

## **Statement of Consultation - Appendix 22**

### **Sustainability Appraisal Clarification Note in response to Regulation 19 Representations**

## Clarification note in response to issues raised in the consultation on the Regulation 19 consultation – appended to Reg 22 Statement of Consultation Report

1. A number of representations, received in response to the Regulation 19 Publication Draft Local Plan considered that the Local Plan was unsound because the Sustainability Report (SA) (Sept. 2017) didn't include their site as a reasonable alternative. This clarification note explains how the Council determined the site options and when and where the Council made this decision.
2. The note draws together a number of different evidence documents in order to signpost where the Council determined which site options i.e. the pool of sites available, deliverable and potentially suitable for allocation through the Local Plan should be considered as part of the SA process. Table 1 below summarises the process by which the Council determined if a site needed to be assessed through the SA process.
3. It is worth emphasising at the outset that, as set out in para. 3.2 of the SA Report (2017), "*The role of site options appraisal within the SA process has primarily been to provide an evidence base to facilitate the development of strategic alternatives, for settlements growth and District-wide spatial strategy options*". In other words, site options appraisal was undertaken as a means to an end (i.e. development and appraisal of reasonable alternatives), rather than an end in itself. It is also worth noting that individual site options are not considered to be reasonable alternatives in that they are not mutually exclusive choices but their consideration does inform the development and appraisal of strategic options/alternatives.
4. In the Council's view, this approach accords with the National Planning Policy Framework (NPPF) which in para. 182 in the tests of soundness refers to the fact that for a Plan to be 'justified' it has to be the most appropriate strategy when considered against reasonable alternatives. Nowhere does it say in either the NPPF or Planning Practice Guidance that individual site options are considered to be reasonable alternatives.
5. In addition, this approach has been tested and found sound by a number of Inspectors, most recently for the Redbridge Plan (adopted January 2018) and Waverley Local Plan (adopted February 2018). It is also well established in case law that planning authorities may apply discretion and planning judgement when determining what should reasonably be the focus of alternatives appraisal, recognising the need to apply a proportionate approach and ensure an SA process/ report that is focused and accessible.
6. Notwithstanding this, a key purpose of this note is to explain when and where the Council made its decisions on site options.

## Housing and Economic Land Availability Assessment (HELAA)

7. The role of the HELAA is to draw together all evidence documents which look at the supply of land for consideration through the Local Plan. It is important to note that it is not the purpose of the HELAA to allocate land for residential or economic development as this is the role of the Local Plan. The identification of a specific site in the HELAA assessment does not necessarily mean that the site will be allocated for housing or economic development or that planning permission will be granted. The HELAA does however play a key role in deciding which sites make up the 'pool of sites' which are available, deliverable and potentially suitable for allocation through the Plan. Sites that pass through the HELAA assessment were however subject to appraisal through the SA process (see Appendix III of the SA Report (2017)).
8. The HELAA methodology is based on a joint methodology<sup>1</sup> that has been agreed between the other Buckinghamshire districts which make up the 'Housing Market Area' and takes account of the standard methodology set out in the Government's Planning Practice Guidance (PPG). This is a five stage process, as set out in Appendix III of the SA Report (2017), and consists of the following:

**Stage 1:** Site / broad location identification

**Stage 2:** Site / broad location assessment (suitability, availability and achievability)

**Stage 3:** Windfall Assessment

**Stage 4:** Assessment Review

**Stage 5:** Final evidence base (5 year housing land supply and trajectory)

Stages 1, 2 and 4 involve site identification and assessment and consequently it is these three stages that are of significance in terms of the identification of site options for consideration through the SA process.<sup>2</sup>

### *Stage 1 - Site / broad location identification*

9. Stage 1 of the HELAA involved undertaking an initial desktop review to sift out sites which should automatically be excluded from the assessment. Sites were excluded at this stage for a number of reasons including their scale; if they were within the Green Belt and not on previously developed land; if they were in use as an employment site etc. Reasons for sites being excluded at stage 1 of the HELAA are set out in Table 2 of the Joint Central Buckinghamshire HELAA methodology, May 2015 and also in Table 5 of the HELAA (pages 22-23). Sites that didn't pass stage 1 (see Appendix 3 of the HELAA for housing sites and Appendix 13 for employment and retail sites) were not considered further. It should be noted all Green Belt sites were sifted out for the Draft

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<sup>1</sup> Central Buckinghamshire Housing and Economic Land Availability Assessment Methodology, May 2015

<sup>2</sup> N.B. The location of windfall sites (Stage 3) is unknown so they cannot be considered through the SA process.

