The SA has therefore failed in its requirement of Regulation 12(2) (b) and Schedule 2, paragraph 8 to present and assess reasonable alternatives for the distribution of growth.

4.44 These individually and collectively amount to serious errors of law: breaches of the Regulations and failure to have regard to PPG.

4.45 We have identified a number of legal errors (both substantive and procedural) which mean that the IA do not comply with the SEA Regulations, notably Regulation 12(2)-(4) and Schedule 2. They would not amount to a qualifying sustainability appraisal for the purposes of Regulation 7(2) of the Combined Authorities (Spatial Development Strategy) Regulations 2018

Turley Office

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