

Slough Borough Local Plan Issues & Options Regulation 18 Consultation Response by Chiltern District Council and South Bucks District Council

24 February 2017

Introduction

1. Chiltern District Council and South Bucks District Council welcome the opportunity to comment on the Slough Local Plan Regulation 18 consultation document. This response is from both Councils who are working together to prepare a new joint local plan for the two Districts. The response has been informed by discussions at a number of Duty to Co-operate meetings, most recently one between officers from Chiltern/South Bucks Councils and Slough Borough Council held on 20 February 2017. The response has been endorsed by the Portfolio Holders for Sustainable Development from Chiltern DC and South Bucks DC following consideration by the Councils' Joint Member Reference Group.
2. This response has been prepared in advance of full consideration by Chiltern and South Bucks Councils of the implications of the Housing White Paper published by the Secretary of State for Communities and Local Government on 7 February 2017. The White Paper signals a number of intended changes in national policy which if taken forward are likely to impact on the joint local plan being prepared for Chiltern and South Bucks Districts, as well as on the Slough Local Plan. Slough BC will be aware that the Housing White Paper contains little in the way of detail; this will come later following the Government's current and planned consultations and seems likely to include a number of changes to the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG). Chiltern and South Bucks Councils will wish to consider these matters further with Slough BC through on-going Duty to Co-operate discussions.
3. We welcome preparation of a new Local Plan for Slough. We would also welcome a Memorandum of Understanding between Chiltern/South Bucks District Councils and Slough BC and confirm that we will continue to work with the Borough Council with the aim of reaching agreement on matters including work streams, timetables and required inputs to our respective plan-making processes. We look forward to receiving a revised draft Memorandum of Understanding in response to the detailed comments made by Chiltern/South Bucks officers on 7 December 2016.
4. We welcome the aim in the Issues & Options consultation document that Slough BC will accommodate a significant increase in housing provision over the Plan period. Within this context we have a number of concerns and questions relating to Slough

BC's approach, particularly to housing provision and wish to place on record a number of objections to the Slough Local Plan Regulation 18 Issues and Options consultation document. Our comments fall under the following headings:

- Inclusion of options within South Bucks District
- Failure to fully test a range of options for accommodating Slough's development needs
- Housing and economic market area geography underpinning the emerging Slough Local Plan
- Questions about the relationship between the growth of homes and jobs in Slough
- Sustainability Appraisal & Habitat Regulations Assessment Screening
- Planning for Gypsies and Travellers.

Inclusion of options within South Bucks District

5. We note that the Slough Local Plan Issues & Options Regulation 18 document includes a number of spatial options involving the development of land in the Green Belt in South Bucks District to accommodate unmet housing need arising within the Slough BC area. Slough BC estimate the unmet need will be significant (figures of between 6,000 and 8,000 are variously used in the consultation documents) particularly in the latter part of the Plan period which is the stated reason why '*... options of building outside of Slough have to be considered and put forward for public consultation*'.
6. The following options within South Bucks have been identified by Slough BC: Option J1 (northern expansion of Slough with an area of search including East Burnham, Stoke Green, Wexham Street, George Green, Middle Green and east to Shreding Green, and land between Slough and Richings Park); and, Option K (other areas outside of Slough, which includes reference to Taplow and Iver, though no specific sites or locations are identified by Slough BC). We are unclear whether Option H (Release of Green Belt land for housing) also includes land within South Bucks because the relevant map (Figure 14) is poorly defined.
7. The NPPF is very clear that once established, Green Belt boundaries should only be altered in exceptional circumstances and must be fully justified as part of a plan-making process. NPPG has clarified how Green Belt may affect the ability of an area to meet housing need.
8. The spatial options involving Green Belt land in South Bucks District have been brought forward by Slough BC in a unilateral way outside the Duty to Co-operate. The legal Duty to Co-operate requires local authorities to engage constructively, actively and on an on-going basis in respect of plan-making so far as it relates to a strategic matter. Large-scale housing development on Green Belt within South Bucks District to meet Slough BC's needs is clearly a strategic, cross-boundary matter. We therefore do not consider that Slough BC have at this stage met the Duty to Co-operate in this respect.