HELAA (November 2015) as the findings of the Green Belt assessment were unknown at that stage(see paras. 18 to 21 below for details on the Green Belt Assessment), and therefore were not appraised through the SA process.

10. Sites that passed stage 1 of the HELAA (see Table 1 below) could be sites that were included in the pool of sites that are available, deliverable and potentially suitable for allocation in the Plan but required further assessment with regards to their suitability, availability and deliverability before a judgement could be made. As set out in para. 9 above, sites located in the Green Belt that were not on previously developed land were sifted out initially in stage 1 of the HELAA so that they could be assessed for 'suitability' separately as part of the Green Belt Assessment. As a result of the Green Belt Assessment a number of sites were deemed to be 'suitable' and fed back into the HELAA (this is explained in more detail in the Green Belt section below).

*Stages 2 - Site / broad location assessment (suitability, availability and achievability) and Stage 4 - Assessment Review of the HELAA*

11. Stages 2 and 4 of the HELAA are critical in terms of informing the Council's judgement as to what is considered a site option for the purposes of the SA.
12. Stage 2 of the HELAA involves assessing the development potential of each site/ broad location. More specifically it considers in detail how 'suitable' a site is for the type of development proposed; whether it is 'available,' i.e. that there weren't any insurmountable issues with the site and that it could reasonably be expected that it would be developed. If a site was found to be 'suitable' and 'available', it was then tested to see if development could be 'achievable'. Sites that passed this Stage 2 assessment were included in the 'pool of sites' which were assessed in the SA Report (Sept. 2017) (see Table 1 below).
13. However, assessing the supply of land for development is an iterative process and if sufficient land to meet needs cannot be identified, as was the case for Wycombe District, the Planning Practice Guidance makes it clear that a further review needs to be undertaken in order to try and find more capacity. This 'Assessment Review' is stage 4 of the HELAA process.
14. As is set out in the HELAA, the Council undertook an extensive review of the capacity of existing sites and also took into account the findings of the Green Belt Assessment and AONB Site Assessment Reports in order to find additional development sites in the District as part of Stage 4 of the HELAA. Section 6 of the Housing Topic Paper (October 2017) sets out the review process, with paragraph 6.21 summarising the sources of housing land supply reappraised through the HELAA process.
15. Sites that passed Stage 2 and/ or 4 of the HELAA are included in Appendix 2 of the HELAA for housing sites and Appendix 12 for employment sites. In addition, Appendix 4 of the HELAA provides more detailed proformas for all of the sites in these two appendices.

16. In terms of the SA, all sites that were included in the HELAA (Appendices 2 and 12) as available, deliverable and suitable for allocation were appraised through the SA process with the findings presented in Appendix III of the SA Report (2017). Sites with planning permission as at 1<sup>st</sup> April 2016, were not considered through the SA process as individual site options. They were however considered as part of committed development the 'Givens', in the development of reasonable alternatives to the District-wide spatial strategy (Option B), see Chapter 4 and Table 11 in the SA Report (2017). The one exception to this was the Uplands site (SRD0148); which was appraised through the SA because of its location in a sensitive setting and consequently the Council wanted to ensure that the position that was permitted through the planning consent was 'preserved or maintained' in policy (see Table 1 below).
17. A number of topic based studies were undertaken to determine if sites were 'suitable' for development before being considered further in the HELAA, these are set out below:

### **Green Belt Assessment**

18. The Joint Methodology<sup>3</sup> for the HELAA clearly sets out that a Green Belt Assessment is required to consider parcels of land against the purposes of the Green Belt as set out in the National Planning Policy Framework: "If the Green Belt Assessment identifies that the site performs weakly against the Green Belt functions, it will then be assessed through the HELAA process for its development potential" (Table 2 page 15 of the Joint Methodology).
19. The Green Belt Assessment has been carried out in two parts:
  - Part 1 – this County wide study assessed general areas of the Green Belt against the purposes of the Green Belt, as defined in the NPPF, and recommended areas that warranted further consideration through Part 2 of the Green Belt Assessment. This was published in March 2016; and
  - Part 2 – this study was conducted separately by each local authority. Seven sub areas in Wycombe District were identified in the Arup report for further consideration in Part 2 of the review; these sub areas together with a large number of developer/landowner promoted sites and some additional sites that were identified by the Council were assessed in the Part 2 assessment.
20. The report identified that there are exceptional circumstances to release land at a number of sites from the Green Belt, these sites were appraised through the SA process as part of the preferred Spatial Strategy (Option B) with the findings presented in Appendix III of the SA Report (2017). The Green Belt Assessment Part 2 Report also concluded that there are a number of sites where exceptional circumstances do not exist. These rejected sites were not considered further in the SA process.

