



Chalfont St Peter Parish Council Representations PL/22/2898/OA

Outline planning application for the development of up to 975 homes including affordable housing (Use Class C3), up to 75 care accommodation beds (Use Class C2), new primary school provision, local retail and employment provision (Use Class E), reprovision of sport pitches, landscaping, car parking provision and associated works (matter to be considered at this stage: access) | Land at The National Society For Epilepsy Chesham Lane Chalfont St Peter Buckinghamshire SL9 0RJ

November 2022

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1. Introduction

- 1.1. These representations provide a response, on behalf of Chalfont St Peter Parish Council, to the outline planning application PL/22/2898/OA.
- 1.2. The representations identify the relevant planning history for the site, the statutory planning policy and area constraints that are key considerations in determining the application. This is followed by a review and discussion of the merits of the application, followed by conclusions and a recommendation.
- 1.3. This objection only raises the Parish Council's fundamental concerns and does not aim to cover all of the others, as it is not possible to comment in detail and with complete accuracy at this outline stage. Instead, the Parish Council's objection deals with the key aspects of the proposal, as follows:
 - Pre-Application Consultation & Engagement
 - Landownership, Scale and extent of development
 - Green Belt
 - Transport, Access & Sustainability
 - Landscape
 - Colne Valley Regional Park
 - Ecology & Biodiversity Net Gain
 - Heritage & Archaeology
 - Utilities
- 1.4. **Please note that the Parish Council's representations on Housing, Employment and the Applicant's Business Case are included within the Green Belt section.**

2. The Planning Application

- 2.1. An application for Outline planning permission is sought for the development of up to 975 homes including affordable housing (Use Class C3), up to 75 care accommodation beds (Use Class C2), new primary school provision, local retail and employment provision (Use Class E), re-provision of sport pitches, landscaping, car parking provision and associated works. All matters are reserved apart from access.
- 2.2. The application site is approximately 78 hectares according to the Applicant. The proposed development within the planning application *“relates only to the land that the Society has identified beyond its existing operational estate”*¹.

The site is entirely within Chalfont St Peter Parish. The application site is located entirely within the Green Belt and the majority of proposed development is located within the Colne Valley Regional Park (CVRP). The site is also in close proximity to the Chilterns Area of Outstanding Natural Beauty (AONB).

¹ Planning Statement, paragraph 1.18

3. Planning History

2000 - 2004

- 3.1. An application (**CH/2000/1490/FA**) (an amendment to planning permission (96/0080/CH)) for the erection of a single storey building to provide assessment and treatment centre was granted conditional permission on the 25th September 2000 based on very special circumstance put forward by the applicant and the avoidance of over-intensive use of the site.
- 3.2. An application (**CH/2004/0195/FA**) for a single storey extension on east and west elevations, alterations, conversion and change of use to provide communal living facilities for 12 persons, together with bin enclosure and wheelchair store. This application was granted conditional permission on the 21st June 2004 on the grounds that the proposal is small scale, located within the existing envelope of development on the site with no encroachment on open countryside, and the medical need for the proposed development.
- 3.3. An outline application (**CH/2004/1030/OA**) (and full application for access) for redevelopment of part of site to provide replacement epilepsy centre including 60 nursing home bed spaces, 80 residential homes and 12 rehabilitation bed spaces for people with epilepsy: 50 units of staff accommodation and associated facilities. Redevelopment of part of site for up to 218 private dwellings, one private nursing home and one private sheltered housing block, new vehicular access onto Chesham Lane and altered access onto Rickmansworth Lane.
- 3.4. We note the following reasons for objection by Chiltern District Council which are in many cases still relevant today:
 - The site is within the open Green Belt, therefore development of new dwellings and community buildings is considered inappropriate.
 - The visibility splays to the new access to the private residential development off Rickmansworth Lane are not wide enough.
 - There would be an increased number of highway users generated by the development with no demonstration there is sufficient capacity in the existing highway network.
 - Thames Water indicated a concern about the possibility of flooding of the sewers around the area with additional foul and surface water flows from the new development. They expect insufficient capacity currently exists and would need sufficient lead time to undertake substantial works.
 - Thames Water consider that the existing mains water infrastructure is not adequate to supply the proposed development satisfactorily.
 - Inadequate archaeological information was provided with the application and no survey date provided.

- 3.5. The application was taken to appeal for non-determination and an Inquiry held between 28th June – 3rd August 2005.
- 3.6. In its 22nd November 2005 Letter to the Applicant the Secretary of State agreed with the Inspector's conclusion and recommendation and confirms dismissal of the appeal refusing planning permission.
- 3.7. We note the following from the Secretary of State's Letter which are likely to be relevant to the current application:
- The proposed development would significantly increase the amount of building development and the general intensity of development, it is in conflict with an important objective local and national Green Belt policy.
 - Given the scale of the proposed development it would have an adverse effect on the character of the site and on the openness of land which forms part of the Green Belt.
 - The proposals would have an adverse effect on landscape quality, mainly through a reduction in openness.
 - Like the Inspector, the Secretary of State is not convinced that failure by the NSE to secure comprehensive improvements, within a timescale that would be achievable only by the grant of planning permission in this case, would inevitably precipitate immediate closure of the Centre.
 - The Secretary of State has considered the arguments presented to the inquiry by the appellant that the appeal proposals are the only means to definitely and directly secure the future of the Chalfont Centre. He has taken into account the considerable financial evidence produced by the appellant to the effect that the proposals are the only viable option. The Secretary of State agrees, however with the Inspector the reasons he gives, that no alternative proposals have been put forward and little consideration appears to have been given to less ambitious alternatives such as, for example, a longer timescale for improvements, the phased provision of new facilities, or the selective refurbishment of existing buildings. The Secretary of State agrees with the Inspector's conclusion that, while the appeal scheme is the NSE's preferred option, it may not be the only means available to the NSE to meet its charitable and operational objectives, and that the balance of evidence suggests that there are alternative less harmful to the Green Belt.
 - The Secretary of State agrees with the Inspector that the proposal is inappropriate development and therefore harmful and that the enabling development also results in additional harm to the Green Belt. The Secretary of State considers that the harm would be significant. He has carefully weighed this harm against very special circumstances put forward by the appellants in terms of the need to generate funds for renewal of the NSE

facility and provide for the needs of a given number of people with the severest forms of epilepsy.

More Recent Applications

- 3.8. An application (**CH/2014/2180/AGN**) for agricultural storage building to replace an existing fire damaged building. This application was refused on 29th December 2014 by virtue of its size, measuring 768m², the proposed building would exceed the maximum 465m² threshold and could therefore not be considered permitted development.
- 3.9. An application (**CH/2015/0084/FA**) for a replacement Agricultural Building was granted conditional permission on 24th March 2015 on the grounds that detailed plans, cross sections showing ground levels of the site and proposed slab and finished floor levels of the building have been approved by the local planning authority and the exterior materials building materials used are those that are specified in the plans in order to protect the character of the locality.
- 3.10. An enforcement case (**EN/20/0558**) for the alleged clearance of land and creation of earth bunds, tall fence, hardstanding, additional building and change of use of the site to storage use without the benefit of planning permission on the Land at Skipping's Farm, SL9 0RJ. The Notice requires the applicant to cease the unauthorised use of the land, remove the bund, demolish an additional building, remove hardstanding, fence and debris within 6 months taking effect from the 1st July 2022.

4. Planning Policy

National Planning Policy Framework (2021)

4.1. The NPPF states the following about protecting Green Belt land and proposals affecting the Green Belt:

Protecting Green Belt land

“The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.” (Paragraph 137)

“Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*
- c) to assist in safeguarding the countryside from encroachment;*
- d) to preserve the setting and special character of historic towns; and*
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.” (Paragraph 138)*

“Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. Where a need for changes to Green Belt boundaries has been established through strategic policies, detailed amendments to those boundaries may be made through non-strategic policies, including neighbourhood plans.” (Paragraph 140)

Proposals affecting the Green Belt

“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.” (Paragraph 147)

“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.” (Paragraph 148)

“A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;*

b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

e) limited infilling in villages;

f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or

- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.” (Paragraph 149)

“Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

a) mineral extraction;

b) engineering operations;

c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;

d) the re-use of buildings provided that the buildings are of permanent and substantial construction;

e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and

f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.” (Paragraph 150)

Local Policy Context

4.2. The Development Plan for Chiltern District within Buckinghamshire currently consists of the following:

Chiltern District Local Plan 1997

4.3. The saved policies of the adopted Chiltern District Local Plan 1997 include Policy GB2, which reflects the-then national Green Belt policy. The proposals would not be in accordance with the policy - as inappropriate development that should be refused planning permission – unless it can be shown that it would ‘preserve the openness of the Green Belt’ and ‘*not conflict with the purposes of including land in it*’ (criterion (b)(iv)).

Chiltern Core Strategy 2011

4.4. The adopted Chiltern Core Strategy 2011 likewise cross-refers to the-then current national Green Belt policy. It does not include a Green Belt, District-specific policy, stating in paragraph 14.4 that with regard to sites for new residential development and the Green Belt’s boundaries:

“As the Council has been able to identify land, there has been no need as part of this Core Strategy to review the boundaries of the Green Belt. Within the Green Belt, national policy will continue to apply”

4.5. Policy CS13 (Major Developed Site Within the Green Belt at the National Society for Epilepsy) states that any redevelopment or infilling may be proposed on the site will be considered in relation to the guidelines set out in Annex C of the PPG in order to ensure that development has no greater impact than the existing development on the openness of the Green Belt. Any redevelopment must be compatible with the continuing occupation of the site by the NSE for care and medical use. Development must preserve and enhance the listed buildings on the Site.

Chalfont St Peter Neighbourhood Plan (adopted in November 2016)

4.6. The made Chalfont St Peter Neighbourhood Plan (2016) does not include a Green Belt policy either, referring to its extent – and to that of the Colne Valley Park - in para. 2.10. Once again, it relies on current national Green Belt policy; one of the Plan’s Objectives (page 43) is to ‘conserve and enhance the Parish’s landscape and views’ and the Plan goes on to confirm:

“The designation of much of the Parish’s area as Green Belt provides strong protection from development...”

4.7. The Parish Council concludes from the statutory development plan that the Green Belt’s long-maintained boundaries in Chiltern that have endured throughout – in new plans and through Plan review confirm the site’s contribution to the Green Belt. The approach taken in each Plan has been and still is consistent with ever-evolving national policy.

Chiltern and South Bucks Local Plan

4.8. The Chiltern and South Bucks Local Plan (2036) was withdrawn on the 21st October 2020 on the grounds that it did not fulfil Duty to Cooperate with regard to meeting Slough Borough Council's unmet housing need.

New Buckinghamshire Local Plan

4.9. Buckinghamshire must produce a Local Plan within five years of coming into being – by April 2025. The Local Plan will cover the whole of the Buckinghamshire Council area for the period up to 2040. The Council held a Call for Sites which was open until 11th September 2022.

Three Rivers Local Plan

4.10. Three Rivers District Council consulted on its 'Local Plan Regulation 18 Preferred Policy Options and Sites for Potential Allocation' in the Summer of 2021.

4.11. Included within this document are a number of strategic sites identified at Maple Cross. These include a strategic site known as 'Land to the west and south of Maple Cross' (EOS12.2) identified in the housing trajectory for 1,547 dwellings to be delivered between 2024-2034.

4.12. A site known as 'Land to the north of Chalfont Lane' (EOS12.3) is also identified on the northern boundary of Maple Cross for 176 dwellings.

4.13. A site is identified at Mill End for 760 dwellings known as 'Land to the South of Shepherds Lane and west of M25' (EOS7.0).

4.14. A site is identified at Chorleywood for 228 dwellings at 'Hill Farm, Stag Lane, Chorleywood (CFS18b)'.

4.15. The Three Rivers Local Plan and identified sites have not been acknowledged by the Applicant despite there being potential implications for its site in on a number of matters including Green Belt and highways, landscape and utilities.

