



The Planning Inspectorate

Report to Buckinghamshire Council

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an Inspector appointed by the Secretary of State

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Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

Report on the Examination of the Vale of Aylesbury Local Plan 2013-2033

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The Plan was submitted for examination on 28 February 2018

The examination hearings were held between 10 and 20 July 2018 and 13-16 and 29 April 2021

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Abbreviations used in this report

| | |
|--------|---|
| AA | Appropriate Assessment |
| AAL | Area of Attractive Landscape |
| AECOM | Architecture, Engineering, Consulting, Operations and Maintenance. A multinational engineering firm |
| AONB | Area of Outstanding Natural Beauty |
| AVDC | Aylesbury Vale District Council |
| BC | Borough Council |
| CaMKOx | Cambridge-Milton Keynes-Oxford arc |
| CoStar | A commercial real estate information company |
| DCLG | Former Department for Communities and Local Government |
| ELR(N) | Eastern Link Road (North) |
| EZ | Enterprise Zone |
| FEMA | Functional Economic Market Area |
| HEDNA | Housing and Economic Development Needs Assessment |
| HELAA | Housing and Economic Land Availability Assessment |
| HGV | Heavy Goods Vehicle |
| HMA | Housing Market Area |
| HRA | Habitats Regulations Assessment |
| HS2 | High Speed Two |
| IDP | Infrastructure Delivery Plan |
| LCA | Landscape Character Assessment |
| LLA | Local Landscape Area |
| LPEG | Local Plans Expert Group |
| LVIA | Landscape and Visual Impact Assessment |
| MHCLG | Ministry of Housing, Communities and Local Government |
| MK | Milton Keynes |
| MM | Main Modification |
| NHS | National Health Service |
| NIC | National Infrastructure Commission |
| NP | Neighbourhood Plan |
| NPPF | National Planning Policy Framework |
| OAN | Objectively Assessed Need |
| ONS | Office for National Statistics |
| ORS | Opinion Research Services. An independent social research practice |
| PPG | Planning Practice Guidance |
| Q | Question |
| RAF | Royal Air Force |
| SA | Sustainability Appraisal |
| SAC | Special Area of Conservation |
| SEALR | South East Aylesbury Link Road |
| SEGRO | Slough Estates Group. A property investment and development company |
| SPD | Supplementary Planning Document |
| SSSI | Site of Special Scientific Interest |
| SWOT | Strengths, Weaknesses, Opportunities, Threats |
| VALP | Vale of Aylesbury Local Plan 2013-2033 |
| WebTAG | Web-based Transport Analysis Guidance |

Non-Technical Summary

This report concludes that the Vale of Aylesbury Local Plan [VALP] provides an appropriate basis for the planning of the former Aylesbury Vale District part of Buckinghamshire, provided that a number of main modifications [MMs] are made to it. Buckinghamshire Council has specifically requested that I recommend any MMs necessary to enable the Plan to be adopted.

The MMs all concern matters that were discussed during the examination, whether in hearings or by an exchange of correspondence. Following the hearings, the Council prepared schedules of the proposed modifications and carried out sustainability appraisal of them. The MMs were subject to public consultation over a six-week period. Representations identified further issues of soundness in response to which further modifications were prepared and subjected to sustainability appraisal, habitats regulations assessment and public consultation. In some cases I have amended their detailed wording and/or added consequential modifications where necessary. I have recommended their inclusion in the Plan after considering the sustainability appraisal, habitats regulations assessment and all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- Reducing uncertainty and the need for an early review;
- Policies and proposals to be stated in the plan rather than in SPD, IDP or other supporting documents;
- Reduced numbers of SPDs;
- Policy stated as policy rather than in supporting text;
- Clarification of role of Neighbourhood Plans;
- Amended Spatial Strategy and delivery policies and additional site allocation close to Milton Keynes (MK);
- Increased housing figures and revised delivery times;
- Revised policies on dwelling mix, on housing for older people and on accessible housing;
- Concise policy on agricultural workers dwellings;
- Refinements to town centre retail policy and sequential test;
- Refinements to tourist accommodation policy;
- Refinements to policy on provision for electric vehicles;
- Greater emphasis on heritage strategy;
- Rationalised policy on biodiversity and geodiversity;
- Enhanced policies on provision of green infrastructure and sports and recreation facilities;
- Clarification of transport proposals;
- Clarification of policy on water infrastructure provision; and
- A number of other modifications to ensure that the plan is positively prepared, justified, effective and consistent with national policy.

Introduction

1. This report contains my assessment of the Vale of Aylesbury Local Plan 2013-2033 in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is compliant with the legal requirements and whether it is sound. The National Planning Policy Framework 2012 (paragraph 182) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The revised National Planning Policy Framework (NPPF) was published in July 2018 and further revised in February 2019 and July 2021. It includes a transitional arrangement in paragraph 214 which indicates that, for the purpose of examining this Plan, the policies in the 2012 NPPF will apply. Similarly, where the Planning Practice Guidance (PPG) has been updated to reflect the revised NPPF, the previous versions of the PPG apply for the purposes of this examination under the transitional arrangement. Therefore, unless stated otherwise, references in this report are to the 2012 NPPF and the versions of the PPG which were extant prior to the publication of the 2018 NPPF.
3. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The Vale of Aylesbury Local Plan 2013-2033 (the VALP), submitted in February 2018, is the basis for my examination. It is the same document as was published for consultation in November 2017, accompanied by a Schedule of suggested minor changes, needed post publication (February 2018), which reflect the correction of errors and amendments to procedural text to reflect the progression of the plan's preparation.
4. The Plan was submitted for examination by Aylesbury Vale District Council (AVDC) in February 2018. On 1 April 2020, under the Buckinghamshire (Structural Changes) Order 2019, the Districts of Aylesbury Vale, Chiltern, South Bucks and Wycombe were abolished as local government areas and the district councils which related to those areas were wound up and dissolved. In their place a new non-metropolitan district, Buckinghamshire, was established as the sole principal authority for this new, non-metropolitan district. In short, since 1 April 2020, Aylesbury Vale District Council has ceased to exist and Buckinghamshire Council has taken its place.
5. Under the Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008, where functions are now to be exercised by the successor council, anything done by the predecessor council (AVDC) in the exercise of its functions shall have effect as if done by the successor council (Buckinghamshire Council). Therefore, the preparation of VALP, undertaken by AVDC prior to 1 April 2020 is to be treated as having been undertaken by Buckinghamshire Council.
6. Furthermore, the regulations make provision for a prepared but as yet unadopted local plan to be adopted, with or without modifications, by the successor authority (Buckinghamshire Council). In this report, unless stated otherwise, the phrase "the Council" means AVDC up until 1 April 2020 and

Buckinghamshire Council thereafter but, in any event, the actions of AVDC in relation to the Plan prior to 1 April 2020 are to be regarded as having been undertaken by Buckinghamshire Council.

Main Modifications

7. Following the examination hearings, the Council prepared a schedule of proposed MMs and carried out sustainability appraisal and habitats regulations assessment of them. The MM schedule was subject to public consultation for six weeks (5 November 2019 to 17 December 2019). A number of representations were made which raised further issues of soundness, following which the Council prepared a schedule of further proposed modifications, also subject to sustainability appraisal and public consultation, extended to eight weeks over the Christmas period (15 December 2020 to 9 February 2021).
8. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any MMs necessary to rectify matters that make the Plan unsound and /or not legally compliant and thus incapable of being adopted. My report explains why the recommended MMs are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2** etc, and are set out in full in the Appendix. For ease of identification, the numbering of the modifications approximates closely to the numbering used in the Council's published consultation documents but some have been merged, resulting in discontinuous numbering in places [MMs 15, 76, 78, 80, 119-147, 160-167, 172, 173, 182, 225-227, 229-231, 250-253, 258, 259, 263-267 are numbers not used]. Where the Council proposed a further modification which was not to a previously proposed modification, the numbering sequence is interrupted with lettered suffixes, A, B, C etc. In all cases, the text and paragraph numbers as proposed to be modified are those of the Plan submitted for examination in February 2018, not that of the Plan as Proposed to be Modified which was published by the Council in October 2019.
9. I have taken account of the consultation responses in coming to my conclusions in this report and in this light I have made some amendments to the detailed wording of the main modifications and added consequential modifications where these are necessary for consistency or clarity. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal/habitats regulations assessment that has been undertaken. Where necessary I have noted these amendments in the report.

Policies Map

10. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the relevant changes are illustrated on a series of maps provided in section 13 of the submitted plan.
11. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, in this particular instance, the proposed changes are provided as a

series of plans and inset maps within the submitted Local Plan. As such, where changes are necessary for soundness, they are included in the schedule of main modifications appended to this report. Required adjustments are described in words in **MMs 284 to 303**. They were also shown on a series of maps which accompanied the main modification consultation exercises in November 2019 and November 2020.

12. Moreover, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the policies map. In addition, there are some instances where the geographic illustration of policies on the submission policies maps is not justified and changes to the submission policies maps are needed to ensure that the relevant policies are effective.
13. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the changes proposed in the Vale of Aylesbury Local Plan 2013-2033 and the further changes published alongside the MMs.

Context of the Plan

14. The Vale of Aylesbury Local Plan (2013 – 2033) is proposed to replace the saved policies of the Aylesbury Vale District Local Plan 2004. The new plan will sit with The Buckinghamshire Minerals and Waste Local Plan 2016-2036 adopted on 25 July 2019 and a number of Neighbourhood Plans to constitute the full development plan for the part of Buckinghamshire Unitary Authority which was formerly the Aylesbury Vale District. The former District was large (900 sq km) and mainly rural in character but its area forms part of a swathe of local authorities in Oxfordshire, Buckinghamshire, Bedfordshire and Hertfordshire which are experiencing some of the fastest housing growth rates in the country.
15. Aylesbury is by far the largest town in the former District. It was, and is, the county town. Its population was over 40% of that of the whole district, more than five times that of Buckingham, the second largest settlement. Other main settlements are Winslow, Wendover and Haddenham. Aylesbury dominates the southern part of the former District. The fast-growing city of Milton Keynes borders and economically dominates the northern part of the former District. The substantial twin town settlement of Leighton Buzzard and Linslade, almost as large as Aylesbury itself, abuts the eastern edge of the former District.
16. The southern part of the district contains substantial tracts of high quality landscape, including part of the Chilterns Area of Outstanding Natural Beauty (AONB), and is also partly within the Metropolitan Green Belt around London. Districts to the south of Aylesbury Vale have significant environmental constraints due to the AONB and Green Belt designations, which can affect the scale and type of development they can accommodate.

Public Sector Equality Duty

17. Throughout the examination, I have had due regard to the equality impacts of the Vale of Aylesbury Local Plan in accordance with the Public Sector Equality Duty, contained in Section 149 of the Equality Act 2010. This, amongst other

matters, sets out the need to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it.

18. There are specific policies (S6 and H6) concerning specialist accommodation for the elderly, gypsies and travellers and accessible environments that should directly benefit those with protected characteristics. In this way the disadvantages that they suffer would be minimised and their needs met in so far as they are different to those without a relevant protected characteristic. There is also no compelling evidence that the plan as a whole would bear disproportionately or negatively on them or others in this category.

Assessment of Duty to Co-operate

19. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
20. The four former Buckinghamshire Districts (Aylesbury Vale, Chiltern, South Bucks and Wycombe), the County Council and the two Local Enterprise Partnerships (Buckinghamshire Thames Valley Local Enterprise Partnership and South East Midlands Local Enterprise Partnership) formed the Bucks Planning Group at an early stage of plan preparation. This supervised the joint commissioning of joint studies from 2014 onwards.
21. These defined the relevant Housing and Functional Economic Market Areas, Objectively Assessed Need for housing and economic development and the housing requirements for all four districts collectively and individually. They identified the need for VALP to take on board housing needs which could not be met elsewhere in Buckinghamshire. They also updated a previous study of Gypsy and Traveller and Travelling Showpeople Accommodation Needs and an assessment of the Green Belt. It is evident from the submitted plan itself, the representations submitted and the supporting documents, including the Duty to Cooperate Statement of Compliance, that these arrangements secured cooperation on strategic housing, economic, Gypsy and Traveller and Green Belt matters between the authorities involved.
22. Other authorities (Royal Borough of Windsor and Maidenhead, Slough Borough, South Oxfordshire, Cherwell, Dacorum) were engaged on these matters from time to time, with Memoranda of Understanding being signed at various times. In addition, a far wider range of authorities were consulted. The Council has participated in the Steering Groups of the Luton and Central Bedfordshire Strategic Housing Market Assessment and Housing Market Area Boundaries Study.
23. For Strategic Flood Risk Assessment and Water Cycle Studies a stakeholder Group of Buckinghamshire County Council, the Environment Agency and two Water Utility Companies were engaged with studies carried out in 2016 and 2017 in time to be taken into account in the Submission Draft plan published in November 2017. Regular quarterly meetings of the Buckinghamshire Flood Technical Management Group continue.
24. County-wide consideration of transport issues seems to have got off to a slower start, with phase 1 of the Countywide Local Plan modelling report being

published in July 2016, just before the consultation on Issues and Options for Aylesbury Vale in August and September 2016. The Aylesbury and Buckingham Transport Studies were published in January 2017 and Phases 2 and 3 of the Countywide Local Plan modelling report in March and August 2017, prior to the publication of the Proposed Submission version of the plan in November 2017. Countywide modelling continued to inform the preparation of the Modifications and Further Modifications with the publication of the Jacobs VALP Modelling – Countywide Local Plan Modelling Support, Phase 4 Report (May 2020).

25. Although many authorities outside Buckinghamshire are listed in the Council's Duty to Cooperate Statement of Compliance as Strategic Partners in this work, representations from Oxfordshire and Hertfordshire County Councils record disappointment that up to the end of January/beginning of February 2018 very little work on cross boundary transport impact had been undertaken. Oxfordshire asserted in its representation that it had not been involved in modelling and related transport discussions and was concerned that insufficient attention had been paid to its comment submitted on the Aylesbury and Buckingham Transport Studies.
26. But a Memorandum of Understanding between the Council, Wycombe and South Oxfordshire District Councils and Buckinghamshire and Oxfordshire County Councils postdates these representations. It is dated 26 February 2018, immediately prior to the submission of the plan on 28 February 2018. It records agreement to cooperate on matters concerning strategic transport networks, to consult on policies and proposals that affect the strategic network or which have cross boundary impacts and to work together on the identification and delivery of appropriate interventions. It specifically identified four issues for future work and so addresses the representations made earlier. It is therefore evidence that the five signatory authorities have engaged constructively on strategic cross-boundary matters as part of the duty to cooperate.
27. Notwithstanding the representation made by Hertfordshire County Council, a memorandum of Understanding with Dacorum Borough Council dated 23 February 2018 records the strategic modelling work being undertaken by both Hertfordshire and Buckinghamshire County Councils and records agreement that there are currently no duty to cooperate concerns on matters concerning strategic transport networks in their respective emerging Local plans.
28. The Council's Duty to Cooperate Statement of Compliance confirms that its work on Open Space, Sport and Recreation matters did not engage strategic partners. On wider strategic issues it claims active engagement with the Bucks and Milton Keynes Natural Environment Partnership and this can be seen in section 9 of the submitted plan. Representations from South Oxfordshire District Council and from Thame Town Council suggest that there is more to be done in relation to cross-border leisure and social infrastructure issues. Those representations confirm, in themselves, that cooperation has taken place, albeit that the outcome is a recognition of more work needed.
29. At a very late stage in the plan's preparation (February 2018), Memoranda of Understanding have been signed with Buckinghamshire County Council, Cherwell District Council, Chiltern District Council, South Bucks District

Council, Dacorum Borough Council, Milton Keynes Council, South Northamptonshire District Council, South Oxfordshire, Wycombe District Council. These record previous engagement and also provide agenda for future cooperation. Those with Cherwell and with South Northamptonshire record that there are no significant cross border planning issues which need to be addressed through the duty to cooperate. That with South Oxfordshire records agreement to take forward dialogue concerning playing pitch provision in South Oxfordshire in the context of growth being planned for in the next local plans for both districts and so addresses the representations noted earlier.

30. Representations to the Modifications from Milton Keynes Council demonstrate that the duty to cooperate is not the same as a duty to agree. Nevertheless, further modifications to the original modification have resulted from the interaction with Milton Keynes Council leading to the recommended modification [MM75]. This demonstrates that not only was the Duty to Cooperate discharged in the preparation of the plan but that dialogue has continued through the preparation of modifications and continues still, even though the formal Duty to Cooperate applied only to the preparation of the originally submitted plan.
31. Overall I am satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the duty to co-operate has therefore been met.

Assessment of Soundness

Main Issues

32. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, I have identified nineteen main issues upon which the soundness of this plan depends. This report deals with these main issues. It does not respond to every point or issue raised by representors. Nor does it refer to every policy, policy criterion or allocation in the Plan. Nevertheless, all representations and all the evidence before me have been taken into account in reaching my conclusions on the examination of the plan, even if not specifically mentioned in this report.

Issue 1 – Whether the Spatial Distribution Strategy is sound

33. VALP's spatial distribution strategy is set out in policies S2 and S3 and associated Tables 1 and 2. The essence of its justification is set out in paragraph 3.14 of the plan and elaborated upon in paragraphs 3.19 and 3.20. It is proposed to focus the majority of growth in and around six strategic settlements, one of which (Milton Keynes) is outside but immediately adjacent to the District. These are said to be chosen to minimise the need to travel, optimising sustainable modes of travel, helping to deliver services and facilities needed and enabling an integrated and balanced approach to the provision of homes, jobs and leisure.
34. In principle, this is a strategy which focuses significant development in locations which are, or can be made, sustainable and is likely to result in the creation of an environment with accessible local services that reflect a community's needs and supports its health, social and cultural well-being. The

sustainability appraisal that has been carried out demonstrates this. I am therefore satisfied that the intent of the spatial distribution strategy accords with NPPF advice, in particular paragraphs 7, 17 (bullet 11) and 34. The Council accepted that its phrasing of policy S3, prescribing avoidance of new development in the countryside, was not intended to go beyond the advice of NPPF paragraph 17, bullet 5 and would be the subject of a Modification [MM14]. I agree that it is necessary for compliance with national policy.

35. As opposed to its principles, the sense of the application of the spatial strategy in practice can be seen by reference to the existing sizes of settlements, their new allocations for housing development and their expected development (including commitments) over the plan period¹:

| Settlement | Population | allocation | development |
|------------------------------|---------------------------------------|-----------------|-----------------|
| • Milton Keynes | 229,941 (outside district) | 14% | 8% |
| • Aylesbury | 58,740 ² (41% of district) | 60% | 57% |
| • Buckingham | 12,043 (7% of district) | 7% | 8% |
| • Wendover | 7,399 (4% of district) | 8% ³ | 4% ⁴ |
| • Haddenham | 4,502 (3% of district) | 2% | 4% |
| • Winslow | 4,407 (3% of district) | 5% | 4% |
| • Larger villages | } 42% | { 1% | 7% |
| • Medium villages | } of | { 2% | 4% |
| • Smaller villages and other | } district | { 0% | 2% |

36. Although Leighton Buzzard (population c37,000) immediately adjoins Aylesbury Vale on the east side of the district, the spatial strategy does not propose to take advantage of its facilities or connectivity by allocating sites for development there. Other things being equal, an allocation for development comparable to that of Buckingham might have been expected. Instead, the land in Aylesbury Vale which is contiguous to the built-up area of Leighton Buzzard is proposed as an extension to the Metropolitan Green Belt. As noted elsewhere, there is an apparent intention to limit the outward growth of Leighton-Linslade and there is no request from Central Bedfordshire Council

¹ Percentages are rounded so may not sum

² This figure represents the population of Aylesbury parish and so excludes contiguous built-up areas of Buckingham Park to the north-west, Fairford Leys to the west and built-up areas to the south of the town. An alternative figure, for an area which still excludes Buckingham Park but also includes the separated village of Bierton to the north-east of Aylesbury would be 71,977, 50% of the former district.

³ At Halton, outside but near to Wendover.

⁴ Ditto

for Aylesbury Vale to contribute to the growth of Leighton Buzzard so I have no reason to find this choice unsound; simply, worthy of remark. Following my examination of its housing requirements, the Council has considered the need to identify further development sites within Aylesbury Vale and has confirmed that it can meet its revised housing requirements without the need for development at Leighton-Linslade. Consequently I find that a strategy which omits any allocation of land at Leighton-Linslade is justified and sound.

37. Equally remarkable in this strategy are the disproportionate dominance of Aylesbury, the disproportionately small role of Milton Keynes and the disproportionately small role of villages.