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<sup>3</sup> Central Buckinghamshire Housing and Economic Land Availability Assessment Methodology, May 2015

21. A number of Green Belt site options that were initially rejected were later bought back into contention in order to help the Council explore alternative district-wide spatial strategy options (D and E), as a result of the Council failing to meet its housing OAN, this is explained in more detail below in paras. 33 and 34. Green Belts sites which did not meet the criteria for any of these Spatial Strategy Options were not included within the SA process.

### **Chilterns Area of Outstanding Natural Beauty (AONB) Site Assessment**

22. Sites within the AONB are considered under 'Environmental constraints' at Stage 2 of the HELAA in the Joint Methodology. The Joint Methodology (para. 2.15 page 17) sets out that "it will be for the Local Plan process to identify how these constraints are dealt with when allocating sites in the new Local Plans".
23. A decision was taken as part of the Assessment Review (Stage 4) of the HELAA (para. 14 and Table 4 on page 16) to produce an AONB Site Assessment report to consider whether any development would be acceptable without harming the AONB, that would comply with paragraphs 115 and 116 of the NPPF.
24. The AONB Site Assessment report provides detailed landscape assessments and considers whether or not development at a given site would constitute 'major development' and the implications that this has for villages in the AONB. The criteria for deciding when a site would be classified as 'major' have been developed working jointly with the Chilterns Conservation Board, Natural England and the neighbouring authorities in Buckinghamshire. The AONB Site Assessment Report sets out the area of search around AONB villages which are settlement tiers 4 and above and a methodical approach to identifying impacts on the AONB and a landscape-led capacity assessment. It led to a number of sites being identified as not constituting major development within the AONB if they were to be developed.
25. Sites that were identified as 'major development' in the AONB were deemed in our local circumstances to strongly conflict with para. 116 of the NPPF in that the development they might accommodate could be delivered elsewhere in the housing market area and that they would result in significant unacceptable harm to the AONB (see para. 2.15 to 2.23 of the AONB Assessment). Consequently these sites were not considered further in the Local Plan and so were not appraised in the SA Report (Sept. 2017). Only sites that were not considered to constitute 'major development' were included in the HELAA report and these sites were also appraised through the SA and the findings presented in Appendix III of the SA Report.

### **Main village review (not in AONB and Green Belt) and Princes Risborough**

26. An officer review, undertaken as part of stage 4 of the HELAA, looked at the main villages (Tier 4 settlements) to identify whether there is further capacity for development. Great and Little Kimble, and Longwick are the only tier 4 settlements that are totally or partially outside the Green Belt and/or AONB. Below sets out work undertaken for these settlements.

### *Great and Little Kimble*

27. As part of assessing this option, the Council reviewed the potential landscape impacts of development on land outside of the AONB and Green Belt that is still related to the village. The open expansive nature of the landscape together with the lack of significant urbanising features means that extensive development to the west of the railway line would have a significant adverse impact on the setting of the AONB and key viewpoints from it. The assessment identified that there is scope for some development without significant harm to the landscape character of the area or the setting of the AONB. Consequently these sites were assessed through the HELAA and appraised through the SA process, see Appendix III and V of the SA Report (2017) and are being considered further through a neighbourhood plan.

### *Longwick*

28. A Neighbourhood Plan has been prepared by Longwick-cum-Ilmer Parish and this contains a number of sites that have been the subject of planning applications. The Neighbourhood Plan is now made (as of March 2018) and allocates six housing sites for development **Sites promoted to the Council at Longwick – that did not have planning permission have also been appraised through the SA process.**

### *Princes Risborough*

29. The extent of growth at Princes Risborough has been informed by a landscape capacity study and an indicative Concept Plan. This growth has been tested through a Viability Assessment; further Transport Modelling and a Housing Delivery Study for Buckinghamshire. Together these new pieces of evidence have resulted in greater certainty for phasing and delivery of the expansion area. The evidence demonstrates that there is scope for development without significant harm to the character of the landscape and setting of the AONB. A number of sites have been assessed through the HELAA and consequently also subject to appraisal through the SA process, see Appendix III and IV of the SA Report (2017).

### **Additional sites assessed in the SA Report and the reason for their assessment**

30. The HELAA assessed that there is the potential to deliver 10,927 homes in the District up to 2033, which is below the identified need set out in the HEDNA Addendum of 13,200 dwellings. This results in a shortfall of 2,273 dwellings during the life of the Local Plan. Further consideration was therefore given in the SA Report (Sept. 2017) as to whether there are any options that can result in meeting the OAN in full or providing a level of development above the OAN within the District.

