

REPRESENTOR ID WDLP19 0917

WYCOMBE DISTRICT LOCAL PLAN EXAMINATION

STATEMENT ON BEHALF OF MPAC (FORMERLY MOLINS PLC) IN CONNECTION WITH MATTER 8 – DEVELOPMENT FRAMEWORK – PRINCES RISBOROUGH

This document is to be read with our statements on Matters 1, 2, 3, 5, 6 and 7.

Questions 1 and 2

1. Paragraph 19 of our response to Matter 3 refers to the deliverability of the PR3 expansion of Princes Risborough as being long-term.
2. There is significant risk that its delivery will be materially longer than the 6 to 10 years envisaged in the Housing Trajectory – given delays to the development plan process and various other constraints set out in our response to Matter 3.
3. We concluded in the light of the above points that PR3 will not provide for the town’s immediate housing need (including for affordable housing).

Question 3

4. PR15 will not provide an effective mechanism for bringing the former Molins Sports Ground into beneficial use as a sports pitch for the reasons set out in the following paragraphs (all of which have been made known to the Council over the years).
5. Further, paragraph 5.3.201 of PR15’s justifying text is inaccurate – see below: the Club was not open to the public and the claim that “*only a certain amount of money was donated by the factory [Molins] mainly to pay the rates or repairs to the buildings*” is inaccurate.
6. At the appeal inquiry¹ in January 2017, the only open space issue turned on WDC’s assertion that the development would result in the loss of an existing sports ground. Both the Inspector and Secretary of State concluded that that premise was entirely misplaced. The site was not (and is not) strategic open space and so there was no basis in policy related to sports facilities or open space to prevent the site’s development for housing.
7. A private sports ground was established by Molins in the early 1960s for its workforce (over 2,000 at its peak) – based mostly in its factory at nearby Saunderton. Over time, planning permission was granted for the construction of various facilities on the site. Manufacturing at the Saunderton factory

¹ Former Molins Sports & Social Club, Mill Lane, Monks Risborough (APP/K0425/W/16/3149747)

ceased in the early 2000s². The company relocated their reduced staff numbers to premises in Summerleys Road, Princes Risborough.

8. Former employees could use the facilities by specific arrangement with Molins. At no time, however, was the sports ground open as a public facility.
9. It was run under the auspices of the then Molins Sports and Social Club (MSSC). Full membership of MSSC was open only to current employees. There was also family, life, retiree, social and associate membership status.
10. Molins retained title at all times. It paid all rates, all insurance premiums and cleaning costs.
11. Molins closed the sports ground in April 2007. In March 2007 only 58 employees were members of MSSC. The operation of the site was not viable. At the time of closure, it was costing £20,000 a year to run³.
12. Notwithstanding this background, PR15 designates the former Molins Sports Ground for outdoor sporting activities. The supporting text alleges that the policy “*creates the opportunity to bring [it] back into use for sporting activities*”.
13. There is no such opportunity. PR15 is entirely unsound. The site is not, and will not, be made available. It is not realistically capable of being accessed. There is no indication that there are the funds to acquire the site, funds to construct the necessary facilities or funds to operate those facilities, year on year, once constructed.
14. WDC ignores the vehicular access constraints to the site from Mill Lane. PR15(3) states a clear preference for retaining the Mill Lane access. However, the WSP Transport Technical Report⁴ makes clear that the existing access could not realistically be used except for pedestrians and bicycles and that more land would need to be procured to create a suitable vehicular access to enable, inter alia, maintenance and/or emergency vehicles into the site. In physical terms, the only practicable option to render the Mill Lane access viable for vehicles would seem to be acquisition of immediately adjacent third party land and demolition of the property thereon (The Lanches). That is not practicable in policy or financial terms.
15. There are further reasons why PR15 is not deliverable. Mpac, the owner, has made clear that it will not be used for that purpose. As a result, for there to be sports use, WDC would have to CPO the land (and The Lanches). Any CPO would be contested by Mpac. In any event WDC has shown no inclination to take such steps. It is apparent that WDC would not spend its own money. There is no indication or likelihood that the Town Council would be able to fund either the land acquisition, the cost of facilities construction or the annual operating costs (which ten years ago were £20,000 per annum). Government policy is that a CPO should not be made unless the proposal is affordable and the promoter shows a compelling case in the public interest for depriving the landowner of his property (and

² And the premises were sold in 2008.