Villages

38. The dominance of Aylesbury and the small role for villages is actually a moderation of policy compared with the previous local plan which concentrated 65% of allocations in and around Aylesbury. Nevertheless the strategy still represents a substantial proportionate shift of settlement away from rural locations towards urban centres.
39. The concern is that paucity of allocations and restrictive policies on growth in villages may be inconsistent with the strategic aim stated in paragraph 4.183 of the plan that communities continue to thrive and do not stagnate or go into decline. Part of policy D6 asserts that "local and village centres will be encouraged to grow and loss of essential facilities and businesses such as local shops, pubs and post offices will not be supported." Policy I3 also asserts that the Council will resist proposals for the change of use of community buildings (defined as including shops, post offices and public houses) and facilities for which there is a demonstrable need.
40. Although these policies are concordant with the NPPF, they face the tide of economic reality in rural areas, recognised in paragraph 2.8 of the Council's Settlement Hierarchy Assessment, September 2017 and so, need more than assertion if they are to be effective and deliverable. The Council's response to my Q1 indicates that their viability and deliverability in the context of paragraphs 4.122, 4.145 and 4.14 of the Plan, which seek to place restrictions on growth in rural villages, has not been tested.
41. Policy D3 of the Plan advises that new housing development at smaller villages will be supported where it contributes to the sustainability of that village, thus allowing for the possibility that additional population could provide additional demand to sustain ailing services or facilities. There is no equivalent provision in policy D2 applying to medium and larger villages. In the case of smaller villages, the limitation of each site to five dwellings or fewer (criterion (c) of the policy) would limit the benefit of any but cumulative effects. As noted elsewhere, this policy would preclude the application of policy H6 to secure the provision of affordable housing in small villages.
42. Evidence which the Council presented in response to my Q1 shows how the provision of net additional dwellings at larger and medium villages is set to rise significantly over the next five years or so. Commitments fall away after that period and only three of the twelve larger villages have any allocations thereafter listed in VALP table 2, though the Council's response to my Q1 asserts that nine of the twelve have either VALP or NP allocations.

43. I am not convinced that the large commitment to growth in Aston Clinton (32% of the growth in larger villages) is necessarily a sound reason to preclude further growth allocations in the longer term but it is at least an explanation. The Council also explained that it did not make allocations to villages where development was also happening elsewhere in the same parish (this applies to Stoke Mandeville as paragraph 4.142 of the plan explains).
44. Only six of the nineteen medium villages listed in VALP table 2 have allocations. One of those, taking 16% of the total development expected to take place in medium villages, is Maids Moreton. In many ways this village may be regarded as a part of Buckingham (local residents would disagree) with which the village is contiguous. This emphasises the minimal contribution to the development strategy which free-standing medium sized villages are expected to make. High percentages of commitments at Cheddington and at Stoke Hammond may offer an explanation for an absence of allocations in those particular cases. The omission of growth allocations in many of the other larger or medium villages does not even have that explanation.
45. Although policies D2 and D3 do not preclude growth in settlements on sites not allocated, supporting text in paragraphs 4.122, 4.145 and 4.154 appears to do so. Modifications are necessary to eliminate the inconsistencies, to allow continued growth even after the next five years or so and to comply with national policy set out in NPPF paragraph 54 [**MMs 79, 91 and 97**]. The Council also accepted that a modification to policy D2 to make it clear that it is in two parts is necessary for clarity (and hence, effectiveness). I agree with that and the need to redraft criterion (c) to remove internal inconsistency and to be consistent with the footnote of policy H2.
46. Although the HELAA process by which allocations were identified took account of the provision of facilities and services within each settlement, it did not take account of the potential for sites to contribute to the support or provision of such services or facilities. In similar fashion, the classification of villages into their position in the settlement hierarchy was based on a snapshot in time, recording facilities and services as they existed at a particular moment. It does not take into account the potential for settlements to acquire improved facilities or services as a result of development taking place or proposed to take place.
47. As a consequence there are many representations to the effect that the capacity of settlements has been underestimated or that the position of certain settlements within the hierarchy has been misplaced. For the most part, these contentions, insofar as they do not simply pursue the claims of "omission" sites, are marginal to the overall soundness of the spatial distribution strategy.⁵ Nevertheless they do indicate that it has imperfections.

⁵ For example, in response to my Q45, the Council acknowledges an error in the assessment of Weston Turville but correcting the error does not alter the village's overall position in the settlement hierarchy.

48. I understand and concur with the Council's point that a development which could make much difference to the services and facilities a village has to offer might well have to be so large that it would overwhelm the capacity of the village to accommodate the development. I also concur with the point made in response to my Q86 that a dispersed settlement strategy in which all of the Council's housing needs would be met in a dispersed way would be inappropriate as it would require dispersed infrastructure provision and a dispersal of and an increase in travel movements to access essential services which would not be an effective or sustainable approach.
49. The Council's capacity-led approach to identifying allocations received widespread support. I agree that it has more justification than arbitrary allocations based on existing settlement size. Nevertheless, in my Interim Findings, I did consider that further work needed to be done at the margins of this approach to ensure that the vitality of rural communities could be maintained or enhanced in the way envisaged by NPPF paragraphs 54 and 55.
50. I suggested firstly, identifying those allocations which could positively support the sustainability credentials of a particular village either where the prospects of continued retention of its services or facilities are marginal or where the capacity of its existing services and facilities to support further development are marginal. My second suggestion was to take account of that potential in the classification of villages within the settlement hierarchy (in other words, to take account of a settlement's need for further development in order to support services and facilities).
51. The Council points out that its evidence on commitments in villages does not include allocations in emerging or made Neighbourhood Plans but those of made Neighbourhood Plans are included in table 1 of the plan on which my table above is based. The Council's proposed modification to policy D4 [MM107] is consistent with its approach and is necessary for clarity but does not specifically address an issue of substance. My analysis, discussed elsewhere, of the relationship between VALP and Neighbourhood Plans shows that, although the relationship is sound, VALP does not give much incentive for further Neighbourhood Plans to come forward. In my view, to give Neighbourhood Plans for villages the explicit task of identifying development opportunities which would sustain or improve their position in the development hierarchy would go some way towards alleviating the concerns I have about the role of villages in VALP's spatial distribution strategy.
52. In the event, Modifications to Table 2 and policy D2 proposed in November 2019 in response to other of my recommendations reflect the passage of time in which decisions made on planning applications increase the total development in large and medium villages by 16-17%. The further modifications which the Council put forward in November 2020 indicate a still greater effect of that phenomenon.
53. This outturn, reflected in the revised modifications to table 2 and policy D2 which I now endorse for other reasons explained below [MMs 10, 11, 12, 14 and 79] vindicates my acceptance of the Council's view that it would not need to pursue further allocations in villages in order to reach a more balanced Spatial Strategy. Although the Council reports that it is undertaking a review of development proposals on unallocated sites relating to villages, the level of

new housing required to meet the district's revised housing needs can be met by further allocations in close proximity to Milton Keynes. Consequently, no specific modification to the Spatial Development Strategy in respect of villages is necessary for the plan to be found sound.

North and south

54. An arbitrary line dividing the District into two areas more or less equal in geographic extent shows that the northern half of the district is expected to receive 24-28% of the housing development expected (commitments and allocations) during the plan period and the south 72-76%⁶. But the existing distribution of the population in the district is not evenly divided. The Milton Keynes Housing Market area⁷ extends over about half of the north of the district and encompasses about 16% of the existing population. The other half of the north of the district (within the Oxford housing market area) is even less densely populated. It follows that the approximately 1:3 ratio in the distribution of future development reflects the existing population distribution and so is not necessarily unsound.
55. Moreover, just under 30% of the housing development envisaged in the plan period is intended to accommodate demand displaced from districts to the south of Aylesbury Vale so it may be expected that a higher proportion of development should be allocated as near as possible to the source of demand. Therefore I conclude that the 24-28% of development expected to occur in the northern half of the District is not disproportionately low or unsound, although it is fair to observe that analysis of the housing trajectory shows that delivery in the north of the district peaks in 2023/4, then tails off, with no allocations expected to deliver towards the end of the plan period⁸.

Milton Keynes

56. What is surprising is that within the northern half of the district the roles of Buckingham, Winslow and Milton Keynes are relatively equal in the anticipated distribution of development. Milton Keynes, the dominant settlement, is not expected to dominate the development strategy. This contrasts with the south of the district where the strategy concentrates most development around the dominant settlement, Aylesbury. Yet all three of the northern settlements lie within the Milton Keynes Travel to Work Area.
57. Whilst accepting that the Buckingham and Winslow Neighbourhood Plans seek to make those towns much more self-contained communities and recognising the point made in an earlier paragraph that all settlements must be allowed to grow to retain their vitality and viability, the contrast between the north of the

⁶ The range of figures represents the differences between evidence given in representations and the evidence given in hearing statements.

⁷ As defined in 2015; subsequent redefinitions largely removed the Oxford HMA from covering any part of the Aylesbury Vale District

⁸ See figure 4.1 of Technical Appendix 6 of representation 2016 by Savills on behalf of Crest Strategic Projects (respondent number 27869)

district where the dominant settlement is not allowed to dominate the development strategy and the south of the district where the dominant settlement is encouraged to dominate the development strategy is startling. It is hard to escape the conclusion expressed by several representations that the spatial strategy in the north of the district would lead to increased lengths of commuting flows to and from Milton Keynes.

58. This would be contrary to national policy expressed in paragraph 34 of the NPPF which advises that plans should ensure that developments which generate significant movement are located where the need to travel will be minimised. It is therefore unsound. For reasons which are stated elsewhere in this report, I reach the conclusion that insufficient land has been identified for housing and that additional allocations need to be made. This inevitably means revisiting the decision which led to the spatial development strategy known as option 3 in the Sustainability Appraisal being selected for VALP and so gives rise to an opportunity to redress the balance of the chosen spatial development strategy in the north of the district.
59. Modifications to the plan are required to redress the balance, by increasing allocations in close proximity to Milton Keynes [**MMs 7, 10, 11, 12, 70, 71, 75 and 77**]. The Council's response to this finding generated considerable controversy which led to me holding a further hearing session on the subject. I discuss this in another section of my report. These modifications have been adjusted following consultation on further modifications proposed by the Council so as to respond to representations made, taking on board all such of Milton Keynes Council's suggestions as can presently be justified with evidence.

Aylesbury

60. The part of the spatial distribution strategy which involves a concentration of large allocations around Aylesbury town received criticism on two counts; (a) that it is undeliverable because it would saturate the local market and; (b) that it contradicts the findings of an Inspector examining the (subsequently withdrawn) Core Strategy in 2010. I deal with the latter point first.

2010 – a spatial odyssey

61. That Inspector's preliminary findings⁹ were that the growth arc to the east of Aylesbury then proposed did not represent the most appropriate strategy when compared with alternatives. In the currently submitted plan the Council appears to have taken this observation on board by omitting an allocation to the north-east of Aylesbury and adding southern and eastern allocations.
62. In detailed comments the Inspector in 2010 observed that the Aylesbury South East site (then referred to as site D) was the best performing element of all proposals and should be included in any strategy. This is understood to equate to allocation AGT4 in the submitted plan. The Inspector then described

⁹ There was no final report because the Core Strategy was withdrawn

it as a sustainable urban extension and noted that there would be limited landscape, heritage, biodiversity or flooding impacts. He went on to comment that similar comments apply to south and south-west sites (then referred to as sites E and F and apparently not included in the Aylesbury Growth Arc proposals of 2010). These are understood to correspond to sites AGT1 and AGT2 in the now submitted plan.

63. In later passages, the 2010 Inspector recorded that he considered the North East site (then referred to as C) to be the most sensitive, where the Aylesbury Growth Arc proposals would have the most harmful effect. This site is not included in the current plan's allocations. He commented that the East site (understood to be allocation AGT6 in the current plan) has some attractive elements but that the overall quality of the landscape is not significantly different from the SE, S and SW sites and does not preclude its development.
64. In a later passage, the Inspector in 2010 commented that the proposed Eastern Growth Arc would have a very serious impact on Bierton and Broughton Crossing, with a very real danger that the new development would swamp the existing settlements, despite any green buffers. Paragraphs 6.5.11 and 6.5.12 and the Technical Annex of the Sustainability Assessment Report describe the consideration which was given to these and other matters before selecting the option of including allocation AGT3 within the plan's spatial strategy in preference to the north-eastern major development area which is omitted from the currently submitted plan. The 2010 Inspector identified similar issues for the southern arc (now AGT1, 2 and 4) but observed that by their nature the larger settlements affected, e.g Stoke Mandeville and Weston Turville, would remain as significant entities and have greater critical mass to withstand overpowering encroachment.
65. The Inspector in 2010 requested the Council to investigate combining the SE site (AGT4) with a site at Fleet Marston and one unidentified other, though he did caution that he would need to see the outcome of that further work before reaching a firm conclusion about the most appropriate way to meet the requirement for substantial housing growth at Aylesbury. He acknowledged both advantages and disadvantages associated with the Fleet Marston option in terms of access and noted that it would be likely to be seen as an isolated new settlement in open countryside.
66. In the event two sites at Fleet Marston were considered in the HELAA (reference FLM001 and FLM002). One was assessed as unsuitable on grounds of landscape, heritage and transport. The other was assessed as unsuitable because of HS2 safeguarding, flood risk, landscape and biodiversity. VALP does not include these sites. Instead it includes allocation AGT3, comprised of a number of sites variously assessed in the HELAA as suitable, partially suitable or not suitable but where the elements of unsuitability (largely flood risk) are said to have been addressed.
67. The above narrative demonstrates that the strategy of the submitted VALP in terms of the distribution of allocations around Aylesbury is not inconsistent with the 2010 Core Strategy inspector's findings and so is not unsound on that ground. The various allocation proposals include measures to avoid coalescence with existing settlements and so are made consistent with the

anti-coalescence provisions of policy S3. In other sections I consider the soundness of individual allocations in detail.

Market saturation

68. Many representations express concern that the strategy of concentration of development in Aylesbury presents a high risk of market saturation, because it relied on 60% of the purchasers of new housing in the District to buy in Aylesbury itself. But none offered any advice on how to determine whether this would, in fact, be the case. Those who expressed the concern accepted that the evidence¹⁰ showed no sense of finite market capacity in Aylesbury.
69. It was also suggested that the best guide is past performance. As the Council points out, past performance has begun to exceed expectations at the Berryfields and Kingsbrook developments in Aylesbury. I conclude that the fear of market saturation is not a reason to find VALP unsound.

Conclusion on spatial strategy

70. With the modifications recommended, the spatial distribution strategy would be justified and effective, and so, sound.

Issue 2 – Whether an addition to the Green Belt is justified to the west of Leighton-Linslade.

71. Paragraphs 82 to 84 of the NPPF set out the national position on defining new boundaries. Relevant guidance therefore makes it clear that the Green Belt is a strategic planning tool designed primarily to prevent the spread of development and the coalescence of urban areas. To this end, land should be designated because of its position, rather than its landscape quality or recreational use.
72. The Framework requires, and Case law has consistently confirmed, that Green Belt alterations require 'exceptional circumstances' to be demonstrated by the local planning authority. For example the judgement in *Gallagher Homes Ltd v Solihull Borough Council* ([2014] EWHC 1283 (Admin), Hickinbottom J) cited the considerable amount of case law on the meaning 'exceptional circumstances' and concluded that "it is not arguable that the mere process of preparing a new Local Plan could itself be regarded as an exceptional circumstance justifying an alteration to a Green Belt boundary". Case law also confirms that decision-makers should take into account the consequences for sustainable development of any review of Green Belt boundaries, including patterns of development and implications for additional travel.
73. Although the mere process of preparing a new Local Plan is not, of itself, an exceptional circumstance which justifies an alteration to a Green Belt boundary, paragraph 83 of NPPF (2012) advises that at the time of preparation or review of the Local Plan, authorities should consider the Green

¹⁰ Wessex Economics Housing Delivery Study for Buckinghamshire, August 2017

Belt boundaries having regard to their intended permanence in the long term. The construction of the A4146 Leighton by-pass road is cited by the Council as the exceptional circumstance justifying the occasion of the review and alteration.

74. The Council's Green Belt Topic Paper offers three reasons for the proposal to designate additional Green Belt land at the twin towns of Leighton Buzzard and Linslade (Leighton-Linslade). One is to help balance the loss of Green Belt in other areas, including elsewhere around Leighton Buzzard. Another is to provide a more recognisable boundary than the present County and District boundary. A third is to complete Green Belt protection on all sides of Leighton-Linslade.
75. The first two of these reasons are not good or sound reasons for designation of a piece of Green Belt because there is no requirement for a fixed quantity of Green Belt land to be designated¹¹ and because the current administrative boundary, following a ridgeline, is already sufficiently recognisable. The third reason was explained more fully during a hearing session by the fact that different administrative authorities had different timescales for delineating the Metropolitan Green Belt.
76. The Central Bedfordshire and Luton Green Belt Study of November 2016 explains that the adoption of the Bedfordshire County Structure Plan in 1980 gave the Green Belt statutory force. Its purpose was to contain the outward growth of Luton, Dunstable and Houghton Regis; Leighton-Linslade; and Ampthill and Flitwick and prevent the coalescence of settlements within that area. These latter are all settlements to the east of Leighton-Linslade and so the risk of coalescence does not apply to its west side but the purpose of containing the outward growth of Leighton-Linslade remains on all sides.
77. The Central Bedfordshire and Luton Green Belt Study adopted an assessment framework based on the first four of the five bullet points of NPPF paragraph 80 and adopted all four in relation to Leighton-Linslade. It makes some recommendations for adjustments to remove Green Belt designation from small parts within Central Bedfordshire of the two cross-border parcels which are considered in the VALP Green Belt proposals but finds that for the most part they continue to make a strong contribution to the purposes of the Green Belt. These recommendations are taken forward in the submitted local plan for Central Bedfordshire.
78. Although recent planning history demonstrates that normal planning and development management policies are adequate to protect the landscape significance of the two land parcels in question, the evidence described in the two preceding paragraphs, prepared by each of the local authorities on either side of the administrative border, convinces me that there is a necessity for

¹¹ NPPF (2012) is silent on the matter but paragraph 138 of NPPF (2019 version) advises that when land is released from the Green Belt, the impact is to be offset by compensatory improvements to the remaining Green Belt land. It does not suggest any need to designate an equivalent amount of new Green Belt land.

the Green Belt and that the proposal within VALP would be consistent with Local Plans for adjoining areas.

79. Paragraph 5.58 of the Report of Findings of Housing Market Areas and Functional Economic Market Areas in Buckinghamshire and the surrounding areas (March 2015) records that Leighton Buzzard's retail catchment extends into Aylesbury Vale. The town is recognised on VALP's District Key Diagram as a Neighbouring Settlement. It is therefore appropriate to consider what the consequences of the proposal to designate additional Green Belt would be for sustainable development as it would limit the outward growth of Leighton – Linslade into Aylesbury Vale.
80. In the past, the location west of Leighton-Linslade has been recognised in general terms as an appropriate location for growth.¹² But it has since been considered and rejected as a location for growth by Central Bedfordshire District Council preparing its Development Strategy in 2012 (subsequently withdrawn). There is no request from Central Bedfordshire for VALP to accommodate any of the housing or other growth requirements of Leighton-Linslade which are apparently proposed to be met within Central Bedfordshire itself, in part by the implementation of the Central Bedfordshire and Luton Green Belt Study already noted.
81. On the information currently before me there is no consideration which would lead me to conclude other than that the proposed extension of Green Belt into Aylesbury Vale is soundly based. As noted above, in accordance with government policy, the preparation of the Local Plan is when local authorities should consider their Green Belt boundaries. The termination of the Green Belt at the County boundary was a happenstance resulting from the different timescales of plan production in different administrative areas; the extent of designation in Aylesbury Vale represents unfinished business. That is the exceptional circumstance which justifies a review of the boundary.
82. Construction of the A4146 Leighton by-pass is a further circumstance justifying the occasion for review. Although, as explained earlier, the new boundary suggested by the road does not of itself justify the designation of additional green belt land, it provides a clearly defined, defensible boundary for the addition of land which is justified for other reasons. Following my examination of its housing requirements, the Council has considered the need to identify further development sites within Aylesbury Vale and has confirmed that it can meet its revised housing requirements without the need for development at Leighton-Linslade. Consequently, I find that the designation of additional Green Belt land to the west of Leighton-Linslade would have long-term permanency and so is justified and sound.

¹² In proposed modifications to the South East Plan published for consultation in 2008, in the Aylesbury Vale Core Strategy submitted for examination in 2009 (and subsequently withdrawn)

Issue 3 – Whether housing needs would be effectively met.

