

# Representation Form

Local Development Framework – Publication Stage

## Core Strategy for Chiltern District, Publication Document

### October 2010

*This form has two parts – **PART A** (Respondent Details) which **will not** be published and **PART B** for comments, which will be published. If you wish to make more than one comment, please fill in a separate ‘Part B’ for each comment you make (you do not need to repeat Part A with every submission).*

**All comments must be received no later than 5.00pm on Friday 26<sup>th</sup> November 2010 – comments received after this date cannot be accepted**

### **PART A – PERSONAL DETAILS**

**Personal Details\***

**Agent’s Details (if applicable)**

*\*if an agent is appointed, please complete only the title, name and organisation boxes below but complete the full contact details for the agent in column 2.*

**\*\*Mandatory Fields**

<p><b>**Title</b> <input style="width: 90%;" type="text" value="Mr"/></p> <p><b>**First Name</b> <input style="width: 90%;" type="text" value="Bill"/></p> <p><b>**Last Name</b> <input style="width: 90%;" type="text" value="Richards"/></p> <p><b>Job Title (if applicable)</b> <input style="width: 90%;" type="text" value="Town Clerk"/></p> <p><b>Organisation (if applicable)</b> <input style="width: 90%;" type="text" value="Chesham Town Council"/></p> <p><b>**Address</b> <input style="width: 90%; height: 100px;" type="text" value="Chesham Town Hall&lt;br/&gt;Chesham&lt;br/&gt;Buckinghamshire&lt;br/&gt;HP5 1DS"/></p> <p><b>Telephone Number</b> <input style="width: 90%;" type="text" value="01494 774842"/></p> <p><b>Email Address</b> <input style="width: 90%;" type="text" value="townclerk@chesham.gov.uk"/></p>	<div style="border: 1px solid black; height: 20px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; height: 20px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; height: 20px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; height: 20px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; height: 20px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; height: 20px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; height: 20px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; height: 20px; margin-bottom: 5px;"></div>
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<p><b>*Signature of Agent or Respondent</b> <i>(Confirming comments in <b>PART B</b> are duly made)</i></p> <div style="border: 1px solid black; height: 60px; width: 95%;"></div>	<p><b>Date:</b></p> <div style="border: 1px solid black; height: 60px; width: 95%;"></div>
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**Chiltern District Council is the Data Controller for the purposes of the Data Protection Act 1998.**

**Please note: representations received on the Core Strategy for Chiltern District, Publication Document October 2010 cannot be treated as confidential. All comments that have been duly made will be available for public inspection and, if practicable, will be published on the Council’s website. However, no personal details, other than the Respondent’s or Agent’s name, will be made public and/or published.**

Consultee Reference ID:   
(office use only)

Comment Reference:   
(office use only)

## PART B – DETAILED REPRESENTATIONS

### Please complete this section for each comment you wish to make

Please **do not include any personal details** other than your name in **PART B**, as this section will be made publically available and will be displayed on the Council's website.

Name of Respondent / Organisation:

#### 1. To which part of the Core Strategy does this comment relate?

Paragraph	<input type="text" value="10.6"/>	Policy	<input type="text" value="CS2, CS4, CS7, CS16"/>	Proposals Map	<input type="text"/>
Other	<input type="text" value="Draft Infrastructure Delivery Schedule"/>				

Are you (tick one): Supporting  Objecting  Commenting

#### 2. Do you consider the Core Strategy is:

(see additional guidance at the end of this form)

- |                       |     |                                     |          |    |                                     |          |
|-----------------------|-----|-------------------------------------|----------|----|-------------------------------------|----------|
| (1) Legally compliant | Yes | <input checked="" type="checkbox"/> | Go to Q6 | No | <input type="checkbox"/>            | Go to Q6 |
| (2) Sound             | Yes | <input type="checkbox"/>            | Go to Q6 | No | <input checked="" type="checkbox"/> | Go to Q5 |

If it is the actual content on which you wish to comment on or object to it is likely it will relate to whether the Core Strategy is sound –in relation either to being justified, effective or consistent with national policy. If you have answered **NO** to Question 2(2) please continue to Question 3. In **all** other circumstances please go to Question 4.