4.16. We provide an excerpt from Appendix 6c of this Plan below for ease of reference:

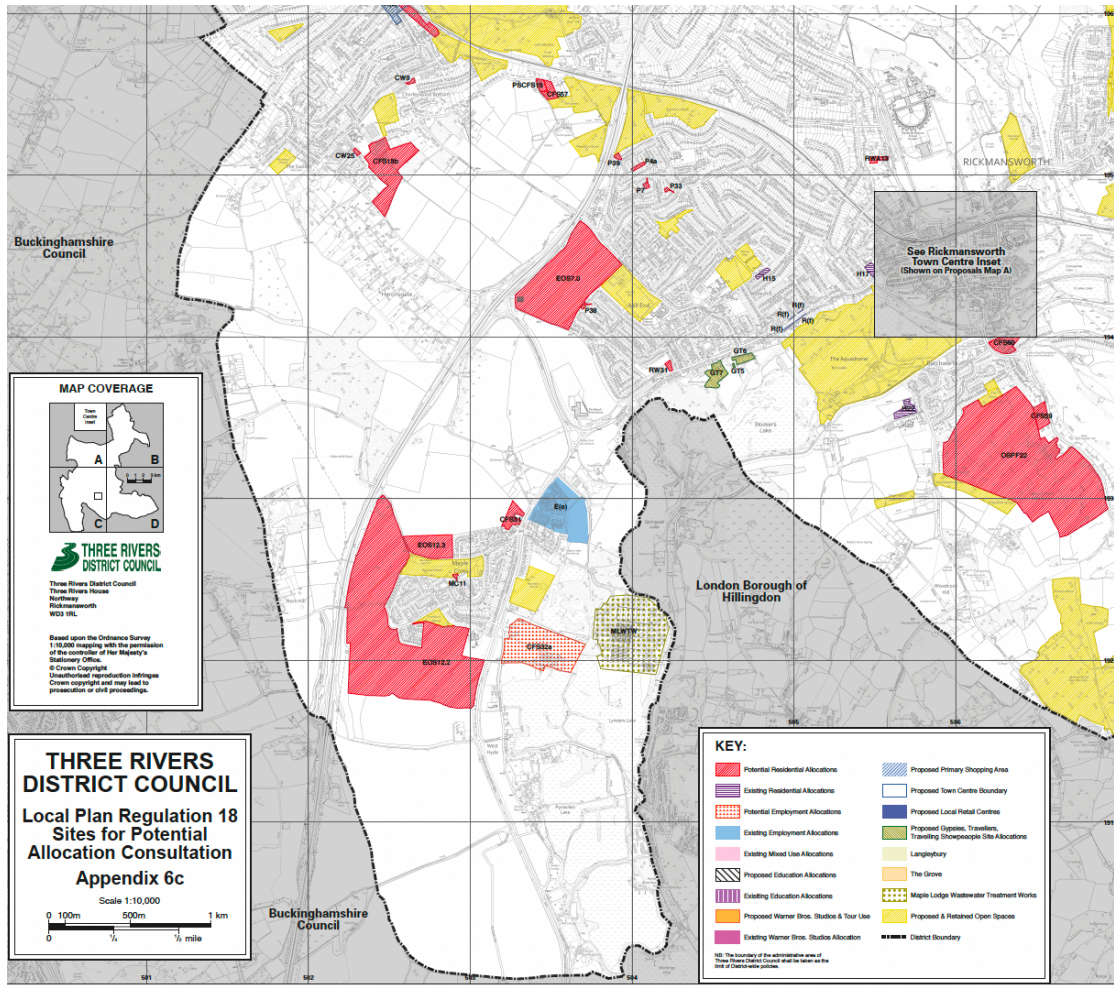


Figure 4.1: Excerpt from Three Rivers District Council Local Plan Regulation 18 Sites for Potential Allocation Consultation Appendix 6c

5. Land Ownership, Scale and Extent of Development

5.1. It is a cause for concern that the Applicant has ownership/control over land well beyond the defined red line boundary of the current proposed scheme. There is therefore very considerable uncertainty over the precedent of the already extensive Green Belt development proposed leading to further pressure for expansion of the development in the future; this concern is very real for the Parish Council.

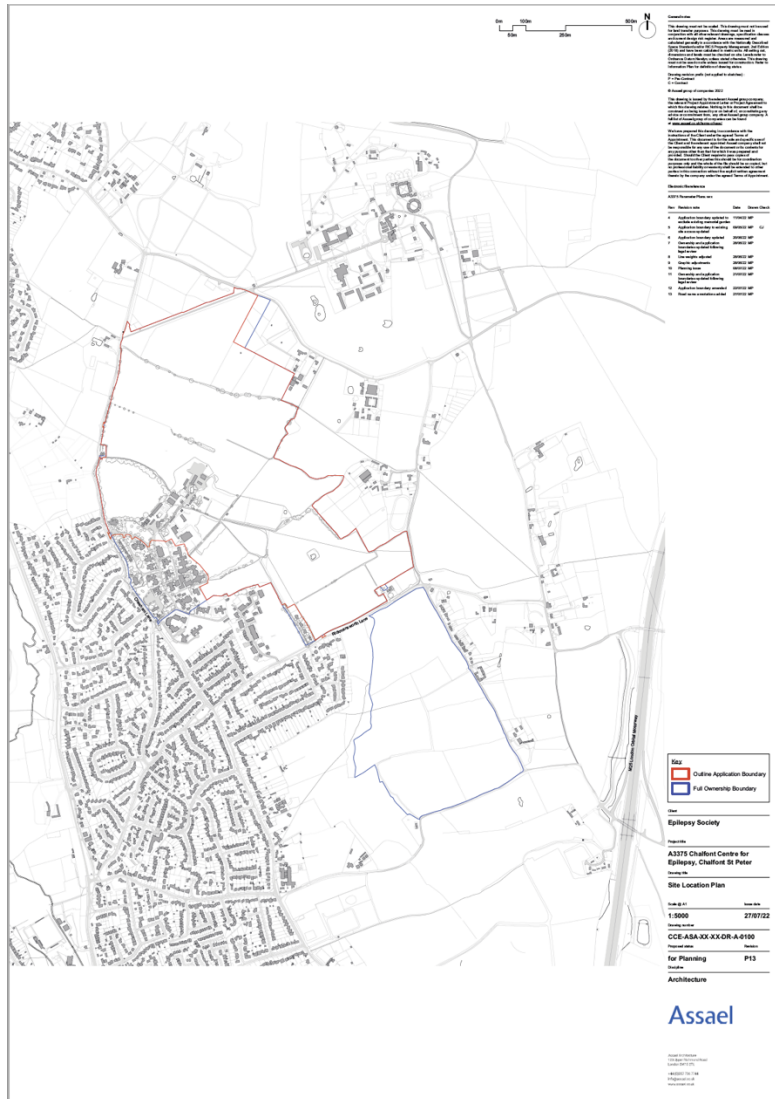


Figure 5.1: Applicant's Full Ownership Boundary and Outline Application Boundary

5.2. Furthermore, the Applicant's Illustrative Masterplan indicates large gaps in between proposed development and the Outline Application Boundary bringing into question the intentions of the Applicant in terms of the extent of development on site it would like to see in future Reserved Matters applications compared with the extent of development shown in the Outline application.



Figure 5.2: Applicant's Illustrative Masterplan and Outline Application Boundary

6. Pre-Application Consultation & Engagement

- 6.1. The Applicant has failed to undertake the required consultation and engagement at the pre-application stage. We set out the reasons below how the Applicant has failed in this respect.
- 6.2. The Applicant's only evidence provided regarding pre-application consultation is set out in its Planning Statement which refers to meetings with Buckinghamshire Council and Buckinghamshire Highways Officers.

Pre-application consultation summary

- 7.19. The following section summarises the pre-application engagement that has been undertaken.
Buckinghamshire Council pre-application engagement
- 7.20. The Applicant submitted a request for pre-application advice in October 2021 and has held three meetings with Planning Officers prior to submission of the planning application. Officers have provided initial advice on the principle of the proposed development, which has helped shape this planning application submission. They have been reluctant to engage in any level of detail until support in principle could be given, and this could not be achieved in the Applicant's required timeframe.
- 7.21. There has been additional, extensive engagement with Buckinghamshire Highways Officers, including the preparation and use of a strategic highways model to assess highway capacity and input to the design of the illustrative masterplan regarding matters such as road layout, cycle routes and car parking locations.

Figure 6.1: Applicant's Pre-application consultation summary (Planning Statement)

- 6.3. There is no reference to community engagement or other statutory stakeholders including the Parish Council (statutory consultee). The Parish Council confirms that it was never contacted by the Applicant and that the Applicant did not seek to engage the Parish Council. The first that Parish Council became aware of the proposals was via a 'neighbour notice'.
- 6.4. Under the heading of 'Pre-application engagement and front-loading' the NPPF states that *"Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community."*²
- 6.5. The NPPF goes on to state that *"They (LPAs) should also, where they think this would be beneficial, encourage any applicants who are not already required to do so by law to engage with the local community and, where relevant, with statutory and non-statutory consultees, before submitting their applications"*³.
- 6.6. Bucks Council has an adopted Statement of Community (SCI) (2021) which states that the Council *"Will encourage applicants to consult the community where relevant"*⁴ and that the Council *"May liaise with town and parish councils and local Community Boards where relevant"*⁵.

²NPPF Paragraph 39

³NPPF Paragraph 40

⁴ SCI (2021) Page 23

⁵ SCI (2021) Pages 23-24

6.7. The Bucks Council Local Validation List for planning applications includes a number of 'additional supporting documents' that the Applicant may wish to provide. It states the following:

"In support of your application you may wish to provide additional documents with your application if you feel these are relevant to your proposal. During initial planning advice, or after you submit your planning application, your case officer may ask you to submit further information to support your application. Note: these documents are not required for validation, however you are encouraged to submit them with your initial application where they are relevant to your proposal. If you choose not to submit the below information (if relevant to your proposal), this is done at your risk. If your case officer requests these documents after you've submitted your application, you will be charged to submit the documents as an amendment."

6.8. Included in that list is a Statement of Community Involvement which *"is needed to conform with the Council's adopted SCI"*. It requires the Applicant to do the following:

- show you have considered the relevant Statement of Community Involvement (see above)
- set out the responses received
- explain how the application has been modified to deal with concerns expressed
- show evidence of conforming to 'pre-application consultation'

6.9. The text in the applicant's Planning Statement regarding its pre-application engagement does not comply with the Bucks Council requirements of an applicant SCI as listed above.

- The applicant does not show how it has considered the Bucks SCI.
- The applicant does not set out the responses it has received at pre-application stage.
- It does not explain how the application has been modified to deal with concerns expressed.
- It does not show evidence of conforming to 'pre-application consultation'

6.10. The Council's Validation Local Validation List states the following:

"When you should submit a Statement of Community Involvement

It is recommended to submit a Statement of Community Involvement on all large major applications (200 or more dwellings, 10,000 sq m or more non-residential floorspace, or a site size of 2 hectares or more)." The scale of the proposals are clearly in excess of this threshold.

6.11. The Parish Council considers that clearly the applicant should provide an SCI for a proposed scheme of this strategic scale which is perhaps one of the largest and most complex application's the Parish Council has seen in the parish.