Housing Market Area

83. Paragraph 47 of the NPPF advises that local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area. It does not advise that local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in its local authority area. Yet, apart from combining the Aylesbury Vale local authority area with those of Wycombe, Chiltern and South Buckinghamshire, that is what the evidence base for VALP effectively does by using local authority boundaries as a surrogate “best fit” Housing Market Area for the collection of data and for calculating Objectively Assessed Needs.
84. Housing Market Areas do not have finite boundaries; they are best conceived as zones of influence which both overlap and change over time and according to the geographic scale of market being considered so that, for example, it is sometimes possible to discern several local housing market areas within a larger regional housing market area.
85. National Planning Practice Guidance advises that need for housing refers to the scale and mix of housing and the range of tenures that is likely to be needed in the housing market area over the plan period¹³. Needs are rarely constrained precisely by local authority administrative boundaries.¹⁴ Needs should be assessed in relation to the relevant functional area, ie housing market area¹⁵. For housing, where there are issues of affordability or low demand, house price or rental level analyses will be particularly important in identifying the assessment area¹⁶. A housing market area is a geographical area defined by household demand and preferences for all types of housing, reflecting the key functional linkages between places where people live and work¹⁷.
86. The inference is that different housing market areas have different characteristics. Guidance advises that the definition of housing market area boundaries enables the identification of areas which have clearly different price levels compared to surrounding areas¹⁸. In response to a question, the Council's consultant advised that the risk of wrongly defining the Housing Market Area affected the adjustments and uplifts included in the Objectively Assessed Need to reflect the alignment of jobs and workers and market signals.

¹³ Guidance paragraph 003 Reference ID: 2a-003-20140306

¹⁴ Guidance paragraph 007 Reference ID: 2a-007-20150320

¹⁵ Guidance paragraph 008 Reference ID: 2a-008-20140306

¹⁶ Guidance paragraph 009 Reference ID: 2a-009-20140306

¹⁷ Guidance paragraph 010 Reference ID: 2a-010-20140306

¹⁸ Guidance paragraph 011 Reference ID: 2a-011-20140306

87. From the evidence available, it is clear that in recent times, Aylesbury Vale District has been pulled between three or four sub-regional housing market areas. A study in 2015, largely based on commuting flows and travel to work areas, confirmed a 2004 study that (in terms of geography, not population) the district was fairly evenly divided between HMAs based on Oxford, Milton Keynes and Central Buckinghamshire with a significant influence from a Luton centred HMA. A later study of June 2016, pulling more recently released fine-grain migration data from the 2011 census discounts the influence of Oxford and concludes that, in terms of population, about 80% of the Aylesbury Vale District fell within the Central Buckinghamshire Housing Market Area. Office of National Statistics studies on travel to work areas shows a parallel shift in the relative influence of Milton Keynes, Oxford and High Wycombe on Aylesbury.
88. Whilst I have no doubt that the identification of the Central Buckinghamshire HMA as the "best fit" for the collection and analysis of data is the most pragmatic administrative arrangement, it is necessary not to lose sight of three facts;
- Actual housing markets continue to function irrespective of whatever surrogate HMA is chosen for the basis of data collection and analysis.¹⁹
 - Approximately one-fifth (in terms of population) and about one-third (in terms of area) of Aylesbury Vale District falls outside the "best fit" HMA and so is likely to experience the market forces of a different HMA to that analysed in the evidence base.
 - The identification of self-contained travel to work areas using 2011 census data showed that the majority of Buckinghamshire (and Aylesbury Vale) outside the influence of Milton Keynes forms part of a London travel to work area and that the influence of London had to be excluded in order to define the local housing market areas outside its influence.²⁰ Nevertheless, in practice that influence will remain.
89. For these three reasons I would have expected specific checks and adjustments to be made to the calculations based on the "best fit" HMA analysis to reflect the influence of the London Housing Market area on the part of Aylesbury Vale so affected and also to reflect the different characteristics of the Milton Keynes HMA in the part of Aylesbury Vale which falls outside the Central Bucks (and London) Housing Market areas and within the Milton Keynes HMA. Other than a general exhortation of the need for Aylesbury Vale District Council to maintain dialogue with Milton Keynes, Oxford and areas to the north of London as well as the Mayor of London through the Greater London Authority, these checks and adjustments do not appear to have been made.

¹⁹ See paragraph 24 of the Executive Summary of the 2015 report *Housing Market Areas and Functional Economic Market Areas in Buckinghamshire and the surrounding areas* and paragraph 9 of the Council's Response to my initial questions on the HEDNA.

²⁰ Ibid, paragraphs 3.8 and 3.10 and figure 18

90. In response to my specific question during the hearing sessions, the Council's consultant, who is also the consultant to Milton Keynes Borough Council on similar matters, advised me that there may be a case to make different adjustments for different market areas, giving as an example the different uplift for market factors recommended between VALP and Wycombe Local Plan. He commented that there is alignment between MK and Aylesbury Vale in terms of labour force and affordability but accepted that the comparison had not been specifically tabulated within the evidence base. In his view the recognition of Milton Keynes as a separate Housing Market Area is a matter for the spatial distribution strategy rather than OAN adjustments.
91. In this report, I have accepted that advice and conclude that the identification of the Central Buckinghamshire HMA as the "best fit" for the collection and analysis of data provides a sound basis for the evidence to show that housing needs would be effectively met. I recommend modifications to the spatial distribution strategy so as to recognise the effects of Milton Keynes as a separate Housing Market Area.

Demographic projections

92. National Planning Practice Guidance recommends the use of a standard methodology to assess housing need.²¹ It advises that household projections published by the Department for Communities and Local Government should provide the starting point estimate of overall housing need.²² These suggest that household numbers across the defined Central Buckinghamshire Housing Market Area will increase by 42,772 from 2013 to 2033 (the plan period). These would place Aylesbury Vale within the top 10% of all local authorities in England in terms of population growth with a figure more than double the average. That does not necessarily make the projections incorrect but it has caused the Council to scrutinise them closely.
93. Guidance advises that the household-based estimates may need adjustment to reflect factors affecting local demography and household formation rates which are not captured in past trends.²³ Plan makers may consider sensitivity testing, specific to their local circumstances, based on alternative assumptions in relation to the underlying demographic projections and household formation rates.²⁴
94. The Council argues that errors in the 2001 census have led to distortions in the components of change data used in the population projections which underlie the household projections. In contrast to the adjustments which the Council made to the household projections in its withdrawn Vale of Aylesbury Plan which attracted criticism from the examining Inspector at the time for attributing 100% of the unattributable component of change to migration with insufficient evidence, the evidence base now finds that approximately 3,400 of

²¹ Guidance paragraph 005 Reference ID: 2a-005-20140306

²² Guidance paragraph 015 Reference ID: 2a-015-20140306

²³ Guidance paragraph 015 Reference ID: 2a-015-20140306

²⁴ Guidance paragraph 017 Reference ID: 2a-017-201403036

the 5,855 unattributable population change can be explained by errors in the census estimates.²⁵

95. The overall effect of the adjustments made by the Council to the population projections is to smooth the annual rate of growth in contrast to official figures which show an accelerated rate of growth 1991-2001 followed by decelerated growth 2001-2011. This fluctuation was not paralleled by housing completions. The Council, advised by its consultants, found this implausible. I concur. A comparison of the rate of increase in population indicated by the Mid-Year Estimates from the Office of National Statistics with the increases in population indicated by changes in the NHS patient register, by changes in the school census and by changes in the recipients of the state pension suggests that errors in the calculation continue to lead to an exaggeration in the mid-year estimates and so the Council makes an adjustment to these as the basis of its projections.
96. Notwithstanding the advice contained in national Guidance that the official household projections are statistically robust and the concerns expressed by representations that the official statistics have a quality assurance which the Council's figures do not offer, I am satisfied that the reasons advanced by the Council for departing from them in arriving at the starting point for its projections are adequately explained and robustly defended against critical analysis. They fall within the circumstances described by Guidance in which adjustments can legitimately be made to household projection-based estimates of housing needs. Nevertheless, although I am convinced by the Council's explanations of its adjustments to the population estimates at the start of the projections I am not fully convinced by the Council's figures in every respect.
97. In contrast to official projections which are based on recent (five-year) migration trends, the Council's projections are a range based on two ten-year trends, one more robustly founded on census data 2001-2011, the other based on more recent data 2005-2015. The Council adopts the higher of the two as the basis of its housing need for the plan period.
98. The Council bases its calculations on a ten-year migration trend because that is considered to iron out short term fluctuations to produce projections which are more stable. That is sound practice, with which I do not quarrel. But, the particular ten-year period used, whether 2001-2011 or 2005-2015, includes the years following the financial crisis of 2008 which are commonly recognised to be, not a short-term fluctuation, but a major interruption to long-term trends which will have depressed the average migration rate for whatever period includes the fall-out of that event.²⁶ This is not a point taken into

²⁵ Buckinghamshire housing and Economic Development Needs Assessment Update 2016, paragraph 3.34

²⁶ This is graphically demonstrated by the two graphs (Figures 1 and 2) in representation 1109 from Nexus Planning on behalf of respondent 32288 Inland Homes and Western Mead Farms.

account in the various appeal decisions and reports referred to during the examination and which accepted the Council's forecasts²⁷.

99. I am therefore not convinced that sufficient migration has been accommodated within the Council's forecasts for the Central Buckinghamshire Housing Market Area.
100. To some extent, migration is a self-fulfilling prophecy, in that the supply of housing can induce migration²⁸ within a given travel to work area. Given the identified relationship between the Central Buckinghamshire Housing Market Area as defined, the wider London Housing Market Area with which it overlaps and the Milton Keynes Housing Market Area which prevails in the northern part of Aylesbury Vale district, this consideration is likely to be relevant to Aylesbury Vale.
101. Because there is little objective evidence submitted to the examination on which to base a precise alternative figure for migration, I have not required the Council to re-run its population and household projections for the whole of the Housing Market Area on different migration presumptions. Instead I prefer to treat such adjustments for additional migration as a "policy on" consideration and to "wrap up" the effects of this consideration when taking into account the effects of other uplifts in the calculation of housing requirements for Aylesbury Vale, so that, in effect, additional migration figures become more of an output from the process than an input to it.
102. The VALP evidence base separates out the institutional population in accordance with standard practice before applying a conventional factor to convert population to household rates and applying factors for concealed families and homeless households, second homes and vacant dwellings to arrive at a baseline housing need figure of 40,457 for the Central Buckinghamshire HMA based on demographic projections (17,719 for Aylesbury Vale alone). With the caveat expressed above, I accept the robustness of these adjustments.

Uplifts

103. To this baseline housing need figure is added an uplift to reflect the need for housing for the number of employees expected to arise from economic
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²⁷ Report APP/J0405/V/16/3151297 paragraphs 132-135, decision APP/J0405/W/16/3142524 paragraph 18, report APP/J0405/W/15/3137920 paragraph 13.25 and decision APP/J0405/W/17/3175193 paragraphs 22-27

²⁸ Comment made by Mr Lee in hearing session 15. It is noticeable that the surge in migration from Greater London to Aylesbury Vale following 2011, recorded in figure 3.2 of representation 1614 by respondent number 29523 Regeneris Consulting on behalf of Gladman Developments Ltd coincides with the recorded uplift in Aylesbury Vale's delivery of housing from 2011/12 onwards recorded in figure 3.6 of the same document. The parallel between increased population growth and increased housebuilding is also noted in paragraph 3.48 of the Buckinghamshire Housing and Economic Development Needs Assessment Update 2016. It is also noted in paragraph 2.1.21 of Examination document 134; Response to ED108.B by Pegasus Group on behalf of Cala Homes Ltd.

forecasts or from market signals for affordability, whichever is the higher. For Aylesbury Vale, the higher figure is the labour force uplift of 10% but for the rest of the housing market area and for the HMA overall it is the market signals for affordability. The full objectively assessed need for housing 2013-33 is then 46,042 for the Housing Market Area, 19,385 for Aylesbury Vale (rounded to 46,200 and 19,400).

104. There are three points to be made in relation to these uplifts. The first is that, as recognised in the evidence base, market forces in the commercial property market for Aylesbury Vale do not appear to be reflecting the economic forecasts and so the uplift to meet the needs of the labour force may be unreliable. However, the uplift which the evidence base calculates in relation to market signals is of a similar scale, so the plan would not be made unsound because of the labour force uncertainties.

105. The second point is that, at the time the evidence base was prepared there was no definitive guidance on what level of uplift for affordability is appropriate. Reference is made to professional judgments made by other examining Inspectors such as at Eastleigh and comparisons made between affordability in Eastleigh and affordability in the Central Buckinghamshire Housing Market Area to arrive at a recommendation for the Central Buckinghamshire HMA. Comparisons are also made within the Buckinghamshire HMA to arrive at different recommendations for Aylesbury Vale and for the rest of the HMA.

106. But it is clear that if these recommendations are tabulated, the 10% uplift recommended for VALP in comparison with Eastleigh is too low:

| Location | Affordability ratio | National comparison | Uplift recommended |
|----------------|---------------------|---------------------|--------------------|
| England | 7x | | |
| Eastleigh | 8.6x | 20% higher | 10% |
| Aylesbury Vale | 10.4x | 50% higher | 10% |
| Bucks HMA | 12.1x | 75% higher | 15% |
| Rest of HMA | 13.9x | 100% higher | 20% |

The disconnect between the affordability ratio, the national comparison and the uplift recommended for Aylesbury Vale is obvious. An affordability ratio for Eastleigh 20% higher than the national average leads to a recommendation for a 10% uplift. An affordability ratio for Aylesbury Vale 30% higher still leads to no further recommended uplift yet an affordability ratio for the Buckinghamshire HMA only 25% higher leads to an uplift 5% higher as does the increase in the affordability ratio for the rest of the HMA excluding Aylesbury Vale. Even if the 20% uplift for the rest of the HMA is correct, the uplift for VALP should be 15% to be in proportion with that recommended for Eastleigh and that for the whole HMA should be about 17-18%.

107. Recent evidence shows the differences between Aylesbury Vale and the rest of the Housing Market Area decreasing which suggests that the uplift for VALP should more likely be 20% than 15%. This is a finding which differs from the conclusions reached in the various appeal decisions and reports which were submitted in evidence to the examination²⁹ but is based on more recent information. A check against ONS workplace-based affordability ratios for the lower quartile of house prices shows that over the last twenty years, Aylesbury Vale has sometimes been more affordable than Wycombe and sometimes the reverse. This confirms my view that, if using the "Eastleigh comparison", Aylesbury Vale should have an affordability uplift comparable to that of Wycombe.

108. Subsequent to the preparation of the HEDNA, a report from LPEG to the Communities Secretary and to the Minister of Housing and Planning March 2016 offers recommended systematic adjustments for market signals to replace the system of professional judgement used at Eastleigh and other local plan examinations thitherto. Application of this methodology would set a 25% uplift for market signals in Aylesbury Vale. I do not insist upon the application of this figure but take it as confirmation of my view that the "Eastleigh comparison" method produces an affordability uplift for Aylesbury Vale which is too low.

109. For all the above reasons I conclude that there needs to be a higher uplift to the baseline housing need so as to arrive at the full objectively assessed need for Aylesbury Vale. What that uplift should be is a matter of judgment. Taking account of my observations on migration rates, response to market signals and allowance for the early effects of the Cambridge – Milton Keynes – Oxford growth arc, my interim findings were that this should be at least 20% and probably 25%. It would have followed that the OAN for Aylesbury Vale (before considerations of unmet need from other local authorities is taken into account) would be (rounded) at least 21,100, probably 22,000.

110. Following my initial findings, the Council commissioned further work from its consultants ORS. That further work (Examination document ED180A) has convinced me that, as a matter of judgement, an OAN for Aylesbury Vale should be 20,600. The figure is reached by the following calculation;

| | |
|---|--------------|
| Housing need based on household projections | 17,584 |
| Adjustment for suppressed households | 135 |
| Further adjustment of 17% in response to market signals | <u>2,854</u> |
| Subtotal (Needs of Aylesbury Vale District) | 20,573 |

The total is rounded to reach a figure of 20,600.

²⁹ APP/J0405/V/16/3151297 decision paragraph 24, APP/J0405/V/16/3151297 report paragraphs 140-143, APP/J0405/W/16/3142524 decision paragraph 20, APP/J0405/W/15/3137920 decision paragraph 23 and report paragraph 13.25 and APP/J0405/W/17/3175193 decision paragraph 26.

111. The Council's consultants point out that the rate of growth identified for Aylesbury based on the OAN of the submitted plan would be 1.25% pa, higher than many other plans in the wider south east and around 20% higher than the 1.05% needed nationally to deliver 250,000 dwellings each year. They suggest that higher growth rates would be unbelievable. But the growth rate proposed for Aylesbury includes a considerable amount of growth displaced from other authorities within the HMA; that for the HMA overall is below 1% and would be less than the 1.05% needed to meet the national growth target of 250,000. Evidence provided to the examination demonstrates that a growth rate of 1.8% pa in a neighbouring authority is not unreasonable.
112. There is nothing inherently implausible in VALP exhibiting growth rates amongst the nation's highest. To produce an average, some authorities must be above the average in compensation for those who will be below it. Even if the ONS figures were accepted without adjustment, the growth rate for the HMA would be the lowest of all counties around London.

Unmet needs

113. The full objectively assessed need is identified for each of the components of the Central Buckinghamshire Housing Market Area. But it is anticipated that three of the components; Wycombe, Chiltern and South Buckinghamshire will not be able to accommodate their full objectively assessed needs. The extent of unmet need has been identified through joint working in accordance with the duty to cooperate, described earlier. The extent of Wycombe's unmet need to be supplied within Aylesbury Vale has been found sound at examination³⁰. The extent of the other areas' unmet needs has not been tested at local plan examinations³¹. In all cases, agreement has been reached on the levels of demand which are likely to be displaced towards Aylesbury Vale through Memoranda of Understanding.
114. The Inspector's report for the Luton Local Plan corrected the objectively assessed need for the wider Luton Housing Market Area from "best fit" administrative boundaries to the full Functional Housing Market Area so as to include the small areas which fell outside the "best fit" but within North Hertfordshire and Aylesbury Vale³². He identified that 400 of the objectively assessed need arising from this wider area originated within Aylesbury Vale. He also found that the objectively assessed need for Luton could not be met within its boundaries and that the direction of unmet need would be identified through a Joint Growth Options Study.
115. In fact, by calculating Aylesbury Vale's objectively assessed need on the basis of a "best fit" housing market area following administrative boundaries, the Central Buckinghamshire HEDNA has incorporated the demand arising from

³⁰ Wycombe District Council Local Plan Inspector's report July 2019 paragraph 34.

³¹ They will not now be tested because the Chiltern South Bucks Plan has been withdrawn. Nevertheless the identification of the need through joint working in accordance with the Duty to Cooperate remains.

³² Luton Local Plan Inspector's report Main Modification MM09

that part of the Luton HMA located within Aylesbury Vale's boundaries so there is no need for VALP to make specific provision for Luton's unmet needs. Moreover the draft Memorandum of Understanding between Aylesbury Vale and Central Bedfordshire District Councils' records that the Joint Growth Options Study concluded that, with alterations to the Green Belt, sufficient capacity existed within Central Bedfordshire to accommodate unmet need arising from Luton. These alterations are proposed as part of the submitted Central Bedfordshire Local Plan. There is therefore currently no requirement for unmet housing need from Central Bedfordshire to be met within Aylesbury Vale. There is likewise no identified need for unmet needs of other housing market areas outside Central Buckinghamshire to be met within Aylesbury Vale.

116. I note the view of Slough BC that that authority's own unmet needs should be considered together with the unmet needs of that part of South Buckinghamshire which falls within the Slough and Reading Housing Market Area in the Joint Growth Study which has been commissioned. I concur with the view that to the extent that South Buckinghamshire falls outside the Central Buckinghamshire HMA, its unmet needs would in practice be unlikely to be displaced towards Aylesbury. To that extent, the inclusion of the whole of South Buckinghamshire within the Central Buckinghamshire Housing Market Area inflates the quantity of unmet need which VALP should be expected to accommodate. But the quantity of unmet need for which VALP makes provision includes a figure for Chiltern and South Bucks combined so it is not possible to separate out a figure for the part of South Bucks falling outside the Central Bucks HMA.
117. The examination of the Wycombe Local Plan has resulted in the identification of an increase in housing supply within that authority. Examinations of local plans for Chiltern and South Buckinghamshire will not now take place because the Chiltern South Bucks Plan has been withdrawn. The outcomes for those areas can only be speculative. If it subsequently turns out that these areas can supply additional housing land so that the likely displacement of demand towards Aylesbury Vale does not in fact occur to the extent allowed for, that would not render VALP unsound because it is government policy to boost significantly the supply of housing. The plan would only be unsound if insufficient allowance were made. In the light of the information before me, it appears that the figure of 8,000 representing demand for dwellings in Aylesbury Vale likely to be displaced from other parts of the Central Buckinghamshire HMA represents the most appropriate figure in the light of the information currently available. With this figure for unmet need, the identified housing need for Aylesbury Vale would rise to 28,600 (in rounded terms).
118. The feasibility of accommodating this displaced demand was challenged on several grounds. Although Aylesbury Vale forms a separate sub-market within the overall Central Buckinghamshire Housing Market Area, the work done on identifying the Housing Market Area convinces me that it is a plausible location to which housing demands would be redirected if people cannot find the accommodation they seek in Wycombe, Chiltern or South Buckinghamshire. A second ground of challenge was the deliverability of the allocations proposed within VALP. I now turn to this issue.

