



Matter 1 Legal Compliance and the Duty to Cooperate

[Representor ID Reference: 600]

Q.2) In preparing the Plan did the Council engage constructively, actively, and on an on-going basis with neighbouring authorities and other relevant organisations on relevant strategic matters in respect of the Duty to Co-operate?

- 2.1 RARA notes that Councils in Berkshire have stated they were not consulted on any strategic matters.
- 2.2 RARA notes, also, that the Federation of Builders have commented that the Plan does not take account of migration from London and there is no Memorandum of Understanding with any London based Councils.

Q.3) How has that co-operation been undertaken and have any formal agreements or Memorandum of Understanding been produced?

- 3.1 Yes, 11 Memorandum of Understandings have been produced to date and published as supporting evidence. However, of the 11, four were dated after the Local Plan was published for consultation and three were after the consulting period was completed, so no-one could respond in their earlier consultation responses. Should these have been available at the time of the public consultation, different views expressed may have been expressed.
- 3.2 The Memorandum of Understanding 8 with Network Rail and Council was dated 27th September and was not available during the consultation. WDC have stated that they would have to lower the road a metre, which would have meant the houses near the bridge would be inaccessible because of the slope, to which WDC's response was there will be losers and winners you are losers. It would have also have put the road a couple of feet below the water table so liable to flooding. The Memorandum of Understanding is indicating, however, that the bridges might be moved instead.
- 3.3 The next three Memorandum of Understanding were signed in the first three months of this year when the consultation process ended at the beginning of December. The one with Aylesbury Vale was as expected, the one with Slough council had only marginal effects. However, the one with the Oxford Councils had some changes that affects Risborough in that, up to then, WDC had only looked at housing numbers whilst the Oxford Councils wanted it to include shared infrastructure and services, and both mentioned a lack of co-operation on these issues in their earlier representations - the County stating no discussion had taken place, and South Oxford saying that it was only at the last minute WDC started to talk about these issues. The Memorandum of Understanding included a statement about discussing these issues; but it is vague and commits no-one to any plan of action.

Q.4) What outcomes have resulted from the co-operation with adjoining authorities in relation to: Housing; Gypsy and Travellers; Employment; and Infrastructure?

- 4.1 In common with Oxford Councils, RARA is concerned about the lack of detailed discussions on infrastructure developments spanning the boundaries for at least two years. As noted above,



the Memorandum of Understanding is only referring to a vague review of these matters without providing more detailed solutions, aims or commitments.

Q.6) Has consultation on the Plan been carried out in accordance with the Council's Statement of Community Involvement (WDLP 11) and the requirements of the 2004 Act (as amended) and the 2012 Regulations?

6.1 No, so far as Risborough is concerned, for the reasons stated in Chapter 3 of RARA's "Representation on the Publication Version of the Wycombe District Local Plan", titled "Involving the Community – Legal Compliance Not Met" (attached as **Appendix A**), alongside which the following supplementary comments should be read.

6.2 In summary of RARA's concerns in this regard:

- (1) In developing the Plan, WDC has ignored the feedback from the local community so far as its proposals for Risborough are concerned, and has driven through a pre-determined decision in the face of very strong local opposition. (There were objections from 3,000 residents following the 2015 public consultation and over half the town's residents (circa 4,000) have signed a petition objecting to the scale of the Plan for Risborough (attached as **Appendix B**)).
- (2) Whilst the Steering Group should have played a key role as part of overall engagement with the local community, it was very much led by WDC and the Planning officers. RARA now has access to a Minority Report compiled by 7 members of the Steering Group (attached as **Appendix C**), outlining the key failings of the group and underlining the lack of legal compliance through the failure properly to engage with the community in accordance with the Council's Statement of Community Involvement (WDLP 11) and the requirements of the 2004 Act (as amended) and the 2012 Regulations.
- (3) The direct consequence of this failure has been the proposed allocation at Risborough which is unsound for all the reasons set out in RARA's representation being too large and an unsustainable solution to the requirement to meet housing need.

6.3 We briefly expand on these points below.

6.4 The Council's Statement of Community Involvement repeatedly states that WDC will "inform", "consult" and "involve" the local community. The WDC Statement of Community Involvement emphasises that:

"The key difference between the three is that if a decision has already been taken and there is no scope for change, the engagement type that we would follow would be 'informing', rather than 'involving' or 'consulting.'"

This reflects the legal requirement of consultation that the Council give genuine and conscientious consideration to local views – see: *R v Brent LBC ex p Gunning* (1986) 84 LGR 168 at 189).

6.5 However, for Risborough at least, the local community has only ever been "informed", and has not been either "involved" or "consulted" in any meaningful way. Rather, RARA has



evidence to support its objection that the decision to give PR a quarter of WDC's OAN was pre-determined and all consultation on this matter was superficial to satisfy process alone.