9. The Regulation 18 Issues & Options consultation document states in a number of places that Slough BC cannot deliver certain options because the land concerned is outside of the Borough Council administrative area. This raises an issue related to the tests of soundness for local plans, and specifically whether a plan which relies on development outside the plan area meets the tests.
10. One of the four elements of soundness is that the plan is effective, with the NPPF stating that '*... the plan should be deliverable over its period and based on joint working on cross-boundary strategic priorities*' (paragraph 182). A plan which depends on development outside the plan area and which does not have sufficient support from the neighbouring authority to facilitate that development risks being found unsound because it is not deliverable. We consider that, if Slough BC pursues an approach based on local plan options involving Green Belt land in South Bucks District, it is at risk of being found unsound by an Inspector.
11. The inclusion of Option J1 in a Slough BC consultation document also risks misleading the public.
12. The Slough BC Regulation 18 Consultation Document is accompanied by a Draft Transport Strategy for Slough prepared by independent consultants (Atkins). The Draft Transport Strategy includes northern expansion of Slough (Slough BC Option J1) and identifies a number of potential development sites all within the Green Belt in South Bucks District (comprising East Burnham, The Lanes & golf driving range, Wexham Nursery, George Green and Middle Green/Langley). After having taken into account environmental constraints, the Draft Transport Strategy estimates the area could accommodate 12,500 homes. There is no published evidence to support this figure. Moreover the Draft Transport Strategy has been prepared without the knowledge of South Bucks District Council or Buckinghamshire County Council (the responsible authorities), without either having made an input in terms of the preparation of background documents or the development of proposals for more detailed evidence base work, and outside any agreed Duty to Co-operate approach.
13. We are concerned that the Slough BC Issues & Options document implies that Chiltern and South Bucks Districts Councils have not already fully considered a northern expansion of Slough as part of our own plan-making process. We would like to take this opportunity to clarify how the matter has been dealt with to date.
14. In response to early work on a District-wide local plan, South Bucks Council received representations from Slough BC on a northern extension of Slough. This was subsequently considered as part of the joint Chiltern and South Bucks Local Plan Regulation 18 consultation incorporating Issues & Options. Green Belt parcels to the north of Slough were considered in the Buckinghamshire Green Belt Assessment Part One in accordance with a methodology on which Slough BC had an opportunity to comment, both within the framework of the Duty to Co-operate and as part of our Regulation 18 consultation. The Regulation 18 document itself included a specific option for testing at Middle Green (Chiltern/South Bucks Option D), and testing of other options to the north of Slough (Chiltern/South Bucks Option C in relation to Burnham), settlements close to Slough (Chiltern/South Bucks Option E) and rail stations close to Slough (Chiltern/South Bucks Option J).

15. The Middle Green option (D) has also been tested through our Draft Green Belt Assessment Part Two, with input from Slough BC to clarify the geographic extent of the area which the Borough Council referred to as 'northern expansion' in its comments in response to our Regulation 18 consultation. This was to ensure that the option was given specific consideration. Slough BC is aware from the Green Belt Assessment Part Two draft report that it was not considered possible to define a potential revised NPPF compliant Green Belt boundary. Even had that been possible, the methodology would highlight significant harm to the purposes of the Green Belt. In addition, the Middle Green option was considered as part of the Chiltern and South Bucks Options Appraisal and specific reference is made to Slough BC's request relating to northern expansion of Slough under the Duty to Co-operate. Chiltern/South Bucks Options C, E & J have also been considered in the Draft Green Belt Assessment Part Two and in the Options Appraisal. The proposals have therefore been considered by Chiltern and South Bucks Councils but have been rejected.
16. In addition to discussions at Duty to Co-operate meetings, we have sought to provide a mechanism for joint consideration of a northern expansion of Slough through a Memorandum of Understanding.
17. Chiltern and South Bucks Councils have recently undertaken a Housing and Economic Development Needs Assessment (HEDNA) to inform our new joint local plan. Emerging evidence shows that the level of development required to accommodate those needs cannot be sustainably met within our two Districts. Based on the draft Housing and Economic Land Availability Assessment (HELAA), Chiltern and South Bucks Councils will have estimated unmet needs amounting to 5,800 dwellings and a proportionate amount of employment land to 2036. The Councils have been in Duty to Co-operate discussions to explore the potential for some of Chiltern's and South Bucks' development needs to be met outside the Plan area. We have agreement in principle for unmet needs to be provided in the emerging Vale of Aylesbury Local Plan. Because we have unmet needs of our own, there will be no scope for Chiltern and South Bucks Districts to meet the needs of other areas, including Slough.
18. Infrastructure is one of the cross-boundary strategic matters on which local authorities have a Duty to Co-operate. The fact that there has not so far been an opportunity to engage in a meaningful way at an early stage on issues such as transport (including the Draft Transport Strategy) is a matter of concern.