Deliverability

119. As submitted, the plan implies a delivery rate of 1405 dwellings pa for the remainder of the plan period (after allowing for shortfalls in the first few years of the plan period). Representations expressed concern about the Council's ability to rise to the delivery rate implied, though, paradoxically, their suggested solution is to increase the number of allocations, and the implied delivery rate, still further.
120. Over the four years to April 2017, the Council delivered an annual average of 1231 new dwellings. In both 2014/15 and 2017/18 its submitted evidence base recorded that it exceeded the 1405 rate which would be required for the remainder of the plan period to meet the requirements of the submitted plan³³. Its forward trajectory at the time of submitting the plan suggests that completions would continue to rise with an average of 1846 pa expected to be delivered for seven years 2019/20 – 2025/26³⁴. This would still comfortably exceed the increased housing requirement implied in my recommended uplift to the OAN.
121. The trajectory, referred to in paragraph 3.78 of the plan was submitted as a separate, supporting document. But, as it was intended to use it, rather than an annual average delivery rate, as a reference for monitoring the plan, it is necessary that it be included within the plan itself. Modifications **MMs23** and **277** provide this and are necessary for effectiveness. In drafting its proposed modifications the Council originally went beyond what was necessary, including a projection of an identified and itemised five-year housing supply from a start date of 2018. This led to a number of representations questioning its reliability.
122. But, the Plan is being examined in relation to NPPF 2012. Unlike paragraphs 67 and 73 of the 2019 NPPF which require both a housing trajectory and an identified housing supply for the first five years of the plan period to be included as policies within the Plan, only the first bullet of paragraph 47 of NPPF2012, applicable to this examination, sets out a requirement for the Local Plan. It should meet the full, objectively assessed needs for market and affordable housing in the housing market area, including identifying key sites which are critical to the delivery of the housing strategy over the plan period.
123. The subsequent bullets advising that a local planning authority should identify and update annually a five-year supply of specific deliverable sites and illustrate the rate of housing delivery through a housing trajectory are silent on whether these documents should be included within the plan itself. The

³³ Its revised trajectory, submitted as part of modification MM23 corrects these figures, so they would in fact have fallen short by 50 and 10 respectively, within acceptable margins of error. The revised trajectory records a drop to 1371 for 2020/21 which includes the first year of the pandemic.

³⁴ The Council's revised trajectory, submitted as part of modification MM23 extends the delivery period so that an average of 1745 is predicted to be delivered for nine years from 2021/2 to 2029/30

Council has chosen to monitor the plan by reference to an expected housing trajectory but there is no requirement for it to identify a five-year supply within the local plan itself and so, I do not recommend inclusion of the Council's suggested modification itemising a five-year housing land supply since it would be valid only for a moment in time, not for the duration of the plan.

124. If VALP's housing requirement is translated into an annual target and then applied retrospectively to the five years since the plan's start date of 2013, then performance will be recorded as not meeting that target for the past five years. Some would interpret this as meaning that the Council would be classified as having a record of persistent under delivery against its target. In consequence, it is said that it should be classed as an authority which should bring forward an additional 20% buffer to its annual housing targets. In turn, this would mean that the allocations in the plan as submitted would not demonstrate a five-year housing land supply. But, as noted a few paragraphs earlier³⁵, that under delivery has not persisted and so, only a 5% buffer would need to be included in its annual housing targets.
125. Moreover, I consider that retrospective application of targets in this way would be misdirected. The Council cannot seek to meet targets until they are set. They are not set until the conclusion of this examination and the adoption of the plan. At that time, the Council's annual average target will become the residual undelivered requirement for the plan period divided by the remaining years of the plan period. Before that time, its targets are calculated with reference to housing needs objectively assessed at the time in accordance with judgements of the courts. Thus correctly interpreted, the suggestion that the allocations in the submitted plan would not provide the basis for a 5-year housing land supply on adoption is unfounded.
126. Representations expressed concerns about the plan's reliance on large sites, citing 2016 research by Nathaniel Lichfield and Partners *Start to Finish* (which found that sites of 2000+ units only deliver 2.5 times as many dwellings per annum as a site of 500 dwellings), a *Report into the Delivery of Urban Extensions* by Hourigan Connolly dated February 2014, *Housing Delivery on Strategic Sites* by Colin Buchanan and Partners 2005 and a DCLG/University of Glasgow report of 2008 *Factors affecting Housing Build-out Rates*. It is generally reckoned that a site can deliver about 40-50 dwellings per annum per sales outlet³⁶. But experience to date shows that sites in Aylesbury can exceed these delivery rates; Kingsbrook has two sales outlets but achieved an output of 219 completions in a year; Berryfields achieved 450 completions from four outlets. I can therefore be confident that the reliance on large sites does not make the plan unsound.
127. I recognise that a plan which depends for its delivery on a few large sites is susceptible to circumstances which may only affect an individual site. For that

³⁵ In paragraph 120

³⁶ Housing Delivery Study for Buckinghamshire, paragraph 6.74 and Figure 31

reason, I am not convinced that the use of an annual average target for evaluating performance would be appropriate in the case of a plan which depends for its delivery on a few, large sites. Representations which argued that the number of homes proposed in VALP and its dependence on large sites made the plan undeliverable argued for the allocation of additional sites, implying an increased delivery rate. The paradox was explained by pointing out that smaller sites can be delivered to shorter timescales and so would make the plan more robust.

128. That may be so but would be an improvement to the plan, not a modification necessary to make it sound. If it were the plan's intention that its housing requirement be delivered on an annually equal basis by averaging out its plan period requirement and setting that as an annual target, then the more agile approach of a strategy dependent on the delivery of a large number of small sites might have been appropriate. But, that is not what the plan sets out to do. It sets out to achieve its housing delivery over the plan period as a whole. For that reason, annual monitoring by reference to an annually averaged target, applying backlogs by means of the Sedgefield approach, would be inappropriate in the case of this plan. The use of the Liverpool approach, which the Council intends, would be more appropriate to the strategy of the plan. Part of modification **[MM23]**, previously referred to, makes this clear. The most appropriate way of monitoring this plan would be by reference to its housing trajectory, which is what policy S9 (to become S8) proposes.
129. Representations also pointed to the burden of infrastructure which allocations around Aylesbury were expected to shoulder. This was specifically recognised in the Vale of Aylesbury Local Plan Viability Assessment carried out by the Dixon Searle Partnership for Aylesbury Vale District Council in August 2017.³⁷ Examination of the deliverability of individual sites does not lead to any conclusion that the infrastructure burden would impede their delivery. The Council is pursuing a programme of Site Delivery Statements agreed with identified developers for individual sites. Those submitted to the examination do not indicate that the infrastructure burden would impede their delivery. I conclude that VALP does not impose an excessive infrastructure burden.
130. At the time of VALP's submission there remained, in relation to a number of site allocations, issues with the Environment Agency and the water and sewerage undertakings concerning flood risk and infrastructure capacity, the latter partly related to recently introduced ways of requisitioning and funding increased capacity. These were resolved during the examination and result in a number of modifications which are necessary to justify the deliverability of the plan. **[MMs 41, 48, 55, 74, 82, 84, 101, 275, 276]**.
131. The deliverability of individual sites is considered in a separate section of this report. Examination of those issues does not lead me to conclude that the plan as a whole, or the housing numbers proposed within it, would be

³⁷ VALP Viability Assessment Executive Summary paragraphs xiii and xiv and main report paragraphs 2.9.3 – 2.9.5 and section 2.10

undeliverable. I do recommend that the words "at least" be inserted in front of proposed housing quantities because the feasibility studies which provide 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. Representations to this modification pointed out that it introduces an element of uncertainty, but none called for the figures to be used as a maximum. This element of modifications **MMs 10, 31, 35, 41, 48, 55, 61, 62, 63, 64, 65, 67, 68, 69, 70, 75, 81, 82, 84, 85, 88, 89, 94, 95, 98, 99, 100, 101, 103, 104 and 105** adds robustness to the expectation of delivery.

132. In consequence, there is no reason to conclude that the plan would be unsound because of an inability to deliver the increased quantity of housing proposed in the modifications. The plan as submitted includes a total supply buffer of 5.2% to allow for uncertainties. This seems a reasonable allowance to make. In fact, modifications will increase this buffer to 5.4%.

133. This buffer should not be confused with the 5% buffer which is included in a Council's annual calculation of its five-year land supply. That buffer is a figure brought forward from later in the plan period. It does not increase the required provision for the plan period as a whole. By contrast, the buffer of 5.2% which is included within VALP is a buffer for uncertainty over the whole plan period. It increases the overall land allocation needed to meet the housing requirement. My previous findings of 20,600 for demographic projections including uplifts and 8,000 for unmet needs from elsewhere in the HMA, would result in a housing requirement figure of 28,600 dwellings over the plan period. A buffer of 5.2% would result in a need to allocate sites sufficient to accommodate 30,100.

Conclusions on housing needs

134. I conclude that the plan should be modified to set a figure of 28,600 as the housing requirement excluding any buffer. This is the base housing requirement figure which should be used in any calculation of a five-year housing land supply. However, to ensure delivery of that requirement, the plan needs to allocate land which, including completions and commitments during the plan period, would be sufficient for 30,100 dwellings by including a 5.2% buffer. This is necessary to provide confidence that the objectively assessed needs of the area will be delivered. [**MMs 1, 2, 3, 9, 10, 11, 12, 23, 24, 25, 27, 81, 90, 92, 93, 96 and 277**]. The housing supply included in the plan after modification therefore comprises;

| | |
|------------------------------|--------------|
| • OAN | 20,600 |
| • Unmet needs from elsewhere | 8,000 |
| • Buffer for uncertainty | <u>1,500</u> |
| • Total | 30,100 |

135. Some of the housing supply will be delivered by commitments which have already been entered into during the early years of the plan period. Further modifications are necessary to reflect the passage of time and the need to update data [See the "completions and expected times of delivery" sections of

MMs 35, 41, 48, 55, 57, 61, 62, 63, 64, 65, 67, 68, 69, 74, 82, 84, 85, 88, 89, 94, 95, 98, 99, 100, 101, 103, 104 and 105, together with **MMs 25A, 25B, 30A, 38A, 55A, 55B, 55C, 89A, 95A**]. (In fact, the modifications proposed by the Council and which I recommend, result in a buffer of 5.4%, but the difference is not material).

136. As a transitional plan, VALP is not required to set out a five-year housing land supply position on adoption as a policy within the plan. The issue is whether it will ensure a supply of land capable of delivering five years' worth of housing against the LPA's housing requirement, with flexibility to respond to changing circumstances. My earlier analysis indicates that it would be inappropriate to apply a delivery test based on an annual housing requirement derived from an average of the housing requirement for the whole plan period because the plan's dependence on a few, large, sites means that its housing trajectory is heavily back-loaded. Consequently, the annual housing requirement varies over the period of the plan in accordance with its planned trajectory. Nevertheless, there is every expectation that it would be able to deliver its housing requirement for the plan period, during the plan period and provide a five year supply on adoption.

Issue 4 – Whether specific site allocations are justified, effective and compliant with government policy.

137. A number of the site allocations in VALP are uncontroversial but modifications are nevertheless necessary to reflect a change in circumstances since the plan was submitted (such as the development of a site or its withdrawal from availability). Paragraph 157 of the NPPF advises that Local Plans should be kept up to date and so, without the following modifications which bring specific allocations up to date the submitted plan would be contrary to national policy [**MMs 31, 49, 50, 51, 58, 62, 63, 64, 65, 66, 67, 68, 69, 90, 92, 93, 95, 96, 102, 103, 104, 286**].

138. As stated earlier, my report does not respond to every point or issue raised by representors. I report here only on those allocations where I am unconvinced by the Council's response to my initial questions or where a person making a representation exercised a right to be heard. Notwithstanding the limited number of allocations considered in this section, other allocations are the subject of modifications as a result of issues considered elsewhere in this report.

Allocation AGT1 South Aylesbury

139. Elsewhere in this report I remark on the extent to which VALP delegates policy requirements to SPDs and I recommend MMs to identify those elements which should properly be included in the plan itself. That recommendation applies with equal force to several of the site allocations which make reference to the need to produce an SPD or masterplan before delivery can commence. Allocation AGT1 is one such.

140. The allocation is in several separate ownerships. Coordination of access particularly for pedestrians and cyclists so as to ensure permeability across the allocation as a whole is necessary. So is identification of the location of facilities to be supported collectively by all the components of the allocation. But all those requirements need to be set out in the plan itself. The

implementation approach of this allocation should be modified accordingly. Modifications also need to pick up policy requirements stated in the supporting text rather than in the allocation policy itself and to reflect the fact that the capacity of the allocation, as with all housing allocations, may be greater than previously envisaged [**MMs 32, 33, 34 and 35**] are therefore needed for effectiveness.

141. Publication of these modifications has led to representations which have clarified the differences between the Council and the potential developers of this allocation. They include the application of green infrastructure policy and its definition, the need for community buildings, retail and gypsy and travellers' pitches and the capacity of the site. Whilst an SPD, whether prepared and imposed by the Council or prepared by developers and adopted by the Council, can elaborate on policy, only the examination of policies stated in a development plan can conclude that they are sound.
142. Whilst I have no reason to dispute the former County Council's assertion that full delivery of the whole allocation is dependent on the completion of the South East Aylesbury Link Road (SEALR) between Lower Road and Wendover Road, that should not prevent individual parcels of development proceeding to the extent that each can be supported by the actual road network available at the time. The intended alignment is known and should be shown on the policies map or within the allocation provisions so that individual developers can take account of it and other requirements of the plan in drawing up their schemes.
143. Having read the evidence and listened to the submissions at the April 2021 hearing session concerning this allocation, I am less convinced of the necessity of precluding any direct access to any part of the allocation from the SEALR. I agree with the Council's contentions that the SEALR is intended to provide a higher level of service than an all-purpose road with frontage access and that, in general, it makes sense to limit access points to fewer than two per kilometre. Nevertheless, the SEALR is just over a kilometre in length with roundabout junctions, rather than access points at either end and so care needs to be taken that, in applying the principle, which is generally sound, the result does not leave parcels of land inaccessible and incapable of development. That would be an unsound outcome. The dilemma is best resolved through the intended SPD or through the development management process and so I have adjusted **MM35** so that clause (d) of allocation D-AGT1 is less dogmatic.
144. One landowner has already indicated that provision can be made for a school and community centre within their scheme and there does not appear to be any dispute over the need for a school. The evidence base³⁸ identifies a need for a minimum of six additional community centres in the Aylesbury Strategic Settlement Area. It also shows³⁹ that the catchment for all centres covers the

³⁸ The Assessment of Open space, sports and Recreation Needs for Aylesbury Vale final report March 2017, paragraph 4.30

³⁹ Ibid paragraph 4.25

entire sub market area so therefore accessibility relates to the strategic settlement area as a whole rather than individual community areas. On that basis it is right and sound that VALP allocates the provision of a community centre pro rata to the expected growth in each allocation. Allocation AGT1 is expected to deliver about one-eighth of all the housing allocations within Aylesbury, so it follows that it is not disproportionate for one of the six community centres required for Aylesbury as a whole to be located there.

145. On the other hand it was made clear during examination hearing sessions that the requirement (criterion q) for the provision of on-site health facilities (including temporary buildings if necessary) was not justified but that a contribution to an off-site health facility to be provided on allocation AGT3 to serve all three allocations AGT1, AGT2 and AGT3 is justified. A modification is necessary to give effect to this.
146. I am satisfied with the Council's explanation that areas which are known to flood within the allocation will be reserved for open space purposes and other uses compatible with their flood risk status. In response to concerns about the plan's compliance with national policies, the Council has reviewed the plan's requirements concerning open space and green infrastructure (discussed in another section of this report). There is no sound reason to except allocation AGT1 from these provisions so as to classify private gardens as falling within the ANGSt definitions adopted in policy I1.
147. In common with many allocations, modifications are necessary to clarify the new arrangements for funding water and sewerage infrastructure. I deal with the gypsy and traveller requirement elsewhere in my report but I reach a conclusion similar to that on community centres; namely that the allocation should make its proportionate contribution to the delivery of sites required.
148. I accept that although the allocation requires the retention of a buffer of open space to prevent coalescence with Stoke Mandeville the separation of that settlement from Aylesbury will be reduced. However, I share the view expressed by the Inspector who examined the Core Strategy in 2010 that by its nature Stoke Mandeville is a larger settlement which would remain as a significant entity with greater critical mass to withstand overpowering encroachment and so the reduced separation which would result from the retention of a buffer of open space would be a sound outcome.
149. In its note to me following the April 2021 hearing session relating to this allocation, the Council explains how it arrived at the capacity indication of 1,000 dwellings, making the point that the development on site should not be led by numbers but rather that the numbers should be an outcome of the policy criteria. Within that explanation, I note the potential for increasing capacity through the use of mixed development to provide a local centre. The Council does not point out, but I am aware, that it is common practice in parts of the country to provide school buildings as part of mixed use developments or that school playing fields can be managed so as to be shared with the public and so contribute to the provision of green infrastructure. I am therefore satisfied that there is considerable potential for increasing the number of dwellings to be provided beyond the 1,000 indicated by the Council's calculations and that the modification to include the words "at least" is needed to reflect government policy to boost the supply of housing. With the

necessary modifications indicated [**MMs 32, 33, 34 and 35**], I have no reason to find this allocation unsound overall.

Allocation AGT2 south west Aylesbury

150. Many of the issues relating to this allocation are similar to those concerning AGT1 and I will not repeat the arguments here. Similar modifications are required to move policy from supporting text into the allocation policy itself [**MMs 36, 37, 38, 39, 40 and 41**] so as to be effective. The issues that are unique to this allocation are the degree to which HS2 is likely to present a constraint to development and the degree to which heritage considerations should present a constraint to development.
151. At the southern end of this allocation and at its northern extremity, the route of HS2 would be in a cutting. This would limit noise spread. By contrast, it passes the central, and narrowest, part of the site on an embankment. It is certainly true that, as a result, a considerable extent of the allocation site would require sound insulation to be provided but that is not uncommon in other locations when housing is developed near to a main transport artery. Moreover, the garden city concept requires 50% of the site to be laid out as green infrastructure in any event so the actual additional limitation imposed by the proximity of HS2 would be minimal and not a reason to declare the allocation unsound.
152. At its northern end, allocation AGT2 abuts the A418 Oxford Road. On the opposite side of Oxford Road is parkland associated with Hartwell House, a Registered Historic Park and Garden and Conservation Area. Paragraph 129 of the NPPF advises that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal, including by development affecting the setting of a heritage asset and take this assessment into account when considering the impact of a proposal on a heritage asset.
153. Although the existence of Hartwell House historic park and garden is referenced in supporting paragraph 4.43, and is clearly shown in Figure A of the Technical Annex to the Sustainability Assessment Report, there is no indication in the HELAA for the relevant land parcel (STO016) that any heritage assessment was made in relation to allocation AGT2.
154. The significance of the heritage asset is that it represents an eighteenth century landscape park and pleasure grounds. It would originally have been set in an agricultural landscape and, as the listing entry records; it is still set within agricultural land to the west and south. Part of this comprises allocation AGT2. But much of that agricultural setting has already changed. A golf course covers parts of the two arms of the outer park and the pre-1945 agricultural setting to the east has been lost to development, a road replacing a brook as the eastern boundary of the parkland.
155. Although the agricultural land to the south is part of the setting of the heritage asset, the connection is tenuous because the south east boundary of the park is formed by a 2km long rustic stone wall of Portland limestone. Behind it is a tree belt which, as the listing entry relates, is important in screening the park during the approach from Aylesbury. Another narrow belt of trees flanks the south side of the road, creating an informal avenue. The setting of an asset is

not necessarily what can be seen when looking to or from the asset; it is more to do with how the asset is experienced. In my view, this avenue of trees is more important in the setting of the asset than the nature of the land which lies behind the avenue on its south side.

156. In any event, the construction of HS2 will radically alter this setting and the way one experiences the heritage asset because it would slice through the registered park just slightly to the east of the boundary between the inner and outer park. It would cross the Oxford Road on an embankment, necessitating the diversion of the road to the south, largely eliminating any connection between the remaining part of allocation AGT2 and the severed halves of the registered park. It is within this context that the effects of the proposal on the setting of the heritage asset need to be appraised.

157. The site is allocated not just for housing but also for strategic flood defence and surface water attenuation, amongst other things. The developer's current masterplan for the site indicates a wetland park area at the north end of the site, abutting Oxford Road and its realignment. As that is a low part of the site, I concur that that is a likely outcome in any approved layout of the site. The change from agricultural land to wetland parkland, severed from the heritage asset by the HS2 and the realigned Oxford Road would have such a marginal effect on the way the heritage asset is experienced that I consider it to be of no consequence and so conclude that this allocation is sound, even though it appears to have been put forward without a prior heritage assessment.