7. Green Belt (Applicant's Green Belt Assessment)

- 7.1. The primary concern of the Parish Council is the siting of the proposed development on open countryside and Green Belt land.
- 7.2. It is the Parish Council's view that the scheme poses excessive, unjustified harm to the Green Belt because the scale and content of the proposals are out of proportion.
- 7.3. The entirety of this development proposal falls within Green Belt. As set out in the NPPF (Paragraph 140) Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans and that strategic policies should establish the need for changes to Green Belt boundaries, having regard to their intended permanence in the long term so they can endure beyond the plan period. It is clearly not possible to alter the Green Belt boundary through a planning application and therefore any of the applicant's proposals need to be viewed in the context of the development being delivered within the Green Belt, NOT in the context of the Green Belt being removed in this location as the NPPF does not allow for this.
- 7.4. The proposals do not constitute very special circumstances and the merits (and material considerations) of the proposals do not outweigh the level of harm to the Green Belt⁶. The fundamental aim of Green Belt is to prevent urban sprawl but keeping land permanently open and the essential characteristics of Green Belts are their openness and their permanence⁷. It is clear to the Parish Council that the proposals are fundamentally at odds with this aim of the NPPF and forever alter the openness of the area.
- 7.5. The land proposed for development is considered to contribute strongly to the Green Belt (as stated within the Buckinghamshire Green Belt Assessment Report, 2016). Parcel 38a, to which the development is located within, also scored '5' (the highest possible score) for its contribution to Purpose 2 (preventing neighbouring towns from merging) of the NPPF. The parcel also notably scored a '3+' (out of 5) against Purpose 1b (preventing urban sprawl) and a '3' against Purpose 4 (Assist in safeguarding the countryside from encroachment).
- 7.6. A sub area of Parcel 38a known as RSA-12 was recommended for further consideration in that study. In the 2016 Study it states the following about RSA-12:

"However, it is notable that the site is bounded by features which, for the purposes of Green Belt, do not have a strong sense of permanence. As such a wider area, RSA-12, has been recommended for further consideration which should be refined further to align with durable, permanent physical features. Consideration should also be paid to the acceptability of any loss of Green Belt which may compromise the gap between Gerrards Cross / Chalfont St Peter and Chalfont St Giles (though it is noted that a

⁶ NPPF Paragraph 148

⁷ NPPF Paragraph 137

degree of separation would still be maintained if the recommendation were to be taken forward).⁸

RSA-12 (General Area 38a – North of Chalfont St Peter)



Figure 7.1: RSA-12 (Buckinghamshire Green Belt Assessment Report 2016)

7.7. As part of its Green Belt Assessment Part 2 (2019) the Council considered a revised Area 1.10A as shown on the map below and is described as *“the boundary relates to the built-form and operational land of the NSE site, separating this from the wider agricultural land holdings of the Society”⁹*.

7.8. **It is important to note that the application site is much larger than the area identified in the part two study. The application site extends much further to the north, northeast, east and southeast than Area 1.10A in the Study.**

7.9. Despite the Area 1.10A being much smaller than the application site, the Council’s assessment of Area 1.10A concludes that the eastern part of the Area *“has a more rural character and may have a greater impact upon the wider Green Belt”*. The Council’s study also concludes that:

“While part of the boundary would be acceptable in NPPF terms, other parts of it are likely to be weaker, comprising features that while readily recognisable are unlikely to be permanent. The eastern and north eastern boundaries in particular will require

⁸ Green Belt Study (2016), Paragraph 6.4.28

⁹ Green Belt Assessment Part 2, Volume 1 (2019), Page 31 (PDF page)

strengthening if Area 1.10A is released from the Green Belt in order to satisfy NPPF requirements, and to mitigate impacts on the openness of the countryside of the north and east.”

7.10. So even with a much smaller site largely comprised of existing built development there were still clear concerns about the lack of a defensible or permanent boundaries within the Area and its impacts on the openness of the countryside.

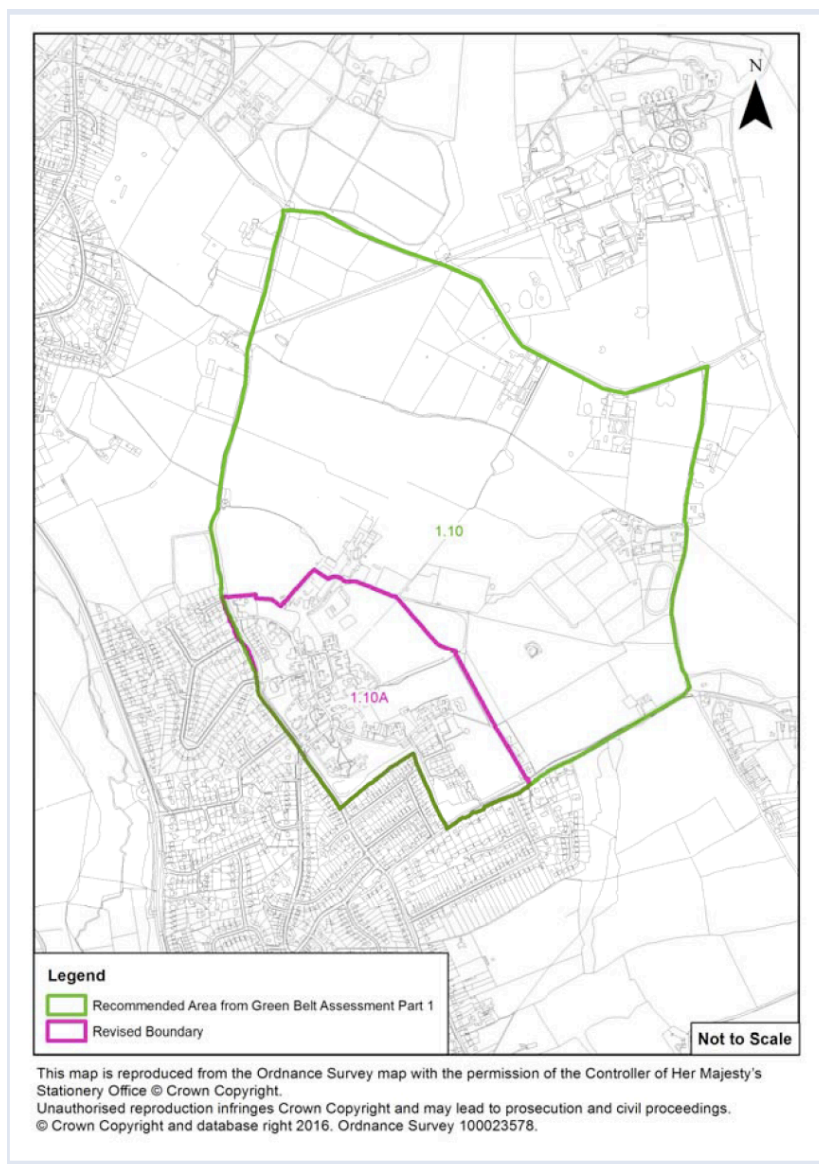


Figure 7.2: Area 1.10A Identified in Buckinghamshire Green Belt Assessment Part 2 (2019)

7.11. The Applicant has prepared a ‘Green Belt Technical Report’ to assess the application site as the Council’s Study did not assess the exact application site, the principles in that Study regarding the sensitivities of the area are still relevant and apply.

7.12. The Applicant's Green Belt Technical Report confirms that the Green Belt in this location is fulfilling **Purpose 1 (to check the unrestricted sprawl of large built-up areas)** and **Purpose 3 (To assist in safeguarding the countryside from encroachment)**. In both cases the Applicant attempts to downplay the 'likely impact of development' by referring to the Applicant's 'GB Enhancement Plan'¹⁰ which appears to consist entirely of 'Strong defensible Green Belt boundary planting' in three places, the 'Reinstatement of historic hedgerows' in four places and the 'Reinstatement of former orchard planting' in one place. There is no specification or definition of what the Applicant is proposing in terms of these non-descript terms that have no technical merit and given they are simply 'planting' measures these do not represent permanent or defensible Green Belt boundaries capable of being recognised in perpetuity as a clear demarcation of the extent of the Green Belt.



Figure 7.3: Applicant's Green Belt Technical Report, Figure 4 GB Enhancement Plan

¹⁰ Applicant's Green Belt Technical Report, Figure 4 GB Enhancement Plan

- 7.13. The Applicant concludes that in relation to **Purpose 2 (To prevent neighbouring towns merging into one another)** the site is partly fulfilling Purpose 2. In terms of the 'likely impact of development' it claims that careful development of the Site for mixed uses would not lead to any further coalescence / merging of settlements as it would not alter the strategic gap distances that existing between settlements. It refers to the narrowest gap between Chalfont St Peter and Chalfont St Giles being the narrowest point and that a more precautionary approach has been taken to help guidance development by applying a 0.5km constraint line to the development edge to prevent any physical reduction in the existing gap. It claims that this 0.5km is referred to in the Council's Green Belt Study however we could not locate this. This 'constraint line' is not set out or labelled clearly anywhere by the Applicant. If it is referring to the 'strategic gap' hash line on its 'Green Belt Enhancement Map' this needs to be made clearer. It concedes that the scale of a mixed use site may be perceived locally. It states that the perception of merging would be limited by the strong new patterns of strategic landscaping. Therefore, once again the Applicant is relying on 'planting' to attempt to justify defensible and permanent Green Belt boundaries which are unlikely to stand the test of time.
- 7.14. We note that the Applicant makes no reference to Newland Park and the development there and the Applicant's boundary which is or almost contiguous in places. Whilst Newland Park is not classified as a 'settlement' in its own right, it is significant development in the countryside and if the Application in question were to go ahead it would give an overall impression of increased coalescence with Newland Park and an increasingly urbanised character in this rural area.
- 7.15. The Applicant does not acknowledge or provide analysis of the Three Rivers Local Plan which identifies significant strategic development nearby to the application boundary particularly at Maple Cross but also at Mill End and Chorleywood. This has potential implications for coalescence that needs to be assessed.
- 7.16. In respect of **Purpose 5 (to assist in urban regeneration, by encouraging the recycling of derelict and other urban land)** the Applicant states regarding the site's 'existing contribution to fulfilling purpose:

"The Site includes some areas that have already had previous development. Its Green Belt designation acts as a constraint and is consequently preventing regeneration of that part of the Site, albeit these areas are a small proportion of the overall Site; the remainder of the Site nevertheless forms undeveloped countryside."

However, the areas of previously developed land on the application site are not on 'urban land' therefore this is an inaccurate statement.

It then goes on to state regarding the 'likely impact of development' that:

"By its very nature, the redevelopment or use of the portion of brownfield land within a Green Belt location would support urban regeneration by making use

of land that has had previous development undertaken on it. However, most development would occur on previously undeveloped land in the countryside.”

As stated above the brownfield land in the Green Belt is not ‘urban’ so this statement is also incorrect.

8. Green Belt (Applicant's Assessment of Very Special Circumstances)

8.1. The Applicant sets out in its Planning Statement its assessment of what it considers to be the 'very exceptional circumstance' that exist and its justification for the proposed development.

Exclusions from inappropriate development

8.2. The Applicant states¹¹ that there are elements in the proposals that meet the criteria as exceptions to the definition of inappropriate development in the Green Belt as set out in the NPPF (Paragraph 149 b). It claims that that the provision of outdoor sport and recreation facilities are not inappropriate development. However, we question whether this is the correct interpretation of the NPPF (Paragraph 149 b) which specifics *"the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it"*. The proposals for outdoor sport and recreation facilities in the planning application are not connected with the existing use of land or a change of use.

8.3. The Applicant makes the case for previously developed land as being a further exception from inappropriate development¹² based on NPPF (Paragraph 149 g) which states:

"g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or*
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority."*

8.4. However, the Applicant does not provide a detailed analysis of which land it considers to be Previously Developed Land or which to support its claim.

8.5. In any case, the Applicant cannot demonstrate that the proposals will preserve the openness of the Green Belt as it is an Outline application with all matters (including design) reserved apart from access.

¹¹ Applicant's Planning Statement, Paragraph 11.13

¹² Applicant's Planning Statement, Paragraph 11.14

Effect of the Proposals on the Openness and Purposes of the Green Belt

8.6. The Applicant states in its Planning Statement¹³ that *“notwithstanding the identified benefits and enhancements to the Green Belt through the Proposed Development, the above (Green Belt) impact are afforded **substantial weight** in the level of harm.”*

Any other harm – assessing very special circumstances

8.7. In response to the NPPF’s requirement that ‘any other harm’ is assessed in relation to very special circumstances, the Applicant identifies these by topic as: Agricultural Land, Landscape, Construction Impacts and Loss of Trees. We take these in turn below.

