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## Chiltern and South Bucks Local Plan reg19 Form

### Local Plan: Soundness and Compliance

#### Personal Details

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## The Chesham Society

The Chesham Society is the local amenity society for Chesham. We held a meeting with representatives of

- The Chiltern Society,
- Brown not Green,
- Chesham Renaissance,
- Chesham Connect,
- Chesham Environment Group
- Sustainable Chesham
- Friends of Lowndes Park

to discuss this plan, and followed this with a public meeting of members and others, which was addressed by

- Brown not Green
- Chesham Renaissance
- A representative of Chesham Town Council

In addition, we have consulted the River Chess Association, and the Town Council

## About this Consultation

This consultation is fundamentally flawed –

- **Organisationally**, the initial short consultation period, and later extension, made it very difficult to arrange meetings with other local organisations, particularly during the August holiday season
- The **Content**, in particular question 1 regarding the legality of the plan, is not one which most citizens are qualified to answer. At our public meeting, a speaker from the floor described it as very likely to discourage members of the public from responding.

As this Society also lacks the legal expertise to decide on the legality (or otherwise) of the plan, we will restrict our observations to its more obvious defects, which, in our opinion render it **unsound**. We trust that the inspectorate will be able to determine if any of these would also render it illegal.

## Comments on the Plan

In general, we find the plan to contain many expressions of good intentions, but the absence of detailed policies to enable these to be fulfilled gives us no confidence that the plan will achieve the desired results.

### 3.2 Spatial Portrait

- As this is a plan for both Chiltern and South Bucks, you might have taken the trouble to produce the total figures for both districts taken together.
- The plan largely deals with additional houses, while this picture lists the population. The number of existing houses would be a more relevant statistic.

## 5 Living Places

We chose to discuss this next, since the number of homes to be built is at the root of most of the problems which we perceive with the plan.

In **5.1.5**, the LHN of 15206 homes over 20 years emerges like a rabbit from a hat; where are the references for the LHN methodology, the HNA, the raw numbers input to the calculation,

and the likely or desired effect on house prices which is expected to result from these targets ?

#### 5.1.15 – The shortfall

States that “*this land supply falls short of meeting the identified needs of the Plan area.*”, then moves straight to 5.1.16, “*The council has undertaken a Green Belt review*” (despite the result of previous consultations strongly opposing any incursions into the Green Belt). Having established a requirement for 5200 houses in the Green Belt, the plan should invoke paragraph 11 of the NPPF – the ‘Presumption in favour of Sustainable Development’ –

*11b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:*

*i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area;*

Among the ‘policies in this Framework’ referred to (in footnote 6) are

- Land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty
- Irreplaceable habitats

As 88% of the plan area is designated as Green Belt, and it contains the Rivers Chess and Misbourne – Chalk Streams threatened by over-abstraction – there are strong reasons for not providing the objectively assessed needs .

Consequently, the plan is **unsound**, as it *fails to take into account a reasonable alternative* set forward in the NPPF.

It would also appear that the ‘Duty to Cooperate’ was applied only in relation to Aylesbury Vale, even though there brownfield sites in Herts/Dacorum, which could be jointly developed to benefit both councils. This appears to be a *failure of the Duty to Cooperate*.

#### 5.2.1 Site Allocations

Policy **SP LP1** and hence policies **SP BP2-12** are also **unsound** as they stem directly from the failure to implement NPPF 11b

## 6 Enterprising Places

This section appears to depend largely on the (updated) ‘Nexus Retail and Leisure Study’. It would be appropriate to provide a reference to this. 6.2.7,8 indicate an availability of additional retail capacity, but provide no indication of what percentage of the existing retail capacity this is, or what population growth was assumed to calculate this result. The number of empty and charity shops to be found in Chesham would suggest that there is currently a shortage of shoppers and an excess of retail capacity, in which case the retail proposals would be **unjustified**.

The policies related to Chesham in 6.2.11,12 would involve the loss of parking at Star Yard and the Station car park, without any indication as to if (and where) this might be replaced. This would be catastrophic, both for the High Street which would largely close if parking was reduced, and for local transport, if the already inadequate parking provision for the underground station was reduced.