Allocation AGT3 Aylesbury north of A41

158. Many of the issues relating to this allocation are similar to those concerning AGT1 and I will not repeat the arguments here. Similar modifications are required [**MMs 42, 43, 44, 45, 46, 47 and 48**] both to bring the details of the allocation up to date and to transfer policy from supporting text into the policy of the allocation itself so as to be effective. The issues that are unique to this allocation are whether the allocation has been correctly assessed in relation to flood risk, whether the extent of "not built development" notation on the policies map is justified and whether the traffic impact concerns of a previous decision by the Secretary of State have been overcome.

159. Advice in the NPPF is that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk but, where development is necessary, making it safe without increasing flood risk elsewhere. Technical guidance on flood risk published alongside the NPPF sets out how this policy should be implemented.⁴⁰ It involves a Strategic Flood Risk Assessment, the application of the Sequential Test and, if necessary, the exception test. Local plans should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property by applying a sequential test and, if

⁴⁰ <https://www.gov.uk/guidance/flood-risk-and-coastal-change#planning-and-flood-risk>

necessary, an exception test. Development should not be allocated if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. If that is not possible consistent with wider sustainability objectives, then an Exception Test can be applied. This has two parts, the first being that it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk.

160. A level 2 Strategic Flood Risk Assessment for Aylesbury Vale has been carried out. Four sites within that assessment fall within allocation AGT3; sites BIE022, WTV017 and 018 and AST037. The maps for these sites demonstrate that the area annotated on allocation AGT3 for "not built development" largely coincides with the areas of identified flood zones 2 and 3 on those assessments. Allocation criterion (k) requires flood zones 2, 3 and 3a (recognising climate change) to be preserved as green space with built development restricted to flood zone 1. It is thus apparent that allocation AGT3 complies to that extent with the injunction to direct development away from areas at highest risk.
161. But the allocation includes a number of elements. In addition to those which would clearly fall within the scope of the description of "built development" is the provision for a "distributor road connecting with the ELR(N) and the A41 Aston Clinton Road."
162. The alignment of this road is nowhere shown in the submitted plan. In another section of my report I consider whether it should be. But, in any event, it is clear that in order to connect the two specific points mentioned, it would have to pass through or across areas identified as flood zones 3a and 3b.
163. A road which is described as a Strategic Link Road would clearly fall within the description of "Essential Infrastructure" for the purposes of Table 2 of national Guidance relating to flood risk and coastal change. In accordance with that advice, it should only be included as a proposal in the plan if it passes the exception test. As noted above, this has two parts. The claimed sustainability benefit to the community for this project is stated in the sixth bullet of paragraph 4.65 of the plan; reduced congestion and improved quality of the town centre environment. Greater detail is given in Paragraphs 6.5.11 and 6.5.12 and the Technical Annex of the Sustainability Assessment Report describing the consideration which was given to the option of including allocation AGT3 within the plan's spatial strategy. It recognises that a new link road through the Woodlands (AGT3) site would be of particular strategic importance. I examine the justification for this proposal elsewhere in my report and conclude that it is sound.
164. The second part of the exception test is that the proposal will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere and, where possible, will reduce flood risk overall. National Guidance also advises that in flood zone 3a essential infrastructure should be designed and constructed to remain operational and safe in times of flood and that in flood zone 3b, essential infrastructure that has to be there and has passed the Exception Test should be designed and constructed to remain operational and safe for users in time of flood, result in no net loss of

floodplain storage, not impede water flows and not increase flood risk elsewhere. These requirements are met by criteria (h), (i) and (l) of the allocation.

165. I therefore conclude that the allocation has been correctly assessed in relation to flood risk. However, as noted earlier, the allocation does not include any specific alignment for the Strategic Link road proposed. NPPF paragraph 152 advises that significant impacts on any of the dimensions of sustainable development should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. NPPF paragraph 182 advises that to be justified a plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence. I consider these matters further in relation to the road proposal element of allocation AGT3 in another section of this report.
166. As noted earlier, the area of land identified at risk of flooding through the Flood Risk Assessment does not precisely coincide with the area identified in the allocation as "not built development". One particularly noticeable discrepancy lies in the area to the north of Weston Mead Farm where an area, apparently not at risk of flooding has been designated as an area of "not built development".
167. Paragraph 1.23 of the plan explains that areas marked as "not built development" are so designated either because of the findings of the Flood Risk Assessment or because of the recommendations of the Strategic Landscape and Visual Impact Capacity Study. The former does not indicate that this piece of land should not be developed. The latter identifies that the entire site is developable other than a small strip along the Bear Brook.⁴¹ The Council's response during the examination introduces a third consideration, namely the requirement for 50% of a site to be green infrastructure and the concept of the Aylesbury Linear Park shown diagrammatically in paragraph 4.21 of the plan but not included in the submission policies maps or insets. Although this additional consideration should apply equally to both halves of the Weston Mead Farm site, it appears that as part of a recent appeal submission a concept plan has been submitted by a developer indicating that, in order to comply with the requirement for 50% of a site to be green infrastructure, the northern part of the site would be so retained. This demonstrates that the Council's proposals are sound, albeit, not for the reason stated in paragraph 1.23 of the Plan. Nevertheless, modification **MM48** is adjusted so that criterion (s) would reflect the conversion potential of buildings already on that part of the site.
168. A previous appeal decision in relation to the development of the Hampden Fields (AGT4) site was dismissed over concerns relating to its effect on a junction known as the Walton Street gyratory. However, subsequent work has established that with that development in place an increased total flow through the gyratory junction can be accommodated with increased queuing

⁴¹ Commentary and map for land parcel WTV017

on certain arms compensated by reduced queuing on others and so an overall reduction in delays. This information does not lead me to a conclusion that this allocation (AGT3) would be unsound.

Allocation NLV001 Salden Chase (South-West Milton Keynes)

169. Modifications to this allocation [**MMs 72, 73 and 74**] to bring policy material within the allocation policy and so make it effective and to update the expected time of delivery result from issues nine and three discussed elsewhere in this report. The requirements of the allocation include primary and secondary schools, highway improvements and public transport provision, an employment area and a neighbourhood centre so I am persuaded that this would be a sustainable development. Concerns about the application of policy NE8 (the protection of best and most versatile agricultural land) to the site are best met through the development control process.

Allocation WHA001 Shenley Park

170. This allocation was put forward by the Council in its proposed modifications to the plan, published in November 2019. The Council was accused of not considering all reasonable alternatives in identifying increased allocations in close proximity to Milton Keynes. But, the phrase all reasonable alternatives does not equate to all conceivable alternatives. The modifications should form a seamless part of VALP; they do not form a separate plan prepared from scratch. The HELAA in the Council's original evidence base considered a very wide range of possible options. Consequently, I find it entirely reasonable that the Council should have revisited the site selection process in the HELAA in its original evidence base to identify previously short-listed options for re-appraisal. It is also reasonable that its choice should have been consistent with the overall spatial strategy of the plan, which is to rely on a few, large allocations which can, of themselves provide supporting infrastructure without the need to coordinate contributions from a larger number of smaller sites.

171. Representations also suggested that the chosen site might not be viable and that with the constraints placed upon it in the criteria attached to the allocation, might not have the capacity to deliver. Although the Council's viability study concludes with a deficit for the chosen allocation, the size of the deficit lies well within the margins of error of the appraisal method so does not demonstrate unviability. Subsequent movements in outturn values and costs would reverse the finding, according to the study's author.

172. Comments made during the hearing session by an officer of the Council to the effect that housing development would be restricted to the northern half of the allocation give credence to representations alleging that, if so restricted, the allocation would not have the capacity to deliver the housing and supporting facilities required. But the point was contradicted by other Council officers and I observe that the allocation as drafted in the Council's proposed modification, which I endorse, contains no such restriction.

173. It is fair to say that paragraph 5.1.25 of the BMD Landscape and Visual Capacity Comparison Assessment (Examination Document 210A) advises that "Development within the southern parcel would represent an unacceptable extension of development into the countryside and visible from the wider

landscape". The point is also made in paragraph 5.1.17 of the same report; "Any development within the southern parcel would be highly visible form [sic] the surrounding receptors", but that paragraph then goes on to recommend; "A further 20m buffer zone would be required to the mature woodland to the Site boundaries, this would protect these mature features and provide a green framework in which development could be located," so it is clear to me that the Council's Landscape Study has indicated a way in which development of the whole allocation could be made acceptable, which would remove any suspicion that the allocation could not deliver the quantity of development expected of it. Criteria (f) and (j) of the proposed allocation include requirements to enhance significant blocks of woodlands and hedgerows within or on the edge of the site and provide a long term defensible boundary to the western edge of Milton Keynes. These stipulations appear to be consistent with the recommendations of the Council's landscape assessment and so I conclude that the modification would not unduly restrain the capacity of the site chosen for the allocation.

174. Examination of the Council's appraisals (SA addendum, ecological, transport, flood risk, heritage, landscape, water cycle and viability appraisals and a HELAA update) of the three options for further allocations in close proximity to Milton Keynes shows that all three are suitable for allocation and that the criteria by which they were evaluated demonstrate a very marginal preference for the allocation chosen. The site chosen was strong by reference to ecology, flood risk, heritage, landscape and water cycle. It was weakest in relation to transport impacts and viability. But, the transport modelling for that site errs on the side of caution in only evaluating its impact on the rather coarse-grained network included in the county-wide model, whereas the mitigation measures set out in the allocation require connection to the Milton Keynes grid system, much of which is not included in the model. That connection would provide a much more finely-grained network which would better accommodate the traffic generated by the development than suggested by the modelling carried out, a consideration which would apply with less force, if at all, to the other sites in contention. Viability of this site has been discussed a few paragraphs previously in this report. Close examination of these two issues, transport and viability, suggests that this site's apparent weaknesses in those two considerations should not be determinative of its overall performance.

175. For all the above reasons, I am satisfied that the allocation choice made is sound.

Allocation BUC043 Moreton Road, Buckingham

176. This allocation is an example of a site proposed by the local plan within a neighbourhood plan area but not allocated by that neighbourhood plan. It has previously been the subject of a decision in July 2017 on a planning application called in by the Secretary of State in May 2016 for his own decision. That decision disagreed with the recommendations of an Inspector who held an Inquiry. Planning permission for development was refused.

177. Specifically, the Secretary of State disagreed with the advice that there was no conflict with policy HP1 of the made Buckingham Neighbourhood Plan which defines a settlement boundary for Buckingham which does not include the site. He attached very substantial negative weight to that conflict. He did not

disagree with any other of the Inspector's conclusions but, having regard to s38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise, concluded that the proposal was not in accordance with the development plan overall and that there were no material considerations that indicated that the proposal should be determined otherwise than in accordance with the development plan.

178. Time moves on. The Buckinghamshire HEDNA, advising on the establishment of an Objectively Assessed Need and a Housing Requirement for Aylesbury Vale reported in December 2016 but, at the time of the Secretary of State's decision, VALP was at an early stage in the process and so was given very limited weight in the decision. Subsequent to the Secretary of State's decision, the HEDNA was updated and the Council has carried out a Sustainability Assessment of a number of spatial development options in which this site was a variable, not included in 5 out of the 9 options considered. The Council chose for submission an option which includes the site.
179. As noted elsewhere in the section of this report dealing with the spatial development strategy, Buckingham currently has about 7% of the district's population. The three sites in Buckingham allocated in VALP represent 7% of all the allocations in the plan but, taking account of existing commitments, including those in the made neighbourhood plan, 8% of the development expected to take place in the district. It appears to be no more than proportionate to Buckingham's position in the settlement hierarchy.
180. As noted elsewhere in this report, I have found the Council's spatial submission strategy broadly sound subject to reconsideration of the disposition of allocations in the north of the district. But I have also found that the Council's housing requirements have been underestimated and that additional allocations need to be identified so as to meet the Council's housing needs. I therefore conclude that the allocation of this site is necessary to meet housing requirements which were not identified at the time the Buckingham Neighbourhood Plan was made.
181. The ability of the market to absorb the quantity of development proposed in the three allocations in Buckingham is questioned in relation to all three allocations as it is in relation to the overall quantity of development proposed within Aylesbury Vale by VALP. I consider this issue in the part of my report dealing with housing numbers in general. There is no specific consideration in relation to the Buckingham sites which would lead me to a different conclusion in their cases.
182. The effects of the development on highways of this and other allocations in Buckingham have been assessed during the Inquiry into the called-in application and in the County's Local Plan Modelling and in the Buckingham Transport Strategy and found acceptable subject to a number of infrastructure upgrades. However, these are neither specified within the allocation provisions nor as discrete proposals in their own right. That is an unsound omission from the plan which needs to be corrected by clause (l) of modification **MM82**.

183. In response to representations made to this and other allocations in Buckingham, the Council has referred to the Infrastructure Delivery Plan. This is part of VALP's evidence base but is not part of VALP. That is an unsound omission from the plan which needs to be corrected by modification **MM210**. Insofar as developments are to be expected to deliver the Infrastructure prescribed, then modifications to VALP allocations are necessary to specify these requirements. They are listed in the Site Delivery Statement submitted during the examination.
184. In common with a number of allocations in the plan, all three allocations in Buckingham include references to the need to align development with investment by the utilities undertakings in water and sewerage provision. The preparation of the plan has coincided with a change in the way such upgrades are requisitioned and funded. Both Anglian and Thames Water companies have clarified the way the new system operates and have suggested modifications to a number of allocations in the plan to make it clear that the need to upgrade such provision does not make the allocations unsound and is not a precondition or requirement of planning permission requiring funding by the developer but that the programme of development should be aligned with the infrastructure investment which the utility companies are required to undertake to align their capacity to the development proposed in the plan. I agree that these modifications [**MMs 82, 84, 276**] are necessary to make the position clear and effective.
185. The point is made in relation to this allocation that, as Buckingham has evolved, the centre of gravity of convenience shopping and some services, such as health centre provision has moved to the south of the town. Nevertheless, town centre convenience stores remain and so the point does not demonstrate that the allocation would be unjustified.

Allocation BUC046 Land off Osier Way, Buckingham

186. The same considerations as to the relationship with a made neighbourhood plan apply to this site as to allocation BUC043 except that, in relation to this site, there has not been a recent Secretary of State decision refusing planning permission. So do the same points concerning market absorption, infrastructure requirements specified in the Buckingham Transport Strategy and the Infrastructure Delivery Plan and water and sewerage capacity enhancements.
187. Specific to this allocation is the concern that its development would restrict neighbouring employment growth but the Council points out that this is provided for by a nearby 10ha allocation for employment development in the made Buckingham Neighbourhood Plan.
188. The Council accepts that some detailed modifications to criteria (d) relating to highway access and the deletion of criterion (e) relating to ecological management are necessary to reflect the reality of the situation [**MM84**]. I concur.

Allocation BUC051 West Buckingham

189. The site is a reserve allocation in the made Buckingham Neighbourhood plan and so its potential access and impacts on landscape have been assessed and found acceptable. Otherwise, the same considerations apply to this site as to allocations BUC043 and BUC046 concerning market absorption, and infrastructure requirements specified in the Buckingham Transport Strategy and the Infrastructure Delivery Plan.
190. Particular issues concerning this allocation are that a site delivery statement affirms that multiple ownership of the site would not slow its delivery. The VALP evidence base has assessed the capacity of the site and confirms its consistency with the exclusion of development from flood zones 2 and 3.
191. It emerged during the examination that delivery of this site would be dependent on the construction of a Buckingham Western Relief Road, not included within the site particulars or shown independently within VALP. Further work by the Council affirms that the scale of development on this site would not be sufficient to finance the construction of the Western Relief Road.⁴² This consideration, together with a reconsideration of the distribution of housing allocations within the north of the district, focusing more allocations in the vicinity of Milton Keynes, leads to a Modification deleting this proposed allocation from the plan [MM83] as undeliverable and therefore, unjustified.

Allocation HAD007 – Haddenham, land north of Rosemary Lane

192. The main issue with this allocation is whether it is sound in relation to its effects on a heritage asset; the Haddenham Conservation Area. Although the setting of a conservation area is not a statutory consideration, paragraph 129 of the NPPF establishes government policy that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal, including by development affecting the setting of a heritage asset, and take that assessment into account when considering the impact of a proposal on a heritage asset.
193. The eastern end of the south-eastern boundary of this allocation is contiguous with the northernmost boundary of the Haddenham Conservation Area and so will affect its setting. Consequently, its effect on the significance of the heritage asset should be assessed.
194. It is noticeable that, of the 24 sites associated with Haddenham assessed in the Housing and Economic Development Land Availability Assessment Report January 2017 (the HELAA), five specifically mention their effect on the Conservation Area. Three are found unsuitable for development. In the HELAA, despite this allocation's contiguity with the Conservation Area the relationship is not mentioned. It is not unique in this respect since the

⁴² Examination document ED257

HELAA's appraisals of other sites⁴³ having common boundaries with the Conservation area also do not mention the relationship. However, Heritage is a specific category analysed in the Sustainability Assessment Report which covers this site in detail and the Conservation Area is specifically mentioned in the text (section (g)) of the allocation in VALP itself, so it cannot be said that the relationship has gone unnoticed or unconsidered.

195. The question then becomes whether the relationship has been soundly considered. The characteristics and significance of the Conservation Area are fully analysed in the Council's Haddenham Conservation Area report. Its significance is as a polycentric agricultural village with a linear form in which the use of witchert (a form of rammed earth) as a construction material features strongly.
196. As the Conservation Area report notes, the use of witchert in the construction of boundary walls and buildings is arguably the most significant element in defining the character of the village but it also notes that a key characteristic of Haddenham is the series of enclosed spaces of irregular shape and varying size spread throughout the village. These latter are unaffected by the allocation. Indeed, its requirement for a landscape buffer to be required between the existing dwellings and the new development could lead to the creation of a further such enclosed space, consistent with the character of the Conservation Area, though lying outside it.
197. Two views of the long witchert wall at the rear of properties in Rosemary Lane are seen across the eastern part of the allocation site. Insofar as they allow a characteristic feature of the Conservation Area to be appreciated, they need to be taken into account in considering proposals for the site. Provision (f) of the allocation appears to do that by requiring a landscape buffer between the existing dwellings and the new development. It is represented on the submission policies inset map by the annotation of an area of not built development. The proviso and annotation could be improved by making specific reference to the views mentioned in the Conservation Area report but that would be a matter of improvement to the plan; it does not strike at the soundness of the allocation. In any event, the western two-thirds of the allocation is unaffected by this consideration.
198. The potential developer of the site suggests that the north-south extent of the site would make the achievement of an adequate landscape buffer to preserve the setting of the witchert wall difficult in addition to the pedestrian and cycle access to the station through the adjoining approved airfield and Dollicott developments as well as the delivery of 315 dwellings which the allocation also requires. I concur that the potential pedestrian and cycle linkages to the west are important to secure the sustainability credentials of this allocation because the limitations of the existing footpath access onto Rosemary Lane and the circuitous vehicular access specified via Churchway would otherwise encourage the use of means of transport less sustainable than walking or cycling. The

⁴³ HAD002, HAD010, HAD015, HAD026

Council concurs with the view that the site could not deliver 315 dwellings and promotes a modification to reduce the figure to 273.

199. I also concur with the view expressed in the HELAA that the northern boundary of the site should not extend too far towards the ridgeline but there is clearly flexibility in its precise location, as evidenced by the fact that the boundary of the adjoining approved airfield development lies slightly further to the north. I also concur that it is important that the dwelling numbers envisaged in the plan's allocations are capable of delivery. But, essentially, these are all points that can be adjusted by minor modifications to the plan or through considerations of a planning application. They do not strike at soundness and so no modification to the plan is necessary other than to correct its site area, wrongly stated as 10 ha, its capacity and its phasing [MM85].

Allocation HAL003 RAF Halton

200. In an earlier version of VALP, it was proposed to delete this site from the Green Belt in which it lies. That is not now proposed because the Council accepts that there is no justification for it. For that reason, it is right that the allocation covers only the previously developed part of the RAF landholding and not the whole estate. However, there remain hints in VALP as submitted that a future review of the plan will revert to the suggestion of deleting land from the Green Belt. These hints are inappropriate and unjustified and so should be deleted from the plan [MMs 16 and 85A]. The allocation site remains within the Green Belt.

201. Critics of this allocation allege that it would be contrary to national Green Belt policy, set out in NPPF paragraphs 87 and 89. But NPPF paragraph 89 allows for the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. It also allows for the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. It also allows for the partial or complete redevelopment of previously developed sites which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. NPPF paragraph 90 allows for the re-use of buildings provided that the buildings are of permanent and substantial construction and provided the development preserves the openness of the Green Belt and does not conflict with the purposes of including land within the Green Belt. There is therefore considerable potential for the development, redevelopment and reuse of an existing developed site within the Green Belt consistent with government policy.

202. Much of the criticism of this allocation was directed at the Defence Infrastructure Organisation's document *Vision for Development at RAF Halton*, published in June 2018. But this is a document which neither forms part of nor is endorsed by VALP.