Agricultural Land

8.8. The Applicant explains that the loss of 46.65 ha of the best and most versatile agricultural land as a result of the proposals carries ‘**moderate weight**’. This clearly downplays the importance of preserving the best and most versatile agricultural land (and the economic and other benefits) of this agricultural land classification as set out in NPPF Paragraph 174 b.

Landscape

8.9. Please see the Landscape section of these representations.

Construction Impacts

8.10. The Applicant downplays the severity of construction impacts of the site in terms of its impact on the Green Belt given that construction is likely to take place over many years (see estimate of 11 years below).

Loss of Trees

8.11. The Applicant correctly states in its Planning Statement that Policy GC4 of the Local Plan states that established trees and hedgerows in sound condition and of good amenity and wildlife value should be retained as that is what Policy GC4 states. However, the Applicant then goes on to say that 73 individual trees will need to be removed, eight groups of trees and one hedge are to be partially removed while nine groups and one hedge are to be fully removed. It states that the harm caused by the loss of trees is of ‘limited weight’ in relation to harm to the Green Belt. It states that the trees will be replaced however this can take many years for trees to mature. The Applicant says nothing about replacing the removed hedges. We request that the Council fully examine the proposals as they relate to the removal of trees and hedgerows in terms of Green Belt harm as well as biodiversity and drainage impact.

¹³ Applicant’s Planning Statement, Paragraph 11.22

Other considerations – assessing very special circumstances

8.12. The Applicant sets out an assessment of what it considers to be ‘other considerations’ which weigh in favour of the proposed development. We address a number of these below.

The value of the specialist research by the Society exported from Chalfont globally

8.13. The Applicant states that *“releasing capital through the Proposed Development to invest in research will make a significant and long-lasting difference to the lives of many people with epilepsy”...importantly...the Society is rooted in Chalfont and it is financially prohibitive to relocate operations away from the Site, or for it to continue in its current format of operations*”. For these reasons it gives this benefit **‘very substantial weight’**. Despite the Applicant proclaiming the benefits that the capital from the development would bring to the existing Epilepsy Centre, the existing functional Epilepsy Centre is not within the application boundary and there is not a separate application for the stated improvements. The only employment proposals in the current application are for a ‘maximum’ of 2,000 sqm of R&D / Commercial floorspace. However, this includes an opportunity for a local workhub. Therefore, the potential R&D floorspace associated with the application is relatively limited and the benefits should be assessed as such.

8.14. We note that the Epilepsy Society recently reported record income after making almost £8.5m profit on its sale of land to Audley Developments showing its income at £26.4m in the year 2019 compared with £17.2m in the previous year¹⁴.

8.15. We note that the Applicant’s Business Case includes a section on Epilepsy Society Facility Proposals (see page 17) which includes an *“indicative design of an enhanced research centre”*. However, these proposals are not part of the planning application and not included within the red line boundary despite this effectively being the central justification for its current application for a residential-led scheme as well as its central justification for ‘very special circumstances’.

8.16. These ‘proposals’ appear to involve the significant extensions, new buildings, a central meeting space and new therapy facilities totalling over £43m in building costs. The Applicant also assumes 50 new dwellings within the existing site.

¹⁴ <https://www.thirdsector.co.uk/land-sale-boosts-epilepsy-societys-income-likely-record-high/finance/article/1669863>

B Epilepsy Society Facility Proposals

These factors have led to the indicative design of an enhanced research centre within the Society's existing estate. The design has features that include:

- A purpose-built extension to the research buildings that sympathetically expands the established research and medical cluster.
- A new building that provides a prominent, visible and unified entrance point to the charity where both patients and researchers will enter and brings to life the USP of the charity's research-led and patient-focused approach.
- A central meeting space will enable internal and external collaboration between researchers, clinicians, pharmacists and scientists; as well as private sector MedTech companies where there is considerable interest in working alongside our researchers in a cross-sector intellectual community.
- New therapy facilities will be positioned in proximity to existing care facilities and will enable both patients and residents to access innovative new therapies that will potentially benefit their epilepsy.

Buildings cost estimate: £43,200,000. (including new laboratories, professional fees, fit out, contingency and inflation but excluding equipment)

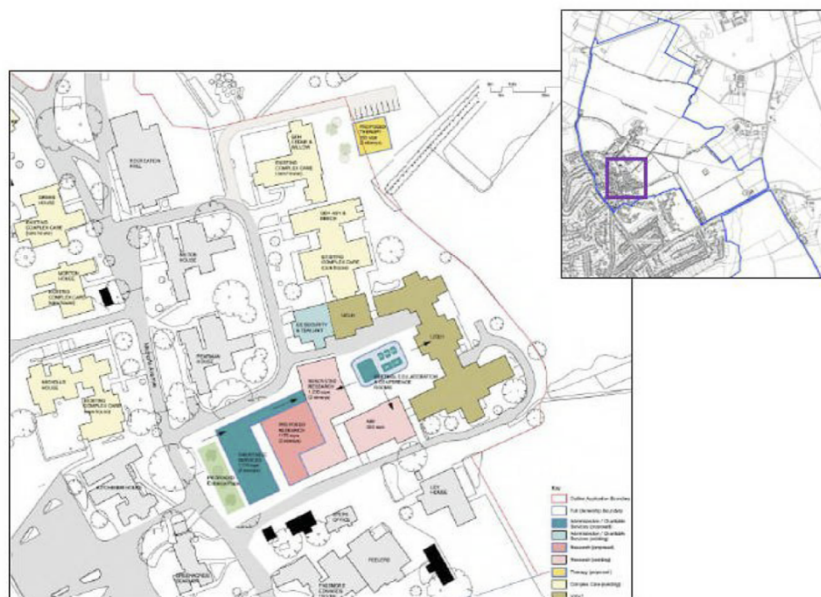


Figure 8.1: Epilepsy Society Facility Proposals (Applicant's Business Case, Page 17)

8.17. This brings into serious question why the Applicant has excluded these proposals from its planning application. Given that there is no planning application for these 'proposals' and no further information regarding the site's suitability and deliverability of the proposals, how can one place faith in the Applicant's case for 'enabling development'?

8.18. The Applicant states (see Business Case Page 18) that "It is recognised that the enabling development will need to be closely linked to the delivery of the Society's proposals and that these will be agreed with the local authority through the application process". It is unclear what the Applicant is actually attempting to communicate through this statement.

8.19. There are clearly constraints on the existing operational site including five Grade II listed buildings as set out the Applicant's Heritage Statement which also have a significant group value due to the architectural and historic significance of the assets, which is further emphasised by the fact that the Society still inhabits the

buildings. The Applicant would need to obtain planning permission for its ‘facility proposals’ before concluding that its Business Plan is even possible in planning terms.

- 4.7. There are no designated built heritage assets within the Site. However, the Site is adjacent to the existing Epilepsy Society operational estate which contains five listed building, as noted below:
1. **Gott’s Monument at The National Society for Epilepsy** – Grade II Listed
 2. **Passmore Edwards House at The National Society for Epilepsy** – Grade II Listed
 3. **Pearman House at The National Society for Epilepsy** – Grade II Listed
 4. **Milton House at The National Society for Epilepsy** – Grade II Listed
 5. **Greene House at The National Society for Epilepsy** – Grade II Listed
- 4.8. The Grade II Listed buildings within the Epilepsy Society operational estate have a significant group value due both to the architectural and historic significance of the assets. Architecturally, the assets are a unique example of the Arts and Crafts movement, utilised to provide a domestic feel to a hospital institution. The historic group value of these assets remains significant, as the Epilepsy Society operational estate was the first medical facility of its kind. The Epilepsy Society operational estate still inhabits these assets as the headquarters for the charity, further emphasising the significance of the assets.

Figure 8.2: Applicant’s Heritage Statement

Meeting housing need for market and affordable housing

- 8.20. The Applicant claims that the proposals would make a significant contribution to the housing need within Buckinghamshire, the District and the Parish. It states that *“The Proposed Development of up to 975 homes will make a significant contribution to the unmet need within the Chiltern area. This provision of new homes will equate to almost 2.6 years of housing supply”*. However, the Applicant’s Planning Statement does not provide any justification of how 975 homes (plus 75 older persons accommodation) would actually be delivered in practical terms through a phasing plan or timetable. For this one must read the Applicant’s Business Case document which makes a number of assumptions regarding the phasing that the Applicant considers to be realistic (see below).

Input	Current assumption	Information obtained from																																													
No of units and masterplan	<p>The proposed scheme details a proposal for 975 C3 residential dwellings, a 75 bed retirement home with provision R and D, retail and local shops.</p> <p>Prior to the delivery of the scheme it has been assumed that there is a pre-construction period of 17 months to prepare the site for delivery. The following program has been assumed:</p>	Masterplan and design work undertaken by Assael.																																													
Phasing of development	<table border="1"> <thead> <tr> <th></th> <th>Duration (Months)</th> <th>Date</th> <th>Quarter</th> <th>Year</th> </tr> </thead> <tbody> <tr> <td>Planning consent granted</td> <td></td> <td>01/01/2024</td> <td>Q1</td> <td>2024</td> </tr> <tr> <td>Discharge conditions and preparation</td> <td>9</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Start on site</td> <td></td> <td>01/10/2024</td> <td>Q4</td> <td>2024</td> </tr> <tr> <td>Construction duration (112 units per year)</td> <td>104</td> <td></td> <td></td> <td></td> </tr> <tr> <td>End of final construction Phase</td> <td></td> <td>01/06/2033</td> <td>Q2</td> <td>2033</td> </tr> <tr> <td>Peak construction year (midway into programme)</td> <td>52</td> <td>01/02/2029</td> <td>Q1</td> <td>2029</td> </tr> <tr> <td>First unit sales (from start on site)</td> <td>17</td> <td>01/03/2026</td> <td>Q1</td> <td>2026</td> </tr> <tr> <td>Sales complete (10 units per month)</td> <td>97.5</td> <td>01/04/2034</td> <td>Q4</td> <td>2034</td> </tr> </tbody> </table>		Duration (Months)	Date	Quarter	Year	Planning consent granted		01/01/2024	Q1	2024	Discharge conditions and preparation	9				Start on site		01/10/2024	Q4	2024	Construction duration (112 units per year)	104				End of final construction Phase		01/06/2033	Q2	2033	Peak construction year (midway into programme)	52	01/02/2029	Q1	2029	First unit sales (from start on site)	17	01/03/2026	Q1	2026	Sales complete (10 units per month)	97.5	01/04/2034	Q4	2034	Review by Savills, Assael and Deloitte. Indicative Phasing plan to accompany application
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	Sales complete (10 units per month)	97.5	01/04/2034	Q4	2034																																										

Figure 8.3: Applicant’s Business Case (Phasing of Development)

8.21. We make the following observations about the Applicant’s phasing assumptions:

- The Applicant states that “Prior to the delivery of the scheme it has been assumed there is a pre-construction period of 17 months to prepare the site for delivery”. However, this is not possible in the timescales set out in the table. The only reference to ‘preparation’ is during the 9 month period of discharging conditions. Clearly any site preparation work would be subject to planning consent.
- The Applicant assumes a planning consent in January 2024 followed by 9 months for the discharge of conditions and ‘preparation’. This does not state what is included within this assumption as there will need to be S106 negotiation and agreement and Reserved Matters applications for everything apart from ‘access’ which is sought with the current Outline Application. The Applicant states in its Planning Statement (Paragraph 9.7) that “a comprehensive design code will be developed through consultation at Reserved Matters stage to ensure the scheme details are

delivered to a high quality in line with the vision for the Site as set out in the Design and Access Statement". This seems an extremely optimistic assumption.

