
WYCOMBE DISTRICT

LOCAL PLAN EXAMINATION

MATTER 1: LEGAL COMPLIANCE AND THE DUTY TO COOPERATE

For JSN Property Developments Ltd

(Response ID Number: 0948)

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Matter 1 – Legal Compliance and the Duty to Co-operate

- 3. How has that cooperation been undertaken and have any formal agreements or Memorandum of Understandings been produced?**
- 3.1 We note that a Memorandum of Understanding (MoU) was signed by the Buckinghamshire authorities and Local Enterprise Partnership on 13th July 2017 (WDLP8.1). In relation to unmet housing need, the Councils agreed that the housing need within the Housing Market Area (HMA) should be met within each plan area based on the needs of each individual plan area, and only if this proved 'impossible' would the unmet need be met elsewhere within the HMA (where reasonable and consistent with achieving sustainable development).
- 3.2 It is considered very important to acknowledge this agreed principle early in the Wycombe Local Plan Examination hearing process.
- 3.3 Wycombe District Council (and indeed the other planning authorities in Buckinghamshire) have set a very high bar. The MoU wording suggests a 'no stone unturned' approach to finding sites to accommodate future development needs within Wycombe District, before looking to rely upon Aylesbury Vale District Council to assist in meeting any unmet housing needs.
- 7. Is the Sustainability Appraisal (WDLP 2) adequate in terms of its assessment of the likely effects of the Plan's policies and allocations and its consideration of reasonable alternatives and have the requirements for Strategic Environmental assessment been met?**
- 7.1 We do not believe that the Sustainability Appraisal (WDLP2) compares all reasonable alternatives to identify the likely significant effects of the available options, as required by Planning Practice Guidance, Paragraph 017, Reference ID 11-017-201.
- 7.2 We believe that land off Kinglsey Drive, Marlow Bottom, should have been assessed in the Council's Sustainability Appraisal.
- 7.3 The relevant land was recommended for release from the Green Belt by the Inspector presiding over the Marlow Local Plan Inquiry in 1989. In summary terms, that Inspector systematically considered the contribution of the land to the purposes of the Green Belt (as defined at the time in PPG2: Green Belts) and came to the conclusion that the land should be removed from the Green Belt and developed for housing.
- 7.4 The Council subsequently decided not to accept the Inspector's recommendation, principally on the basis that additional housing land was not required at that time.

- 7.5 The position is now of course fundamentally different in terms of housing need, and we therefore fail to understand why a site previously independently assessed and recommended for release from the Green Belt, has not, at the very least, been considered by the Council as a 'reasonable alternative' and subject to Sustainability Appraisal.
- 7.6 The Council's position would appear to be that they have assessed the land off Kingsley Drive in their Green Belt Assessment Part 2, and concluded that the land is not capable of removal from the Green Belt because it has a strong unspoilt rural character. There is no evidence presented to substantiate this view – which is a significant weakness in the Council's evidence base and assessment process given that for this reason alone, the Council's methodology effectively dismisses the site from further consideration (see paragraph 2.20 of the Green Belt Assessment Part 2).
- 7.7 As set out in our representations at the Publication stage, the land off Kingsley Drive scores identically in Green Belt terms to the Council's proposed allocation at Heavens Above. The only exception being the criterion relating to assisting in safeguarding the countryside from encroachment. We fundamentally disagree with the Council's assessment, and would simply request that the Inspector considers this matter when undertaking her site visit to Marlow Bottom.
- 7.8 The relevance of all of this to the Council's Sustainability Appraisal work is that if it is accepted that the land at Heavens Above and the land off Kingsley Drive make broadly similar contributions to the purposes of the Green Belt, there should have been an assessment of both sites in the sustainability appraisal to provide a comparative assessment of the social, environmental and economic effects of the options.
- 7.9 It is clear from a social and environmental perspective that land at Kingsley Drive is far more accessible to local facilities and services than land at Heavens Above, providing a far greater likelihood of new residents walking and cycling to the wide range of local facilities and services. Such an assessment is not included in the Sustainability Appraisal, and the Council were not therefore able to appraise the relative merit of allowing development at the very top end of Marlow Bottom, versus the reasonable alternative of development on land off Kingsley Drive.
- 7.10 In terms of the detail, we have concerns in relation to the Sustainability Appraisal assessment criteria and their application. Using Table IIIJ: Appraisal Findings for Other Rural Site Options (Sustainability Appraisal, September 2017) as an example, we comment as follows:
- The Publication draft Local Plan recognises the issue with the surface water flow path that runs through the Heavens Above site (paragraph 5.5.76), and there is photographic evidence of surface water flooding in nearby properties, and yet the Heavens Above site scores positively (+) under the water and flooding criterion.

- The energy efficiency and climate change criterion takes a very narrow view on matters – with all sites scored neutrally. Reducing use of the private car is an important factor in reducing Co2 emissions (and therefore addressing climate change) – so accessibility to facilities and services is a differentiating factor that should be considered. Similarly, the scope for passive solar gain could be considered, enabling reduced energy consumption. In this regard, we note that large parts of the Heavens Above site, surrounded by mature woodland will remain shaded for much of the day, minimising the scope for passive solar gain.
- The Transport criterion makes no reference to the role of cycling in accessing train services at Marlow station. This is an important omission, in that for commuting purposes, the 3km cycle from central Marlow Bottom to Marlow station is perfectly feasible.
- The accessibility to services and facilities criterion focuses on three factors – proximity to a school, retail/ town centre and GP. We believe this approach is too crude for the rural site options. Anyone reading the Sustainability Appraisal will conclude that both the Heavens Above site, and the Furze Farm site have the same level of poor accessibility to facilities and services. This is simply not the case. As a matter of fact, even using the Council’s assessment criteria, the Furze Farm site is within 800m of a school (Burford School), and should receive an orange ‘score’ (-). More fundamentally, the Furze Farm site (and land off Kingsley Drive) are also within 800m of a place of worship, day nursery, pre-school, sports and social club, vet, pharmacy, dentist, recreation ground, news agent and general store, post office, hair dresser and beauty salon, butchers, takeaway and restaurant. None of these community facilities or services are within 800m of the Heavens Above site.
- The health criterion takes a narrow focus, resulting in limited differentiation between the sites appraised. We would suggest that access to a recreation ground and children’s outdoor play area are important from a health perspective, as are general opportunities to walk and cycle to local facilities. The Furze Farm site and land off Kingsley Drive school positively in these regards (including by being in very close proximity to a recreation ground and children’s outdoor play area), whereas most journeys by new occupants of the Heavens Above site are likely to be by private car, with the recreation ground and children’s outdoor play area a long walk for younger children (1.5km each way), and many of the local facilities and services in Marlow Bottom even more distant.
- The provision of employment criterion fails to recognise the importance of local employment opportunities, including at the Rose Business Park, Marlow Bottom, or indeed the scope to cycle from central Marlow

Bottom to Marlow town centre and the Globe Business Park, Marlow (both destinations being approximately 3km away).

- 7.11 Cumulatively, we believe that the issues we have raised with the Sustainability Appraisal assessment criteria (and their application) suggest that the Sustainability Appraisal is not adequate in terms of its assessment of the likely effects of the Plan's policies and allocations.