

## **VALP EXAMINATION**

### **Discussion document D8**

#### **Inspector's initial consideration of representations on Modifications**

**NOTE; THIS DOCUMENT AMENDS THE ADVICE GIVEN IN MY NOTE OF 29.10.2020 (Published as EXAMINATION DOCUMENT ED241).**

#### **As with the other discussion documents comments are not invited from representors on this document)**

In my note of 29.10.2020 (published as ED241) I advised that I will not be taking a final decision on whether additional Hearing Sessions will be held until after the close of the consultation on the Further Modifications which are being proposed by the Council. That remains the case but, having now appraised the scope of the Further Modifications, I can anticipate that representations on them will give rise to a need for at least one further hearing session, which, is described further, below.

This document is my initial response (December 2020) to the representations made (December 2019) on the Modifications published in November 2019, following consideration of the Council's responses to the representations (issued in three batches, September, October and November 2020) but prior to considering any representations made to the Council's Further Modifications of December 2020. As a result of these deliberations, I am minded to hold further hearing sessions on

- **MMs071,072,073,074,075,076,297 (D-NLV001 Salden Chase, D-WHA001 Shenley Park and supporting text)**
- **MM082,083,084,101,204,205,206(part),210(part) (D-BUC043, D-BUC051, D-BUC046 – Buckingham sites and MMO006 – Maids Moreton and Buckingham Transport Strategy)**
- **MMs202,203,206(part),208,209,210 (part),212 (Aylesbury Transport Strategy, Policies T1, T2, T3, new policy T4)**
- **MMs027,032,033,034,035 (D-AGT1)**
- **The Further Modifications relating to the housing trajectory**

This intention should not be taken to imply that I reject the Council's responses to these representations. Indeed, I have raised only one question in relation to the Council's responses to the representations made but I do recognise that the range and complexity of the representations made and the responses to them merit an opportunity for me to hear a thorough debate of the views presented by all parties.

In addition to these five subjects, a number of representations have made specific suggestions for changes to certain modifications, which the Council has not accepted. Although I do not question the Council's reasoning, in the spirit of the regulations governing local plan examinations, these representations have a right to be heard. I am requesting the Programme Officer to contact the authors of these representations to ascertain whether they wish to exercise that right. Additional hearing sessions will be arranged if they choose to do so.

**MMs001,002,003,009,023,025,292 (OAN, housing requirement, trajectory and 5-year supply)** The representations largely reassert representations made and considered at submission stage and adduce considerations related to assessment methods intended to apply to plans prepared under the 2019 NPPF, whereas VALP is being examined according to NPPF2012. I concur with the Council's view that the 2016-based and 2018-based projections do not materially affect the calculations on

which VALP's OAN and total housing requirement are based. I do not therefore intend to hold further hearing sessions on the subjects of OAN or housing requirement.

Representations on the trajectory made in December 2019 comment on individual sites, which are considered individually, below. Modification 023, including Appendix A is simply a factual summary and so I did not therefore intend to hold further hearing sessions on this subject. In passing, representations comment on Additional Modification 043 (5-year housing Land Supply). This modification is not a required modification and has no material significance in relation to the substance of the plan. See my discussion Document D7. Comments alleging that the Council cannot demonstrate a five-year HLS because the calculation should include a 20% buffer for persistent underdelivery are misplaced because the underdelivery for early years of the plan period recorded in Table 7 has not persisted as the data for 2018/9 and 2019/20 demonstrate.

I would not have wanted to hold further hearing sessions on this subject but I observe that Geoff Gardner on behalf of Arnold White Estates and Graham Bloomfield of the Strategic Planning Research Unit on behalf of Barratt Homes have proposed specific amendments to proposed paragraph 3.89 and MM023 and so have a right to be heard on that particular point. Furthermore, I now observe that the Council's Further Modifications use the latest evidence of the district's housing supply position to update the expected delivery times of a number of sites and, in particular, update Appendix A (the housing trajectory) which is proposed to be included in the Plan as a result of Main Modification MM023. I anticipate that those who wished to reiterate at Modifications stage their representations made to the originally submitted Plan on the deliverability of individual sites will wish to make similar representations in respect of new evidence underpinning the latest trajectory. My examination of this new evidence will therefore benefit from a further hearing session. This hearing session can also review the matter raised in my Discussion Document D7 concerning Additional Modification 043 and the necessity or otherwise for soundness of including a tabulated five-year housing land supply.

