



**Directorate for Planning, Growth & Sustainability  
Planning and Environment**

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Mr M. Birkinshaw and Mr D. Troy  
Inspectors

12 May 2020

**Ref:**

Dear Mr Birkinshaw and Mr Troy

**Examination of the Chiltern and South Bucks Local Plan 2036**

Thank you for your letter of 7 May 2020 setting out some initial findings on Matter 1 for the examination – the duty to cooperate – and for providing us with an opportunity to respond to those findings, before reaching a decision on whether it is reasonable to conclude that the Council discharged the section 33A duty in the preparation of the Local Plan prior to submission.

Your letter correctly anticipated that the Council is disappointed with your initial findings but, having considered the substance of your letter, the Council is equally disappointed with the inadequacy of the reasoning which has led you to your initial findings. We will address the significant shortcomings in your letter in a full statement in due course but so far the Council has identified the following issues:

- (a) You have not applied the statutory test correctly and therefore you have asked yourselves the wrong question;
- (b) Your findings do not properly, fairly or accurately reflect all the circumstances which must be taken into account in deciding whether the duty has been complied with, indeed key material considerations have apparently been ignored in favour of a selective and, in places, materially inaccurate approach to the factual context in which the judgment is required to be made; and
- (c) Contrary to the requirements of the Act and all relevant guidance, the logic of your reasoning appears to be that the Council was under a duty to reach agreement with Slough Borough Council as the result of its cooperation.

The Council in its response to your letter will demonstrate that when the correct test is applied to the proper context, the only proper conclusion is that the duty was discharged. The significant weaknesses in your initial findings have demonstrated that this is not an issue which can appropriately be dealt with exclusively on paper and the Council therefore requires that the matter and the substance of its response now be dealt with at a hearing. We anticipate being in a position to submit our full response, once the arrangements for that hearing have been fixed.

Yours sincerely

A handwritten signature in black ink, appearing to read 'SB', written in a cursive style.

Steve Bambrick  
Director, Planning & Environment  
Planning, Growth & Sustainability Directorate  
Buckinghamshire Council