- We note that the Business Case also states that it assumes planning permission will be granted by mid-2023 (see Page 26) which is even more optimistic and conflicts with its own document as set out above.
- The utilities infrastructure to support the development are not fully known at this stage and there will need to be ample time to confirm these requirements and deliver this critical infrastructure. The estimated timescales provided by the utility companies (see Applicant's Utilities Report) range from 18 months (from planning consent) for potable water infrastructure preparation, 20 months (from planning consent) for wastewater infrastructure preparation and for electricity it states March 2027. These timescales are clearly at odds with the Applicant's phasing and delivery assumptions as well as its overall Business Case which is meant to be the foundation of the Applicant's case for seeking planning permission.
- The Applicant's Phasing assumptions (Savills) (Business Case) states that "the scheme will be delivered in 5 phases of equal number of residential dwelling numbers with each phase. The Local retail unit will be delivered in **Phase 2** alongside the residential delivery of the school land, care home, R and D and Local Unit in Phase 3. When cross-checking this assumption with the Applicant's Phasing Plan and Land Use Plan, Phase 2 does not include the school land, care home or R and D commercial space (we are unclear what is meant by 'local unit'). These uses are in **Phase 3** not in Phase 2 we therefore have wider concerns about what other conflicting assumptions have been made in the planning application documentation and Business Case regarding development phasing. For instance, what assumptions has the Applicant made about redeveloping the existing facilities alongside the proposals in the planning application, occupation of the new development and ongoing construction access and pollution?

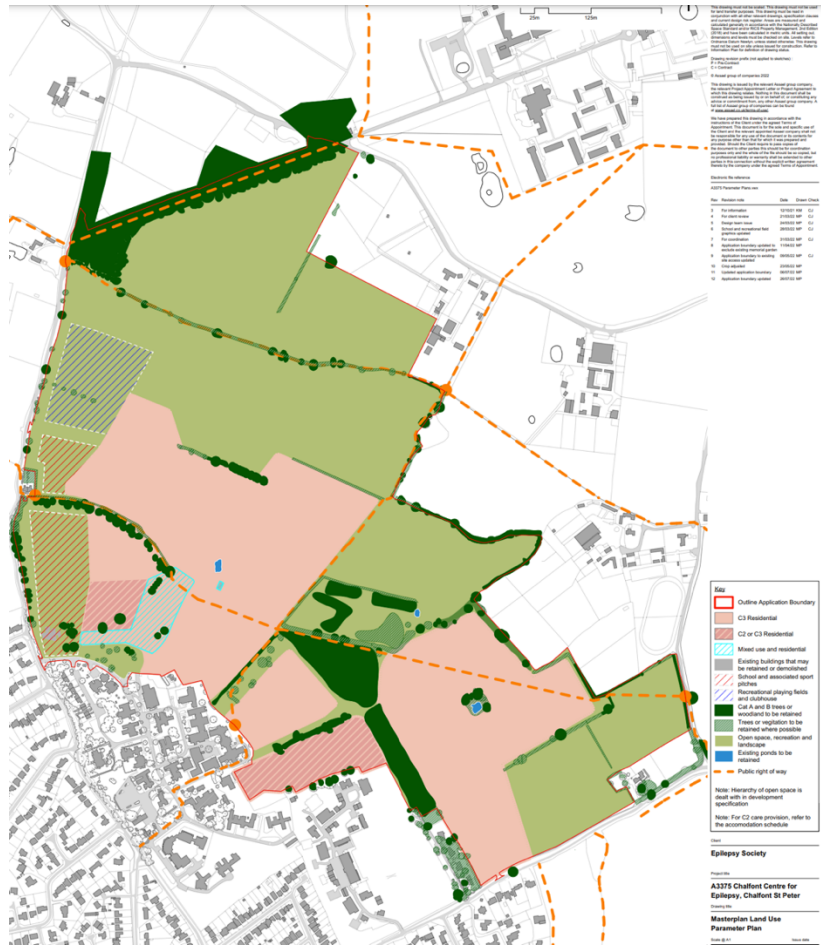


Figure 8.4: Applicant's Masterplan Land Use Parameter Plan

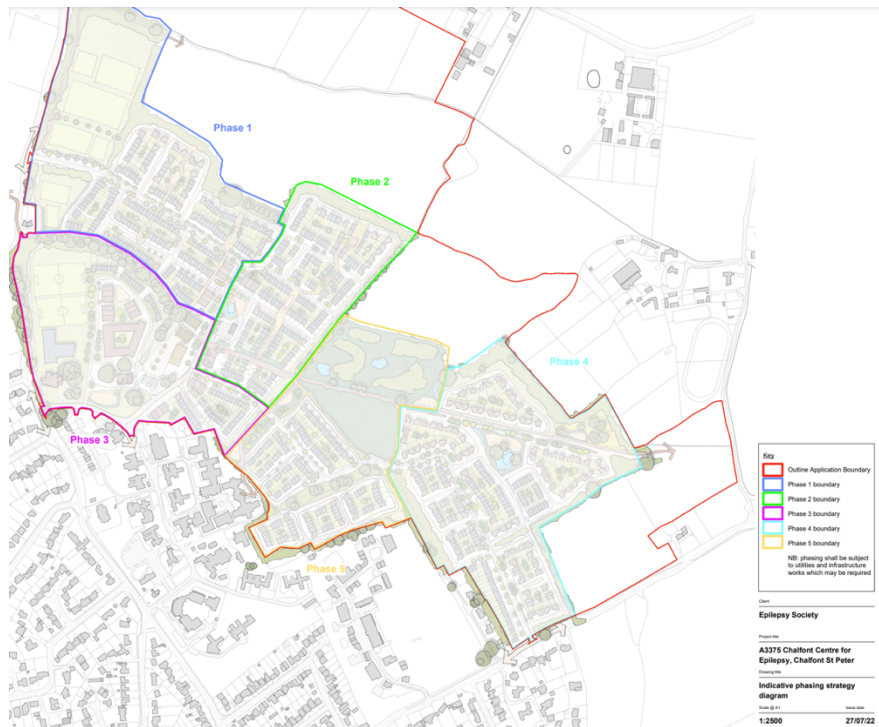


Figure 8.5: Applicant's Indicative Phasing Strategy Diagram

8.22. There is no lack of research available in the planning industry which provides evidence of the significant timetables that face strategic housing sites in terms of **securing planning permission** including the outline stage, signing Section 106 agreements and securing reserved matters consents, discharging pre-commencement conditions to name a few of the stages at the 'planning permission stage' well before there is a 'spade in the ground'. Note that this does not include the time required for preparing Design Codes which the Applicant has said they are committed to preparing through engagement with the community.

8.23. The research '*Start to Finish, What factors affect the build-out rates of large scale housing sites?*'¹⁵ sets out the typical timeline for the delivery of strategic housing sites based on research of sites nationally. Some of the key findings relevant to this application are set out below:

The average timeframe from validation of first application to completion of the first dwelling for sites of 1,000-1,499 dwellings was **6.9 years** (average 4.6 years for the planning approval period and an average of 2.3 years of planning to the delivery period).

Areas with the least affordable places to purchase a home (i.e. the highest affordability ratios) tended to have longer planning to delivery times than areas that were more affordable.

For sites of 500-999 dwellings the average Build out rate (dwellings per annum) once delivery commenced was 68 dwellings per annum or 9% of the total. For sites of 1,000-1,499 dwellings this increased to 107 dwellings per annum but was still 9% of the total per annum.

8.24. In terms of applying this research as a 'rule of thumb' for the site in question one could make the following assumptions:

Apply the average timeframe to the first completion on site to be approximately 7 years. **That would result in the first dwelling be delivered in late 2029.**

Applying an average delivery rate of 9% to the site size of 1,050 dwellings from 2029 would equate to a delivery period of 11 years.

This would result in the housing scheme being fully delivered in 2040.

8.25. Whilst the time required at the planning stage could be less and delivery rates could be faster than those stated above, the application of this research to the

¹⁵ Lichfields Second Edition, February 2020

proposals does help bring a more realistic picture of the long timescales associated with strategic sites such as this.

8.26. The Applicant’s claim that housing at this site will help address any current housing shortfall or demand in the area is unsubstantiated and unfounded.

8.27. The Buckinghamshire Local Plan must be in place by 2025 which will set out the development requirements and the identification of sites / areas where growth will be accommodated most sustainably in the long term. This Plan is the appropriate place for strategic decisions to be made through the plan-led planning system.

Please note these representations also apply to the ‘needs of ageing population’ and ‘self-build and custom build homes’.

Figure I: Timeline for the delivery of strategic housing sites

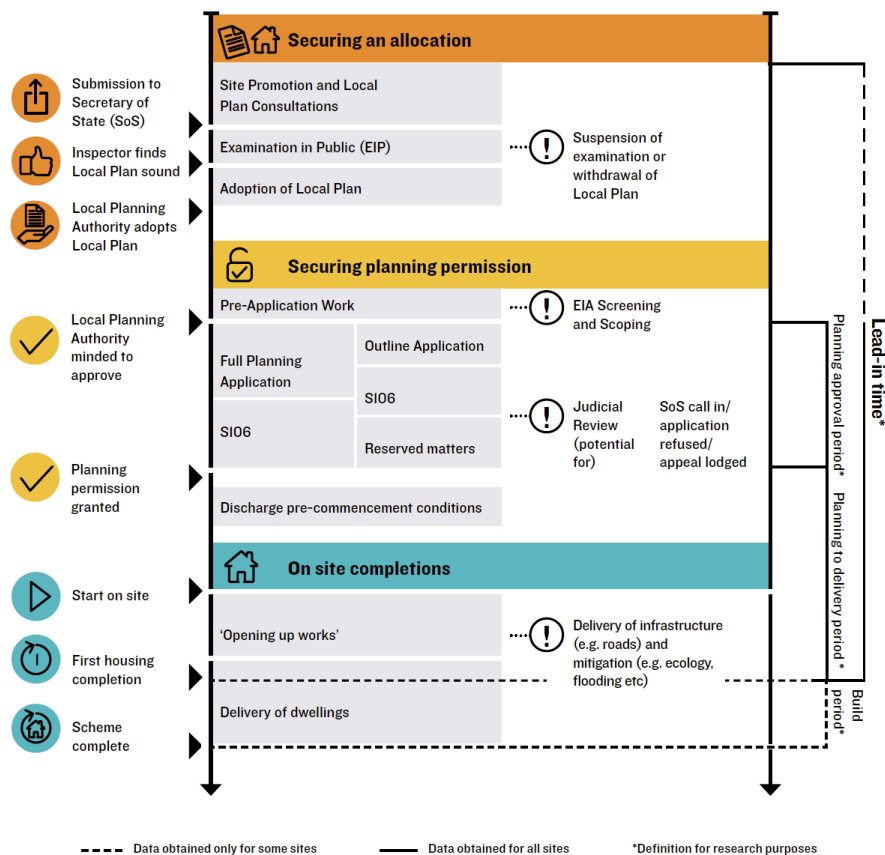


Figure 8.6: ‘Start to Finish’ Second Edition, February 2020 (Lichfields)

Employment Retention and growth in employment

8.28. The assumptions regarding employment growth appear to be on the high side. These assumptions need to be carefully examined by the LPA. Critically there would

be a need for excellent public transportation and cycling and walking facilities for existing and new employees so that they can commute sustainably. We note that the Planning Statement refers to the development including 2,000 sqm of research and development floorspace. However, the Applicant states elsewhere that the 2,000 sqm of new floorspace is shared between R&D and a potential workhub for the local workforce. This needs to be clarified because it is not currently clear from the application materials what is being proposed by the Applicant in relation to Use Class E.