**MMs004,006,008,022,026 (Review)** The submitted Plan's commitment to an early review implied that it was unsound as submitted. The Modifications proposed are intended to ensure that the Plan will be sound at the point of its adoption. The representations seeking to reinstate a commitment to an early review are largely based on changes to plan making subsequently introduced but NPPF2019 has specific transitional arrangements for previously prepared plans to continue. The passage of time inevitably brings new considerations but regulation 10A of the Town and Country Planning (Local Planning)(England) Regulations 2012 sets a standard period for review. The representations do not adduce new emerging changes in circumstances not considered previously and so I do not therefore intend to hold further hearing sessions on this subject but because Graham Bloomfield of the Strategic Planning Research Unit on behalf of Barratt Homes has drafted specific modifications to paragraph 3.77 (MM022), he has a right to be heard on that specific point.

**MMs005,019,021,024,028,030,036,037,038,047,049,050,051,052,056,058,059,060,061,062,064,065,066,067,068,069,077,078,086,090,092,093,095,098,099,100,102-114,116-151,154,156,159,160,163,168-185,187,188,190-201,207,211,213,215-220,222,223,225,226,229,232,233,235,237-245,247,248,250-252,254,257,259,261-267,269,270,273,274,279,280,282-291,294,295** No adverse representations.

**MMs007,010,011,012,013,014,015,070,081 (Objective 4 and policies S2– Spatial Strategy, S3 – Settlement hierarchy, new policy D2 and supporting text)** Corrections to the second paragraph of

policy S2, totals in Table 1 and to provide a list of other settlements in table 2 are needed, as suggested by the Council. Additions to the descriptions of sites in D2 are needed as agreed by the Council.

The representations focus more on the details of the strategy rather than its overall concept and so are further considered below in relation to the parts of the plan which provide detail (eg Shenley Park MM076). I accept that the modifications adding the words “at least” in front of proposed quantities introduce an element of uncertainty to the plan but the feasibility studies which provide the evidence for the figures do not demonstrate that more cannot be achieved and it is government policy to boost development, particularly the supply of housing. None of the representations indicate that the figures should be regarded as a maximum, so I do not intend to hold further hearing sessions on this point, although, because Graham Bloomfield of the Strategic Planning Research Unit on behalf of Barratt Homes has drafted specific modifications to MMs007, 013, 014 and 070, he has a right to be heard on those specific points as does Mark Schmul of Arrow Planning on behalf of the IPE Orchestra Ltd.

Some representations reiterate views considered at earlier hearing sessions that there should be more dispersal of development to villages. Other representations argue to the contrary. The Modifications increase the total development in large and medium villages by 16-17% (and the Further Modifications would increase the total development figures still further), vindicating my acceptance of the Council’s view that it would not need to pursue further allocations in the villages in order to reach a more balanced Spatial Strategy. Consequently, I do not intend to hold further hearing sessions on this point. S G Raven proposes a specific change to policy D3 (to become D4) but as neither that nor policy S2(i) with which he alleges an inconsistency are the subject of proposed modifications and I do not recognise the alleged inconsistency in any event, I do not propose a further hearing.

**MM016 (paragraph 3.32)** Corrections are necessary as suggested by the Council subject to consideration of any further representations received.

**MM017 (paragraph 3.41)** Council’s explanation is acceptable.

**MM018 (Policy S5)** Council’s explanation is acceptable.

**MM020 (Role of Neighbourhood Plans)** Council’s explanation and clarification is acceptable, so, I would not wish to hold further hearing sessions on this point but because Graham Bloomfield of the Strategic Planning Research Unit on behalf of Barratt Homes has drafted specific modifications to MM020, he has a right to be heard on that specific point.

**MMs027,032,033,034,035 (D-AGT1)** Although the Council gives a thorough response to representations I would benefit from a brief hearing session to discuss the matters raised by QUOD representing the D-AGT1 landowners and the Council’s responses to those matters, particularly in relation to (i) the SEALR and its limitations and (ii) the sequencing of delivery, matters also raised by Geoff Gardner on behalf of Arnold White Estates in relation to site D-AGT1 and by Sarah Hamilton-Foyne of Pegasus Planning Group on behalf of Willis Dawson Holdings in relation to D-AGT2.