Failure to fully test a range of options for accommodating Slough's development needs

19. Given that Slough BC estimate that there will be a significant shortfall of housing supply against objectively assessed need over the Plan-period, and the circumstances in the wider housing market area, we would expect the Borough Council to consider (within the framework of the Duty to Co-operate where relevant) a full range of reasonable options for accommodating any unmet needs based on robust evidence and options appraisal before determining where its unmet needs are best met and can be delivered. Based on the information published by Slough BC to inform the Regulation 18 consultation and confirmation by Slough BC officers at the meeting on 20 February

2017 of the scope of the options tested, we do not consider that Slough BC has so far met the requirement to test a full range of reasonable options.

20. Paragraph 3.2.11 of the Slough Regulation 18 consultation document states that '*If we still cannot meet our Objectively Assessed Housing Need within Slough it will be necessary to look outside of our boundaries*'. However, the consultation document does not include an option that seeks to meet all of the Borough's development needs within its own boundaries, nor is this included as one of the consultation questions. We note that Slough BC have published a Housing Capacity Study as part of the Regulation 18 consultation. The Capacity Study estimates the potential housing shortfall 2013-2036 to be 6,000 homes. Nevertheless, given the early stage in the plan-making process, it would be reasonable for a 'Slough to consume its own smoke' option to be considered further, particularly as, for example, the housing supply that might result from Slough BC Option E (Estate renewal) and Option G (Re-develop existing business areas for housing) have not been quantified and require further testing. Slough BC should seek to agree the evidence with relevant local authorities as part of the Duty to Co-operate.
21. The wider housing market area of which Slough forms a part includes the Royal Borough of Windsor & Maidenhead. The Royal Borough recently consulted on a Regulation 18 Draft Local Plan. We note that Option J2 in the Slough BC Regulation 18 Consultation Document comprises two parcels of land in the Green Belt beyond the Slough administrative area in the Royal Borough of Windsor & Maidenhead. Slough BC proposes that both of these parcels should be released from the Green Belt to meet its housing needs. One of the parcels is now proposed for development in the Windsor & Maidenhead Draft Local Plan but this is to meet the Royal Borough's own needs. The Slough BC Regulation 18 consultation document fails to acknowledge that it is proposing to accommodate Slough's unmet housing needs on a site being brought forward in another local plan in order to meet the needs of the borough in which the site is located.
22. More generally, apart from arguing for the allocation for development of the second Option J2 site in the Royal Borough, Slough have not robustly challenged Windsor & Maidenhead on a number of matters relevant to accommodating unmet housing needs. These include the scope of the Royal Borough's Green Belt assessment, the likely robustness of the approach used and consideration of whether exceptional circumstances apply to justify release of Green Belt for development. We are of the opinion that the Royal Borough's methodology has confused the purpose of a Green Belt assessment with the consideration of suitability of land for development and development potential and there does not appear to have been a comprehensive review of edge of settlement areas. The Royal Borough effectively stopped looking for Green Belt options once it had identified sufficient land to meet its own objectively assessed development needs. The Sustainability Appraisal supporting the Royal Borough's Regulation 18 consultation document confirms that Windsor & Maidenhead have not tested any option for accommodating more than their own objectively assessed housing need. Given the circumstances in the wider housing market area, such an option would seem to be a reasonable option to test. Slough BC have failed to fully make the case to the Royal Borough that the scope of the Windsor & Maidenhead

Local Plan should include testing of what additional scope there might be to meet the needs of the wider housing market area within which the Royal Borough sits, particularly the needs of Slough.