R&D/Commercial floorspace	E	Research and Development space for medical R&D uses. This provision will also include the opportunity for a local workhub, supporting the growth in agile working and reducing the demand to commute.	-	2,000
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Figure 8.7: Maximum thresholds of accommodation (Planning Statement Page 31)

Provision of community and communal facilities

8.29. The Applicant explains that the benefits it lists in this section make a positive contribution to the Proposed Development and local community while they are in part required to support the Proposed Development and local community. It would appear that these facilities are weighted in much greater favour / benefit to residents of the new development rather than the wider community. We note that it states¹⁶ that the NPPF (Paragraph 95) requires that great weight should be given to the creation of schools that meet the needs of existing and new communities and that the Applicant considers the provision of land for a new primary school would, alone, be afforded great weight. However, the Applicant states in the same Planning Statement¹⁷ that there are eight primary schools with capacity within a 2.5 mile radius of the site but that the proposals include land for a two form entry primary school within the heart of the development ‘if required’. This undermines the Applicant’s case if there is already existing school capacity and if a primary school is not viable.

Quality of Design

8.30. The Applicant claims that the high quality of design and environment that will be created for residents, given its importance in achieving the objectives of social sustainability, is a benefit of ‘moderate weight’. Given that design is a reserved matter and the preparation of the design to date has had no community or Parish Council input there should be no weight attached to this.

8.31. Furthermore, the fact that the development is being proposed via a planning application and not through a Local Plan, means the development, if it were to go

¹⁶ Applicant’s Planning Statement, Paragraph 11.99

¹⁷ Applicant’s Planning Statement, Paragraph 10.39

ahead, would be delivered within the existing Green Belt as the Local Plan is the only mechanism for altering the Green Belt boundaries.

Economic Benefits

- 8.32. The key figures regarding the economic benefits have been redacted therefore we are unable to comment.
- 8.33. Paragraph 1.18 of the Applicant's Planning Statement states that
- "The Proposed Development relates only to the land that the Society has identified beyond its existing operational estate. However, surplus land within the estate to accommodate up to a further 50 homes are assumed within the Business Case. This demonstrates that the Society has sought to maximise the value of its existing brownfield landholdings before seeking to develop the Green Belt."*
- 8.34. Including an assumption of 50 new homes on 'surplus land within the estate' in a Business Case does not demonstrate that the Society has sought to develop its previously developed land in the Green Belt before seeking to develop the Green Belt. It is simply a statement by the applicant not even backed up by a planning application for developing its 'surplus brownfield land' so this statement should be withdrawn by the applicant as it is not substantiated.

9. Transport, Access and Sustainability

Site Access

- 9.1. The application proposes only three points of access to the site including the existing northern site access junction and two additional access points with Rickmansworth Lane and Chesham Lane. The site does not have enough access points or main roads to warrant a site of this scale. The site has access to only two minor roads Rickmansworth Lane and Chesham Lane which are not suitable for the strategic scale of growth proposed.
- 9.2. We have identified a number of inconsistencies regarding access points in the Applicant's illustrations and the submitted documents. For example, the Planning Statement states the site will have three vehicular access points, the sketches and diagrams presented on page 42 of the Planning Statement, page 31 and page 42 of the Design and Access Statement have four access points including a southern access to the Epilepsy Society site.
- 9.3. In contrast, the Masterplan Vehicular & Pedestrian Access Parameter Plan and diagrams on page 36 and 47 of the Design and Access statement suggest three access points without a southern access to the Epilepsy Society site. To add further confusion the Site Access drawings highlight three access points but illustrate an additional three access points on Micholls Avenue connecting the site to the Epilepsy Society Site. It is confusing and unclear whether the site proposes three or four vehicular access points and whether routes through the Epilepsy Society site will serve the proposed development.
- 9.4. Paragraph 92 of the NPPF states that planning decisions should aim to support healthy lifestyles through the provision of layouts that encourage walking and cycling. Likewise, paragraph 82 of the National Design Guide states that in well-designed places, people should not need to rely on a car for everyday journeys and safe and direct routes with visible destinations encourage people to walk and cycle. Whilst the application proposes several cycle routes and the retention of public rights of way within the site, the site has only three vehicular access points and according to the planning statement no direct vehicular access point to the Epilepsy Society site. Contrary to paragraph 92 of the NPPF, the impermeable layout of this application will make direct cycling difficult or impossible and is likely to depend residents on private car usage.
- 9.5. Paragraph 112 of the NPPF states that applications should provide efficient access for emergency vehicles. Considering the 78.34 ha site has only three vehicular access points would not provide efficient access for emergency vehicles. Furthermore, the Design and Access Statement and Transport Assessment make no mention of emergency access nor mention any alternative emergency access points proposed for the site. It is concerning that both the Design and Access Statement and Transport Assessment make no mention of emergency access especially for an application of this magnitude.

Access to Chalfont St Peter

- 9.6. One of the key principles outlined in the applicant's Planning Statement is "*creating an extension of Chalfont St Peter residential community which is based around the concept of healthy living and local neighbourhoods*" (Planning Statement, Paragraph 1.15). The Applicant's site location is unsuitable, not local in nature and will not promote healthy living. This proposal will elongate Chalfont St Peter depending residents on car usage rather than creating a compact place where services can be reached by walking or cycling. The dependence on car usage that this development would create would lead increased traffic and congestion in Chalfont St Peter.
- 9.7. Chalfont Village Centre where the majority of services and facilities of the Village are located, is at the bottom of a valley and the proposed development is located at the top of a hill. Therefore, the only way to access the Centre is via roads on a steep incline, making access from the proposed development to the Centre (and Gerrards Cross Station) nearly impossible by foot or bike for most residents.
- 9.8. It is important to appreciate that residents on the 'Chalfont Common' side of the A413 (east of the A413) must cross the A413 to access facilities and the village centre. The A413 creates severance of the village. The roads that lead down to the A413 (including Rickmansworth Lane and Joiners Lane are used heavily for existing residential on street parking. This leads to single lane traffic which will be severely impacted by the proposals if they were to go ahead. During rush hour and during the 'school run' considerable queues build up for access onto the A413. The A413 is a very busy road with approximately 10,000 vehicle movements per day. Furthermore, there are increasing issues with parking in the Village Centre which is creating problems for residents, visitors and businesses. The main car park has over 70 people on its waiting list for annual season tickets. Parking on nearby residential roads is increasing. To add a further increase of cars into the Village Centre from the proposed development will severely impact on the Village Centre and is clearly unsustainable.
- 9.9. Data was obtained on the A413 Dual Carriageway, Chalfont St Peter, Buckinghamshire Road, between 15th October 2021 and 21st October 2021. The seven day summary regarding traffic flow is set out below (information provided by Neighbourhood Action Group (NAG):

Traffic Flow

"In December 2021 Bucks Highways had traffic monitoring undertaken on the dual carriageway between the two roundabouts. The data revealed both frequency and speed. Bucks published an analysis in which they confirmed that northbound traffic vehicle movements amounted to 6,900 between 7am and 7pm on a typical weekday. NAG have seen some of the raw data. Using data for 24 hours, not 12hours, they calculated daily the level of traffic northbound on a weekday to be in excess of 10,600."

9.10. If the proposed development were to go ahead, the existing issues east of the A413 will be much further exacerbated in terms of congestion, road capacity and an increased population that is unable to sustainably access the facilities and services of the village centre.

9.11. The Applicant fails to comply with chapter 9 of the NPPF and paragraph 105 which states that “*significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel*”.

Public Transport

9.1. Paragraph 112 of the NPPF states that applications for development should encourage public transport use. However, the frequency and capacity of existing bus services will not be able to encourage public transport nor meet the demand of 975 new households. Currently bus services 106 and 107 run within 300 metres of the site which each provide one bus per hour to Gerrards Cross Station with services ending at 20:00 on weekdays and ending at 19:00 on Saturdays.

9.2. Paragraph 10.9 of the Planning Statement suggests that the site can accommodate a high-quality, frequent bus service, either as an extension of an existing services or a new service. The Planning Statement fails to explain how the site will deliver a “high-quality” and “frequent” service.

10. Landscape

10.1. We refer to the Landscape and Visual Chapter of the Applicant's Environmental Statement and make the following observations. *Please note that the Landscape section was prepared by Parish Council Councillors utilising their local knowledge of the site and surrounding area.*

The report fails to identify that there are 5 Grade II listed buildings on the existing Epilepsy site. The ES omits Gott's Monument (1124827).

Paragraphs 6.10 6.11 and 6.12 - The Applicant refers to the Chiltern and South Bucks Local Plan however that Plan was found to not be legally compliant and so should therefore not be used as evidence.

Paragraph 6.13 - The Applicant refers to the NPPF (Paragraph 10) out of context failing to include the many caveats to this presumption in favour of sustainable development and so the statement is at the best, misleading. `

Paragraph 6.14 - As many of the issues referred to here (architecture, layout, landscaping) have not been defined in the outline application, no weight can be assigned in this paragraph.

Paragraph 6.15 - This refers to 'land with the least environmental and amenity value' which does not apply to the proposed area to be developed.

Paragraph 6.18 - States 'in order to ensure that development has no greater impact than the existing development on the openness of the green belt' however the proposed development clearly does not comply with this.

Paragraph 6.20 - 'It is neither necessary nor appropriate to consider large-scale building on undeveloped countryside in the Green Belt' the proposed development is in direct conflict with this statement.

Paragraph 6.79, bullet 5 - Refers to the proximity of the 'M25 which generates local visual and audible impacts'. This is true if one is adjacent to the M25 but this motorway is some 2km from the proposed site so of no relevance and it is misleading to include it.

Paragraph 6.88 – This paragraph also refers to the proximity of the M25 and 'its associated pylons and radio masts are major detracting factors'. This is true if one is adjacent to the M25 but this highway is some 2km from the proposed site so of no relevance and it is misleading to include it.

Paragraph 6.110 - 'Sprawling' has negative connotations and is inappropriate in the description of the site. 'The buildings are well spread out with an open feel' is more representative and correct description of the area.

Paragraph 6.114 - This is misleading; the areas referred to are not correctly described as a low susceptibility/sensitivity to change. Moderate or even high is a more accurate description.

Paragraph 6.116 - As stated above, the M25 is 2km away from the proposed site and of no relevance. The HS2 site is even further away and of no relevance to the proposed application. The 'HS2 vent shaft' is in close proximity to the site, but the current construction will soon be finished, and the only remaining building will have the appearance of a barn. As such, this paragraph is misleading.

Paragraph 6.122 – This is misleading. The influence on the site of the proposed developments cannot be classified as 'moderate susceptibility/sensitivity'. The area is open countryside with pleasing rural views which are highly sensitive/susceptible to 975 houses being proposed.

Paragraph 6.140 - The proposed development is described as having a 'minor, localised loss of existing arable farmland and areas of meadow/pastural land on the settlement fringe.' This is misleading at best and untrue otherwise. The loss of land in this context is significant, albeit local. This is confirmed by 6.142 which states 'a major magnitude of change during construction;' and Moderate Adverse Effect, which is generated by the localised loss of the arable and (sic)pastoral land across the site which is considered **significant**'.

Paragraph 6.143 - The very precise 13.71% gain in biodiversity is at best a very rough estimate and the explanation is not evident in this document, nor is its methodology referred to. Such a small marginal gain is theoretical and susceptible to variation, yet it is highly referred to throughout this document and seems to a key feature of justification.

Paragraph 6.146 - 'A minor magnitude of change' is stated here. A 'magnitude' of change is taken to mean a 10x increase. A minor magnitude is therefore rather meaningless. It would be clearer if the true amount of change was stated, rather than an undefined meaningless expression.

Paragraph 6.147 - See comments on 6.116. Also, there is no industrial area in close proximity to the proposed development site.

Paragraph 6.150 - The paragraph states that ...'there would not be any material influence on the wider outlying landscape context '....with construction activities resulting in Negligible magnitude of change. In the context of the large scale on this national character area and regional LCT this is considered to be a Negligible Adverse Effect'. This is a highly misleading and inappropriate statement.

Paragraph 6.179 - It is unhelpful to state that 'the construction period does not require any substantial machinery or vehicular movements above what would be typically expected for a development of this size' when the traffic movements noise and inevitably dust will be on a very large scale affecting numerous properties, walkers and vistas. To provide a helpful guide to the

impacts during construction, the activities should be described as 'large scale, severe and disruptive'.

