

WDC/10

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



MATTER 10 – OTHER ISSUES

November 2012

Matter 10 – Other Issues

1. Is policy DM16 sufficiently comprehensive in its coverage of flood risk matters?

- 1.1. Policy DM16 has been subject to representations by the Environment Agency in relation to when a development requires a flood risk assessment and the detail of what should be included in that assessment.
- 1.2. The Council has agreed a number of changes to policy DM16 to ensure that it is sufficiently comprehensive. These will be set out in the Statement of Common Ground with the Environment Agency and associated further proposed changes document, which are close to being concluded at the time of finalising this statement.
- 1.3. Otherwise the policy is considered to provide comprehensive coverage of flood risk issues and is supported by the Environment Agency.

2. Does the DSA pay adequate attention to viability as a factor in development scheme such as policy DM17 on carbon reduction?

- 2.1. The DSA pays significant attention to viability, both in terms of policy formulation and the underlying evidence base to the Plan.
- 2.2. Policy DM18 on Infrastructure and Delivery pays specific attention to the issue of viability in parts 4 and 5 of the policy, setting out the overall approach and principles in relation to viability issues. This specifically refers to carbon reduction (see part 4 of the policy) as a factor that should be taken into account. This approach is supplemented by the Developer Contributions SPD¹. This provides more detailed advice on how viability assessments

¹ CD5.3.4, section 16

should be undertaken and the types of actions that might be taken should there be a viability issue that needs addressing.

- 2.3 This more detailed advice on viability in the Developer Contributions SPD has been updated and incorporated into the Planning Obligations SPD, a draft of which was published in March 2012² and which is due to be finalised shortly. This SPD will replace the Developer Contributions SPD and associated Developer's Guide and addresses in particular the relationship of section 106 agreements and the community infrastructure levy (CIL). The updated viability section is set out at section 4 of the draft SPD.
- 2.4 The Council is used to undertaking negotiations on viability issues with developers and currently uses the District Valuers Service to provide independent evaluation of viability assessments. As part of more detailed viability assessments, costs associated with carbon reduction would be taken into account alongside the range of other planning costs, including CIL, affordable housing and other section 106 requirements, as well as other development costs.
- 2.5 The DSA, taken together with supporting SPDs, provides the necessary planning policy and guidance to assist with addressing the issue of viability in development schemes.
- 2.6 The DSA has itself been informed by viability work. The Council commissioned the District Valuers Service to undertake some site specific viability work³. Whilst much of this related to housing options that no longer form part of the Plan, some remain relevant. In addition, the Council took specialist financial advice in relation to deliverability aspects of the High Wycombe Town Centre Masterplan proposals⁴.

² CD5.3.6

³ CD3.8.2

⁴ CD3.10.22 and CD3.10.23

- 2.7 More recently, the Council commissioned extensive viability work to inform the draft charging schedule for the Council's Community Infrastructure Levy and this work was published in November 2011⁵. This included assessing a wide range of notional development scenarios covering a range of land uses. The draft charging schedule and associated viability evidence was subject to independent examination with the hearing held in July 2012 and the Inspector's Report published in September 2012⁶. The Inspector reviewed the viability evidence (paragraphs 7-11 of his report) considering that the scenarios tested were representative of many of the most common forms of development likely to take place in Wycombe District. He considered it to be robust, proportionate and appropriate evidence. In assessing the proposed charging levels, the Inspector concluded that the Council had taken a reasonable approach whilst ensuring that the overall development of the area would not be at risk.
- 2.8 As a result, the Council is confident that it has a robust approach to the issue of viability. Up to date and wide ranging viability evidence demonstrates that, having regard to local values and the wide range of cost factors that need to be taken into account, including the new Community Infrastructure Levy, the overall development of the area would not be at risk. Where specific viability issues arise on individual schemes, Policy DM18, together with the supporting supplementary planning documents, ensure that there is an approach and a mechanism in place to address those issues.
- 2.9 In relation to Policy DM17 on carbon reduction, paragraph 6.115 of the DSA specifically notes that the requirements in the policy have been based on an assessment of both the viability and feasibility of a number of different technologies⁷. This work looked specifically at a number of development sites in the District and assessed the costs of different levels of energy reduction in relation to different technologies and concluded that the additional costs represented only a small proportion of the overall development costs. The

⁵ CD3.8.3

⁶ CD5.4.2

⁷ CD3.6.2

report identified that the cost of including low carbon technology equated to a maximum of 4% of the build costs across all of the different sites and concluded that a 10% or 15% carbon reduction target should be viable for developers.

- 2.10 As noted above, whilst Policy DM17 does not specifically refer to viability issues, Policy DM18 which is dealing with the issue of viability does.

3. Is it necessary for the Council to include water efficiency targets in the DSA rather than rely on other regulatory processes such as the Building Regulations?