23. The division of Berkshire into two housing market areas – see below – appears to have prevented meaningful Duty to Co-operate discussions across wider areas where there is evidence of strong functional relationships. In particular there does not appear to have been any exploration of options within Western Berkshire for meeting unmet housing needs arising in Slough as part of the Eastern Berkshire Housing Market Area. Although this option is mooted in the Slough BC Issues & Option consultation as part of a wider strategy of building in 'other areas outside of Slough' (Option K), the document does not refer to any discussions having taken place and no sites or locations are identified. The Slough consultation document notes that the four Councils that make up the Western Berkshire Housing Market Area are working together to agree a strategy for the area, but there is no reference to the Western Berkshire Spatial Planning Framework published in December 2016¹. The non-statutory Framework identifies four strategic opportunities to meet identified future development needs in Western Berkshire. Slough BC have not taken the opportunity presented by the preparation of the Framework to explore through the Duty to Co-operate what scope there might be to accommodate the Borough's unmet needs in areas where Berkshire's own evidence indicates strong functional relationships with Slough.
24. Slough BC should fully test a range of reasonable options for accommodating its unmet housing needs with the agreement of all relevant authorities within the framework of the Duty to Co-operate. This should form the basis for any exceptional circumstances case for development in the Green Belt beyond its administrative boundaries. Such conclusions must be robust and evidence-based and agreed with relevant local authorities through the Duty to Co-operate.

Housing and economic market area geography

25. We have a number of concerns with the housing and economic market area geography underpinning the emerging Slough Local Plan. The Berkshire market area geography (and therefore the emerging Local Plan) does not reflect the joint Chiltern and South Bucks Local Plan evidence when defining best fit areas².
 - South Bucks and Chiltern District Councils have commissioned a number of studies to establish the housing and economic market area(s) to underpin our new local plan. The studies by ORS and Atkins conclude that Chiltern District falls entirely within a Central Buckinghamshire housing and economic market area comprising Chiltern, Wycombe District and part of Aylesbury Vale District. South Bucks District falls partly within the Central Buckinghamshire housing and economic market area, and partly within a Berkshire-wide housing and

¹ Thames Valley Berkshire LEP, Bracknell Forest Council, Reading Council, West Berkshire Council & Wokingham Council.

² See documents including *Buckinghamshire Housing and Economic Development Needs Assessment Update* (December 2016), and *HMA's & FEMA's in Buckinghamshire: Updating the Evidence* (June 2016) available from <http://www.southbucks.gov.uk/planning/localplan2014-2036/evidence>

economic market area with Slough and Bracknell Forest, Reading, West Berkshire, the Royal Borough of Windsor & Maidenhead, and Wokingham.

- Housing and economic market areas for plan-making purposes are defined on a 'best fit' basis. In most instances the best fit is based on a single local authority area. However, because South Bucks and Chiltern District Councils are preparing a joint local plan the best fit is defined based on the whole plan area. The evidence prepared on behalf of the Buckinghamshire local authorities indicates the best fit for a Chiltern and South Bucks Local Plan is the Buckinghamshire Housing Market Area and Functional Economic Market Area comprising the whole of Aylesbury Vale, Chiltern, South Bucks and Wycombe Districts.
 - The same evidence for the Buckinghamshire authorities also supports a single Berkshire-wide housing and economic market area comprising Slough, Bracknell Forest, Reading, West Berkshire, the Royal Borough of Windsor & Maidenhead and Wokingham.
 - Berkshire's own evidence (February 2016, prepared by GL Hearn) points towards strong functional relationships between (for example) Slough and Bracknell Forest, the Royal Borough of Windsor & Maidenhead (and South Bucks). The Slough Issues & Options consultation document does not fully reflect this evidence, nor does the evidence define on a map the actual functional housing market area (considered important to meet NPPF requirements and a basis for Duty to Co-operate discussions).
 - Based on the evidence prepared for the Buckinghamshire authorities and on the evidence prepared for the Berkshire authorities, we cannot endorse a Berkshire housing market area geography that includes South Bucks District for plan-making purposes. Nor do we recognise a geography that defines an Eastern Berkshire Housing Market Area, whether that includes or excludes South Bucks District.
26. There are inconsistencies between the housing market and economic market geographies in Berkshire. Evidence on the latter (prepared for Berkshire by Nathaniel Lichfield & Partners [NLP], 2016) concludes that there are three functional economic areas operating across Berkshire. Two core functional economic market areas operate across the Royal Borough of Windsor & Maidenhead, which has equally strong relationships between the Borough and central Berkshire and between the Borough and areas to the north and east, including Slough Borough. We suggest that it is not logical for the single local authority area of Windsor & Maidenhead to sit across two FEMAs on a best fit basis. Our view supports the argument for a single Berkshire-wide functional economic market area.
27. The best fit approach to defining market areas does not change the functional relationship between parts of South Bucks and Berkshire, and South Bucks and Chiltern District Councils will want to continue to engage with Slough Borough Council (and other Berkshire authorities) as relevant in our respective plan-making processes under the Duty to Co-operate.

