

WDC/1

**Wycombe District Council's
Delivery and Site Allocations Plan
Examination Statement**



MATTER 1 – PROCEDURAL AND LEGISLATIVE MATTERS

November 2012

Matter 1 – Procedural and Legislative

1. Has the Delivery and Site Allocation Plan (DSA) been prepared in accordance with the statutory procedures including appropriate consultation, in line with the Council's Local Development Scheme and Statement of Community Involvement?

- 1.1 The DSA has been prepared in accordance with all statutory procedures. This is evidenced in the Council's Soundness and Legal Compliance Self Assessment¹ and in other related documents produced by the Council which are explained below.
- 1.2 Section 2 of the Self Assessment report sets out a legal compliance self assessment. This is based on the Planning Advisory Service self assessment toolkit but updated to take account of the introduction of the Town and Country Planning (Local Planning) (England) Regulations 2012 earlier this year. The self assessment outlines how all legal requirements, including from the 2004 and 2008 Planning Acts, the Localism Act, the Local Plan Regulations and the Environmental Assessment Regulations, have been complied with. This includes how statutory consultation requirements have been fulfilled.
- 1.3 The Council has produced a separate Statement of Consultation² which sets out in more detail how the Council consulted on the various preparation stages of the Plan. This is supplemented by more detailed consultation reports³ from those different stages of consultation. The Council's Overview and Audit Trail Report⁴ explains how issues raised during consultation have been taken into account in the formulation of the plan, alongside other factors.

¹ Core Document (CD) CD1.4

² CD1.3

³ CD4.2.2, CD4.3.8, CD4.3.9, CD4.4.5, CD4.5.4, CD4.6.4, CD4.7.5

⁴ CD1.5

- 1.4 Paragraphs 3.16 – 3.19 and Appendix A of the Statement of Consultation⁵ sets out an audit trail of how the Council has complied with the Statement of Community Involvement⁶ and demonstrates that all the requirements of the Statement of Community Involvement have been complied with. It should be noted that the Council is currently reviewing the Statement of Community Involvement. A report is being taken to the Council's Cabinet meeting on 3rd December 2012. This report is seeking a recommendation to the Council's Full Council meeting due to take place on 17th December 2012 that the revised Statement of Community Involvement be adopted. Once adopted, the Council will make the new Statement of Community Involvement available to the examination as a new core document. Officers have reviewed the implications of the revised Statement of Community Involvement (as being presented to Cabinet) and consider that the process undertaken in the preparation of the DSA complies with the emerging revised Statement of Community Involvement.
- 1.5 The DSA has been the subject of extensive consultation and dialogue, as evidenced in the various reports highlighted above. It is important to note that the consultation and dialogue took place over a longer period than might normally be expected. This was due to the need to first take account of the adoption of the Core Strategy in 2008, and then the changing scope of the Plan itself following on from changes to planning nationally, resulting in an extra consultation in autumn 2011. The benefit of this additional consultation in autumn 2011 was that, in addition to being able to share what was effectively a draft of the Plan with the public and stakeholders, it was also then absolutely clear what the revised scope of the Plan was. Outside of more formal consultation periods, there has been extensive dialogue and sharing of information with key stakeholders, particularly in relation to the High Wycombe Town Centre Masterplan proposals. Section 2 of the Overview and Audit Trail Report⁷ sets out a more detailed overview of the preparation process of the DSA.

⁵ CD1.3

⁶ CD5.2.6

⁷ CD1.5

- 1.6 The Soundness and Legal Compliance Self Assessment⁸ sets out legal compliance up to and including the publication and representations stage of preparing the DSA (i.e. up to Regulation 20 of the 2012 Regulations). The Council can confirm that since then it has complied with all the requirements of Regulation 22 (1 and 2)⁹ regarding the submission of the Plan and related documents to the Secretary of State, and this is set out in the covering letter accompanying the submission of material to PINS dated 20th September 2012¹⁰. It has also undertaken the necessary notifications of submission of the Plan and related documents, and made the documents available in accordance with Regulation 22(3). The Council has notified representors of the hearing in accordance with Regulation 24.
- 1.7 With regard to the Local Development Scheme, the Council approved and brought into effect a new Local Development Scheme on 8th October 2012.¹¹ This updated the timetable for the preparation of the DSA and set out the timetable for – and scope of – the new Wycombe District Local Plan. This Plan will replace the Core Strategy (2008) and the remaining saved policies of the current Local Plan (2004). The LDS makes clear that the new Local Plan will sit alongside the DSA and not replace it.
- 1.8 The DSA has been prepared in line with the scope identified for it in the LDS, including in relation to the document profile set out in Appendix 1. It should be noted that the scope of the DSA has been carefully defined. It focuses on proposals for High Wycombe, Marlow and Princes Risborough town centres and the Desborough area of High Wycombe, but specifically excludes strategic housing or employment issues, and housing or employment allocations other than in town centres. These matters will be addressed in the new Local Plan.