³ See paragraph 69 of the Inspector’s Report accompanying the SoS’s decision.

⁴ Submitted to the Council on 27 November 2017 as part of the detailed representations to the Plan on behalf of Mpac (Molins)

the interference with his human rights that is involved). There is no realistic prospect of those tests being met.

16. PR15(2) links the proposed allocation to PR7. The latter relates to “*development requirements*” for the proposed Expansion Area. PR7(15) requires:

“A formal sports ‘hub’ in the strategic open space area north of Mill Lane, to include a new multi-functional club house with car parking, changing rooms, a community room (with bar) and social space, with extra parking to support the use of Molins sports ground”.

17. PR7 (16) proposes changing facilities and car parking in the strategic open space south of Lower Icknield Way.
18. The implication between policies PR7(15), PR7(16) and PR15(2) is that, if the Mpac site were to become a sports facility, some or all of the parking for those visiting it by car, coach etc. would be off-site – necessitating a lengthy walk or bus ride between car park and facility. It is unlikely that any visitors or users of the facility would in fact do this, as the preference would be to park as close as possible to the sports ground. In practice, such visitors would probably park in Mill Lane or adjacent roads. This would undoubtedly have adverse implications on residential amenity and highway safety. There is no suitable location for off-site parking near the Mpac site.
19. Paragraph 154 of the NPPF requires local plans to be “*aspirational but realistic*”. Whilst PR15 is aspirational, for the reasons set out above it is unrealistic. In recommending that the recent appeal be refused the Inspector (paragraph 234 of the DL) stated that: “...*notwithstanding the lawful use of the site it is unlikely to be reinstated to its former use.*”

20. These points have been made to WDC on several occasions without drawing any substantive response. The latest opportunity for WDC to explain its position was in response to our Regulation 19 submissions. We asked WDC to identify the documents in which it responded to those submissions. The e-mail correspondence is appended to this statement at Annexe 2. The only reference to PR 15 is on page 110 of the Statement of Consultation. It reads

<p>Molins Sports Ground The owners of this land say it is not available for sports uses and wish to promote it for residential development.</p>	<p>A proposal for residential use of this land was made to WDC in 2015. An appeal against non-determination was dismissed in 2016 (APP/K0425/W/16/3149747). Given the land’s unsuitability for residential development it seems reasonable to restore it to its former use.</p>
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21. That is no justification at all. PR15 is clearly not sound. As that response makes woefully clear: it is not “positively prepared”; it is not “justified”; it is not “effective”; it will not be delivered by the land-owner and cannot be delivered by the Council. There is no realistic prospect of the site being acquired, re-equipped, provided with a safe access, maintained or operated as a sports ground. In all the circumstances, it is not “consistent with national policy”.
22. PR15 needs to be deleted and PR7(15) needs amending accordingly.

23. It is, though, important, that the site be brought into beneficial use. It is apparent from the Inspector's report, the Secretary of State's decision and the representations that we have made in respect of the Plan that there is no sound reason to prevent the site's development for housing. We return to this matter in our conclusions below.

Question 4

24. The sites that we make comment on under this question are:

- to the rear of Poppy Road (PR11) and
- at Princes Risborough Station (PR16)

The Plan envisages that these two sites will provide a total of 103 dwellings. However, this may not be realised.

Poppy Road (PR11)

25. The site is allocated for 58 dwellings envisaged in the Housing Trajectory to be delivered within 5 years: between 2021 and 2023.

26. The Local Plan⁵ itself identifies several major constraints that need to be overcome.

27. The site contains the Pyrtle Spring - a chalk headwater- which is a BAP priority habitat. Surface water runoff from Poppy Road drains into this stream, degrading the water quality and depositing silt. Part of the site is within Flood Zones 2 and 3 and within the designated Wycombe Critical Drainage Area. There are groundwater flooding issues also. The site is exposed to views from the Chiltern escarpment and the Ridgeway National Trail. Further, WDC has indicated that access is not viable from Wycombe Road and delivery depends on the the urban expansion area's relief road. There can be no confidence that that road will be built on the timescale envisaged for this site. This impacts on the Urban Expansion area (PR3). The Inspector is aware of the significant opposition to the relief road from, inter alia, local resident groups, the Chilterns Conservation Board and Natural England.