203. Paragraphs 4.134 and 4.135 of VALP correctly recognise the heritage assets, both designated and other, which characterise the site. The proposed closure

of the RAF base, commencing in 2020 and due to be complete by 2022⁴⁴ clearly puts the future of these designated and non-designated heritage assets at risk. NPPF paragraph 126 advises that local planning authorities should set out in their local plan a positive strategy for the conservation and enjoyment of the historic environment including heritage assets most at risk through neglect, decay or other threats. It is therefore fully justified for the plan to be positively prepared in setting out a strategy for the protection and re-use of these assets even though the outcome may not come fully on-stream until the later years of the plan period. However, as the Council freely accepts in its response to my Q21, that is not what allocation HAL003 does in its present form. A modification to add specific criterion (i) relating to the heritage assets should be included in the policy [MM88].

204. The closure of RAF Halton was announced in November 2016, so the Council had fifteen months before the submission of VALP in which to prepare its proposals for the allocation of the site. It is perhaps not surprising that its preparations have been somewhat rudimentary and include inconsistencies as they have been refined over time⁴⁵ but, for the reasons explained above, I consider it an indication that the plan has been positively prepared that the allocation should be made. It would have been unsound for the plan not to contain specific proposals for a heritage asset so clearly under threat.
205. The suggestion is made, justified by repeated references⁴⁶ in the Sustainability Appraisal (SA) of the Vale of Aylesbury Local Plan September 2017 by AECOM that the allocation in VALP of Halton Camp is an alternative to the allocation of a site at Shenley Park, just outside Milton Keynes. It is also implied in that criticism that, if the allocation of Halton Camp is shown to be unsound, then the alternative allocation at Shenley Park would automatically follow. But such is to misunderstand the purposes of the Sustainability Assessment; it is to inform the determination of a preferred strategy for VALP but it does not itself determine the preferred strategy. As the final sentence in Appendix III of the Sustainability Appraisal makes clear, the intention is for the Council and stakeholders to take its findings into account when considering how best to 'trade-off' between competing objectives and establish the 'most sustainable' option. The way in which the Council has made that "trade-off" is clearly stated in paragraph 8.2.2 of the Sustainability Appraisal. It does not depend on the score of any one site but on the characteristics of the options overall.
206. Moreover, it is clear, from the different impacts which each of the two sites would have on each of the twelve assessment criteria evaluated in Appendix

⁴⁴ As at the time of submission of the Plan, now known to be 2025.

⁴⁵ For example, paragraph 2.20 of the Council's topic paper on Housing records an initial broad assessment establishing that there are 44 barrack blocks capable of conversion whereas the response to my Qs66 and 69 refers to 36. Representation 2038 from respondent 27869 Savills on behalf of Crest Strategic Projects reports errors in the Sustainability Appraisal relating to RAF Halton. Without endorsing those in this footnote, it is clear that the fact they can be claimed suggests that the Council's appraisal has been rushed.

⁴⁶ In Appendix III – reasonable spatial strategy alternatives, page 136 onwards

III of the SA that they are only alternatives in terms of scale, they do not substitute for each other in almost every other respect, not least because of their differing timescales of delivery and different geographic locations at opposite ends of the district. The different options evaluated either include or exclude the two sites as may be. At least one option excludes both sites. As is made clear elsewhere in this report in discussion on the spatial strategy and on the housing requirement, I recommend that both sites be included in the plan.

207. The scoring system used in the SA is a matter of judgement. Although I might come to a different judgement in a particular instance, as do some of the representations made, it does not follow that the judgement made in the SA is thereby unsound; it is simply different. An SA informs but does not direct the content of a plan.
208. This allocation might have been scored more highly for sustainability because of its potential effects on Listed buildings, registered parks and gardens or scheduled monuments. The SA sees the proposal as a threat to the heritage assets. But the proposal also represents an opportunity for a heritage-led scheme to secure the retention and conservation of those assets which are otherwise likely to be at risk. But that potentially different perspective does not make the whole SA unsound, let alone the plan to which it relates. Rather, it reinforces the conclusion that allocation HAL003 is justified and therefore, sound.
209. An allocation adjacent to Aylesbury is proposed for development of up to 3,000 dwellings. It is of similar extent to the allocation proposed at Halton for 1,000 dwellings. Given the Green Belt and heritage constraints of RAF Halton and notwithstanding the rudimentary nature of the study of conversion and redevelopment potential that has been made, I consider that 1,000 homes within the plan period is a reasonably justified ball-park figure to apply to the site.
210. As a previously developed site, the allocation has a history of existing traffic generation and so appraisal has only to consider the changes which would be brought about by the redevelopment. There is no evidence to challenge the former County Council's reported assessment that the replacement of the existing camp operations by 1,000 houses did not raise any significant concerns which could not be met by local mitigation measures which are specified in the allocation criteria.
211. I note the observations made in representations about the nature of public transport and other sustainable transport modes to and from the site and that these are no more than adequate but I take the view that a scenario which does not involve the re-use and redevelopment of the site with a comparable quantity of development to that presently existing is not credible. That carries with it implications for the provision of transport facilities which appear to be adequately provided for in the criteria attached to the allocation in the plan.
212. The Council accepted at the April 2021 hearing session, and I agree, that the reference to green infrastructure in the allocation's site-specific requirements should be more specific about the retention of the extremely good sports

facilities currently provided onsite [**MM86**, justifying the insertion of criterion (j) in **MM88**].

213. RAF Halton is reported to be one of the largest single employment sites in Aylesbury Vale. The Council does not propose that the allocation require any replacement employment provision. My reporting of the proposed retention of an excess of employment land in Aylesbury Vale concludes that this is soundly justified by considerations of the growth expected from the CaMKOx growth arc. The effects of that growth arc are expected to be concentrated in the northern part of the district. As RAF Halton is located near the southernmost extremity of Aylesbury Vale District, that consideration would not justify a policy of retaining an even greater excess of employment land in that location. It has proximity to Wycombe district from which demand for employment land is expected to be displaced but, in comparison with other allocated sites nearby around Aylesbury, lacks even the quality of road access which they offer so the fact that the allocation does not propose the retention of employment land does not render the plan unsound.

Allocation WIN001, Land to the east of Great Horwood Road, Winslow

214. This allocation is an example of a site proposed within a neighbourhood plan area but not through a neighbourhood plan. Winslow was one of the first neighbourhood plans in the country to be made. Time has now moved on. As noted elsewhere in the section of this report dealing with the spatial development strategy, Winslow currently has about 3% of the district's population. This site represents 5% of all the allocations in the plan but, taking account of existing commitments, including those in the made neighbourhood plan, just 4% of the development expected to take place in the district. That may represent growth of 55% over the plan period but when district-wide growth is 40% and is concentrated in the six strategic settlements which include Winslow that does not make the allocation unsound.

215. Investment in the provision of a rail link to Winslow would progress in tandem with the development proposed. Improved pedestrian connections with the rest of the town form part of the proposal. Transport modelling shows no more than slight increases in travel times in the town as a result of the development proposed, not requiring mitigation.

216. The Infrastructure Delivery Plan notes that the population increase resulting from the development proposed at Winslow would not justify any additional sports hall or swimming pool provision. As noted elsewhere in this report, there is an inconsistency between the Infrastructure Delivery Plan and VALP in that the former asserts that any new development sites at Winslow will be expected to contribute to a new clinic at Norden House, whereas VALP allocation WIN001 does not. Like other inconsistencies between VALP and the Infrastructure Delivery Plan, the inconsistency requires correction. In preparing its modifications, the Council does not include any requirement for a contribution to a clinic at Norden House but instead reduces the expected delivery of the site from 585 homes to 315, thus reducing its potential to make a contribution so the correction needs to be made to the IDP.

217. Some detailed provisions of the allocation, such as the requirement that development be limited to the south of the watercourse, are unnecessary

relics from a previous iteration of the plan as the site now does not extend beyond the watercourse. Other detailed provisions require minor adjustments and so are the subject of modifications in **MM89** but otherwise there is no compelling evidence before me which would convince me that, in general terms, this allocation is anything other than sound.

Allocation STO008, Land south of Creslow Way, Stone

218. This allocation is part of a larger piece of land which the HELAA assessed as capable of delivering 42 dwellings as it was "part suitable – the north-eastern part of the site (1.2ha) is suitable for development at a density of around 35dph as long as highways access is provided. A Transport Assessment will be required to demonstrate impact of development is acceptable. The southern half of the site is unsuitable for development as it has landscape and visual impact constraints. Need a tree survey as there are likely to be valuable trees that are worthy of Tree Preservation Orders." Yet the VALP allocation is for the 1.2ha recommended but limited to 10 dwellings.

219. Reference is made in the Council's response to my Q71 to the need for landscape mitigation and green infrastructure around the southern and western boundary and also to the need to reflect the adjacent settlement character and density which, on the northern boundary consists of large detached dwellings. True as that is, adjacent development to the east, with which the development would have a close relationship, consists of high density terraced houses. Whilst not endorsing the details of a masterplan prepared by the intending developer of the site, it does demonstrate that potential exists for the development of a considerably larger number of dwellings whilst providing public open space and retaining boundary vegetation around the larger site as recommended by the HELAA.

220. Amongst other matters, NPPF paragraph 58 advises that planning policies should aim to ensure that developments optimise the potential of the site to accommodate development. I am convinced that allocation STO008, as submitted, would not do this and so a modification [**MM94**] is necessary to increase the expected numbers of dwellings to be developed on the site and thus bring the plan into line with national policy.

Allocation CDN001 Land north of Aylesbury Road and rear of Great Stone House, Cuddington

221. The constraints associated with the location of this site within the Cuddington Conservation Area are noted within the HELAA. I am therefore satisfied that the significance of this heritage asset has been taken into account in preparing VALP and is reflected in the site criteria included in the allocation. Although not specified in the criteria attached to the allocation, I accept the Council's advice that safe access to the development can be achieved in the light of speeds prevailing on Aylesbury Road. I therefore have no reason to find the plan, or this allocation, unsound, although a modification is necessary to update the site's expected time of delivery and to make it clear, in line with government policy, that the expected number of dwellings is to be a minimum [**MM98**].

Allocation CDN003 Dadbrook Farm, Cuddington

222. To achieve access to this otherwise landlocked site would require the relocation of operational farm buildings. The landowner asserts that this would not be a worthwhile proposition if the development is limited to 15 dwellings as VALP proposes. Subsequent correspondence with the landowner contradicts this assertion and so I now have no reason to conclude that the site is undeliverable, although a modification is necessary to update the site's expected time of delivery and to make it clear, in line with government policy, that the expected number of dwellings is to be a minimum [MM99].

Allocation ICK004 Land off Turnfields, Ickford

223. Questions were raised about this allocation because previous iterations of the HELAA had found it unsuitable for development. It is said that considerations which led to findings of unsuitability for other promoted sites apply equally to this allocation but, as aerial photographs show, the boundaries of the site are well defined by hedgerows. Its outer boundaries continue the alignments of other developments which define the outer limit of the settlement. Its development would result in the completion of a compact village form surrounding the Ickford Recreation Ground. I therefore find its allocation sound, although a modification is necessary to update the site's expected time of delivery and to make it clear, in line with government policy, that the expected number of dwellings is to be a minimum (MM100).

Allocation MM006 Land east of Walnut Drive and west of Foscombe Road, Maids Moreton

224. At one point during the examination of VALP, the former District Council proposed to delete this allocation in the light of advice received from the former Buckingham County Council concerning the feasibility of achieving access to the site. Following further advice from the County Council as highways authority the District Council reviewed that decision and withdrew the suggested modification to delete the proposal. It therefore remains for consideration and examination in the submitted plan.

225. This about-face took place at such short notice before the hearing session in July 2018 that many people who had made representations about the allocation did not receive notification in time to attend the hearing session. So that they were not disadvantaged, I held a further hearing session in April 2021 at which it was apparent that the allocation was mightily opposed. Sheer weight of opposition does not of itself necessarily mean that the allocation is unsound but it has identified a large number of issues which need to be examined.

226. Many of the considerations which apply to the three Buckingham allocations (BUC043, BUC046 and BUC051) apply to this allocation, except that it is outside the Buckingham Neighbourhood Plan area. These are the points concerning market absorption, infrastructure requirements to deal with traffic growth specified in the Buckingham Transport Strategy and the Infrastructure Delivery Plan and water and sewerage capacity enhancements. My conclusions on those matters in relation to this site are the same and need not be repeated. See previous sections of this report headed *Allocation BUC043*

Moreton Road, Buckingham, Allocation BUC046 Land off Osier Way, Buckingham and Allocation BUC051 West Buckingham.

227. Considerations which are unique to this allocation are its size in relation to Maids Moreton, the extent of the settlement's supporting infrastructure and hence, its position in the settlement hierarchy and a disparity between the size of the allocation and with that described in policy S2(h) and what would be allowed for an unallocated site proposed in accordance with policy D2(1). The allocation had been identified as not suitable in the HELAA 2015 but found suitable in a later edition and had been identified as the least suitable site in the village in the 2017 Sustainability Appraisal, reflecting a lack of local employment (so leading to commuting but without adequate transport infrastructure), its status as a greenfield site (so leading to impacts on wildlife), as Best and Most Versatile agricultural land and an increase in flood risk. Representations alleged that there would also be an impact on heritage assets.
228. If analysed as a freestanding settlement, the facilities which Maids Moreton enjoys would barely qualify it as a medium village in the Plan's settlement hierarchy. In terms of dwellings the parish is just within the top quartile of settlements by size within the plan area. Before the Covid-19 pandemic there were a couple of bus services but collectively they fell short of an hourly frequency and it has effectively none now (but with the potential for one to be provided should development of this allocation proceed). It has a pub but no post office, pharmacy nor even a corner shop. It has a place of worship, a village hall and a well-equipped recreation ground but only an infants' school (shortly to be expanded into a primary school) and pre-school facility, little employment and no doctor's surgery.
229. But, it is not a free-standing settlement. Residents of Maids Moreton clearly see themselves as separate from Buckingham but, to an independent observer, the two settlements coalesce. Although Buckingham Rugby Union Football Club's grounds to the west and agricultural land to the east cause a break in the continuous line of development along the main A413 and the name of the road changes from Moreton Road (in Buckingham) to Duck Lake (in Moreton), there is a continuous line of development linking Moreton and Buckingham without a break along the alternative route of Church Street, Glebe Terrace and Avenue Road. To an outsider, coalescence between the two settlements has already occurred and, in practical terms of urban landscape, supporting infrastructure and of their capacity to support development, Maids Moreton and Buckingham can draw on each other's resources. Moreton hosts the Buckingham Rugby Union Football Club which offers a facility serving an area much wider than the village alone. Buckingham provides retail facilities, health facilities and secondary schools at a distance of about a mile and a half from Maids Moreton.
230. In that light, it is both sound and reasonable to evaluate allocation MMO006 as one of a series of potential allocations in and around Buckingham. Others (BUC043 – 130 dwellings, BUC046 - 420 dwellings and BUC051 – 300 dwellings) have been discussed earlier. As such, and notwithstanding the vacillating advice of the HELAA and Sustainability Appraisals the number of homes proposed on this allocation does not seem disproportionate. Other settlements classified as medium villages but closely associated with a larger

settlement face similar scales of development when completions and commitments are added together.

231. Like many greenfield sites, the allocation would extend built development further into the countryside but no further than has been committed at the adjoining site known as MMO005 (not an allocation within the Plan). Criterion (b) of the policy as submitted, together with the extent of land shown as "not built development" on the submission policies map inset for Buckingham and Maids Moreton would limit impact on the countryside and so, needs no modification to be found sound. Criterion (f) seeks a net biodiversity gain from the allocation. Whatever the merits or demerits of the biodiversity studies associated with the current planning application, which are not for me to consider, in my experience it is not difficult for a new development to be able to demonstrate a net biodiversity gain over the baseline of land in agricultural production and so that consideration does not present itself as a ground for finding the allocation unsound.
232. Much land around Buckingham is Best and Most Versatile agricultural land and so, if growth at Buckingham is to be accommodated at all it is inevitable that some loss would occur. I have no reason to question the Council's advice that alternatives offer no advantage in terms of using poorer quality land.
233. Any development of a greenfield site carries with it a risk of increased surface water flooding because of faster run-off from hard surfaces but the risk is usually dealt with during consideration of a planning application. The submitted Plan's policy for allocation MMO006 includes criterion (e) which would require the submission of a surface water drainage scheme.
234. The former District Council's Heritage adviser was consulted on the sites included in the HELAA January 2017, as paragraph 4.21 of that report attests. Sites were frequently classified as unsuitable on account of their impact on heritage assets, including sites MMO002, MMO007, MMO009 and MMO012 in Maids Moreton itself. I have no reason to doubt that an adequate heritage assessment of this site was made during the preparation of the plan.
235. Discussions on access have been resolved to the satisfaction of the highway authority. They were explored further during the April 2021 hearing session during which it became apparent that there were discontinuities between transport advice given during the preparation of the Plan and that given during the concurrent consideration of a planning application on the site. In coming to a view on the soundness or otherwise of the Plan, I cannot ignore the advice that has been given in relation to the planning application, although the latter is not for me to determine.
236. Following the July 2018 series of hearing sessions, I asked the Council to identify and make explicit within the plan proposals for transport infrastructure which were implicit within many of the Plan's housing proposals. The outcome for Aylesbury is discussed in another section of this report. In complying with my request, the Council commissioned further work into the impacts of development proposals on the Buckingham highway network.
237. It is clear from this further work that the Council faces very difficult decisions in guiding the future development of Buckingham. Both for its own future prosperity and as the second largest settlement within the plan area, the town

needs to accommodate its proportionate share of Aylesbury Vale's growth. But that growth brings with it traffic growth over and above that which occurs anyway and so puts stress on the town's historic highway network.

238. Buckingham's transport system is constrained by a few junctions of limited capacity within the town's historic core. The highway modelling work which the Council has carried out shows that because of its location on the west side of town, traffic generated as a result of allocation BUC051 would unacceptably overload those junctions unless relief were to be provided by a new road which the development itself could not fund. As reported earlier, allocation BUC051 is deleted from the plan for that reason.
239. By contrast, allocations BUC043, BUC046 and MMO006 could each fund minor improvements to the junctions through contributions to the Buckingham transport Strategy already referred to and also would add load to those junctions to a lesser degree because the likely main objective destination is Milton Keynes to the east of Buckingham and alternative routes, avoiding the town centre, are available. Those alternative routes include the use of Mill Lane (also known as College Farm Road) through Maids Moreton. The outcome would not be congestion-free but congestion would be tolerable and so not amount to a residual cumulative impact that would be so severe as to prevent development, whilst at the same time accommodating proportionate housing growth around Buckingham.
240. I acknowledge that advice given in relation to the current planning application to develop the MMO006 allocation gives the impression that traffic calming measures will be imposed on Mill Lane (College Farm Road) and that these traffic calming measures would dissuade traffic from using the roads so treated. Be that as it may, I was given explicit assurance by the Council's representative at the hearing session that my understanding was correct that the traffic calming measures were intended to make sure that the roads concerned would accommodate the traffic generated from the MMO006 allocation in a safe way. Certain aspects of the measures envisaged would afford a clear increase in capacity at the junction of Mill Lane (College Farm Road) with the A422 Stratford Road but it was also made clear that such a capacity increase would only be implemented as a contingency if, contrary to the Council's expectations, an issue arose in practice.
241. The shifting sands of analysis and policy (identification as not suitable, then as suitable in successive drafts of the HELAA, categorisation as worst option for the village in the SA, inclusion in the submitted plan, then exclusion as a proposed modification, then re-inclusion, together with the discontinuities of transport advice) have clearly undermined local public confidence in the planning authority. Nevertheless, having examined the matter at considerable length and in considerable detail, I am convinced that, given the difficult decisions which the Council has had to face in determining Buckingham's future and taking all matters together in the round, this allocation is positively prepared and justified, although a modification is necessary [MM101] to make the allocation effective and consistent with government policy by reflecting the contribution which the allocation will need to make to the resolution of Buckingham's highway deficiencies, updating the site's expected time of delivery and to make it clear, in line with government policy, that the expected number of dwellings should be viewed as a minimum.

Allocation QUA014-016 Land adjacent to Station Road, Quainton

242. Accommodation works for the HS2 railway line would render this allocation undeliverable in the form presently delineated on the submission policies inset map. The delineation of the proposal on the submission policies inset map is an interpretation of policy H1 contained in the made Quainton Neighbourhood Plan but not taking account of property boundaries or of HS2 commitments. A modification to the inset map is therefore necessary to redefine the boundaries of the proposal, taking account of the road realignment to accommodate the new railway line. A modification to the allocation policy is necessary to update the site's expected time of delivery and to make it clear, in line with government policy, that the expected number of dwellings is to be a minimum **[MM105]**.

Allocation EDL021 land off Slicketts Lane, Edlesborough

243. The VALP policies map records this as a site allocated in a made Neighbourhood Plan. That is a matter of fact and therefore, for VALP to record the fact is sound. The soundness of the Neighbourhood Plan is not a matter for me to consider; Neighbourhood Plans are examined and made in accordance with a different set of criteria.