⁸ CD1.4

⁹ The Town and Country Planning (Local Planning) (England) Regulations 2012

¹⁰ CD1.11

¹¹ CD7.4

1.9 In relation to development management policies, the intention has never been to provide a full suite of development management policies in this Plan but to address priority issues. The priority areas were included either because there was a specific need to update policies and associated proposals/designations set out in the current Local Plan (2004) or because an important gap had been identified in policy coverage that it was felt needed addressing. As such, there are a range of development management topics that are not covered in the Plan and hence not within the scope the LDS. This includes issues such as green belt, landscape, historic environment and design to name but four. Policies on these issues and others are included in the Core Strategy and in saved policies in the Local Plan. These issues will be addressed in the new Wycombe District Local Plan to be prepared over the next 3 years.

2. Technically the DSA does not accord with the timetable in the Local Development Scheme. What are you doing to address this?

2.1 As noted above, the Local Development Scheme has been reviewed recently. The timetable for the preparation of the DSA has been updated and now reflects the timing of the submission of the Plan (September 2012) and the timing of the hearings (December 2012).

3. How does the DSA correspond to existing SPG/SPD or Masterplans and policies in the Core Strategy and is it the intention that this Plan will replace part or all of any of these documents. If so, which documents, policies etc will be superseded?

3.1 The DSA does not replace any Core Strategy policies but is consistent with them (see answer to Question 4) It will replace a number of the policies in the current Local Plan. These are set out in Appendix D of the DSA.

3.2 In relation to existing SPGs and SPDs, the Council considers that these are still relevant and should still be regarded as material considerations in the

determination of planning applications. The Council does not consider that the policies in the DSA replace these documents, although on occasions aspects of DSA policy may be more up to date than the guidance in the SPD/SPG and hence should take priority on those specific issues. Generally the SPDs provide guidance at a more detailed level. The particular SPDs¹² of relevance to this issue are:

- Portlands Development Brief SPD (2005)
- Riley Road Development Brief (2009)
- Living within our Limits SPD version 2 (2009)
- Developer Contributions SPD associated Developer's Guide (Oct 2011)

3.3 In relation to the two development briefs, these relate to Policies in MR4 and MR3 respectively. Although the briefs were prepared in the context of adopted Local Plan policies, and there are some differences between those policies and Policies MR3 and MR4, the vast majority of the content of those briefs – including the analysis and principles for the development of the sites – are still relevant. The same principle also applies to the Living within our Limits SPD in relation to Policy DM17 and the Developer Contributions SPD in relation to Policy DM18 of the DSA. In the latter case, this SPD will shortly be replaced by a Planning Obligations SPD (currently in draft form)¹³, reflecting the recent change over to the Community Infrastructure Levy system. This also provides more detailed guidance on the issue on viability, supplementing the policy set out in DM18 (parts 4-5).

3.4 There are no Masterplans that are also adopted as SPGs or SPDs. The High Wycombe Town Centre Masterplan is incorporated into the DSA proposals and the original Masterplan reports¹⁴ are supporting evidence for the DSA proposals.

¹² See CDs 5.3.1 – 5.3.5

¹³ CD5.3.6

¹⁴ See CD3.10.1 and CD3.10.2

4. Does the Plan conform to national policy (NPPF) and is it consistent with the Adopted Core Strategy?

- 4.1 The DSA is consistent with the NPPF¹⁵. The Council has undertaken a self assessment of the consistency of the Plan with the NPPF. This is set out in section 5 of the Soundness and Legal Compliance Self Assessment¹⁶. The Council has assessed consistency from two directions. First, it has used the PAS self assessment template published in April 2012 which reviews consistency of the Plan against the main elements of the NPPF. Second, the Council has assessed each of the Policies in the DSA identifying which elements of the NPPF relate to that policy and commenting on how the policy helps to deliver NPPF objectives.
- 4.2 In relation to the first assessment, it should be noted that the relatively limited focus of the DSA means that there are significant elements of the NPPF that the DSA does not address. In the short term these issues are dealt with elsewhere in the development plan, most notably the Core Strategy and current Local Plan. Going forward, these other matters will, where appropriate, be addressed in the new Local Plan.
- 4.3 In addition to these assessments, the Council published a policy for consultation on the presumption in favour of sustainable development¹⁷ – the so called ‘model policy’. This was not included in the proposed submission document as the Council was not aware of the requirement to include the model policy in plans at the time it was going through its decision making processes on the Proposed Submission version of the DSA. It was therefore agreed as a proposed change shortly afterwards but consulted on at the same time as the proposed submission document in June and July 2012. As with other proposed pre-examination changes, the Inspector is requested to recommend its inclusion in the Plan. Further comment on this policy is set out in the Council’s statement on Matter 10.