28. The Berkshire housing market assessment could be out-of-date (or could become out-of-date) following changes in input data. We have previously drawn to your attention the following which mean that the Berkshire housing market and economic needs assessments should be updated before the Borough Local Plan is submitted:
- The most recent population and household projections (ONS 2014-based Sub-National Population Projections, 2015 Mid-Year Estimate, CLG 2014-based Household Projections)
 - Updated Economic Activity Rate data
 - The latest economic forecasts from both Experian and Oxford Economics
 - Additional work on the housing requirements of particular groups including Starter Homes
 - Any relevant case law or Examination outcomes
 - Update of the affordable housing analysis and associated reporting
 - Update of the market signals indicators.
29. For the reasons set out in paragraphs 25-28 above, we formally request that Slough BC should re-consider the Berkshire housing and economic market geography on functional and best fit bases, taking into account the Buckinghamshire work that identified housing and economic market areas.

Future relationship between homes and jobs in Slough

30. We note that the Issues & Options consultation document confirms Slough BC's support for job growth, with economic assessments indicating a requirement for 15,000 jobs to meet the needs of population and economic growth over the Local Plan period. Given that Slough BC does not consider that it will be possible to meet its own housing needs within the Borough, we would like to better understand what impact Slough's projected shortfall of around 8,000 homes would have on projected job growth and the need for employment land. It is understood from the officer meeting on 20 February 2017 that Slough BC are not intending to follow their own economic assessment evidence on the need for warehousing but are seeking additional office floor space in Slough town centre and further job growth at Heathrow. It is unclear whether this is a matter that Slough BC will be seeking to resolve through the Duty to Co-operate. This raises questions about the balance between planned housing and job growth in Slough.
31. Similarly, a number of the options outlined in the consultation document (B, C, D1 & D2) would deliver a total of 2,000 homes and involve the loss of about 35 hectares of employment land. Option G – which could see the redevelopment of employment to residential uses on a more comprehensive basis – has not been quantified in terms either of numbers of homes or loss of employment land, though is assessed as '*... unlikely to actually deliver a substantial contribution to residential need*'. Each of these options (individually or in combination) could impact on economic development needs; further analysis and explanation is required.

32. Related to this, we note that Slough BC has entered into a partnership with neighbouring Spelthorne Borough Council (in Surrey) to ensure that both areas benefit from employment and investment opportunities following the building of a third runway at Heathrow airport. We wish to understand what Slough BC consider will be the implications for their assessments of economic development and housing needs, particularly whether job growth is expected to be above the current forecasts prepared for Berkshire by NLP and, if so, what the implications will be for the Slough Local Plan in terms of housing need and housing supply.