Throughout all the following location statements, the impact assessment is consistently understated and played down. The time needed for the positive effect of new tree planting to become effective is mostly ignored or referred to as 15 years. Bearing in mind that all of the impact assessments should be revisited with an impartial position rather than optimism being foremost. The limitations stated below in 1-4 should be made clear and given greater explanation. 15 years is at the extreme minimum duration for trees to provide summer foliage screening and 25 years would be a more realistic duration to use.

1. The planting is unlikely to take place at the initiation of work on the site
2. The duration of work stretches to many years and has the potential to be extended
3. 15 years is insufficient for most tree types to become mature and provide effective screens
4. The loss of leaf cover in the roughly 5 months of winter renders the screening only partial; the statement used in refers is 'views may be slightly clearer in winter months when vegetation is devoid of foliage' which significantly understates the loss of screening.

Paragraph 6.249 – This states....'the development proposals.....are currently in outline allow for separation between these and the new development within the site'. The amount of separation is important and needs to be stated to allow the reader to judge the effectiveness. Thus, this paragraph seeks to provide reassurance when the design has not been prepared yet (due to the outline stage of the application) and the separation is not defined. The above position also applies to a number of other 'reassuring' statements throughout the location Impact assessments where these cannot legitimately be made.

Paragraph 6.276 - This paragraph is a good example of the parochial and bias within the document as a whole. The view from PRoW CSP 12/1, 12/2 photos 10, 11, 12, 13 represent the existing popular rural footpath from Chesham Lane to Brawlings Lane. The future status of the right of way is described as 'providing a dynamic and exciting green space within the development'. What it should say is a hard footpath through a built up housing estate. Furthermore, the effect is said to be 'moderate magnitude of change', which substantially understates the change.

Paragraph 6.292 – This refers to the impact of the development on the view from Rickmansworth Lane where the development is planned to extend the built up area along the lane away from Chalfont Common. The description given is 'New houses have been orientated to positively address the

countryside edge to create a new attractive urban edge that generates a positive sense of arrival at the settlement'. This is a good example of consultant-speak which means 'a wall of houses imposes on the pleasant countryside adjacent to the road and extends the built-up area into the Green Belt'.

Paragraph 6.304 - This states 'Once complete (Year 1), mitigation planting within the Site has yet to establish and as such there will be little change in the significance of the effects from those experienced during construction, and so at Year 1 of operation the proposed development would result in a Negligible magnitude of change and Negligible Adverse effects to users of these local roads. These effects are not considered significant and would remain in perpetuity' This makes no sense. It appears to say that mitigation planting will be ineffective at year one but nevertheless, the impact of construction will be of Negligible Effect and remain so for ever which appears to be in conflict with itself. Or, at best, misleading. It needs to be clarified

Paragraph 6.314 – The Model Farm seems to adopt the same confusing statement. This needs to be clarified.

Paragraph 6.320 – This refers to a Scottish National Heritage document. The reader is left wondering why a more relevant policy is not used; perhaps there is not one applicable to England so an unrelated one has been thrown in hoping nobody will notice its lack of relevance.

Paragraph 6.345 - 'Potential landscape and visual impacts have been considered from the outset and mitigation to address them has been embedded into the design of the proposed development. Without the embedded mitigation, development on the site could have had a significant adverse landscape and visual effect, depending on the scale, design and nature of development proposed'. This suggests that by adding the mitigation, effectively a line of trees with some hedging, that the severe damage to the green landscape actually has been totally effective and the proposed development will have no, or negligible effect. There is no evidence to demonstrate this statement and it is thus considered to be very misleading.

Paragraph 6.346 - This states 'Where possible, maintaining and reinforcing existing on-site vegetation'. This is an ambiguous undefined statement which is contingent upon the undefined work taking place at all. Meaningless and misleading. Also 'Illustrative layout pushes the more denser areas of the development towards the middle of the Site, with less dense built form and more open uses, such as playing fields towards the Site boundaries.' Playing fields are only applied at the edge of one side of the proposed development and where this is not applied, it is uncertain how 'less dense' makes any difference to mitigating the visual effect. It seems to be a platitude without

visual evidence and as the final development is not yet defined, it is hard to see how this statement can be given any weight.

Paragraph 6.347 - Much of this paragraph is highly subjective, undefined and without illustration, yet appearing to provide comfort and reassurance which is clearly fanciful and misplaced. To further add to the speculative nature of the section it states that 'Building materials and architectural details should be considered in the detail design to define the quality and character of the place.' **Should be considered** being the operative phrase here. 'Should be considered' must be the most meaningless and unreassuring phrase possible. 'Should be' ought to state 'will be'; 'Considered' ought to say 'applied positively'. Otherwise, this is a totally meaningless statement, not doubt intended to reassure without committing to anything at all which is quite typical the more this document is studied in detail.

Paragraph 6.347 - This states 'Proposed homes in a detailed design should avoid backing onto site boundaries as it would lead to poor management rear garden boundaries and little natural surveillance. Fronting onto site boundaries and PROWs is the preferred strategy and would create strong tree-lined routes with controlled lighting to respect existing ecological corridors.'

Once again, 'should' is used instead of 'will be', so rendering the paragraph meaningless. Furthermore, lighting will need to be considerably more than controlled to respect the existing ecological corridors. Little is said of the effect of such a large development's effect on the dark sky currently on the site and how this will be maintained by the very strict adherence to downward lighting with no spill principle. In addition, by having houses facing outward towards the edge of the site. It is well known that light spillage has a dramatic effect on wildlife and this will be particularly so where it direct abuts what is intended to be a significant biodiversity offset area. There is nothing in the proposal of how house lighting will be prevented from affecting nocturnal wildlife, including moths, bats, hedgehogs, foxes, etc in the adjacent green areas. The proposal should be very specific about this and evidently is not.

Paragraph 6.351- This is silent on the adverse effect of artificial light and mitigation.

Paragraph 6.358 – This states 'The assessment has identified that the Proposed Development would have some adverse landscape and visual effect, of which a small number are considered to be significant. Where significant effects have been identified these would be upon receptors either within the Site itself or immediately adjacent'. It is a gross understatement to say that the Proposed Development would have 'some' adverse effects. 'multiple' and 'severe' would be considerably more accurate and whilst much has been said about mitigation, all this really consists of is some trees around the area. They will only be effective for 7-8 months of the year whilst in

foliage (unless they are all evergreen) and take a minimum of 15 years but more likely 25 years to be effective.

Paragraph 6.365 - This states 'Residual effects are the potential environmental effects, remaining after mitigation. Significant residual landscape effects are limited, with these being the permanent loss of the arable / (sic) pastoral land to facilitate the Proposed Development, effects to local landscape character and the beneficial effect to the fabric of the Site itself associated with the extensive landscape proposals.' It is a gross understatement to say that the effects will be limited when they will be severe and extensive. There does not seem to be any explanation how the Proposed Development brings '...beneficial effect to the fabric of the Site itself associated with the extensive landscape proposals.' Perhaps this means that the estate will benefit from the boundary trees, but that is not a benefit in the context of this document.

11. Colne Valley Regional Park (CVRP)

11.1. The Parish Council makes the following comments in respect of the impact of the proposals on the CVRP.

11.2. The Parish Council notes the response from CVRP dated October 2022 which in summary states that:

- The majority of the application site is within the CVRP
- There is no mention or assessment by the Applicant of the harm to the Park nor the mitigation that would be provided (including off site mitigation in the surrounding parts of the Park.)
- Substantial harm is caused to the Park by loss of the Best and Most Versatile agricultural land, the urbanising of Public Rights of Way and as admitted, major adverse impact on the local landscape character and visual impact.

11.3. We consider that the application proposals directly conflict with the Vision and Objectives of the CVRP.

11.4. The Vision for the Regional Park states how it will look by 2050:

“In 2050, the Colne Valley Regional Park is a network of high-quality countryside, villages, green spaces, lakes and waterways.

It forms a unique and precious green buffer immediately to the west of London, centred on the River Colne and the connected waterways, lakes and canals. Water quality, flow and condition throughout is improved and exceeds all statutory requirements. The Park has a high profile and fulfils its enormous potential as a regionally significant destination for recreation and relaxation.

The Colne Valley Regional Park is a vibrant, living entity vital to good health and overall well-being: an important environment, rich in wildlife, in which people live, work and play, and one that actively encourages farming and forestry to thrive.”¹⁸

11.5. The Objectives for the Park are as follows:

- **Landscape:** *To maintain and enhance the landscape, historic environment and waterscape of the park. Comment: the landscape will be significantly impacted by the proposals.*
- **Countryside:** *To safeguard the countryside of the Park from inappropriate development. Where development is permissible the Park will encourage the highest possible standards of design. Comment: The proposals represent*

¹⁸ <https://www.colnevalleypark.org.uk/whats-special/>

inappropriate development both in Green Belt terms and in countryside terms.

- **Biodiversity:** *To conserve and enhance biodiversity through the protection and management of species, habitats and geological features of the Park.* Comment: The impacts of over 1,000 new homes will have a negative impact on biodiversity (see separate section on this)
- **Recreation:** *To provide opportunities for countryside recreation and ensure the facilities are accessible to all.* Comment: The proposals will have an impact on the experience of users of the Public Rights of Way surrounding the proposed scheme and its infrastructure will detract from the countryside character.
- **Rural Economy:** *To achieve a vibrant and sustainable rural economy, including farming and forestry, underpinning the value of this precious area of the countryside.* Comment: The proposals undermine the rural character of the area and conflict starkly with the objective of creating a vibrant and sustainable rural economy including farming and forestry.
- **Community:** *To encourage community participation including volunteering and environmental education and promote the benefits of health and social well-being afforded by access to high quality green space.* Comment: The proposals will result in the degradation of green space and there are no environmental educational proposals proposed as far as we are aware.

11.6. It is clear that the proposals directly conflict with the overall Vision for the Park as well as all of its Objectives. The proposals, if approved and delivered, would create significant harm to the Park and its purposes.

12. Ecology & Biodiversity Net Gain

- 12.1. Chapter 15 of the NPPF stipulates that decisions should contribute to and enhance the natural and local environment. Whilst it is recognised that mitigatory measures such as tree planting and the retention of existing ponds and hedgerows have been proposed on-site by the Applicant, it is considered that the Applicant has an overall lack of appreciation for and understanding of the significance of the ecology off-site. The Applicant has failed to address the ‘wider-than-site’ implications of the development proposal. Given the site’s location on Green Belt designated land, migratory patterns and wider ecological corridors should have been a key consideration.
- 12.2. It is evident that there are a considerable number of important and rare faunal species on the site, which require targeted and individual conservation approaches. The Applicant provides a brief conservation strategy for each species, for example the ECIA Part 1 states that “appropriate replacement [bat] roosts will be provided to mitigate for any loss”. This level of detail is not sufficient and there are no plans to show how or where habitats will be enhanced or recreated. Consequently, it is considered that the Applicant fails to achieve the policies set out in Chapter 15 of the NPPF.
- 12.3. As highlighted in the submitted Bat Survey, approximately 800 bat passes were recorded over the survey period, comprising at least nine species and 15 roosts. This represents a significant level of bat activity on the proposed site. With the above in mind and regarding our earlier points which relate to the unsustainable and excessive scale of development proposed, it is likely that the resultant urban setting will result in the disturbance of existing local bat populations due to the existence of heightened human activity across the site, the reduction in natural habitat and the provision of artificial lighting.
- 12.4. The results of the submitted bat survey lack detail and fail to specify the number of bats recorded during each survey, what species and where they were recorded. More detailed results would help highlight whether the mitigation or compensation strategies are appropriate and adequate.
- 12.5. Page 240, 246 and 249 of the Environmental Statement Volume 1, Chapter 12 is not legible.
- 12.6. A holding objection was submitted on the 14th October 2022 by the Ecology Officer, Adam Smith. This objection supports the arguments made in this representation, highlighting the need for:
- “Legible version of the ES Chapter 12 Ecology
 - More detailed habitat descriptions
 - Excel version of the Biodiversity Metric 3.1 as referenced within the BIA (ECIA Appendix D)
 - Updated Plans showing the proposal for on-site habitat creation/enhancement