#### 3. Do you consider the Core Strategy is unsound because is it not:

If you answered no to question 2(2) and do not tick a box we will have to make a judgement which might not be what you intended

- |                              |                                     |                                                                                                                                                                                                                                                                                                  |
|------------------------------|-------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1) Justified                | <input checked="" type="checkbox"/> | (This means that the Core Strategy should be founded on a robust and credible evidence base involving:<br>- Evidence of participation of the local community and others having a stake in the area<br>- Research/fact finding: the choices made in the plan are backed up by facts and evidence) |
| (2) Effective                | <input checked="" type="checkbox"/> | (This means the Core Strategy should be deliverable, embracing:<br>- Sound infrastructure delivery planning<br>- Having no regulatory or national planning barriers to delivery<br>- Delivery partners who are signed up to it<br>- Coherence with the strategies of neighbouring authorities)   |
| (3) Consistent with national | <input type="checkbox"/>            | (The Core Strategy should be consistent with national policy. Where there is a departure, we must provide clear and convincing reasoning to justify our approach. Conversely, you                                                                                                                |

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policy

*may feel Chiltern District Council should include a policy or policies which would depart from national or regional policy to some degree in order to meet a clearly identified and fully justified local need, but we may not have done so. In this instance it will be important for you to say in your comments what the local circumstances are that justify a different policy approach to that in national or regional policy and support your assertion with evidence.)*

**4. Please give details of why you consider the Core Strategy not legally compliant or unsound. Please be as precise as possible. Alternatively, if you wish to support the legal compliance or soundness of the Core Strategy, please use this box to set out your comments.**

Chesham Town Council considers the Core Strategy unsound because:

(1) the October 2010 revision of the Core Strategy is a fundamentally different document from the April 2010 version that was previously consulted upon. Therefore we are concerned that there has not been sufficient consultation on the concepts contained within the latest draft.

(2) the participation of the local community has not been representative, with the results of the equality monitoring responses from the previous round of consultation showing that 93% of respondents were White British and 89% were aged 45 or older. There is no evidence of consultation with hard to reach groups. We are also unaware of how the people of Chesham specifically were consulted, nor the demographic make-up of those from Chesham who responded.

(3) the target for affordable housing has been reduced to just 33 per year (paragraph 10.6). The 2008 Buckinghamshire Strategic Housing Market Assessment concluded that 272 affordable homes per annum are required across the district, though admitting that this was well above what could be met in practice. We suggest that a more challenging target than 33 needs to be set.

(4) the removal of individual housing targets for the four main settlements where development is to be concentrated makes it impossible to assess the likely spread of development across the four locations (Policy CS2). A sustainable target needs to be set for Chesham to prevent overdevelopment, and therefore the other three settlements also need targets. These targets should be set taking into account of the previous developments Chesham has already accommodated over the last ten years.

(5) Policy CS4 has failed adequately to address the traffic congestion and poor air quality along the A416 in Chesham (Appendix 7, p. 87). The Strategy's Draft Infrastructure Delivery Schedule perceives it to be an existing problem; does not acknowledge that new development will worsen the problem or require further amelioration; and states that no funding has been allocated by the lead partner. The number of dwellings in Chesham should not be increased without a clear commitment to dealing with the problem.

(6) the Amersham and Wycombe College site is included as a major developed site within the Green Belt allocated for housing (Policy CS7). We are concerned at the loss of this educational facility. The location of the site, high on a hill on the outskirts of the town means that residents will inevitably use cars, thereby increasing air pollution and traffic congestion along the A416.

(7) The Strategy's Draft Infrastructure Delivery Schedule (Appendix 7, p. 88) states that there is no requirement for additional water infrastructure. However, the Environment Agency's Colne Catchment Abstraction Management Strategy states that the catchment is already over-abstracted (acknowledged in the Core Strategy: paragraph 14.16). Veolia Water is currently abstracting close to its licence limit in the area and is already importing water from outside the catchment to meet existing demand. We are concerned that there is insufficient planning in place to meet future demand and that any increase in abstraction within the catchment will further damage the River Chess, a rare chalk stream habitat which is already experiencing low flows.

(8) The River Chess is subject to untreated sewage releases from Chesham's Sewage Treatment Works which Thames Water has acknowledged is operating "close to capacity" (17.4). There have been 35 incidences of untreated sewage release from these works between 2007 and October 2010 caused by storm tank overflow. Increasing rainfall intensity due to climate change and increased run-off resulting from new development will increase the frequency of these incidents. The Draft

Infrastructure Delivery Schedule (Appendix 7, p. 88) states that Thames Water has given no indication of costs for infrastructure improvements and we are concerned that the lack of planning to date will result in new housing before the improvements have been made, contrary to the aims of CS26 (h). This will increase the incidences of untreated sewage releases caused when the capacity of the Works is exceeded. This will damage this rare ecosystem. The funding source for improvements is also unclear: p. 88 states that funding will come from developers, whilst paragraph 17.4 states that increases to capacity will be funded directly by Thames Water.