31. Chapter 4 of the SA Report (Sept. 2017) explains that in establishing the reasonable alternatives the emerging findings of the HELAA, HEDNA and wider assessments were discussed between Council Officers and AECOM in 2017. This, along with the wider evidence and consultation responses received on the Draft Consultation Document (June 2016), informed the identification of a number of strategic options (reasonable alternatives) at settlements and at the District level to be explored through the SA process for the Wycombe Local Plan at this stage. The SA Report (September 2017) does however acknowledge that the delivery of these options would be extremely challenging.
32. Further to the consideration of additional growth at Princes Risborough and Kimble outlined above (paras. 22-25), it was also considered appropriate to explore the potential for increasing the density of housing to be delivered at sites across the District.
33. As referred to in para. 19 above, one further option that was considered appropriate was to have another look at some Green Belt site options that were initially rejected in the Part 2 Green Belt Assessment and consequently were not taken forward in the HELAA. The reason for revisiting these sites was to help the Council explore reasonable alternatives to the district-wide spatial strategy (Option B) so as to facilitate the development of strategic options that met the OAN with additional Green Belt release (Option D) and provided a level of development above the OAN (Option E) (see page 45 of the SA Report (Sept. 2017)).
34. This option considered eight additional Green Belt sites which were initially rejected because of the strength with which they met Green Belt purposes but which satisfied the remaining criteria in the Part 2 Green Belt Assessment. The other criteria are that they are located close to a higher tier settlement, they are appropriate with regards to the general extent of the Green Belt, they are capable of providing enduring boundaries and they are otherwise developable. In other words, these sites were the ones that were considered to have the next least impact on the Green Belt after the original sites taken forward as a result of the Green Belt Part 2 Assessment. The results of the appraisal of these eight additional Green Belt sites are set out in Appendix III of the SA Report (2017) and the appraisal for the District-wide spatial strategy options presented in Appendix VI.
35. In terms of employment site options, further consideration was given to rejected employment sites that performed more strongly in terms of Green Belt purposes such as the Westhorpe site in Marlow and the re-focusing of proposed employment allocations to provide more offices and less other employment land (see page 53 of the SA Report (2017)). These additional site options were subject to appraisal through the SA with the findings presented in Appendix III of the SA Report (2017).

#### **New sites submitted during the Regulation 19 consultation**

36. A number of new sites were submitted to the Council through the Regulation 19 consultation. These sites have been subjected to the process set out above,

including GB/AONB/HELAA assessment work where necessary. Based on this evidence the Council determined that five of the new site options merited further consideration for the purposes of the SA, based on the fact that these sites would have been assessed in the HELAA. As a result, these five sites were appraised through the SA process with the findings of this work presented elsewhere (see the Statement of Consultation - Appendix 21 Site Assessment Work arising from Regulation 19 Representations).

37. These five additional sites could form part of spatial strategy Options D and E, presented within Chapter 4 and Table 11 of the SA Report (2017), as they are moderate and strongly performing Green Belt sites that are located close to a higher tier settlement. At this stage it is not considered necessary to update the appraisal of spatial strategy options presented in Appendix VI of the SA Report (2017) as the inclusion of these five sites as part of Options D and E would not significantly affect the findings of the previous work.

Table 1: Summary table setting out the process for selecting sites as site options for inclusion in the SA Report

Site Options for the Sustainability Appraisal	Site Type				
	HELAA stage 1 - Assessment Review of the HELAA	HELAA stage 2 - Site / broad location assessment (suitability, availability and achievability)			HELAA stage 4 – Assessment Review
			Green Belt	AONB	
Site options	Sites that pass Stage 1 of the HELAA could be a site option but require further assessment on their suitability, availability and achievability before a judgement can be made.	Sites that passed the Stage 2 assessment in terms of suitability, availability and achievability were considered a site option.	Sites that pass Part 2 of the GB Assessment, i.e. perform weakly against the Green Belt purposes, were fed back into the HELAA in order to have their capacity assessed using the standardised HELAA methodology.  Further, moderate and strong performing GB sites located close to a higher tier settlement were also included in the SA Report (Sept. 2017) so as to allow the Council to explore potential district-wide spatial strategy options. <sup>4</sup>	Sites in the AONB which, following the AONB Assessment, were not considered to be major development were fed back into the HELAA stage 2 to have their capacity assessed.	All of the HELAA stages were reviewed and densities revisited. In addition, an officer review of main villages (not in the AONB and GB) and Princes Risborough was undertaken. Additional site options were appraised through the SA process as a result of this work in Great and Little Kimble; Longwick; and Princes Risborough.

<sup>4</sup> As set out above in para. 31, these additional Green Belt sites would not be included in the HELAA but listed as rejected sites on the basis of the strength of their contribution to meeting Green Belt purposes.

