
From: Alina N [REDACTED]
Sent: 27 March 2019 14:56
To: NewLocalPlan
Subject: Wycombe District Local Plan Proposed Main Modifications (February - March 2019) - Representation
Attachments: WDLP-Main-Mods-Response-Form-Alina-Neagoe.pdf

Dear Wycombe District Council,

Please find the representation for the Wycombe District Local Plan in the attached file.

Thank you
Best regards,
Alina Neagoe

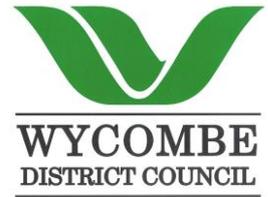


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Wycombe District Local Plan Proposed Main Modifications (February - March 2019) Representation Form

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.

We invite your comments, also known as representations, on these Proposed Main Modifications.

- Please quote the Proposed Main Modification you are commenting on (question 1 in part B).
- Please give your comments on the Proposed Main Modification and indicate any further changes to the Proposed Main Modifications that you feel are necessary (question 2 in part B).
- **Comments will only be accepted for the Proposed Main Modifications. General comments about the content of the Local Plan not related to a Proposed Main Modification will not be accepted.**

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

Responses can be submitted:

- online at www.wycombe.gov.uk/local-plan-modifications
- by email to newlocalplan@wycombe.gov.uk (an automatic email response will confirm receipt)
- or sent by post to:
Planning Policy Team,
Wycombe District Council,
Queen Victoria Road,
High Wycombe,
Bucks,
HP11 1BB

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		Mrs
First Name		Alina
Last Name		Neagoe
Job Title (where relevant)		MA Architecture and Cities
Organisation (where relevant)		
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	Owners
Client's Name	Mr. Afrus Ali; Ms. Adenike Kuburat Bello; Mrs. Heather Brennan; Mr. Benhur Dias; Mrs. Clemy Benhur Dias; Mr. Richie Donnelly; Mrs. Sultana Fulon; Mrs. Kawther Mohammad; Mrs. Alina Neagoe

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

Y

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)

PART B – Comments on the Proposed Main Modifications– Please copy and use a separate sheet for each representation

Name or Organisation:

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

Proposed Main Modification number

PMM6 Delivering homes/ Revised Sustainability Appraisal 2019

2. Please use this box to set out your comments on the Proposed Main Modification, setting out clearly if you support or object to the Proposed Main Modification and the reasons supporting your position.

If appropriate, please set out what further change(s) to the Proposed Main Modification you consider necessary. It will be helpful if you are able to put forward your suggested revised wording of any policy or text.

We understand that the purpose of this consultation is to consider the main modifications as proposed, but in our case the land/site we own:

- Was not included in the original HELAA report submitted in October 2017, although the Council was made aware in June 2016 of our site through a pre-application ref: LBELLI/PI16/01188/LEV2;
- Was not considered for the summer 2018 oral examination, where the Planning Inspector examined “the plan as submitted by the Council. Therefore, I will not, at this stage, be considering the merits for development of sites not included in the plan”;
- Was not part of the Statement of Consultation Appendix 22 – Sustainability Appraisal Clarification Note in Response to Regulation 19 Representation (where it is stated that only sites which had passed the HELAA appraisal were then considered in the revised Sustainability Appraisal);

The revised Sustainability Appraisal which has been published as part of the consultation (February 2019) sets out the approach taken anew. In addition, it states in Chapter 4.3.3 that new sites were received as part of the Regulation 19 consultation (our site being one of them - Representation submitted on our behalf by Mr. Paul Smith in December 2017).

According to the Wycombe District Council, these sites were then subject to the same tests as those in the HELAA and only those which passed the HELAA/Green Belt/AONB tests were then subject to the Sustainability Appraisal.

We cannot see any map which relates to the new sites which were submitted and reference numbers (that is not to say that there is not one, but it is not in an easy to access place).

From the new sites that the Council says were submitted, 5 sites have now been additionally included within the SA but our is not one of them.