28. The Environment Agency has advised that: "*the strategic flood risk assessment is not sufficient to be sure that the relevant sites pass the second part of the exceptions test, therefore this site may be undeliverable.*"⁶ Other representations indicate that important species may be present such as Great Crested Newt. There is also concern about the impact on views from the AONB and the Ridgeway National Trail.⁷

29. There are still a number of outstanding issues that need resolution before this site can come forward for development. The allocation of it is therefore unsound.

Princess Risborough Station (PR16)

⁵ See paragraphs 5.3.161 to 5.3.167 of the Local Plan

⁶ See Page 110 of the Summary of Responses to Regulation 19 Consultation

⁷ See Page 110 of the Summary of Responses to Regulation 19 Consultation

30. This site is allocated for a mixed development including 45 dwellings to be delivered by 2021, per the Housing Trajectory.
31. Significant deliverability issues arise from transport considerations - highways and rail - notably, the potential disruption to Princes Risborough railway station. Development is highly dependent on major highway works ⁸ - a new link road.
32. The eastern part of the site is prone to flooding (Flood Zones 2 and 3a) The Environment Agency ⁹ has advised that: “*the strategic flood risk assessment is not sufficient to be sure that the relevant sites pass the second part of the exceptions test, therefore this site may be undeliverable.*”
33. Network Rail has indicated that some of the site allocation is within its control and that, “*any development of this area would be subject to railway and regulatory approvals and agreement between relevant landowners.*” ¹⁰
34. These factors impinge on the deliverability of this site in the short-term, if at all. Where there are ownership constraints and doubts expressed by the Government’s statutory nature conservation body it is inappropriate to conclude that the site is deliverable. The allocation is unsound.

Conclusions

35. In our comments on Matter 1 we stressed (in paragraph 6) that WDC’s strategy proceeds on the flawed basis of an in-principle decision to exclude additional sites that are developable without causing significant harm within the AONB/GB to accommodate much needed housing. We expanded upon this in our detailed responses to Matters 2, 3, 5 and 6 .
36. Whilst the Plan has proposed a major expansion of Princes Risborough (PR3) which “*would have a significant impact on views from the AONB escarpment*”,¹¹ it has not allocated the former Molins Sports Ground – even though a scheme, which was considered to be over-development, would have had only “*minor adverse impact on the landscape and scenic beauty of the AONB*”.¹² Instead of seeking this opportunity, WDC is unreasonably rejecting it.
37. The conclusions of the appeal Inspector and the Secretary of State make clear that development of the Mpac site would not cause significant impact on the AONB. The Plan allocates sites within the AONB where the impact on the AONB is minor adverse. There is no sound reason to prevent development of the Mpac site where the AONB impact would be no greater. Indeed, as the appeal decision shows, development of the site would provide considerable

⁸ See paragraph 5.3. 209 of the Local Plan.

⁹ See page 112 of the Summary of Responses to Regulation 19 Consultation

¹⁰ See page 113 of the Summary of Responses to Regulation 19 Consultation

¹¹ See Paragraph 207 of Inspector’s Report into the appeal re the Former Molins Sports & Social Club, Mill Lane, Monks Risborough (APP/K0425/W/16/3149747)

¹² See Paragraph 38 of SoS’s decision letter dated 20 July 2017 re the Former Molins Sports & Social Club, Mill Lane, Monks Risborough (APP/K0425/W/16/3149747)

benefits – such as for ecology (including improved habitat for great crested newts), relief from flooding risk for neighbouring residents, highway and public transport improvements and affordable housing. Further, it is inconsistent for WDC to propose PR3, which will have a significant impact on views from the AONB but to oppose allocation of the Mpac site.