**MM029 (Paragraph 4.21 (now 4.23))** Council’s explanation is acceptable.

**MM031 (Policy D1 – Delivering Aylesbury Garden Town)** Representations focus on relationship between numbers and transport provision (see below MM210 to policy T3) and numbers and timescales of individual sites (considered in relation to each site proposal, see above for AGT-1 and

below for others). The Council's responses in relation to other matters raised in relation to MM031 are acceptable. I would not wish to hold further hearing sessions in relation to this particular policy but Steve Doel of Nexus Planning on behalf of Gleeson Homes has put forward a specific amendment to policy D1 and so has a right to be heard.

**MMs039,040,041,281 (D-AGT2 and supporting text)** Council's explanations and adjustments to modifications acceptable (but see above in relation to D-AGT1) subject to consideration of any further representations received.

**MM042,043,044,045,046,048 (D-AGT3 and supporting text)** The Council's explanations and adjustments to modifications are acceptable. I see no need to hold further hearing sessions on this proposal unless Mark Utting of Carter Jonas claims the right to be heard on behalf of Mactaggart and Michel in relation to his specific proposed amendment to criterion (m)

**MM053,054,055 (D-AGT4 and supporting text)** Council's explanation is acceptable

**MM057 (D-AGT5 and supporting text)** Council's explanation is acceptable

**MM063 (D-AYL073)** Council's explanations and adjustments to modifications acceptable subject to consideration of any further representations received

**MMs071,072,073,074,075,076,297 (D-NLV001 Salden Chase, D-WHA001 Shenley Park and supporting text)** Although the Council gives a thorough response to representations, I would benefit from a hearing session to discuss the matters raised by Sarah Hamilton-Foyne of Pegasus Planning Group on behalf of Willis Dawson Holdings, Mike Galloway of Newton Longville Parish Council, Graham Bloomfield of Strategic Planning Research Unit on behalf of Barratt Homes, James Brewer for Crest Nicholson, Michael Knott of Barton Willmore on behalf of L&Q, West Bletchley Council, Garry Hutchinson of Planning Insight on behalf of Highbarrow Holdings, Lisa Jackson of Jackson Planning Ltd on behalf of Chase Consortium, David Murray-Cox of Turley on behalf of Barwood Developments Ltd, Liz Rawlinson of the Consortium of Bletchley Residents' Associations, Stephen Pickles of West Waddy on behalf of FCC Environment, MK Councillor Anthony Brown, Robert Wilson of Impact Planning Services on behalf of Kingsmead Residents' Group, Bryan Flynn of Carter Jonas for South West Consortium, Andrew Turner on behalf of Milton Keynes Council and numerous individuals, of whose representations the following stand out as most comprehensive; Lucy Stewart, Paul Logan, Baird McClellan and Adam Stewart.

**MMs079,080,091,097 (Paragraphs 4.122, 4.145 and 4.154 (duplicated as 4.142, 4.149 and 4.157 in Local Plan as Proposed to be Modified) and policy D2 (to become D3)** Although I find the Council's explanations and adjustments to modifications acceptable Geoff Gardner of Arnold White Estates, Graham Bloomfield of the Strategic Planning Research Unit on behalf of Barratt Homes, John Smith of Gleeson Strategic Land and Linden Homes, Paul Hill of RBS on behalf of Richborough and David Bell of LDA design on behalf of Figar Land Ltd have put forward specific amendments to policy D2(now D3) and so have a right to be heard.

**MM082,083,084,101,204,205,206(part),210(part) (D-BUC043, D-BUC051, D-BUC046 – Buckingham sites and MMO006 – Maids Moreton and Buckingham Transport Strategy)** Although I find the Council's explanations and adjustments to modifications acceptable, the new transport evidence submitted since the earlier hearing sessions means that I would benefit from a further hearing session. Furthermore, as a result of the short notice given to the Council's previous tergiversations in relation to Maids Moreton a number of people did not attend the previous hearing session who might have been expected to do so and so, a further opportunity for them to be heard should be

given. Some representations have submitted specific suggestions for further amendments and so have a right to be heard, eg Geoff Armstrong of Armstrong Rigg on behalf of Bellway and David Lock of Hallam Land for the Buckingham sites.

