

Core Strategy for Chiltern District

Chiltern District Council - Response to Inspector's Questions [ID/4]

Compliance with Statutory and Regulatory Matters (A-G)

DATE: 18 March 2011

Final

The following Paper sets out the Council's response to Section 1 'Compliance with Statutory and Regulatory Matters' of the document 'Inspector's Main Matters and Questions' ID/4. The Paper has been structured to include the specific questions raised by the Inspector (in bold) and the Council's detailed response to them.

A) Has the Core Strategy been prepared in accordance with the Local Development Scheme (LDS) and have the relevant details in the LDS been met in respect of the role, rationale and scope of the CS?

CDC Response:

The Council's current LDS is dated November 2010 (CDN099). The Core Strategy (CS) has been prepared in accordance with this timetable. The 'scope and coverage' of the CS is set out in the table in Appendix 2 of the LDS (CDN099). The Council considers the CS to appropriately reflect the detail in Appendix 2 of the LDS. The scope of the CS is set out in the 'Role and Subject' section of the table – all elements of which are incorporated into the CS. The coverage of the CS is stated as being district-wide within the LDS and this is still the case.

B) Has the CS been prepared in compliance with the Statement of Community Involvement (SCI) (CD07/22)?

C) Does the CS comply with the 2004 Regulations (as amended) in relation to the publication of documents, advertising and notification?

CDC Response (to B and C):

The Council is aware of the substantial body of representations made by an organised and co-ordinated group of individuals setting out concerns over the process of consultation. The Council is satisfied that it has met all of the regulatory requirements set down within the Town and Country Planning (Local Development) (England) Regulations 2004 (Amended 2008, 2009) in the preparation and production of the CS. In addition the Council is also satisfied that in the preparation of the CS, it has met the requirements within its adopted Statement of Community Involvement (CDN028) for involving the community in the plan preparation process, including: the methods of engagement used at each formal stage of public participation; the groups and individuals that would be involved at the different participation stages; the locations in which documents will be displayed for each formal stage of public participation; and the manner in which representations will be processed, considered and reported on.

The Council notes the concerns expressed by respondents about the complexity of the forms (refer to para 1.3 of ID/4). The response form and guidance prepared by the Council to support the Core Strategy for Chiltern District Publication Document October 2010 (CDN098), followed the format of the 'Model Representation Form and Model Guidance Note for Development Plan Documents', within the Planning Inspectorate document 'Local Development Frameworks Examining Development Plan Documents Procedure Guidance'. In addition the Council accepted duly made representations on the CS that were not on the standard response form and not submitted using the internet. At the time the Council published the CS in October 2010, it clearly stated in a number of places on its website that "Representations on the Core Strategy may be made in writing by post, email or by using the online representation form."

Q1.4) Did the processes undertaken at each consultation stage, involving who was to be consulted and the manner of the consultation, including the availability and type of document and how they were made

available, depart from what is set out in the SCI? If they did, does this amount to a significant departure from the Regulatory requirements?

CDC Response:

The Council recognises that the adopted SCI (CDN028) pre-dates changes to the Town and Country Planning (Local Development) (England) Regulations, made in 2008¹, against which the CS was prepared. The changes to the regulations in 2008 altered the stages in preparing development plan documents and thus altered the stages of public participation and consultation mentioned within the adopted SCI; the SCI is therefore out of date in this respect. Notwithstanding this, after the 2008 changes to the regulations came into effect, where views of the District's residents and businesses were specifically invited during a formal stage of public participation, the Council sought to ensure that this process did not depart from the requirements of the SCI. Accordingly, during the consultations in June 2008, March 2010 and at the Publication Stage in October 2010 the Council met all the requirements of the SCI, and those within the regulations. In addition to this, between June and November 2009 the Council engaged in specific, informal dialogue with infrastructure providers on matters relating to the deliverability of the Core Strategy. This type of informal dialogue, which had not been specifically envisaged within the SCI when it was prepared, was carried out in accordance with Regulation 25 of the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008.

Q1.7) Does paragraph 3.15 of the SCI mean that a response to each individual representation should have been published before the next stage of consultation? If the answer is yes, was there a failure to comply with SCI?

¹ the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008

CDC Response:

The adopted SCI does not state that the Council's response to each individual representation will be published before the next stage of consultation. In this respect the Council is satisfied that it has not failed to comply with the SCI.

Q1.8) In CDN107, what is the origin of CDC's comments? Were these the comments made at the time of each consultation or do they reflect the position at submission? Have they been reported to or considered by the Council?

CDC Response:

Between 2008 and September 2010, the Council collated, recorded and considered all representations received after each stage of formal consultation and informal dialogue. After each of these stages, summaries of the main matters and issues arising from representations and how these issues had been considered and were reflected (or otherwise) within the Core Strategy, were reported to the Council's Housing and Planning Overview Committee and Cabinet (all of which have been presented as part of the Council's supporting evidence).

CDN107 was written following the Publication Stage of the Core Strategy. The comments within this document made in response to each representation received, reflect the decisions taken by the Council up to that particular point in time or at earlier stages of consultation.