#### 6.3 SP EP2

The proposal to double the Retail Capacity in the Chesham/Gt Missenden/Prestwood area is

hopefully undeliverable, due to the extremely negative effects of developing the sites selected, and would be **ineffective** if implemented, due to the adverse effects on existing retailers.

To describe these proposals as **unsound** would be an understatement.

## 7 Connected Places

Traffic congestion appears to be considered only in the context of air quality. While this is a serious concern, there is also the obvious impact on new and existing residents, who waste their time in traffic jams, and are unable to plan their journeys. This is a particular concern for Chesham, where the A416 has been designated a Priority Congestion Management Corridor (between Moor Road and The Vale).

Addressing existing traffic congestion is listed as a strategic objective (3.5.5). Policy **DM DP9** aims to "accommodate walking and cycling as a primary means of transport to serve the development.", and **DM CP6** supports "Creation of a public, cycle and pedestrian transit interchange at Chesham Station with improved facilities and connectivity to the High Street." Large new developments are required to produce a travel plan (Policy **DM CP1** & Appx CP2), which includes an assessment of air quality (9.10.4). These policies relate to new developments, and so are unlikely to address the problem of existing traffic congestion.

The Strategic Assessment lists air quality as a residual negative impact (SA table N4, p-xxxiii):

### **Local Air quality**

*The Local Plan is anticipated to lead to a reduction in local air quality with implications for human health. Development proposed in the Local Plan would place a large number of new residents in locations within 200m of busy or major roads and increase traffic volumes, contributing to decrease in air quality.*

Any policy which contributes to a decline in air quality is likely to be *inconsistent with national policy*, and the resulting plan will be **unsound**.

The impact of increased traffic volumes on the already existing congestion has been ignored, raising doubts as to whether the plan is deliverable.

### **7.6.1/DM CP6**

The proposal for a Chesham Town Centre Transport Interchange is incompatible with the removal of the station car park proposed in 6.2.11, unless there is a serious belief that there will be a significant switch to cycling and walking. The hilly terrain makes this rather unlikely.

## 9 Natural Places

Clearly one of the most urgent problems confronting the Chilterns AONB is a shortage of water, as described in the report "Chalk Streams in Crisis"<sup>1</sup>. This is speedily dealt with in section 9.6 - "Natural - River Character and the Water Environment" which notes (9.6.2) "The Misbourne, Chess and Colne provide internationally-rare and important chalk stream habitats that are identified as priority habitats in the Buckinghamshire Biodiversity Action Plan." and (9.6.4) "Reducing per capita demand is key to improving flows in the catchment's chalk streams to ensure their survival for future generations." This is to be achieved by policy **DM DP20** -

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<sup>1</sup>[https://www.chilternsaonb.org/uploads/files/CCSP/Chalk%20Streams%20in%20Crisis%20report\\_June%202019.pdf](https://www.chilternsaonb.org/uploads/files/CCSP/Chalk%20Streams%20in%20Crisis%20report_June%202019.pdf)

### Design – Residential Water Standards

*Planning permission will be granted for new homes provided that they meet the higher water efficiency standard set out in Approved Document Part G of the Building Regulations or any subsequent replacement.*

This seeks to limit water consumption to 110l/person/day, by specifying the maximum permitted consumption of the various fittings consuming water. While it remains legal to install a shower pump, or replace a dishwasher, this does not appear to be a robust solution to the problem. The use of alternative water sources - harvested rainwater, reclaimed greywater - may also be used to reduce consumption of 'Wholesome Water', but is not mandatory.

The Strategic Assessment **SA13.1.2** states (the obvious)

*"The Plan area is identified as being under serious water stress, new developments within the Plan area will increase demand of an already stressed resource."*

Box 13.3 (SA p124) advises

*"Neither the DM nor SP policies refer explicitly to increased stress of the water resource. Para 20b of the NPPF states that "policies should make sufficient provision for infrastructure for...water supply. Para 22 further states that policies should look ahead over a minimum 15-year period...to anticipate and respond to long term requirements and opportunities". Recommendation: New residential developments will meet the higher water efficiency standard (110 litres per person per day)"*

However, while the developments themselves may meet the higher water efficiency standards, the occupants may not. Nor do these measures address the existing problem of over-abstraction.