As far as we can see from the documents online, the HELAA style assessment does not appear to have been published for our site (representation submitted by Mr. Paul Smith on our behalf in December 2017).

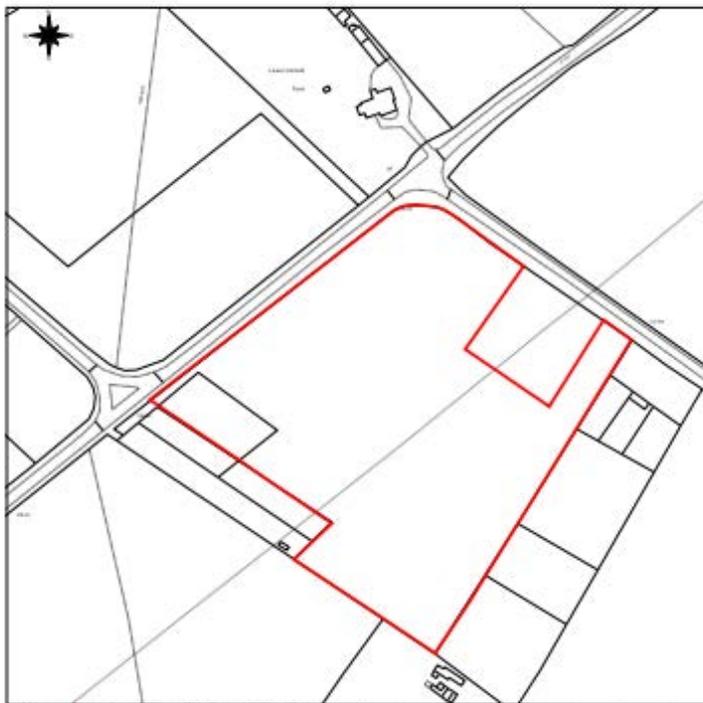
In case, our land was once again omitted by the Council, we want our site to be subject to the same tests as those in the HELAA, all the details to be provided to us by e-mail, and a further round of consultation to allow us for a legally compliant plan.

Also, if from some reasons our site didn't pass the HELAA/Green Belt/AONB tests (this land being no Green Belt/AONB), we want to know all the details that have been the basis of this decision (this information is not visible at this time, in a place easily to access by us) and a further round of consultation to allow us for a legally compliant plan.

It is our representation that in order to be sound, the Plan needs to deal with the emerging strategic context for housing and employment growth in Wycombe District and with increased housing need arising from the sub-regional initiatives such as the Oxford-Cambridge Expressway, East-West Rail, Oxford-Cambridge Arc.

In this case, the allocation for development in Princes Risborough should extend to the junction between B4009 and Cadsden Road opposite Lower Icknield Farm.

Location Plan



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Scale: 1:2500, paper size: A4

(Please continue on a separate sheet/expand box if necessary)

Name or Organisation:

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

Proposed Main Modification number PMM30

PMM30

2. Please use this box to set out your comments on the Proposed Main Modification, setting out clearly if you support or object to the Proposed Main Modification and the reasons supporting your position.

If appropriate, please set out what further change(s) to the Proposed Main Modification you consider necessary. It will be helpful if you are able to put forward your suggested revised wording of any policy or text.

We understand that the purpose of this consultation is to consider the main modifications as proposed, but due to the lack of details regarding the omission of our site for development and being directly affected by the proposal of the Council to transform our land into green strategic buffer it is our representation the Main Modification PMM30 does not go far enough (as the strategic buffer contained within PR5 is: inappropriate; contrary to the paragraph 23 of the NPPF; contrary to the Protocol 1 Article 1: Protection of property and unsound. It is our representation that PR5 should be deleted and the policy with regards to coalescence of two settlements (the main expansion area of Princes Risborough and the village of Longwick) to be solved through development management policies rather than a strategic buffer area.