38. Our Regulation 19 representations indicate a possible development for 74 units – supported by a landscape appraisal. We asked WDC to identify where it had addressed these representations and the accompanying appraisals by architect and landscape consultant. Mr. White's response shows that no criticism has been made of that proposal. There is no indication that WDC considers the proposal would amount to major development - for the purposes of their flawed approach to AONB sites. Given that, in RUR 8 13, the Council promotes an AONB site for 100 units adjoining a much smaller settlement, the inference is that it would not.
39. In our comments on Matter 6 we explain why the Mpac site is acknowledged to perform weakly against the GB purposes and why it should be released from the GB. It would be consistent with NPPF paragraph 85 to release it. The site:
- makes little contribution to the 5 purposes of the GB as set out in paragraph 80 of the NPPF and need not be kept permanently open - this is WDC's own assessment with which Mpac agrees;
 - can be developed sustainably (for much needed housing);
 - is well-connected and in a sustainable location for housing development; and
 - once developed, will define a clear GB boundary.
40. WDC contributes to its own failure to identify as much land as reasonably possible to meet its FOAN by **not** releasing sites which have no in-principle concerns to indicate that they should not be removed from the GB. This is inconsistent with NPPF paragraph 85, which requires LPAs not to include land which it is unnecessary to keep permanently open. Adopting a consistent approach **will** enable WDC to provide long term GB boundaries and meet more of its development needs within its own administrative area.
41. WDC's Statement in relation to Matter 6 sets out the factual basis and methodology for the release of sites from the GB. Appendix 1 of that Statement clearly shows that, against the criteria applied by WDC to justify their GB release sites, the Mpac site scores as well, if not better than, sites that are proposed for release. This highlights inconsistency in the application of the methodology.
42. The Mpac site can be released from the GB. Exceptional circumstances for its release have been demonstrated. It is unnecessary to keep the site open for GB (or any other) reasons. It can be developed in a way that has regard to the desirability of conserving the landscape and scenic beauty of the AONB. There is no other inhibition to its development. It is sustainably located. Development would contribute towards WDC's housing provision

and bring significant benefits (see below) – all without inhibiting the GB function of adjacent land.

43. The site should be removed from the GB, included within the settlement boundary and allocated for residential development. Then, subject to planning permission being granted, WDC can be confident that the land would contribute to meeting their urgent housing needs in the short term and provide considerable benefits in the form of affordable housing, highway and public transport improvements, improvements on and off site to flooding, a sustainable drainage system (SUDS), a managed and maintained ecology area, and contributions towards education, open space and sports facilities.
44. Given the objective for WDC to meet as much of its FOAN as possible within its own area, it is appropriate to release the Mpac site for development. The fact that there is doubt about sites included in the Plan both in Princes Risborough (see above) and High Wycombe (see our Statement on Matter 7) only emphasises the need to release this site.
45. The Local Plan should be amended to exclude the current PR 15 and replace it with a policy along the lines set out in Annexe 1 to this Statement.

ANNEXE 1

“Policy PR15 – Former Molins Sports Ground

The area known as the former Mpac (Molins) Sports Ground, as shown in the Policies Map, is allocated for residential development.

Development of the site is required to provide:

- a. A landscape-led positive approach to design and layout to minimise impact upon the Area of Outstanding Natural Beauty;
- b. Vehicular access off Crowbrook Road via the demolition of The Haven;
- c. Pedestrian and emergency access only from Mill Lane;
- d. The provision of on-site open space;
- e. An ecology habitat a minimum of xha in the general location indicated on Figure Y;
- f. Pedestrian and cycle paths to and through the site as indicated on Figure Y;
- g. The provision of a drainage scheme which leads to improvements to drainage conditions both on and off site; and
- h. Appropriate highways mitigation”.

ANNEXE 2

From: Richard White [<mailto:Richard.White@wycombe.gov.uk>]
Sent: 02 August 2018 09:18
To: Bill Morle
Subject: RE: Local Plan Examination

Dear Mr Morle

The references are:

Pages 85 to 136 of WDLP10 Statement of Consultation contains our response to the issues raised in November last year. Pages 85 to 114 respond to issues raised by theme. The AONB theme begins on page 104, which includes comments on issues raised re our approach to major development in the AONB. The Princes Risborough Expansion theme begins on page 107, with specific comment on your site at page 110. There is a statement on site specific representations on page 114, linking to Appendix 21 - Site assessment work arising from Regulation 19 Representations, where there is a further comment on your site at page 39.

Yours

Richard White
Principal Planning Officer
Wycombe District Council

From: Bill Morle [<mailto:bmorle@wilks-head.co.uk>]
Sent: 27 July 2018 12:12
To: Richard White <Richard.White@wycombe.gov.uk>
Subject: Local Plan Examination

Mr White

I understand our barrister, Richard Glover, spoke to Guy Williams and yourself at yesterday's hearing and you undertook to provide a reference point for the council's response to our submission issued back in November last year at the end of the Plan consultation period.

Please would you direct that reference to me. Whilst I was at Wednesday's hearing I wasn't at yesterday's so didn't have the opportunity to clarify.

Regards,

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