Key employment sites

244. In the light of representations made, I have also considered whether the inclusion of the Gatehouse and Rabans Lane industrial areas as Key Employment sites protected by policy E1 would conflict with paragraph 22 of the NPPF. This advises that planning policies should avoid the long-term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose.

245. The Council's response to my question 84 in respect of Gatehouse Industrial Estate refers to its Employment Land Review and its recommendations that, over time, there is potential for further rationalisation of employment uses at Gatehouse Industrial Estate to introduce a greater mix of uses. The Council also tells me that this has been addressed with retail and housing developments being permitted. This being so suggests that there is an inconsistency between, on the one hand, the Council's evidence base and its development management practice and, on the other hand the application of policy E1 to the Gatehouse Industrial Estate. In response, the Council proposes a Main Modification **[MM285]** to refine the boundary of the Gatehouse Industrial Estate shown on the policies map so as to reflect the further potential for rationalisation identified in its Employment Land Review. I agree that this modification is necessary for justification.

246. By contrast, the Employment Land Review Update identifies Rabans Lane as providing good quality industrial accommodation. It advises that policy could seek to retain the land for employment use. Its identification as a Key Employment Site is therefore justified by the supporting evidence notwithstanding the Council's own proposal for 200 dwellings on allocation AYL115.

Issue 5 – Whether the need for housing for different groups in the community would be met effectively.

247. NPPF paragraph 50 advises that local planning authorities should plan for a mix of housing based on the needs of different groups in the community. Examples include families with children, older people and people with disabilities. In this report, I consider specifically, housing types and sizes, housing for older people, accessible housing, housing for students, accommodation for gypsies and travellers, provision for self-build housing and provision for affordable housing.
248. Policy H6 seeks to follow the NPPF advice with four policy elements. The first is related to housing types and sizes, the second to a requirement for self-contained extra care dwellings as part of housing schemes of more than 100 dwellings in strategic settlements (Milton Keynes, Aylesbury, Buckingham, Winslow Wendover and Haddenham), the third to encourage extra care housing, specialist housing for older people and for supported housing generally within all residential schemes and the fourth to a requirement that all residential development should be accessible and adaptable (Category 2 in the terms of Building Regulations Approved Document M) and that a percentage should be Category 3.

Housing types and sizes

249. The element of policy H6 relating to housing types and sizes is uncontroversial. It does not differentiate between housing for sale and private rented sector housing but that is unremarkable as they are not distinguishable in planning terms. It does not specify a specific dwelling mix, which would be difficult to apply with precision to the range of site sizes likely to come forward during the plan period. Rather, it requires account to be taken of the Council's most up to date evidence. That can currently be found in the amended Figure 123 of the Council's HEDNA⁴⁷ and in paragraph 5.56 of the plan. It identifies eleven categories of housing type and size which illustrates the point that a requirement in terms of precise percentages of each type could not be applied to any site other than in multiples of 100 units and still result in whole numbers of dwellings in each category. For that reason, I consider that the Council's approach to dwelling mix set out in the first part of policy H6 is sound.

Housing for older people

250. The same cannot be said of the remaining parts of policy H6. VALP paragraphs 5.57 to 5.61 summarise the section of the HEDNA which analyses the housing needs of older people. It quotes from national Guidance identifying separate categories of sheltered, enhanced sheltered, extra care and registered care housing as well as residential institutions (Use Class C2). It also quotes the 2012 report *Housing Our Ageing Population* which differentiates between mainstream housing, specialised housing and Care

⁴⁷ Buckinghamshire HEDNA update 2016 Addendum September 2017

Homes. By contrast, policy H6 itself does not seem to recognise that specialised housing and Care Homes cannot simply be “pepperpotted” as a percentage of general mainstream housing. They need to be provided collectively in institutional or quasi-institutional groupings with a substantial critical mass sufficient to pay for the support services which are provided.

251. The threshold case of a 100-dwelling development could not provide sufficient critical mass for institutional or quasi institutional housing to be provided as a percentage of general needs housing. Nor, if provided as a percentage of general needs housing would there be a sufficient number of developments of sufficient size to provide for the number of sheltered housing schemes likely to be needed. In some cases they will need specific allocations of land. Paragraph 5.59 of the plan notes the HEDNA's forecast of an increase in the institutional population of 1,160 people, suggesting a need for an additional 10-20 such institutions but VALP appears to provide for only two (as parts of allocations AGT3 and AGT4). Nor does it appear to include any allocations or policy provision for sheltered housing schemes or any of the other categories of non-mainstream housing for older people described in national Guidance. Consequently, it does not demonstrate that it provides for these housing needs of older people and so is unsound in that respect.

Accessible housing

252. In response to my Q22 the Council accepted that the final part of policy H6 required modification on the grounds that it is not possible to require a percentage of dwellings to conform to category 3 of Building Regulations approved document M whilst at the same time requiring 100% of dwellings to comply with category 2 of the same document. If it is the case that the categories are mutually inconsistent (ie that a category 3 dwelling cannot simultaneously be a category 2 dwelling) then clearly a modification is necessary. Moreover, national Guidance⁴⁸ advises that local plan policies for wheelchair accessible (Category 3) homes should be applied only to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling, so it would be contrary to that Guidance to seek a proportion of category 3 dwellings in housing other than affordable housing to which the local authority has nomination rights.
253. It is fair to say that only a percentage of the population will need either a Category 2 or Category 3 dwelling and that requirements which apply to new build housing will do nothing to make existing housing suitable for people who have special needs. But new housing will only ever comprise a percentage of the total housing stock. To get to a position where the total housing stock offers an appropriate percentage of Category 2 or Category 3 housing requires a disproportionately high percentage of new housing to be so provided.
254. However, national Guidance⁴⁹ advises that the Building Regulations for Category 2 or 3 dwellings require step-free access which precludes their

⁴⁸ Paragraph 009 Reference ID: 56-009-20150327

⁴⁹ Paragraph 010 Reference ID: 56-010-20150327

provision in multi-storey flatted development without lifts. Lifts are not required and may not be viable in low-rise flatted developments so national Guidance advises that in such cases, neither of the optional requirements in part M should be applied. Compliance with national policy is a soundness test and so a modification is required to exclude low rise flatted developments above the ground floor from the requirement for Category 2 housing.

255. In response to the preceding comments, the Council has comprehensively reviewed policy H6 and proposes modifications which are necessary to provide a policy which would be both effective and justified both for older persons housing and for accessible housing [MMs **150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 168, 169 and 170**].

Student housing

256. National Guidance advises that local planning authorities should plan for sufficient student accommodation whether it consists of communal halls of residence or self-contained dwellings and whether or not it is on campus. The evidence base acknowledges that about 1.5% of the private rented sector are occupied by students. This element of student housing will be encompassed by generally applicable housing policies. No further specific provision for other kinds of student housing which are differentiated in planning terms is necessary because the only University (the Independent University of Buckingham) within the district provides accommodation for all its students.

Gypsy and travellers' needs

257. The definition of gypsies and travellers changed for planning purposes in the updated Planning Policy for Traveller Sites published in 2015. There remains uncertainty how the new definition should be applied. VALP applies a cautious approach to the large proportion of people whose status is unclear and makes provision which includes them. In the absence of certainty, I consider that such a cautious approach is sound. Any consequent overprovision could provide for those who may not be defined as gypsies but who choose to follow a gypsy way of life.
258. In response to my request for observations on certain matters relating to allocation D-AGT1, the Council reminded me that VALP makes allocations for 69 pitches to meet the first ten years of need (2016-2026). This includes all the site options identified in the Aylesbury Vale Gypsy, Traveller and Travelling Showpeople Site Assessment (2016). These 69 pitches specifically include an allocation of 5 pitches on AGT1. All the allocations listed have either been implemented or are vacant pitches available for occupation, apart from the allocations at AGT1 (5 pitches) and AGT2 (5 pitches). In addition to the allocations, permission has been granted for 1 pitch at Land Opposite Red Lion, Little Tingewick and six pitches at Oaksvew Park, Boarstall in addition to the allocation there. With the housing on the sites AGT1 and AGT2 projected to start delivering from 2024/25 onwards it is anticipated the 5 gypsy and traveller pitches on each of these sites could still be delivered within the 2016-2026 time period.
259. Representations argued for the omission of the requirements for pitches on allocations AGT1 and AGT2 but it is clear that without these pitches the need identified for the first ten years of the plan would not be met. Allocation AGT1

is expected to deliver about one-eighth of all the housing allocations within Aylesbury, so it follows that it is not disproportionate for one of the gypsy and traveller sites required for Aylesbury as a whole to be located there. Consequently, the provision for gypsy pitches within those allocations is necessary for the plan to be effective and compliant with government policy. I therefore do not recommend any modification for their deletion.

260. I therefore find that the specific requirements for gypsy and traveller sites which are made both within certain allocations for housing development and also free-standing, such as at Oaksvie Park, Boarstall (where I concur with the views expressed on the appropriateness of the site contained in a recent appeal decision (APP/J0405/W/18/3193773)) would be effective in meeting the needs of gypsies and travellers.

Self-build housing

261. Amongst other matters, NPPF paragraph 50 advises that local planning authorities should plan for a mix of housing based on the needs of different groups in the community such as people wishing to build their own homes. VALP proposes to meet this objective through policy H5 requiring developments of 100 or more dwellings to provide an unspecified percentage of serviced plots for sale to self/custom builders. The percentage is to be defined on a site-by-site basis dependent on evidence of demand and viability, notwithstanding the fact that the policy has been tested for viability in the Council's viability assessment and has been found to have a neutral effect.

262. The policy would apply to allocations AGT1, AGT2, AGT3, AGT4, AGT6, AYL063, AYL115, NLV001, BUC043, BUC046, BUC051, HAD007, HAL003, WIN001 and MMO006, all of which are for developments of 100 dwellings or more. One is a town centre site where conversion of an office block is expected to deliver the housing, so individual plots are unlikely to be feasible. Another, at RAF Halton is expected to involve conversion of existing heritage assets as a substantial component of delivery. The policy makes no exceptions for feasibility.

263. By definition, all the relevant allocations are large sites attached to the major settlements of Milton Keynes, Aylesbury, Buckingham, Haddenham, Wendover and Winslow. The policy would not offer opportunities in smaller settlements but this would not diminish its effectiveness because the locations where the policy would apply appear reasonably well correlated to the geographical location of the twenty or so groups or individuals registered on the National Custom and Self Build Association's self-build portal in July 2016. There are reported to be 209 entries on the Council's Self Build and Custom Housing Register but it is not a published register and so geographical analysis is not possible. If each of the allocations falling within the terms of the policy were to provide for ten or so plots, then the registered demand would be satisfied.

264. Representations point to the difficulties of accommodating third parties on a developer's building site and suggest that sites should be exclusively and specifically allocated for self-build housing. There is reportedly a specific allocation of a site within the Buckingham Neighbourhood Plan for self-build housing. However, in support of the effectiveness of its policy the Council reports that intending developers of allocation AGT3 are committed to the

provision of 165 plots out of a total of around 1660 expected from the allocation.

265. I note that the Council substitutes the word feasibility for the word viability as a non-material modification. I conclude that the evidence indicates that this policy is sound. The plan would therefore be effective in meeting the needs of custom and self-builders.

Affordable housing

266. National Guidance advises that the types of households to be considered in housing need include those in insecure tenure because their housing is too expensive compared to disposable income. By contrast, the evidence base which underpins VALP excludes from the definition of those needing affordable housing those households which are in the private rented sector but in receipt of housing benefit,⁵⁰ notwithstanding a recognition⁵¹ that housing benefit data from the Department of Work and Pensions provides reliable, consistent and detailed information about the number of families that are unable to afford their housing costs. The Council's evidence base does this because it regards housing benefit as an income supplement which can be relied upon in the long term⁵² to allow households to afford to house themselves without recourse to affordable housing. Although this does not strictly comply with guidance as a way of defining the need for affordable housing, it represents a pragmatic appraisal of what happens in reality and so I do not regard it as unsound.

267. There are some other anomalies in the way the evidence base calculates the affordable housing need in respect of how tenants of substandard and overcrowded housing are counted. However, such anomalies are small and do not affect the overall robustness of the calculations.

268. In any event, the potential for providing affordable housing is limited by viability concerns to not much more than the figure of 4,200 dwellings identified through the needs analysis. The latter identifies a need for 24.2% of all housing in both the South Buckinghamshire HMA and Aylesbury Vale District to be affordable⁵³. The former estimates that suitable parameters for an affordable housing target proportion are 20-30% and that a 25% target is realistic.⁵⁴ There is no convincing evidence before me which demonstrates that this would be unsound. Other than the deletion of references to the concept of Starter Homes, which has not been taken forward [MM112], no other modification to the section of the plan relating to affordable housing is necessary than those [MMs 114, 115 and 116] made in support of other issues identified in this examination to make sure that policy is stated within

⁵⁰ Buckinghamshire Housing and Economic Development Needs Assessment Update 2016 paragraphs 4.104-107

⁵¹ Ibid paragraph 4.39

⁵² Buckinghamshire Housing and Economic Development Needs Assessment Update 2016 Addendum September 2017 paragraph 3.9

⁵³ Ibid paragraph 4.98

⁵⁴ VALP viability assessment August 2017 paragraphs 3.2.11-12

policy H1 rather than in supporting text and to eliminate a provision apparently applying an unauthorised charge to an applicant.

269. Of course the VALP policy requirement would apply to all housing across the plan area, including that percentage which represents displaced demand from other local authority areas, some of which may have higher requirements for affordable housing. But, as the identified need for affordable housing in Aylesbury Vale is the same as the average across the whole Central Buckinghamshire Housing Market Area, that concern does not affect the soundness of the plan or alter the conclusion reached on this issue.
270. A related concern was that some of the affordable housing provided within Aylesbury Vale would have represented a percentage of demand (including affordable housing demand) displaced from other areas but would not have satisfied that demand unless it were accessible to those who needed it. This would have been a matter for housing eligibility rules rather than the soundness of the plan but, in any event is overtaken by events now that the five Buckinghamshire authorities have been combined into one.
271. A number of representations made the point that some made Neighbourhood Plans required higher percentages and that these were justified at the time of the making of the Neighbourhood Plans. As noted elsewhere in this report, VALP does not explicitly say that it supersedes any Neighbourhood Plan policy and so they exist side by side. VALP policy H1 requires a minimum of 25% affordable homes on site and so Neighbourhood plan policies which require more than that minimum are not inconsistent with it. The Council consulted on a Modification to make it clear that policy H1 was not intended to override previously made Neighbourhood Plans which required a higher percentage of affordable housing but, for the reason explained, this modification is unnecessary and so I do not insist upon its adoption.
272. In its response to my Q79, the Council agrees that the threshold which (in line with national policy) applies the policy to sites above a certain size will imply a limiting effect on the delivery of affordable housing in smaller villages. That is as a result of the limited allocations to villages and the restrictive policies D2 and D3 which apply to them, as noted in the section of this report dealing with the spatial distribution strategy. However, it is still possible to gain affordable housing through allocations made in a neighbourhood plan or as a rural exception in accordance with policy H2. I comment elsewhere on the need to clarify the role of future Neighbourhood Plans through the deletion of policy S8 and its replacement by new paragraph 3.75 [MM20] and the emphasis on the role of neighbourhood plans in identifying additional housing sites [MM106].

Issue 6 – The relationship with Neighbourhood Plans

273. VALP has a relationship with an exceptionally large number of Neighbourhood Plans. Paragraph 3.69 of the plan records that at the time of its drafting there were 11 “made” Neighbourhood Plans and a further 21 Neighbourhood Plan

areas approved⁵⁵. Representations relating to these relationships show considerable concerns and confusion about how the relationship will work in practice where both a made Neighbourhood Plan and VALP once adopted have policies covering the same subject (e.g design standards, parking requirements, affordable housing, changes of use in employment areas or shopping parades etc).

274. Section 38(3) of the Planning and Compulsory Purchase Act 2004 defines the development plan. It includes both adopted development plan documents and made neighbourhood development plans equally. Paragraph 3.72 of VALP asserts that made Neighbourhood Plans will not replace the Local Plan but will sit alongside it, with their policies applying ahead of similar policies in the Local Plan. But that is only true of Neighbourhood Plans made after the adoption of VALP. For Neighbourhood Plans made before the adoption of VALP the reverse is true; VALP will not replace the Neighbourhood Plans but will sit alongside them, with its policies applying ahead of similar policies in the Neighbourhood Plan. For clarity and hence effectiveness and soundness a modification to paragraph 3.72 of VALP is necessary to make that clear [MM19].
275. Regulation 8(5) of the Town and Country Planning (Local Planning)(England) Regulations requires that where a local plan (e.g VALP) contains a policy that is intended to supersede another policy in the adopted development plan, it must state that fact and identify the superseded policy. (There is no equivalent provision in the Neighbourhood Planning (General) Regulations 2012 for Neighbourhood Plans to include such a statement). Although paragraph 1.1 of VALP and its Glossary entry for Development Plan asserts that VALP will replace the previously adopted Aylesbury Vale District Local Plan 2004, VALP contains no statement that its policies would supersede any policy in a previously made Neighbourhood Plan.
276. The Council gave repeated assurances throughout the examination that VALP was not intended to override made Neighbourhood Plans and so the absence of any statement identifying superseded Neighbourhood Plan policies is consistent with that intent. Some policies in VALP make specific exceptions to their applicability in made Neighbourhood Plan areas in pursuit of this aim (e.g the first sentences of policy D2 and D3 and in policy D2(c)).
277. Since Neighbourhood Plans are meant to be in general conformity with the adopted local plan, conflicts of new Neighbourhood Plans with VALP once adopted ought not to arise. Unintended conflicts between previously made Neighbourhood Plans and VALP would be resolved through the operation of section 38(5) of the Planning and Compulsory Purchase Act 2004. If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan. As there is this statutory provision regulating the

⁵⁵ The Housing Delivery Study, paragraph 4.40 says 34 areas are in the programme.

relationship between VALP and Neighbourhood Plans there is no necessity for any modification to make VALP sound except insofar as the previously mentioned modification to paragraph 3.72 is necessary for clarity and effectiveness.

278. It is easy to construct a conflict where none exists. For example, representations considered that VALP policy H1 which includes an affordable housing figure of 25% would be in conflict with Neighbourhood Plan policies requiring a higher percentage. But in fact VALP policy H1 requires "a minimum" of 25% affordable homes and so is not in conflict with Neighbourhood Plan policies which require a higher percentage.
279. If it had been the Council's intention that the more recent policies of VALP should not prevail where there is true conflict with previously made Neighbourhood Plans, then the Council would have needed to promote Modifications to policies such as H1, H6, E2, E6, T5, BE2, BE3, BE4 (and possibly others) to include words such as "Except where there is contrary policy provision in a previously made Neighbourhood Plan", so as to provide the clarity which is necessary for soundness. The council did consult on a modification to do so for affordable housing in policy H1 but, for the reasons explained in the previous paragraph, there is actually no conflict to resolve and so I do not recommend the adoption of this modification.
280. Insofar as I find VALP's policies soundly justified by the evidence, there is not the evidence before me to show that there is reason in any other case to require sound policies of the VALP to cede precedence to policies in earlier made Neighbourhood Plans which are not before me to test for soundness and which have been made in compliance with a different set of examination criteria. Accordingly, I do not require any such generally applicable modifications to be made. Other sections of my report consider individual policies on their own merits.
281. VALP sets targets for housing, retailing and employment land in policy S2, as well as making allocations in allocations policies and for housing in tables 1 and 2, for gypsies and travellers in policy S6 and tables 4 and 6, for employment in policy D5 and for retail in policy D6. Some see this approach as emasculating the role for future Neighbourhood Plans or reviews because there is no need to make further allocations in the plan period to meet the needs identified by VALP.
282. But that overlooks the specific role which VALP Table 2 expects Neighbourhood Plans to play in the planning of smaller villages and other settlements and which policy S8 expects Neighbourhood Plans to play in identifying sustainable development opportunities over and above those identified by VALP, an aim which is consistent with government policy to boost the supply of housing. Unfortunately, Policy S8 exceeds the remit of a Local Plan because it is not a policy related to the use of land with which neighbourhood plans must comply but seeks to set process requirements for Neighbourhood Plans which are set out in legislation elsewhere. Consequently, it must be deleted but Modification **MM20** provides substitute text to avoid any doubt about the plan's intentions towards Neighbourhood Plans. Modifications **MM106** and **MM107** make clear the Council's intended role for neighbourhood plans to identify housing sites in small settlements supplementary to those identified in VALP.

283. An approach which sets targets without making allocations delays the production of a complete and comprehensive development plan. There could be no guarantee that Neighbourhood Plans would ever come forward or succeed in making the allocations to meet the targets. By contrast VALP's approach brings certainty at an earlier date. There is nothing in this, or the other matters discussed in this section of my report which leads me to conclude other than that VALP's relationship with Neighbourhood Plans is sound.