**MM085 (D-HAD007- Haddenham)** Council's explanation is acceptable and so I would not wish to hold further hearing sessions in relation to this particular policy but Dr Michael Stubbs has proposed a specific amendment and so has a right to be heard.

**MMs087,088 (D-HAL003 - Halton and supporting text)** The Council's explanations and adjustments to modifications are acceptable but Tim Byrne of JLL on behalf of the Defence Infrastructure Organisation, Fiona Lippman for Halton Parish Council, Jonathan Clover and Brian Thompson have proposed specific amendments and so have a right to be heard.

**MM089 (D-WIN001 – Winslow)** Council's explanation is acceptable

**MM094 (D-STO008 – Stone)** Council's explanation is acceptable

**MM096 (Paragraph 4.153)** Council's explanations and adjustments to modifications acceptable subject to consideration of any further representations received

**MM115 (H1- Affordable Housing)** Representations point out that the modification allows the continuation of Neighbourhood Plan policies in relation to affordable housing which are based on evidence older than that on which VALP policy is based. Paragraph 158 of NPPF(2012) advises that the Local Plan should be based on adequate, up to date and relevant evidence. Paragraphs 183-185 of NPPF(2012) point out that Neighbourhood Planning provides a powerful set of tools for local people to develop a shared vision for their neighbourhood and to ensure that they get the right types of development for their community.

Previous hearing sessions established that, once adopted, VALP policies would override any inconsistent policy in any earlier made neighbourhood plan, such as a policy requiring a higher proportion of affordable housing, however recent or up-to-date. This would be an outcome which would both contradict NPPF paragraphs 183-5 by devaluing the effort put in to preparing recently-made Neighbourhood Plans and would also be contrary to NPPF paragraph 158 where the Neighbourhood Plan was based on adequate evidence more relevant to its local housing market area than to the overall Aylesbury Housing Market Area on which VALP policy is based. At the earlier hearing sessions, the Council was at pains to point out that it was not its intention for VALP to undermine the concept and value of Neighbourhood Planning and accepted that it would be unsound if it did so without good reason.

The representations are largely based on reiterated evidence for the Aylesbury Housing Market Area as a whole and so do not add any new evidence to that previously considered. Nor do they address the issue of the support which should be given to the Neighbourhood Plan concept. They do not persuade me that this issue should be revisited.

**MM152 (Policy H6a – Housing Mix)** Council's explanation is acceptable

**MMs153,155,157,158,161,162,164,165,166,167 (Policy H6b – Housing for Older People and supporting text)** Council's explanations and adjustments to modifications acceptable, subject to consideration of any further representations which may be received.

**MM186 (Policy E5)** Council's explanations and adjustments to modifications acceptable subject to consideration of any further representations received. However, David Vowles proposes a specific

amendment to policy E5, so has a right to be heard.

**MM189 (Policy E6)** Council's explanation is acceptable.

**MMs202,203,206(part),208,209,210 (part),212 (Aylesbury Transport Strategy, Policies T1, T2, T3, new policy T4)** The new transport evidence submitted since the earlier hearing sessions means that I would benefit from a further hearing session.

**MM214,293 (Policy T4 (now T5) – parking and new Appendix B Parking Standards)** Council's explanation is acceptable, so I do not intend to hold a further hearing session but Adrian Harford of AOTRA proposes a specific change to policy T5, so has a right to be heard.

**MM221(Policy BE1)** Council's explanations and adjustments to modifications acceptable subject to consideration of any further representations received

**MMs224,227,228,230,234,236 (Section 9)** Council's explanations and adjustments to modifications acceptable, subject to consideration of any further representations received

**MM246 (Green Infrastructure)** Council's explanations and adjustments to modifications acceptable, subject to consideration of any further representations received

**MMs249,253,255,256,258,260 (Policy I1 and supporting text)** Council's explanations and adjustments to modifications acceptable, subject to consideration of any further representations received

**MMs268,271 (Policy I2 and supporting text)** Council's explanations and adjustments to modifications acceptable, subject to consideration of any further representations received

**MMs272,275 (Policy I4 and supporting text)** Council's explanations and adjustments to modifications acceptable, subject to consideration of any further representations received

**MM276 (Policy I5)** Council's explanation is acceptable

**MM277 (Glossary)** Council's explanations and adjustments to modifications acceptable, subject to consideration of any further representations received

**MM296 (Appendix E)** Council's explanation is acceptable