### Sewage Treatment

There are two references to sewage in the plan -

- policy **DM LP9** (Accommodation for Gypsies etc)
- 11.7.6 - sewage pumping station adjacent to Little Chalfont Greenbelt site

which suggests that the planners are in denial regarding the capacity issues at the Chesham treatment works.

SA **N49** (page xviii) expresses concern regarding pressure on the Maple Lodge STW, but otherwise disregards the issue entirely.

## 25 Year Environment Plan<sup>2</sup>

Section 2 (p25) of this document states

***We will achieve clean and plentiful water by:***

*Improving at least three quarters of our waters to be close to their natural state as soon as is practicable by:*

- *Reducing the damaging abstraction of water from rivers and groundwater, ensuring that by 2021 the proportion of water bodies with enough water to support environmental standards increases from 82% to 90% for surface water bodies and from 72% to 77% for groundwater bodies.*

Clearly, should legislation be introduced to give effect to this policy, the measures put forward in the local plan will become illegal – unless some alternative is found to the current over-abstraction from the aquifer. The lack of such alternative provision renders the plan **ineffective**, so compounding the failure to invoke section 11b) of the NPPF (section 5.15 above)

### 10 (Un)Protected Places

The swift resort to building on the Green Belt is also a direct result of the same failure described in the previous paragraph, and in addition, a failure to pursue the possibilities of brown field developments.

- The submission made by 'Brown not Green' to this consultation shows that the development of Green Belt sites on the edges of settlements is unsustainable, as it will exacerbate the existing traffic congestion and associated problems in the centres.
- The Chesham Community Interest Company (Chesham Renaissance) have developed a scheme for providing additional housing on Brownfield sites in central locations, which has been completely ignored in drawing up this plan (which contains only one reference to brownfield development – [4.7.1](#) )

The Chesham Society endorses the proposals made in both of these submissions. The failure to take these into account renders the plan *unjustified, ineffective and inconsistent with national policy*, and so **unsound**.

### 11 Building Places

Policy SP BP2 (11.3.1) relates to Lye Green, a site adjacent to Chesham. This is covered in great detail by the submission of Brown not Green, and we again support their submissions.

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<sup>2</sup> DEFRA, 2018

## Summary

Our response is based on discussions with these organisations –

- Brown not Green (BnG)
- Chesham Renaissance / CIC (CR)
- The Chiltern Society (ChS)
- The Chess Association (ChA)

who have considered different aspects of the plan in greater detail than we have reported above. We support their submissions to this consultation, particularly with reference to the major shortcomings as listed below :-

### **We consider this plan to be unsound, because**

- The housing allocation has not been reduced to reflect the constraints of Green Belt and AONB, or to protect the local Chalk Streams [ ChS, ChA]
- New developments on Green Belt sites are proposed in unsustainable locations [BnG]
- The existing plans for use of Brownfield sites have been ignored [CR]
- Mitigation measures proposed for existing infrastructure problems (Water, Sewage, Traffic congestion, Air Quality ...) appear unconvincing, and unlikely to compensate for the proposed additional housing.

### **Participation in the Examination**

It is not yet clear which of the organisations listed above intend to participate in the plan examination, but should they all do so, our views will be adequately represented. If this is not the case, then we may wish to participate ourselves, in order to advance some of the arguments presented above.

**In submitting comments to this consultation we are required, under the Town and Country Planning (Local Planning) (England) regulations 2012, to notify you when the independent examination will take place. We will use the contact details you have provided to do this.**

**Please note: at the end of the consultation period all comments will be made public and will be submitted to the Secretary of State along with the Local Plan and other relevant supporting documents. Your comments and name will be published but other personal information will remain confidential.**

**Your comments will be reviewed by the Independent Planning Inspector appointed by the Secretary of State to carry out the Examination in Public. You may be invited to discuss your comments at the Examination in Public at the discretion of the Inspector.**

**In line with General Data Protection Regulations (2018), your details are stored on a secure system and are used only for the purposes of consultation for the Local Plan and associated documents.**

**Your details will be stored until such a time that the Local Plan has been adopted. If you do not wish to receive any further updates from the Council in relation to the Local Plan, please email us.**

**Please tick below to indicate you have read this notice**

**I have read the notice about how my information will be used**

**(The answer to this question will never be displayed to the public)**