(9) The Strategy is committed to protecting employment land (Policy CS16) and Green Belt land (paragraph 14.4). As garden land is no longer regarded as "brown field", the Strategy does not account for where the majority of new development will take place. Chiltern District Council's Employment Site Vacancy Survey - November 2009 shows that 24% of Chesham's employment sites are vacant and there are 'cleared' employment sites with extant planning permission totalling 27,908 square metres; the Survey does not have any data at all for vacant employment sites under 0.25 ha. We suggest some of this employment land could be used for housing and that the existing data does not support Policy CS16.

*(Continue on separate sheet/expand box if necessary)*

**5. If you answered no to question 2(1) or 2(2), please set out what change(s) you consider necessary to make the Core Strategy legally compliant or sound, having regard to the test you have identified at Question 3 above where this relates to soundness. You will need to say why the change will make the Core Strategy legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.**

We would like to see the following revisions:

- (1) Chiltern District Council should undertake a further consultation exercise on their final proposed draft, since it is substantially different from the draft on which the earlier consultation was done.
- (2) Further consultation should be undertaken and it must be more thorough and analytical.
- (3) The original target of 51 affordable homes per annum should be reinstated.
- (4) The inclusion of individual housing targets for Chesham, Amersham, Little Chalfont and Chalfont St. Peter to provide a fair spread of new development across the four settlements in Policy CS2.
- (5) There must be a clear and credible strategy to deal with the increased traffic and air pollution before increased housing in Chesham is approved.

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(6) The Amersham and Wycombe College site should not be included as a site for housing development in Policy CS7.

(7) There should be no further housing development in Chesham until steps have been taken to meet demand for water without further damaging the River Chess.

(8) There should be no further housing development in Chesham until the necessary steps have been taken to deal with the existing sewage and the increased sewage and rainfall run-off resulting from new development.

(9) Details should be gathered concerning the length of time that employment sites have been vacant and also details of sites below 0.25 ha. in order to complete the evidence base. Policy CS16 paragraph 1 should be amended to read, "sufficient existing employment land and premises . . . will be protected and retained for employment use."

*(Continue on separate sheet/expand box if necessary)*

**Please note** – your comment should cover succinctly all the information, evidence and supporting information necessary to support/justify the comment and the suggested change, as there will not normally be a subsequent opportunity to make further comments.

**After this stage, further submissions will be only at the request of the inspector, based on the matters and issues he/she identifies for examination.**

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**6. If the comment is seeking a change, do you wish to participate at the oral part of the examination?**

**No** – I do not wish to participate at the oral examination

**Yes** – I wish to participate at the oral examination

*Your comment – written or oral – will be treated **in the same way by the inspector** – you do not need to attend the examination for your comment to be considered fully.*

**7. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:**

As a Town Council, we believe we are closest to the community of the town of Chesham and best placed therefore to articulate the concerns raised to us both at the public meetings we have organised and because of our democratic mandate.

**Please note** – the inspector will determine the most appropriate procedure to hear those who have indicated that they wish to participate at the oral part of the examination.

# NOTES TO ACCOMPANY THE REPRESENTATION FORM

## General advice from the Planning Inspectorate

(- more can be found at <http://www.planning-inspectorate.gov.uk/>)

If you wish to make a comment seeking a change to the Core Strategy you should make clear in what way it is not 'sound' having regard to the legal compliance check and the three tests of soundness set out in the representation form. You should try to support your comment by evidence showing why the Core Strategy should be changed. It will be helpful if you also say precisely how you think the Core Strategy should be changed. Comments should cover succinctly all the information, evidence and supporting information necessary to support/justify your comment and the suggested change, as there will not normally be a subsequent opportunity to make further submissions. After this stage, further submissions will be only at the request of the inspector, based on the matters and issues he/she identifies for examination.

Where there are groups who share a common view on how they wish to see a Core Strategy changed, it would be helpful for that group to send a single comment which represents the view, rather than for a large number of individuals to send in separate comments which repeat the same points.. In such cases the group should indicate how many people it is representing and how the comment has been authorised. The number of comments received does not increase the weight that the inspector places on a particular issue.