It is important to note that since April 2009, the Council's chosen spatial strategy has remained unchanged. This means that whilst some policies within the Core Strategy have evolved since then, strategic matters relating to the Council's position on the protection of Green Belt land and the broad distribution of future development have remained unaltered.

Document CDN107 was reported to the Council's Housing and Planning Overview Committee on 8 March 2011 and will be reported to the Council's Cabinet on 22 March 2011.

Q1.9) Does the publication of CDN107 overcome any past failure to comply with the SCI? If not, what are the implications?

CDC Response:

Firstly, as set out above, the Council does not consider it has failed to comply with the SCI.

The second paragraph to paragraph 3.15 of the SCI does not specify exactly when the results of the consultation will be published. The action taken/being taken in March 2011 to report CDN107 to the Council's Housing and Planning Overview Committee and Cabinet, is considered to be sufficient to meet this requirement of the SCI.

D) Has there been sufficient regard given to the Sustainable Community Strategy (SCS) as required by S19(2) of the 2004 Act?

CDC Response:

The Council has sought to integrate the SCS and its objectives into the Core Strategy. This is reflected by the Core Strategy sharing the vision and many objectives of the SCS. It is therefore considered that the requirement of the 2004 Act is met.

Q1.10) The SCS is that for Chiltern District 2009-2026 (CDN076). Many representations highlight one element of its vision, namely a place with enough affordable housing to meet local needs and maintain our services and communities. The Vision for Chiltern in the Core Strategy is the same as that in the SCI.

Q1.11) How did the Council take into account this aspect of the SCS when deciding that 2,400 is the appropriate overall housing provision and the implications for affordable housing? (Related questions arise under other main issues)

CDC Response (to Q1.10 & 1.11):

The Council considers there to be an indirect relationship between the housing target within the Core Strategy and the SCS. The SCS does not stipulate a housing target for the District and the Core Strategy transposes the broad aims of the SCS into spatial policy. These matters are expanded upon in other Papers prepared in response to ID/4 and the Council would be happy to expand upon this in more detail at the hearing sessions if necessary.

E) Has the DPD been subject to sustainability appraisal (SA)? Does the SA show how different options perform and is it clear that sustainability considerations informed the content of the CS from the start?**CDC Response:**

In accordance with S19 (5) of the Planning and Compulsory Purchase Act 2004, the Council has carried out an appraisal of the sustainability of the proposals within the Core Strategy.

The Final Sustainability Appraisal Report (CDN085) offers an appraisal of the economic, social and environmental sustainability (incorporating the requirements of the European Directive on Strategic Environmental Assessment) of the plan at the date of Publication (October 2010).

Sustainability appraisal has been an integrated part of the plan preparation process and has helped to inform the decisions made within the Core Strategy. As a result, throughout the preparation of the Core Strategy, the Council has published a Sustainability Appraisal report at each key stage in the preparation of the plan. The Sustainability Appraisal reports published to date are as follows:

- CDN013 – Chiltern District Core Strategy Preferred Options Sustainability Appraisal Report (May 2006)
- CDN050 – Chiltern Core Strategy Strategic Options Sustainability Appraisal Report (June 2008)

- CDN075 – Preliminary Sustainability Appraisal for the Chiltern District Draft Core Strategy (June 2009)
- CDN083 – Draft Core Strategy for Chiltern District Preliminary Sustainability Update (March 2010)
- CDN085 – Final Sustainability Report for the Publication Draft of the Core Strategy for Chiltern District (October 2010)

Q1.12) In particular, how has the evolution of the locational strategy been informed by SA? Any detailed conclusions of the SA in relation to specific sites/policies can be considered under the main uses where those are discussed.

CDC Response:

CDN050 (Strategic Options SA) offers an objective sustainability assessment of the 4 scenarios put forward in the CDN049 (Chiltern Core Strategy Options Paper – Consultation Document June 2008). The document assessed all four options against 18 sustainability objectives, providing a valuable tool in the decision making process.

The Council therefore considers that the chosen scenario 1, (as acknowledged in CDC-2) has been appropriately assessed in terms of sustainability.

F) Is the Core Strategy in general conformity with the Regional Spatial Strategy - the South East Plan?

CDC Response:

The Council has considered this matter in CDN109. This matter will be explored further in the Paper relating to Main Matter 3, and the Council will be happy to expand upon this issue at the Hearing Sessions.

G) Have the requirements of the Habitat Regulations been satisfied?

1.14) At submission, the Council provided a Habitat Regulations Assessment (HRA) September 2010 (CDN087). Has Natural England (NE) commented on the HRA. If not, Council to seek NE's views.

CDC Response:

Following the agreement of an additional addendum (CDN116) to the Habitats Regulations Assessment (CDN087), Natural England raises no objection to the HRA (see correspondence dated 3.3.2011 from Respondent 485957).

Q1.15 Is the HRA fit for purpose and is its assessment consistent with the policies in the CS?

CDC Response:

The Council has closely worked with Natural England and other bodies on the HRA since 2008. Natural England has confirmed that the HRA, with addendum (CDN116) is fit for purpose and no representations have been received by other parties that question this.

The assessment within the HRA was based on the 2,900 dwelling housing allocation for the District within Policy H1 of the South East Plan. Notwithstanding this, due to the application and purpose of the HRA it is still considered consistent with the policies in the CS.