¹⁵ As required by paragraph 182 of the NPPF

¹⁶ CD1.4

¹⁷ CD0.4

- 4.4 The assessments identify a high degree of consistency of the DSA with the NPPF. The Plan is a positive plan proposing positive change and development in the town centres of the District whilst being flexible to deal with changing circumstances. The development management policies aim to deliver sustainable development across the District. The plan is fully justified as it is accompanied by a robust evidence base and proper consideration of the reasonable alternatives.
- 4.5 The DSA is consistent with the relevant policies in the Core Strategy. Where appropriate the reasoned justification refers to relevant Core Strategy policies and explains how the policy/proposals conform with and help deliver the Core Strategy. Appendix E of the DSA sets out how the development management policies of the DSA link to relevant Core Strategy policies and their associated monitoring indicators/targets.

5. Are you satisfied you have complied with the ‘duty to cooperate’ and carried out the necessary engagement with other bodies?

- 5.1 Section 4 of the Soundness and Legal Compliance Self Assessment¹⁸ sets out how the Council has complied with the Duty to Cooperate. This notes that, given the focus of the DSA, the main potential strategic and/or cross boundary issues relate primarily to retail/town centre uses and transport issues.
- 5.2 The Duty to Cooperate came into force on 16 November 2011 and the regulations setting out additional bodies that the authority has to engage with under the Duty to Cooperate came into force on 6th April 2012¹⁹. These Regulations included a few bodies that were not already specific or general consultation bodies for the purposes of plan-making under the previous local plan regulations²⁰. As a result, based on the draft regulations available at the

¹⁸ CD1.4

¹⁹ Regulation 4, Town and Country Planning (Local Planning)(England) Regulations 2012, CD5.0.3

²⁰ i.e. the Town and Country Planning (Local Development)(England) Regulations 2004 as amended

time, the Council contacted these additional bodies in February 2012 regarding the emerging plan (based on the July 2011 draft DSA plan²¹) and again in relation to the Proposed Pre-Submission DSA in June 2012. The responses received from those bodies are set out in the aforementioned Soundness and Legal Compliance Self Assessment.

- 5.3 The assessment concludes that in relation to retail/town centre uses the DSA proposals do not raise issues of strategic significance as the scale of development relates to meeting only local needs identified in the evidence base, and do not change the position of the town centres in the overall retail hierarchy. On transport issues, significant changes are proposed to the highway network in High Wycombe town centre in particular. The Council has worked very closely with the Highway Authority, Buckinghamshire County Council, over a significant period of time on the proposals in the Plan. The County Council are supportive of the proposals.
- 5.4 The assessment in section 4 of the Self Assessment report includes an audit trail of the engagement the Council has had with the Duty to Cooperate bodies prescribed in the Act and the Regulations, including issues raised by those bodies. This highlights issues up to the Proposed Submission (i.e. publication) stage but does not include any issues raised in response to the Proposed Submission DSA plan itself.
- 5.5 Of the Duty to Cooperate bodies that submitted representations on the proposed submission DSA, the Council has continued its dialogue with them up to and after submission of the Plan as follows:
- Buckinghamshire County Council – consider the Plan to be sound.
 - Aylesbury Vale District Council – submitted one comment in support.
 - Royal Borough of Windsor and Maidenhead – have raised one issue in relation to linking the Plan to the evidence base. The Council has continued a dialogue with them and proposed a further change to address the issue²².

²¹ CD4.7.1

²² FC21, CD7.7

- English Heritage – the main issue relates to the inclusion of district-wide heritage policies and the extent to which heritage issues are covered in the town centre sections. In relation to the former, as noted above, these are to be addressed in the forthcoming new Wycombe District Local Plan. Further changes are proposed throughout the Plan to address their concerns.²³
- Natural England – raised some issues, notably in relation to the consistency of the proposed biodiversity policy with the NPPF. The Council has subsequently proposed a change to the policy to address this issue²⁴ and Natural England are satisfied with this change.
- Environment Agency – the Council has continued its dialogue and at the time of finalising this statement was close to agreeing a statement of common ground which includes proposing a number of pre-hearing changes.
- Highways Agency – the Council has sought to clarify their position and the Council's understanding of the Agency's position is set out in a letter from the Council²⁵, which indicates that the Agency find the Plan sound.

5.6 It should be noted that the dialogue with these bodies since they submitted their representations on the Proposed Submission plan has focused on matters of detailed policy wording and supporting reasoned justification in the Plan, rather than generally on more strategic issues.

5.7 Overall the Council has had extensive dialogue with the Duty to Cooperate bodies over the preparation of the Plan. This has included where appropriate significant dialogue and sharing of technical information outside of formal consultation periods. As a result the Council considers that there are no substantive strategic issues being raised by Duty to Co-operate bodies on the submitted Plan that need to be addressed.

²³ FC15 CD7.7, FC22-28 CD7.8

²⁴ FC14, CD7.1

²⁵ Letter from Sarah Corben, dated 9th July 2012 attached to Highways Agency representation (DSA12/008) – included in CD1.15