- 3.1. Representations made by the Environment Agency on policy DM17 seek the inclusion of water efficiency standards of 105 litres per person per day: this is the equivalent of meeting water efficiency standards as required by levels 3 and 4 of the Code for Sustainable Homes (CSH).
- 3.2. Building Regulations as revised in 2010 do not include the requirements for water efficiency as set out in the CSH, they currently only incorporate carbon reduction targets. Water efficiency requirements in part G of the Building Regulations are 125 litres/person/day.
- 3.3. The basis for the Environment Agency concerns are that over abstraction of ground water can contribute towards low flows in chalk streams and resulting impacts on biodiversity and environmental harm, which are ongoing and relevant local concerns which the Council thinks can be addressed by the DSA. As such, in discussion with both the Environment Agency and Thames Water, the Council has agreed a proposed change to policy DM17⁸, which seeks to resolve this issue, by including water efficiency standards equivalent to levels 3 and 4 of the CSH.

⁸ This will be included in a Statement of Common Ground with the Environment Agency and in a further proposed changes document, both of which are close to being finalised at the time of finalising this statement.

4. Have flood risk matters been adequately addressed in the preparation of the DSA?

4.1 The Council produced a Strategic Flood Risk Assessment⁹ in 2009 in conjunction with the Environment Agency. This document was used to inform the production of a sequential assessment of sites proposed in the DSA. This sequential assessment, which was based on the emerging DSA when its scope was wider than the submitted plan, was supported by the Environment Agency in writing¹⁰.

4.2 Given the revised scope of the DSA, a revised sequential assessment was undertaken¹¹. The Environment Agency have expressed their view¹² that the revised Sequential Test Background Paper dated August 2012 demonstrates that a sequential test as required by the National Planning Policy Framework (NPPF) and its accompanying technical guidance has been undertaken, and have provided no adverse comments in relation to its contents.

5. The policy on Sustainable Development varies from the Model Policy issued by the Planning Inspectorate. Is there any particular reason why it has been drafted in this form?

5.1 The policy varies in two ways from the PINS policy. First the opening paragraph in the PINS policy is included as supporting lower case text in the Council's policy. The Council believes that the content of this part of the PINS policy is more appropriately included as supporting text, particularly as much of it is not expressed as a policy statement but is about how the Council will work with applicants to deliver policy objectives.

5.2 The second difference relates to Part 1 of the policy where the Council has added reference to this part of the policy covering not only this plan but other

⁹See CD3.5.1 and CD3.5.2

¹⁰ CD3.5.4

¹¹ CD3.5.3

¹² To be included in the Statement of Common Ground

local plans it produces. This is consistent with the model policy also applying to other unspecified plans, namely neighbourhood plans, and deals with the fact that the Council will have more than one local plan to provide district-wide up to date plan coverage, once the new Wycombe District Local Plan has been prepared. It avoids having to repeat exactly the same policy in two different local plans that will form part of the same development plan. This would never normally be done.

- 5.3 The Council notes the wording on the PINS website that the model policy “...will, if incorporated into a draft Local Plan submitted for examination, be an appropriate way...” of meeting the expectation set out in paragraph 15 of the NPPF (our underlining). This suggests it is not the only way. The Council's differences are minor and all the text in the PINS model policy would be included in the DSA under the Council's proposals with one minor addition.

6. Are there any other outstanding issues in relation to monitoring arrangements or the implementation and delivery of the DSA?

- 6.1 Appendix E of the DSA sets out the monitoring framework for the Plan. This focuses on the monitoring of the policies for High Wycombe, Marlow and Princes Risborough town centres, and the policy for District Centres (Policy DM8). It also identifies the main delivery mechanisms for those policy areas. A more detailed monitoring framework for the High Wycombe Town Centre Masterplan proposals are set out in the related background paper.¹³
- 6.2 The Core Strategy already sets out a range of monitoring indicators and these are reported on in the Council's Monitoring Report. These provide a framework for monitoring the development management policies in the DSA and Appendix E includes a table that shows the link between the development management policies and the relevant Core Strategy policies. Where there are specific additional monitoring requirements for a specific policy, these are

¹³ CD2.2

highlighted in the supporting text/implementation section following individual policies within the DSA.

- 6.3 Matters relating to implementation and delivery are further explained in the supporting text to policies. The High Wycombe Town Centre Masterplan Background Paper¹⁴ explains in much more detail the delivery of the vision for High Wycombe town centre.
- 6.4 In relation to Appendix G of the Plan which sets out the proposed changes to the Proposals Maps, the Council wishes to highlight a couple of issues. First, the Council is aware that there are various references to “Proposals Map” rather than “Policies Map” in the Plan, including in Appendix G. The Council will use its powers¹⁵ to make minor amendments to the Plan that do not materially affect the policies in the Plan to correct this terminology.
- 6.5 Second, the Council wish to clarify that in relation to the changes to the Policies Map, the changes shown on the maps in the DSA¹⁶ after Appendix G are additions to the Policies Map that do not replace existing allocations/designations applying to the areas affected, unless Appendix G indicates that they do replace an existing policy/proposal shown on the currently adopted Policies Map. Thus new policies such as DM6 Town Centre Boundaries and DM10 Green Infrastructure and Networks result only in additions to the Policies Map.

¹⁴ CD2.2

¹⁵ Section 112(3) of the Localism Act (2011)

¹⁶ Incorrectly shown as Appendix F – should be Appendix H