Sustainability Appraisal & Habitat Regulation Assessment Screening

33. Chiltern and South Bucks Councils were consulted on Slough BC's Sustainability Appraisal Draft Scoping Report in advance of formal publication. Our comments – sent on 3 January 2017 – do not appear to have been taken on board in the version of the Draft Scoping Report published alongside the Slough BC Regulation 18 consultation document. Our earlier comments should be read in conjunction with this response.
34. The Sustainability Appraisal confirms that although the geographical scope of the Local Plan is the Slough BC administrative area, the Issues & Options consultation includes spatial options that refer to sites outside the Plan area because they are amongst the alternatives for the Slough Local Plan. The Sustainability Appraisal also notes that development of any area outside of the Borough cannot be delivered through the Slough Local Plan. As noted above, Chiltern and South Bucks Councils object to the inclusion of options within South Bucks District outside of any approach agreed under the Duty to Co-operate.
35. The Sustainability Appraisal specifically refers to Option J1 (northern expansion of Slough) at paragraph 4.2.4. That paragraph appears to suggest that Option D within the Chiltern and South Bucks Regulation 18 Issues & Options consultation³ was one of the Green Belt Preferred Options on which Chiltern and South Bucks Councils consulted the public and stakeholders in October 2016. As noted above, Option D was not taken forward as a Preferred Option. Assuming that the plan referred to in the following quote is the Chiltern and South Bucks Local Plan, Slough BC have no basis on which to assume '*... that Option D will in due course be considered against a revised Sustainability Appraisal for the plan*'.
36. Table 7 of the Sustainability Appraisal assesses Option J1 (and the other options identified by Slough BC) against Sustainability Appraisal objectives. Issues we raised at the scoping stage such as impacts on Grade 1 agricultural land across much of the north-east and eastern area, biodiversity at Burnham Beeches SAC, historic landscapes at Stoke Park and Langley Park, flooding, and minerals, are all assessed as 'uncertain' (shown as '?'). In other words, the Slough BC assessment is that it is unclear whether there is the potential for a negative or positive impact on the sustainability objective. Our view is that these matters should score strongly as negative impacts; a lack of detail in the Sustainability Appraisal on specific impacts does not help in this respect.

³ Built area extension(s) within the Chiltern/South Bucks administrative area on the edge of principal settlements outside the Plan area – Wycombe, Uxbridge, Slough, and Maidenhead.

37. We have also noted a number of errors in Table 7 and/or the corresponding text. Paragraph 4.6.10 states that with Option J1 there could be significant adverse effects on the climate change, cultural heritage and landscape objectives. Table 7 assesses these objectives (3, 6 & 8 respectively) as '?/-'.
38. In developing the Sustainability Appraisal, Slough BC should take full account of the content of the NPPF in respect of matters including: Green Belt; avoiding inappropriate development in areas at high risk of flooding; protecting and enhancing valued landscapes; minimising impacts on biodiversity and providing net gains where possible; using areas of poorer quality agricultural land in preference to that of higher quality (such as Grade 1); that proposed development on land within or outside a SSSI should not normally be permitted (Burnham Beeches); that the presumption in favour of sustainable development does not apply where development requires appropriate assessment under the Habitats Directive (Burnham Beeches); the significance attached to the conservation of heritage assets (Langley Park, Stoke Park and Stoke Poges Garden of Remembrance); and that mineral safeguarding areas (east Burnham, Wexham, George Green, Iver Heath and Iver) should not be needlessly sterilised by non-mineral development.
39. We note the Habitats Regulation Assessment Screening Document states that likely significant effects on the qualifying features of Burnham Beeches cannot be ruled out.

Planning for Gypsies and Travellers

40. We note the Issues & Options consultation document acknowledges that the Borough Council has a duty to plan for the accommodation needs of Travellers but that more evidence is required before planning policies can be brought forward. It is therefore intended that Slough BC will deal with this issue later in the plan-making process. Although we understand the challenges for plan-making posed by the recent change in definitions relating to Travellers, we would expect to see more information provided in the forthcoming Slough BC Local Plan Preferred Options consultation document in order to avoid potentially limiting delivery options for Travellers. We also expect to be involved in Duty to Co-operate discussions (including on the evidence base) if appropriate.

Conclusion

41. Although the publication of a local plan Regulation 18 Issues & Options consultation document is welcome, there are questions about the soundness of Slough BC's emerging policy approach, important gaps in the evidence base on a number of strategic cross-boundary issues matters, and a failure to seek to resolve relevant matters within the framework of the legal Duty to Co-operate. These are important failings which should be addressed in a meaningful way before Slough BC progresses its Local Plan.