

Wycombe District Local Plan Examination

Matter 1 – Legal Compliance and the Duty to Cooperate

Examination Statement by Nexus Planning on behalf of Inland Homes

1. These statements have been prepared by Nexus Planning on behalf of Inland Homes. In addition to draft housing allocations HW8 and HW9, Inland Homes is promoting two omission sites; land at Penn Road, Hazlemere and land at Burleighfield House, Loudwater.

Question 4: What outcomes have resulted from the cooperation with adjoining authorities in relation to: Housing: Gypsy and Travellers: Employment: and Infrastructure?

2. In a MoU (document reference MOU10) between Aylesbury Vale District Council (AVDC) and Wycombe District Council (WDC) dated 17th January 2018, it is agreed that AVDC will accommodate 2,275 dwellings of Wycombe District's 'unmet needs'.

3. However, the MoU dated 13th July 2017 between the Buckinghamshire Authorities states:

"The Councils agreed that that the housing need within the HMA would first fall to be met within each plan area based on the needs of each individual plan area, but if that was proven to be impossible then the resultant need would be met elsewhere within the 'best fit' HMA where it was reasonable to do so and was consistent with achieving sustainable development."

4. Having regard to our response to Question 7 of Matter 1 below, it is considered that the proposed exporting of 2,275 dwellings (or at least a proportion of) to Aylesbury Vale is contrary to the above MoU dated 13th July 2017 as we do not consider that the Council has met its own exceptionally high bar of proving that it is "impossible" to accommodate its housing needs within the District.

Question 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?

5. No, the Sustainability Appraisal (WDLP 2) is not adequate in its consideration of reasonable alternatives.

6. Our Regulation 19 representations, in particular our responses to the SA and Policy CP2, comprehensively address this matter and can be summarised as follows:

- WDLP outlines four different development options (A-D), none of which include a consideration of major development sites within the AONB.
- The Council has adopted a cursory and generic approach to the consideration of whether exceptional circumstances existing for major development in the AONB, which does not represent a comparable level of detail as undertaken by the Council for Green Belt sites.
- We do not accept the Council's view that there is "no obvious cost penalty" of not locating the District's needs elsewhere within the HMA. This statement is contrary to paragraph 156 of the Framework which requires Council's to deliver the homes and jobs needed in the

area and in any event at odds with the Buckinghamshire MoU requiring authorities to first meet development needs in its housing area, unless it is *"impossible"* to do so.

- The *Wealden* Judgement outlines that the three considerations at paragraph 116 of the Framework do not exclude other considerations relevant to deciding whether there are exceptional circumstances that are in the public interest. For example, the benefits of the specific proposals for the site in question (paragraph 63 of the judgement) supports the view that a conclusion as to whether exceptional circumstances exist for major development can only be made when undertaking a thorough consideration at a site-by-site level, which is what paragraph 116 of the Framework expects. Considering appropriate sites through the SA process would have enabled this.
 - The Council's flawed approach has led it to sustainability appraise moderately and strongly performing Green Belt sites (within Option D and E of the SA), despite weaker performing sites in Green Belt terms being available for development. This has misdirected the Council to ultimately conclude that the most appropriate and sustainable approach is to direct a proportion of its OAN to Aylesbury Vale as unmet housing needs.
 - The Framework is clear that policies contained within it should be taken as a whole and the thrust of the Framework is to *"boost significantly the supply of housing"* (paragraph 47) and to make *"every effort"* (paragraph 17) to meet identified needs of an area, this requires local planning authorities to *"respond positively"* (paragraph 17) to opportunities for growth.
 - The simplistic tests applied by WDC indicates that the Council has necessarily failed to make *"every effort"* to *"boost significantly"* housing supply and has not responded positively to the opportunities presented. Furthermore, the Council's has failed its own *"impossible"* test set out within the Buckinghamshire MoU.
 - The Council's failure to properly and appropriately consider 'major' sites in the AONB is unsound. In effect, it has resulted in a binary test of if the site comprises major development in the AONB, it shouldn't be considered further. Land at Penn Road, Hazlemere offers a clear example of this where the site is acceptable in all other respects, other than being 'major development'.
7. In addition to the above, the WDLP 2 exhibits a further failure is assessing all reasonable alternatives and again failed compliance with the Council's own onerous tests set out in the Buckinghamshire MoU.
8. As detailed above and within our Regulation 19 representations, the Council has only discounted land a Penn Road, Hazlemere due to it comprising major development (page 81 of the AONB Assessment Report [AONB1]), not because of a particular impact. Paragraph 7.5 of this report then details that:

"...the Council considered whether a reduced allocation could be devised (in similar fashion to 'Land south of Mill Road' in Stokenchurch). In this case however it has not been possible to identify an acceptable option."