Protocol 1 Article 1 contains three rules which should not be viewed as isolated but rather as forming one concept in property protection: *"Every natural or legal person is entitled to the peaceful enjoyment of his possession. No one should be deprived of his possessions except in the public interest and subject to the conditions provided by the law and by the general principles of international law. The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties."*

Where a decision is in the general interest it is incumbent on the public authorities to act in good time, in an appropriate manner and with no burden on the individual. This has not happened with the PR5 policy:

- a) The decision of the Council to include the entire area into the PR5 policy was a last minute one (published for the first time in the Wycombe District Local Plan Regulation 19 Publication Version October 2017), although in July 2017 the Council had organized the last meeting with the community where they presented the WDC Local Plan and no mention was made of this decision to transform the entire area into a green buffer (more info regarding the map presented in July 2017 can be seen in the brochure "What's ahead for Princes Risborough pages 4-5);
- b) Not one in the Council experts contacted the owners of these lands (neither before or after the Wycombe District Local Plan Regulation 19 Publication Version October 2017 was to be published) to discuss this proposal and to see what impact such a decision would have on them;
- c) The Council didn't officially inform (in writing) the land owners about this proposal, giving to them the chance to: prepare the case in advance; collect the information needed before the

Local Plan October 2017 to be published for examination; ask questions and get answers from the Council (a Freedom of Information request sent to the Council usually take 20 working days before receiving an answer); find the best experts to protect their rights; read in advance part of the huge amount of documentation posted by the Council; sell the land in case any of the land owners was not happy with the idea of owning a green buffer land; etc

The Protocol 1 Article 1 Protection of the property also says that: *“the Government must strike a fair balance between your interest as a property owner and the general interest of society as a whole.”*

As shown above: the Council failed to keep this fair balance (or even to inform the land owners about the proposal); the interference/restrictions imposed to this land/land owners are unjustified and against the law (the control of the development in the area can be easily done through development management policies - in this way the landowners affected by the current PR5 policy being much less affected and the Council receive the same output); this policy is excessive and places a disproportionate burden/restriction on the land owners (especially on the new sites/land owners included in the last moment into the Wycombe District Local Plan October 2017).

There are many instances where the property owners won a case against the Government, even if the decision (taken by the latter) was considered by them in the interest of the community: i.e. *Beyeler v Italy* (para 120). The public institutions must respect all the principles/rules of the Protocol 1 Article 1/Human Rights and not to concentrate only on the general interest.

In the same document it is stated that: *“Property can include things like land, houses, objects you own, shares, licences, leases, patents, money, pensions and certain types of welfare benefits. A public authority cannot take away your property, or place restrictions on its use, without very good reason.”*

Regarding the restraints generated by transforming the entire area into green buffer, this decision will: drastically decrease of the value of the land included in this policy; greatly diminish the chances that this land can be sold in the future (in case any of the land owners would want to sell). This is because the investors are looking to purchase land with potential/without restrictions – and not Green Buffer /Green Belt/AONB land; the policy will not only transform the land in strategic buffer but will limit the land uses (according to the High Wycombe Local Plan - October 2017 *“A green buffer is retained south of Lower Icknield Way as open countryside or strategic open space with limited land uses”*); will hugely restrict those landowners the chance to use the land for development;

It is our representation that the PR5 policy is: inappropriate; contrary to the paragraph 23 of the NPPF; contrary to the Protocol 1 Article 1: Protection of property; unsound and should be replaced by the development policy management. Also, part of the land included in the PR5 should be used to respond to the un-met need inside the District and the increased housing need generated by the other strategies i.e. Oxford – Cambridge Arc.

(Please continue on a separate sheet/expand box if necessary)

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27.03.2019

Privacy notice

Wycombe District Council Planning Policy Service collects, uses and is responsible for certain personal information about you.

This response form collects the following personal information from you:

- your name
- your phone numbers
- your email address
- your home address

This information is being collected to allow us to fulfil our statutory function of producing a Local Plan covering the Wycombe District.

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

If you are submitting information which you would like to be treated confidentially or wish to be specifically withheld from the public register, please let us know as soon as you can.

Your submissions and personal information will be kept until the Local Plan is superseded.

If you have questions about data or privacy, please see our full privacy policy on our website: <https://www.wycombe.gov.uk/pages/About-the-council/Privacy/Our-privacy-policy.aspx>

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.