- Hedgerow Regulations Assessment
- More detailed results from the Bat Surveys,
- Further details on the mitigation and compensation measures for loss of bat roosts in buildings;”

13. Heritage & Archaeology

- 13.1. We support a number of the findings of the Applicant's Heritage Statement which sets out that the agricultural setting holds societal and historical significance within the Chalfont area and that the proposals will take away from the rural extended setting of the estate and replace it with urban development. It also notes the close proximity of the proposals to the listed assets (most notably Greene House) and will detract from the historical significance of the assets (in terms of group value and individual significance). It finds that the addition of modern development has detracted from the historic character and immediate setting of the listed assets and that the proposals would further add to the detraction leading to harm to the assets and their group value.
- 13.2. Indeed, a new 'research facility' is not the Parish Council's understanding of the objectives of the 'founding fathers' of the Epilepsy Society and the surrounding countryside is meant to provide peace and tranquillity for Epilepsy sufferers.
- 13.3. In the late 1800s a group of philanthropists purchased farms on the current site to establish a Colony where sufferers of epilepsy could live and work on the land and be self-sufficient and enjoy the countryside instead of being locked away in asylums. The loss of this countryside would result in vulnerable residents being subject to the noise and pollution of a strategic housing estate, which is clearly at odds with what was originally envisaged for the site.
- 13.4. Given the below listed statements from the Heritage Statement it is disappointing to read the overall findings of the report which seem disjointed with findings from the report which are set out below.
- 13.5. We note that the Applicant does not acknowledge the nearby ancient Hamlet of Horn Hill which sits along Rickmansworth Lane. In medieval times it was part of the Manor of Linster in West Hyde. Shire Lane is reputed to be part of a Roman road as well as the boundary between Buckinghamshire and Hertfordshire.
- 13.6. Horn Hill church which dates back to 1866 and the hall built in 1911 are being added to the Parish Council's heritage assets list in its updated Neighbourhood Plan.
- 13.7. Furthermore, the Heritage Statement does not refer to or address the Applicant's Business Case 'Facility Proposals' which would see a building programme of £43.2m worth of development on the existing operational site which would presumably have considerable impacts on heritage assets and their setting but it says nothing about this.
- *"It should be noted that a significant element of the Epilepsy Society operational estate, and indeed the wider Epilepsy Society estate, is its agricultural setting. The agricultural setting holds societal and historical significance within the Chalfont area, as an inherent farming settlement, but also as a retained element of resident life at the Epilepsy*

Society colony. The Proposed Development, to the extent of the physical development area, will take away from the rural extended setting of the Epilepsy Society colony estate, in turn replacing it with an urban development. This detracts from the original historic character of the area as well as the societal significance of the Epilepsy Society.” (Paragraph 6.9)

- *The close proximity of the Proposed Development and associated access, to the listed assets, most notably Greene House, will detract from the historical significance of the assets, both with respect of the group value and individual significance. (Paragraph 6.12)*
- *The lack of significant separation between the Proposed Development and the listed assets within the Epilepsy Society operational estate will detract from the unique and historic domestic character of the listed assets, and the smallness of the domestic setting. The access of the Proposed Development, although provisioned to the north of the Listed assets, will further detract from the character of the group of listed assets as a small domestic colony with a rural and agricultural history. The addition of modern developments within the Epilepsy Society operational estate have already detracted from the historic character and immediate setting of the listed assets, the Proposed Development would further add to this deduction and may result in some harm to the listed assets and their group value. (Paragraph 6.13)*

Archaeology

13.8. The Applicant’s Archaeology Assessment concludes that the site has moderate potential for it to contain unstratified finds which may date to the palaeolithic period. It states that there is an increased potential for the lithic artefacts to be present within the site due to the superficial geology of the site and known utilisation of Mlsbourne Valley during the early prehistoric period.

13.9. The Assessment states that the site is between two Roman roadways and therefore there is an increased potential for Roman period activity to have taken place on the Site however no archaeological evidence of a Roman settlement.

13.10. The Assessment concludes that the site has a moderate to high potential to contain buried remains associated with the post-medieval Rawling’s Farm and the cottage which is also recorded within the site. The buried remains of Skipping’s Farm were dismantled and placed in the Chiltern Open Air Museum. It states that buried remains associated with the farmhouse may also be present within the site.

13.11. Its final recommendation is that there may be the need to undertake further works within the Site which it says is dependent on the final construction strategy. The need and scope of this would need to be agreed with the Council’s archaeological advisor.

14. Utilities and Drainage

- 14.1. We have reviewed the Applicant's Utilities Report. Appendix A (Utility Tracker) of the report is not legible so we were unable to review any of the contents of this.
- 14.2. We note with interest that there is insufficient capacity in the existing Wastewater, Potable Water, and Electric networks to accommodate the proposals.

Wastewater

- 14.3. In terms of wastewater infrastructure, the Applicant has not established the location of the existing sewer networks and that they assume the network(s) are privately owned. It states that further investigations will be carried out to confirm the locations and condition of existing private sewers and that such investigation could be undertaken in the detailed design stage¹⁹.
- 14.4. Furthermore, it would appear that the Applicant would require "further land intake for the installation of pumping station(s) and ancillary items, storage tanks, access roads, etc"²⁰
- 14.5. Thames Water's letter to the Applicant²¹ sets out that the sewerage network does not have sufficient capacity to accommodate foul water from the proposed development. Thames Water confirms in a separate email²² that it currently has capacity (in manhole TQ00922501 or TQ0092920) for 150 dwellings or alternatively has capacity for one primary school with 420 pupils.
- 14.6. It explains that in order to ensure Thames Water makes the appropriate upgrades (or off-site reinforcement) to serve the rest of the development that it will need to carry out modelling work, design a solution and build the necessary improvements.
- 14.7. This modelling, design and improvements are done at the cost of Thames Water. The typical timescales for Thames Water to undertake this work is:
- Modelling: 8 months
 - Design: 6 months
 - Construction: 6 months
- Total: 20 months**
- 14.8. Thames Water explains that modelling will only be carried out when it is confident that the development will proceed which requires the Applicant to show that it owns the land and has Outline or Full Planning permission. It states that it can

¹⁹ Applicant's Utilities Report, Paragraph 6.1

²⁰ Applicant's Drainage Strategy Report, Paragraph 4.2 (2)

²¹ Applicant's Utilities Report, Appendix E (Thames Water Correspondence – 29th December 2021 Letter 'Pre-planning enquiry, Capacity concerns')

²² Applicant's Utilities Report, Appendix E (Thames Water Correspondence – 25th January 2022 Email)

start modelling work before then if the Applicant agrees to underwrite the cost of modelling and design and so Thames Water will fund the work, but the Applicant agrees to pay the cost if it doesn't achieve first occupancy within five years.

14.9. There is no clear or proposed solution by the Applicant to the fact that there is not sufficient wastewater infrastructure capacity. Whilst this is clearly a potentially serious issue for the deliverability of the site the Applicant is suggesting that they will look into the matter at the detailed design stage. If this is the case, then it will take approximately **20 months** after planning permission is issued (if it were to be approved) for the modelling and improvements which is at odds with the Applicant's delivery assumptions in its Business Case.

14.10. We consider it to be unacceptable that the Applicant is willing to leave this important matter to the 'detailed design stage'. The Applicant should underwrite the Thames Water modelling work so that the outcome of the work is known at the time of the application being determined as it is a potential 'showstopper' for the development if a suitable solution cannot be found.

Source Protection Zone

14.11. As set out by Thames Water in its 29th December 2021 letter to the Applicant, the development site boundary falls within a Source Protection Zone for groundwater abstraction which may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources, this may potentially affect your drainage or surface water strategies where deep, or infiltration systems are proposed. The applicant is encouraged to read the Environment Agency's approach to groundwater protection²³ and may wish to discuss the full implications for their development with a suitably qualified environmental consultant.

Potable Water

14.12. Affinity Water have confirmed to the Applicant that off-site reinforcement works are required to meet the potable water demand of the Proposed Development stating the following:

"Our model has confirmed that the existing network does not have sufficient capacity to supply your new development, and reinforcement

²³ <https://www.gov.uk/government/publications/groundwater-protection-position-statements>

work is therefore required. In order to supply your site the following upgrades are required:

Replace approximately 3.06km of the 9" CI/SI main on Brawlings Lane with a 355mm HPPE main.

Alternative solutions are currently being discussed and if this development is to go ahead then a strategic review of local network will be required to agree a solution"²⁴

14.13. It states that if the Applicant wishes to proceed with the development that it:

*"...will need to complete an application for a new supply. It is recommended that this is done at the earliest opportunity, as it can take up to **18 months** to install any offsite reinforcement works if required."*

Electric

14.14. In its letter²⁵ to the Applicant, Scottish & Southern Electricity (SSE) confirms that there is not currently capacity for the proposed development, and that substantial reinforcement works are required with a quotation of £810,756.19 + VAT (based on 1,550 homes).

14.15. In terms of timescales SSE estimates that the Distribution Works could be provided by 31st March **2027** but does not account for any Transmission Works that may be required. SSE states that the date may be subject to variation depending on, for example, the date their offer is accepted by the Applicant and other programming such as planning and other consents in order to complete the Distribution Works.

Drainage

14.16. Although the site is not located within designated flood zone the majority of site is situated within 1km of Flood Zones 1 and 2 located along the River Misbourne. Roads that connect to the proposed site are already prone to severe flooding despite being surrounded by fields and greenery (see Figure 14.1, Figure 14.2).

²⁴ Applicant's Utilities Report, Appendix D (Affinity Water Correspondence – 12^h December 2021 Letter 'Pre-development report for DS0047131 – Epilepsy Society Pre-planning enquiry)

²⁵ Applicant's Utilities Report, Appendix B (Scottish and Southern Electrical Correspondence – 5th January 2022 Letter 'Pre-development report for DS0047131 – Epilepsy Society Pre-planning enquiry)



Figure 14.1. Photograph of flooding on Chesham Lane where the west entrance to the site is proposed.



Figure 14.2. Photograph of flooding on Chesham Lane west of the proposed sports facilities.

14.17. The large scale and coverage of this site will transform much of the surrounding fields into a built environment that is non-permeable with roads, buildings and hardstandings. The applicant has failed to acknowledge the significant increased risk of flooding on the surrounding roads and neighbourhoods as a result of this proposal. The applicant fails to comply with paragraph 167 of the NPPF states that “when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere”.

15. Conclusions and Recommendations

15.1. The proposed development is wholly unjustified on the grounds that the development proposal does not constitute ‘very special circumstances’ to warrant strategic inappropriate development in the Green Belt, and as such continues to conflict with paragraphs 147 – 150 of the NPPF.

15.2. As Buckinghamshire Council will have read from the Parish Council’s detailed representations there are, in addition to Green Belt, a multitude of additional grounds for refusal that we trust will be fully considered by the Council in its assessment of the application.

15.3. The Prime Minister Rishi Sunak has pledged to stop building housing in the Green Belt. He has stated the following²⁶:

“Over the last few years we’ve seen too many examples of local councils circumventing the views of residents by taking land out of the Green Belt for development, but I will put a stop to it”

“Under my plans, if a local community has clearly judged a development to be inappropriate there are no circumstances, in which planning permission should be granted”

He pledged to update the NPPF and scrap the possibility for “inappropriate” development on the Green Belt “in very special circumstances”.

15.4. Based on the above findings, the Parish Council is unable to support the development proposal. The Parish Council strongly opposes the application and therefore requests that the planning application is refused by Buckinghamshire Council.

²⁶ <https://www.theplanner.co.uk/2022/07/29/sunak-pledges-block-green-belt-development>