9. The Council has not provided any details as to which alternative options were considered for land at Penn Road and therefore no evidence exists to substantiate this statement. This is surprising as when putting the major development in the AONB to one side, the Council's own evidence base considers this site to be an appropriate location for growth.
10. In the case of land south of Mill Road in Stokenchurch (Policy RUR8), AONB1 reviews the scope for reducing the scale of the allocation and identifies that the site comprises a number of distinct parcels. One such parcel does exist in the western part of the Penn Road site, which is 4.5ha in size (compared to 4.93ha at the Mill Road, Stokenchurch allocation). Boundaries comprise Penn Road to the south, woodland to the west and north and a hedgerow to the east (see site plan at Appendix 1).
11. The reduced Penn Road site is considered to have a capacity of circa 90 dwellings (compared to 100 dwellings at the Stokenchurch allocation). AONB1 identifies that the larger Penn Road proposal (at 500 dwellings) would amount to less than a 1% increase in the size of High Wycombe urban area, which would demonstrably be lower with a smaller option of only 90 dwellings. This compares to a more significant 6% uplift as a result of the Mill Road, Stokenchurch allocation.
12. Given that the Council accept landscape impacts would be limited to a site level for the comprehensive development of the wider Penn Road site, which we consider would equally apply for the smaller option, it is clear that a development of circa 90 dwellings on the site would not comprise major development in the AONB.
13. With the Council's major development objection no longer being applicable, its evidence base does not suggest any reason why this reduced option at Penn Road should not have been allocated, let alone considered as a reasonable alternative. This highlights a further flaw in the Council's SA process and why it cannot be concluded that WDLP 2 is adequate in its assessment of reasonable alternatives.
14. In this regard, it may be helpful for the Inspector to note that Inland Homes will be imminently submitting a planning application on the smaller part of the Penn Road site to further demonstrate the suitability of the site. We would be happy to provide the planning application reference number for this application at the examination hearing session.

Burleighfield House

15. In addition to the above, the Council has failed to consider the release of land at Burleighfield House from the Green Belt and therefore as a reasonable alternative, despite the HELAA 2017 (HELS1) identifying in Appendix 2 (HELS1.3) that the site (ref. SLW0031) is deliverable, comprises

previously developed land in the Green Belt and can accommodate 11 dwellings (although this is an error and it actually benefits from prior approval for 13 dwellings).

16. Appendix 4 (HELS1.4) identifies that that site was assessed as part of a bigger Green Belt parcel (SLW0025) in GB1, however this is an error as the map associated with this site demonstrably excludes site ref. SLW0031. Therefore not only does GB1 fail to consider the release of this site from the Green Belt, it is failing to consider the release of a PDL site from the Green Belt, which is already identified as an existing commitment within HELS1 – a glaring oversight on any account, but particularly when then the Council has signed an MoU requiring it to only identify unmet needs if it is *“impossible”* to accommodate such needs within its own area (WDLP8.1).
17. One of the core planning principles of the Framework is to encourage the effective use of land that has been previously developed, which is further echoed at paragraph 111 and based upon the above it cannot be currently concluded WDLP1 complies with the Framework in this regard and therefore whether the approach to amending Green Belt boundaries is sound.
18. Appendix 1 of our Regulation 19 representations to Policy CP8 demonstrate that Burleighfield House performs weakly against the purposes of including the land within the Green Belt, using the methodology outlined within GB2. We also provided a masterplan to demonstrate how the site could accommodate circa 38 apartments.
19. The Inspector should also note that the site in question was recently subject to a planning application (ref. 18/05349/FUL) for 33 apartments. The application was refused by the Council on 18th May 2018 but considerations for this application are of course different to those of a Local Plan allocation. In the context of Green Belt release, the matter of note is that the Council consider that the site is within an important gap separating High Wycombe from Beaconsfield and the loss of openness on this site will be an incremental erosion into this gap.
20. The site lies within a gap of some 1.5km between High Wycombe and Beaconsfield, although an array of development is contained within this gap already. The site itself is some 150m wide and very well contained by woodland. Furthermore, a Tesco superstore is located on the opposite side of the road, closer to Beaconsfield, as is a row of housing. It cannot therefore be concluded that developing the site would lead to a merging of settlements or any discernible reduction in separation over the present situation.
21. The second and final matter of relevance are a range of urban design comments. Upon review by the appointed architect, it is considered that these issues are not insurmountable and could be addressed without a material impact upon development capacity.
22. Given the above, it is clear that no technical issues also exist to prevent the delivery of the site. Accordingly, site SLW0031 should have been considered within GB1 and assessed as a reasonable alternative within the Council’s SA (WDLP1). Until this has been completed, it cannot be concluded that the Council’s approach to amending Green Belt boundaries to release sites for development is soundly based, as further sites could sustainably be released within the District.

Question 14. Will the Plan be supported by Supplementary Planning Documents?

23. Our Regulation 19 representations in respect of Policy HW8 outline our concerns with the Council's proposed approach to requirement for a development brief to be prepared for this allocation. It is expected that this will be dealt with during Matter 7 (Stage 2 of the examination Hearing sessions) where this policy is due to be discussed in detail. However, should such matters be discussed in response to this question at Matter 1, Inland Homes would like to reserve the opportunity to respond, if required.

Appendix 1