- 6.6 In particular, residents of Princes Risborough have not been consulted on the scale of the planned development or the route of the relief road. Rather, both has always been presented as a fait accompli. For example:
- (1) At a Steering Group meeting last year, RARA's Chairman requested a meeting with Cllr. Johncock, Cabinet Portfolio Holder for Planning, to discuss the effect of 2,600 homes on the town and the opportunity to explore alternatives. He told her this was not possible and the scale of expansion of PR was non-negotiable as it had always been planned.
 - (2) This was reiterated at the public meeting in July 2017 by one of WDC's Senior Planners in answer to a direct question from RARA as to "what evidence does WDC have that the numbers of homes had been properly consulted on?" The reply was that: "...no consultation on this scale of development had taken place".
- 6.7 Further, the Steering Group was deliberately composed and conducted in such a way as to be unable to challenge the pre-disposed view with regards to the Risborough proposals.
- 6.8 In these regards, RARA strongly believe that a Steering Group should be made up of local representatives, with the District Planning Officers acting only as experts. It should not be led by the Deputy Cabinet Member for Planning (Cllr. Turner) and contain the Cabinet Head of Planning (Cllr. Johncock) as a member. This is a clear conflict of interest.
- 6.9 However, in Risborough:
- (1) The Steering Group was chaired by the Town Council's own Mayor (Cllr. Turner), who in 2016 took on the role of WDC's Deputy Cabinet Portfolio Holder for Planning whilst remaining a dominant member of the Steering Group.
 - (2) Also on the Steering Group throughout was Cllr. Johncock WDC's, Cabinet Portfolio Holder for Planning, and his Head of Planning Penelope Tollitt and other Senior Planners.
 - (3) These officials and professionals often outnumbered the community representatives.
 - (4) A majority of the community members were ill-prepared to challenge any of these Senior Officers and Councillors, especially at the start of the process when none of the community members and a majority of the Town Council members had any skills in planning.
- 6.10 So composed, the Steering Group was led in the direction the WDC politicians wanted - to rubber stamp their decisions. At the point of the first Steering Group meeting in 2015, the Plan was already pre-determined, the housing numbers and the route of the road already planned based on preliminary studies in 2013/4. No critical alterations or suggestions from the community members on either matter have ever been accepted.



- 6.11 To illustrate this, the Steering Group was asked to make only one key decision, which was the route of the relief road. The Group, including the Town Councillors, agreed that this road should be an outer relief road, built around Risborough, joining the A4010 south of the town, in line with the public consultation responses. However, the final decision of the SG and the wishes of the public were ignored by the WDC planners in favour of a cheaper alternative through Summerleys Road
- 6.12 Little wonder, then, that a number of members failed to attend or resigned from the Steering Group during its lifetime. These members felt their views were not being listened to by WDC and the Town Plan was pre-determined and a fait accompli - so what difference could they make? The Minutes of the penultimate Steering Group meeting in June 2017 (attached as **Appendix D**) show just three members of the community in attendance who were not elected officials or professional planners. This was a common pattern during the course of 2016/17. Put shortly, the Steering Group was formed for one reason which was to give the planning process a veneer of local involvement.
- 6.13 Accordingly, at the last meeting of the Steering Group a statement by current and former members was submitted (attached as **Appendix E**), expressing:
- “... serious concern about the manner in which the Steering Group has worked and its failure to provide a relevant voice to shape the Princes Risborough Town Plan as part of WDC’s Local Plan... On many key areas, the Steering Group has been informed of ‘the answer’ at the expense of working creatively to find ways to improve and enhance Princes Risborough. There was no real intention to empower local people to shape their environment but rather a pre-determined strategy to create the facade of consultation and localism to ensure a quarter of the district’s OAN and accompanying road could be driven through.”
- 6.14 In order to address the lacunae in local involvement, RARA has been proactive in raising awareness regularly consulting with the local community. It has held meetings and drop-ins to provide up to date information in order to enable people to share their views. To harness community feedback, RARA set to work in August and September of 2017 to look at how it could bring together a template for a better Town Plan. To this effect, wider group members were asked to contribute their views and suggested alternatives can be found in the document ‘Principles for a Better Town Plan’ (attached as **Appendix F**).
- Q.10) Does the Plan include policies designed to ensure that the development and use of land in Wycombe contribute to the mitigation of, and adaption to, climate change?**
- 10.1 Strategic Objective 8 is to “Mitigate Climate Change” and to do so as follows:
- “Reduce CO2 emissions by reducing the need for travel by private car, and aid public transport viability, through intensifying existing urban areas by re-use of brownfield sites, locating development in settlements with the widest range of services and facilities, and by clustering development to achieve high quality walking, cycling and public transport provision.”
- 10.2 This is proposed to be achieved through Policy CP12 (Climate Change), which provides inter alia as follows in its first two requirements:

“POLICY CP12 – CLIMATE CHANGE



The Council promotes mitigation and adaptation to climate change through:

1. A development strategy that minimises the need to travel by allocating sites and generally directing development to locations with better services and facilities, or where they are capable of being improved.
2. Ensuring allocations in this plan have taken account of climate change allowances using the information provided by the Strategic Flood Risk Assessment level 1 and 2 and through the sequential testing of sites, and ensuring through detailed development management policy that applications fully factor in climate change in their flood risk assessments.”

10.3 However, the proposed allocation of very considerable development at Risborough runs entirely counter to these objectives and requirements. In particular:

- (1) Having a strategy of houses in the North and jobs in the South, will only create more unnecessary commuting journeys which could have been reduced with a better integrated Plan.
- (2) Due to the geography of Risborough, the effect of greater run off of water from the surrounding hills will be greater here, especially when combined with urban creep, this has not been considered in the Town Plan, part of the Local Plan.

Q.11) How does the Plan address air quality?

11.1 As noted above, having a strategy of houses in the North and jobs in the South, will only create more unnecessary commuting journeys to the detriment of air quality and increasing climate change gas emissions.