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## Additional Guidance for Questions on Legal Compliance and soundness – from the Planning Inspectorate

### Legal Compliance

The inspector will first check that the Core Strategy meets the legal requirements under s20(5)(a) of the 2004 Act before moving on to test for soundness. You should consider the following before making a comment on legal compliance:

- The Core Strategy should be within the current Local Development Scheme (LDS) and the key stages should have been followed. The LDS is effectively a programme of work prepared by Chiltern District Council, setting out the Local Development Documents we intend to produce over a 3 year period. It sets out the key stages in the production of any DPDs which we propose to bring forward for independent examination. If the Core Strategy is not in the current LDS it should not have been published for comments. The LDS is on our website and available at our main office.
- The process of community involvement for the Core Strategy should be in general accordance with Chiltern District Council's Statement of Community Involvement. The Statement of Community Involvement (SCI) is a document which sets out our strategy for involving the community in the preparation and revision of Local Development Documents (including DPDs) and the consideration of planning applications.
- The Core Strategy should comply with the Town and County Planning (Local Development) (England Regulations) 2004 as amended. On publication, we must publish the documents prescribed in the regulations, and make them available at our principal offices and on our website. Chiltern District Council must also place local advertisements and notify the DPD bodies (as set out in the regulations) and any persons who have requested to be notified.
- Chiltern District Council is required to provide a Sustainability Appraisal Report when we publish the Core Strategy. This should identify the process by which the Sustainability Appraisal has been carried out, and the baseline information used to inform the process and the outcomes of that process. Sustainability Appraisal is a tool for appraising policies to ensure they reflect social, environmental, and economic factors.
- The Core Strategy should have regard to national policy. With the revocation of the Regional Spatial Strategy for the South East of England, the South East Plan, on the 6 July 2010 the Council is no longer has to demonstrate that the Core Strategy is in conformity with the RSS.
- The Core Strategy must have regard to any Sustainable Community Strategy (SCS) for its area (i.e. county and district). The SCS is usually prepared by the Local Strategic Partnership which is representative of a range of interests in the area. The SCS is subject to consultation but not to an independent examination.

## **Lack of Policy**

If you think the content of the Core Strategy is not sound because it does not include a policy where it should do, you should go through the following steps before making comments:

- Is the issue with which you are concerned already covered specifically by any national planning policy? If so it does not need to be included.
- Is what you are concerned with covered by any other policies in the Core Strategy on which you are seeking to make comments or in any other DPD in Chiltern District Council's Local Development Framework (LDF)? There is no need for repetition between documents in the LDF.
- If the policy is not covered elsewhere, in what way is the Core Strategy unsound without the policy?
- If the Core Strategy is unsound without the policy, what should the policy say?

**Soundness** - To be sound the government has set the following tests. The Core Strategy should be:

- **Justified** - This means that the Core Strategy should be founded on a robust and credible evidence base involving:
  - Evidence of participation of the local community and others having a stake in the area
  - Research/fact finding: the choices made in the plan are backed up by facts

The Core Strategy should also provide the most appropriate strategy when considered against reasonable alternatives. These alternatives should be realistic and subject to sustainability appraisal. The Core Strategy should show how the policies and proposals help to ensure that the social, environmental, economic and resource use objectives of sustainability will be achieved.

- **Effective** - This means the DPD should be deliverable, embracing:
  - Sound infrastructure delivery planning
  - Having no regulatory or national planning barriers to delivery
  - Delivery partners who are signed up to it
  - Coherence with the strategies of neighbouring authorities

The Core Strategy should also be flexible and able to be monitored. The Core Strategy should indicate who is to be responsible for making sure that the policies and proposals happen and when they will happen. The plan should be flexible to deal with changing circumstances, which may involve minor changes to respond to the outcome of the monitoring process or more significant changes to respond to problems such as lack of funding for major infrastructure proposals. Although it is important that policies are flexible, the Core Strategy should make clear that major changes may require a formal review including public consultation.

Any measures which Chiltern District Council has included to make sure that targets are met, should be clearly linked to an Annual Monitoring Report. This report must be produced each year by all local authorities and will show whether the Core Strategy needs amendment.

- **Consistent with national policy** - The Core Strategy should be consistent with national policy. Where there is a departure, Chiltern District Council must provide clear and convincing reasoning to justify their approach. Conversely, you may feel Chiltern District Council should include a policy or policies which would depart from national or regional policy to some degree in order to meet a clearly identified and fully justified local need, but they have not done so. In this instance it will be important for you to say in your comments what the local circumstances are that justify a different policy approach to that in national or regional policy and support your assertion with evidence.