Issue 7 – Whether monitoring arrangements would be effective.

284. NPPF paragraph 157 states the government's expectation that Local Plans should be drawn up over an appropriate time scale, preferably a 15-year time horizon. VALP's is nominally a twenty-year horizon 2013-2033.

285. But a number of paragraphs in the plan intimate that, in fact, it is not expected to be robust for anything like that period. An early review of the plan is first indicated in paragraph 1.62. Paragraph 3.77 asserts that on the basis of current available evidence, it is envisaged that the plan will need to be reviewed soon after adoption, citing the Oxford-Cambridge expressway and Heathrow expansion as well as more local factors. Paragraph 7.20 confirms that implications of the route of the Oxford to Cambridge expressway will be taken into account in an early review of the plan.

286. Be that as it may, to be sound a plan must be positively prepared. The submitted Plan's commitment to an early review, implicitly commencing on adoption, goes well beyond what might be thought to be a prudent flexibility to respond to national events outside the Council's control. It implies that the plan is unsound as submitted.

287. The government's response to the National Infrastructure Commission's report Partnering for Prosperity: a new deal for the Cambridge-Milton Keynes-Oxford Arc (CaMKOx) was published on 29 October 2018. Its decision on the corridor for the Oxford to Cambridge Expressway was published on 12 September 2018. Development of the expressway concept was paused in March 2020 and cancelled in March 2021 but investment to deliver the next phase of East West Rail continues. Consequently, the government's position on the arc is now clearer than when the plan was submitted. Modifications to the plan proposed by the Council reflect these events and so are necessary for the plan to be effective [**MMs 8, 208 and 210**]. Modifications proposed by the Council in response to other issues raised in my examination, such as the housing numbers and the imbalanced spatial strategy in the north of the plan area, increase the robustness of the plan in the context of the CaMKOx growth arc and reduce any pressing need for urgent review. Consequently, the references to the need for an early review are inappropriate and should be deleted [**MMs 4, 6, 8, 16, 21, 22, 26**].

288. Representations to these modifications 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.

289. It is, nevertheless, good practice that a plan be regularly monitored and reviewed. National Guidance advises that local planning authorities must publish, at least annually, information that shows how the implementation of policies in the plan is progressing. Policy S9 states that this will be done and so complies to that extent with national policy. National Guidance also advises that the local planning authority should review the relevance of the Local Plan at regular intervals to assess whether some or all of it may need updating and that most Local Plans are likely to require updating in whole or in part at least every five years. Policy S9 states that this will be done and so complies to that extent with national policy.
290. There is not normally any redress if a local planning authority fails to review or update a plan when necessary but policy S9 sets out four circumstances in which proposals for alternative sustainable sites will be favourably considered in any event. It is necessary to make it clear that it is progress on housing supply in general, not just on allocations which may trigger this provision. Subject to an adjustment to achieve that clarity [MM26], suggested by the Council, which I endorse, I consider that this policy is soundly conceived and would be effective in ensuring that a plan rendered out of date by unexpected events would not be a bar to appropriate development taking place.

Issue 8 – Whether transport policies and proposals are justified.

291. At first glance, VALP has just seven policies concerned with transport and no proposals. Two of these policies, T2 and T3, are safeguarding policies. One, T4, requires developments to mitigate their own transport effects. Two others, T5 and T7, set standards for parking and electric vehicle charging points. Elsewhere in my report I note that it is unsound for these to be delegated to SPD, as these policies do. One further policy protects footpath and cycle routes (with considerable overlap with policy C4).
292. But, on closer inspection, policies T1 and T6(a) require developments to implement the proposals in the Buckinghamshire Local Transport Plan 4, the Aylesbury Transport Strategy, the Buckingham Transport Strategy and any county-wide or local cycle strategy. Yet, none of these proposals are specified in the plan. Nor have they been subject to the public consultation procedures specified for local plans. The Buckinghamshire Local Transport Plan 4 is not even part of the evidence base for VALP.
293. NPPF (2012) paragraph 7 is quite clear that it is the role of the planning system, amongst other things, to identify and coordinate development requirements, including the provision of infrastructure. National Guidance advises that the Local Plan should make clear what is intended to happen in the area over the life of the plan, where and when this will occur and how it will be delivered.⁵⁶ It points out the need to identify the short, medium and

⁵⁶ Paragraph: 002 Reference ID: 12-002-20140306

long-term transport proposals across all modes as a key issue in developing the transport evidence base to support the local plan.⁵⁷

294. It advises that the Local Plan should make clear, for at least the first 5 years, what infrastructure is required, who is going to fund and provide it and how it relates to the anticipated rate and phasing of development. The detail concerning planned infrastructure provision can be set out in a supporting document such as an infrastructure delivery programme that can be updated regularly. However the key infrastructure requirements on which delivery of the plan depends should be contained in the Local Plan itself.⁵⁸ VALP does not do this and so is unsound as submitted.
295. In a number of instances, individual allocations provide an insight into what is proposed in these various external transport plans and strategies. Allocations AGT1, AGT2, AGT3, AGT4, AGT6 all refer to the provision of various link roads around Aylesbury, NLV001 requires various highway improvements and reservations connected with Milton Keynes and during a hearing session it became apparent that BUC051 is dependent on a road proposal contained within the Buckingham Transport Strategy but nowhere mentioned in VALP. It is not clear whether there would be other proposals, included in the various transport strategies but not shown in VALP, to which developments would need to comply or implement in accordance with policies T1, T2 and T3.
296. In response to the comments in the preceding paragraph and at my request, the Council proposes modifications, which I recommend for adoption, to insert the key infrastructure requirements upon which the delivery of VALP depends and to delete the BUC051 proposal which would have been dependent on the construction of a Buckingham Western Relief Road which the scale of development would have been insufficient to fund. These modifications are necessary to the soundness of the plan [**MMs 83, 202, 203, 204, 205, 206, 207, 208, 209 and 210**] to show that it has been positively prepared.
297. National Guidance calls for the preparation of a transport assessment at a number of stages in the preparation of a local plan, the first being as part of the initial evidence base in terms of issues and opportunities.⁵⁹ This stage seems to have been omitted from the process of preparing VALP which seems to have started with the second stage described in national Guidance, namely as part of the options testing during which various iterations of Countywide Local Plan modelling were undertaken by Jacobs on behalf of Buckinghamshire County Council. The introduction to the first of these dated 6 July 2016 explains that Jacobs has been commissioned to assess the transport impact of the emerging local plan proposals. The model outputs show whether or not there has been betterment or detriment as a result of the tested scenarios in terms of highway congestion, travel times and demand flow.

⁵⁷ Paragraph: 003 Reference ID: 54-003-20141010

⁵⁸ Paragraph: 018 Reference ID: 12-018-20140306

⁵⁹ Guidance Paragraph: 004 Reference ID: 54-004-20141010

298. The second modelling report (March 2017) examines the same three development scenarios (refined to reflect changes in the component development schemes through the passage of time) but with the addition of various transport mitigations. These transport mitigation projects derive from long shopping lists of projects sought by Buckinghamshire Districts and the County Council. The selection has been made with a view to mitigating the impacts identified by the 2016 report but it is not clear that the schemes were originally conceived with that purpose in mind. In consequence, the nature of the issues or problems which the transport schemes are seeking to address is hidden. Again, the model outputs show whether there has been betterment or detriment to the highway network in terms of congestion and travel time.
299. A third modelling report (August 2017) tested the chosen development scenario of the submitted plan against two mitigation packages. Amongst other differences, one (run2) included north-eastern, western and south-western link roads around Aylesbury, the other (run1) excluded them. Run 2 also included proposals from the Buckingham Transport Strategy, whereas run 1 excluded them. Again the model outputs show whether there has been betterment or detriment to the highway network in terms of congestion and travel time. Neither run1 nor run2 reflect precisely the transport proposals which are implicit within VALP as subsequently submitted but there is no reason why they should; they simply exist to inform the selection of proposals, not to prescribe them.
300. The models are criticised for not being WebTAG (Web-based Transport Analysis Guidance) compliant but national Guidance⁶⁰ advises that for most Local Plan assessments the full methodology recommended by WebTAG will not be appropriate. Although the model is not well calibrated⁶¹, I am satisfied that the approach chosen fulfils the requirements of Guidance by enabling a comparative analysis of the transport effects of the proposed allocations in the context of two alternative scenarios – “with development” and “without development”. Overall, it appraises a greater quantity of development than actually proposed in VALP, more akin to that which will result from my recommendations and so is a robust evaluation of the transport effects of the quantity of development proposed.
301. In contrast to the Jacobs modelling, the Aylesbury Transport Strategy commissioned from AECOM and published in January 2017 asserts that it is intended to address current issues on the transport network. It does start with the transport assessment envisaged by National Guidance. It identifies six objectives, including improving transport connectivity and accessibility within Aylesbury Town and to other urban areas outside Aylesbury, improving air quality, journey time reliability and safety and making public transport more attractive. Its SWOT (Strengths, Weaknesses, Opportunities, Threats) analysis identifies sixteen issues. The Strategy compiles a list of transport

⁶⁰ Guidance Paragraph: 010 Reference ID: 54-010-20141010

⁶¹ Calibration is a documented comparison of the outputs of the model against a traceable reference of real-life outcomes.

improvements to address these issues and applies the outputs of the Jacobs modelling, insofar as appropriate to the suggestions listed, before concluding that overall the result indicates how the proposed new link roads around Aylesbury can help to alleviate traffic on the existing inner roads, providing space for infrastructure to support alternative modes on those roads. The Buckingham Transport Strategy also commissioned from AECOM and published in January 2017 follows a similar pattern of review, analysis and plan.

302. VALP itself explains (in paragraph 1.17) that the main focus for road improvements will be in relation to Aylesbury, to improve the circulation of traffic around the town. The link roads can be recognised in pursuit of this objective. The paragraph also explains that there will also need to be a focus on improving north/south connectivity to enable the district to function better in relation to national highway networks and rail networks but there is no identifiable highway proposal in pursuit of this objective. Paragraph 7.2 of the plan explains that the creation of a new highway network will allow for more pedestrian and cycle friendly town centres in Buckingham and Aylesbury.
303. In response to my Q88 the Council provided a comprehensive list of all the highway link roads around Aylesbury, described their delivery mechanisms and confirmed that, in relation to Aylesbury, the reasons for the various highway road links were to deal with high volumes of through traffic in the town centre⁶², congestion along radial routes, high volumes of HGVs particularly affecting Air Quality Management Areas and to provide an opportunity for the reallocation of town centre space to pedestrians, cyclists and bus priorities. My conclusions are that, although the justification for the proposals has been arrived at somewhat late in the day, and perhaps through a process of post-rationalisation, nevertheless, the evidence shows that in general, although unlikely to solve all of Aylesbury's problems, the schemes are justified and so, sound.
304. I have noted above that none of the schemes are shown on the submission policies map and only some are referred to within the body of text referring to allocation sites, never as proposals in their own right and that this is unsound because it would conflict with both NPPF policy and national planning Guidance on the role and purpose of a Local Plan and therefore requires modification. In some cases this in turn raises questions of sustainability appraisal and flood risk. An example is the case of the Eastern Link Road passing through allocation AGT3.
305. VALP shows no alignment for this link road; the requirement in the allocation is for a Strategic Link Road connecting with the ELR(N) and the A41 Aston Clinton Road. Yet, within the evidence base, several possible alignments of this road are shown. That on figure 2 of the Cumulative Growth Impact Final Report by AECOM (June 2017) shows a line swinging sharply to the east

⁶² Different figures about the percentage of through traffic are likely to be explained by different definitions of what constitutes "through"; the Council clearly limiting itself to traffic through the town centre (my emphasis) whereas others were implying traffic passing across Aylesbury from outside the urban area to outside the urban area.

immediately south of crossing the Grand Union Canal, whereas that on figures 17, 22 and 24 of the same document shows a much more southerly alignment superimposed over a much more gently curved alignment which I believe represents the developer's proposal for the site and which appears to be reflected in the alignment shown on figure 21.

306. Figure 5-F of the Jacobs Countywide modelling of March 2017 seems to have adopted the developer's alignment as do figures 5-E and 5-F of the August local plan modelling report and the plan submitted in response to my Q88. By contrast, figures 6.3, 6.21 and 6.23 of the AECOM Aylesbury Transport Strategy of January 2017 matches the alignment shown in the majority of cases in their June 2017 Cumulative Growth report. But, on the other hand, figures 6.5, 6.7, 6.8, 6.9, 6.10, 6.11, 6.12 and 6.13 of their January report match the alignment shown on the Jacobs reports.
307. I take no view on whether VALP should show a diagrammatic or a precise alignment for this, or any other link road; planning is not precision engineering. But Section 19 of the Planning and Compulsory Purchase Act 2004 requires a local planning authority to carry out a sustainability appraisal of each of the proposals in a local plan during its preparation and s39 of the same act requires that the local planning authority must do so with the objective of contributing to the objective of sustainable development. NPPF paragraph 152 advises that significant impacts on any of the dimensions of sustainable development should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. NPPF paragraph 182 advises that to be justified a plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence. Sustainability appraisals incorporate the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 including the selection and evaluation of reasonable alternatives but do not need to be done in any more detail, or using more resources, than is considered to be appropriate for the content and level of detail in the Local Plan.
308. Representations argued that one of the three alignments of the link road on allocation AGT3 was the most appropriate because it had least effect on the functional flood plain. It is not for me to carry out a Sustainability Appraisal in the first instance; that is for the Council. But I observe that the route favoured by that representation, whilst minimising the length of road passing through the flood plain would also have the consequential effect of reducing the extent of land not in the flood plain available for housing and so the choice of the most appropriate strategy is not necessarily straightforward.
309. The Council put forward modifications to the plan to show alignments for the various link roads around Aylesbury. It carried out a further Sustainability Appraisal consequent on the modifications to the plan which it has put forward. It advises that where specific alignments are shown for transport proposals, the proposed alignment and reasonable alternatives to it have been subject to sustainability appraisal, except where these are already approved as part of a planning permission. Such is the case for D-AGT6 Kingsbrook.
310. Following the publication of these modifications, which made clear in the plan for the first time the nature of its transport proposals, and in consideration of

representations made, the Council proposed further modifications. These omitted two of the link roads around Aylesbury (the North East Link Road (NELR) and the Western Link Road (WLR)) [MMs 210, 285 and 286]. The omissions attracted further representations. I held a further hearing session to explore the representations made. This did not lead me to any general conclusion other than those already reported above.

311. I accept the omission of the two link roads on the grounds that they have no supporting development to support their funding and there is no business case to support their inclusion in the plan and so, they would be undeliverable. A further run of the county-wide transport model shows that their omission would not worsen current congestion levels and so, their inclusion in the plan is not necessary for it to be found sound. Their omission is justified but the inclusion of the other link roads remains justified.
312. Despite any theoretical shortcomings in the methods used to generate the transport proposals, they have been pragmatically tested by modelling which is adequate for the purpose of a local plan examination. The proposals are shown to result in a situation that would be better than one without the proposals and so, they would be justified and are therefore, sound.

Issue 9 – Whether the local plan would be effective in securing good design

313. The government attaches great importance to the design of the built environment. It is a key aspect of sustainable development. It is not just about appearances, although visual appearance and the architecture of individual buildings are very important factors; it is about ensuring that developments function well, optimise the potential of a site to accommodate development and create safe and accessible environments.
314. VALP contains a plethora of policies which touch upon one or more aspects of design. As well as the obvious ones such as H6 (Housing mix), H7 (Dwelling sizes), T5 (Vehicle Parking), T7 (Electric Vehicle Infrastructure), BE2 (Design of new development), BE3 (protection of residents' amenity), BE4 (Density of new development), NE2 (Biodiversity and geodiversity), NE5 (Landscape character), NE6 (Pollution, air quality and contaminated land), NE9 (Trees, hedgerows and woodlands), C1 (Conversion of rural buildings), C3 (Renewable energy), I1 (Green infrastructure), I2 (Sports and recreation) and I4 (Flooding), each allocation policy includes a section headed "site criteria" which frequently specify design requirements, as does the overarching policy D1 for the delivery of Aylesbury Garden Town.
315. A common feature of many (not all) of these policies is that they are vague, unclear or rely excessively on supplementary planning documents (SPD) for their meaning or effect, in some cases requiring adherence to a supplementary planning document, many of which have yet to be prepared. National Guidance is clear that supplementary planning documents should build upon and provide more detailed advice or guidance on the policies in the plan but they should not themselves introduce new policy requirements which have not been the subject of examination. A Local Plan cannot require proposals to comply with a document which is not itself a Local Plan.

316. The test which I apply is one of effectiveness; if a policy is sufficient of itself to inform a developer or a local authority's development manager that a proposal ought or ought not to be given planning permission, then it is effective and has been soundly prepared. But if it is necessary, having read the policy, still to refer to another document, such as SPD, to reach that conclusion, then it follows that the policy is not effective and has not been soundly prepared. Too many of the design policies in VALP fall into this latter category.
317. I am relatively content with the level of specificity contained within policies H1 (Affordable Housing), NE2 (Biodiversity and geodiversity), NE5 (Landscape character), NE6 (Pollution, air quality and contaminated land), NE9 (Trees, hedgerows and woodlands), C1 (conversion of rural buildings), C3 (renewable energy) and I4 (flooding). However, in addition to the suggested changes to supplementary planning document references set out in Examination Document 129, policies D1 (Aylesbury Garden Town), H6 (Housing Mix), T5 (vehicle parking), T7 (Electric Vehicle Infrastructure), BE2 (Design of New Development), BE3 (protection of residents' amenity) BE4 (Density of new development), I1 (Green Infrastructure), I2 (sports and recreation) and many of the site allocation policies require Modifications [**MMs 5, 26A, 27A, 28, 31, 32, 33, 34, 35, 39, 41, 45, 46, 48, 52, 55, 57, 61, 65, 75, 88, 115, 152, 159, 170, 213, 214, 216, 217, 220, 221, 222, 223, 224, 246, 254, 255, 257, 260, 261, 262, 268, 270, 278, 279, 280 and 281**], which identify those elements of their related SPDs which set policy requirements or standards and which therefore need to be brought into the plan itself to make it effective. Supporting text also needs to be revised to match.
318. In consequence of these changes, a number of SPDs become unnecessary because their provisions (or proposed provisions) would now form part of the plan itself. It was reported during the examination Hearing sessions that 23 SPDs are referenced within VALP. This number would reduce to 8 as a consequence of the modifications. A modification to the list of intended SPDs is necessary to reflect this reduction in their numbers. [**MM281 and appendix E**].
319. One design policy (H7 Dwelling sizes), (which seeks to require new dwellings and extensions to dwellings to provide sufficient internal space for normal residential activities commensurate in size with the expected occupancy of the dwelling) has no justification, as the Council frankly acknowledges in its response to my Question 112. Moreover, it is contrary to government policy set out in a Written Ministerial Statement dated 25 March 2015 which advises that from the date the Deregulation Bill 2015 is given Royal Assent, local planning authorities should not set in their Local Plans or supplementary planning documents any additional local technical standards or requirements relating to the internal layout of new dwellings. One of the tests of soundness of a Local Plan is consistency with national policy. Policy H7 should therefore be deleted from the plan through Main Modification **MM171**.
320. In similar vein, many responses to my Questions made reference to provisions within the Infrastructure Delivery Plan (IDP). This reveals that the latter makes many provisions relating to the functional requirements for development which VALP does not. Such inconsistency would render VALP ineffective if not corrected and so a number of modifications are necessary to do so. [**MMs 18, 202, 203, 204, 205, 206, 208, 210 and 215**].

321. In a number of cases, policy requirements are found not within the policies themselves but within supporting text. This would not be effective. A number of modifications are necessary to translate policy requirements from supporting text into policies themselves or to make the justification more explicit [MMs 17, 34, 35, 39, 40, 41, 46, 47, 48, 53, 54, 55, 56, 57, 59, 60, 61, 72, 73, 74, 87, 88, 108, 109, 113, 115, 117, 118, 148, 149, 177, 178, 179, 180, 181, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 200, 201, 207, 210, 211, 212, 214, 224, 228, 232, 237, 238, 239, 240, 241, 242, 243, 244, 245, 262, 269, 272, 273, 274 and 275].

Issue 10 – Whether policies for the allocation and retention of employment land are justified by analysis of need

322. Policy S2 (bullet 5) records provision for the identified needs of 27 hectares of employment land and additional provision of some employment land to contribute to the employment needs of the wider economic market area. This policy is effected through policy D5, the designation of three Enterprise Zones (Silverstone in the north of the district, Westcott to the west of the District and Arla/Woodlands to the east of Aylesbury itself) and through specific site allocations around Aylesbury town (AGT3, 4, 5 and 6) and south-west of Milton Keynes (NLV001). Policy D5 also supports economic development through the intensification or extension of existing premises, through farm diversification schemes, through the appropriate re-use or redevelopment of an existing building or in a rural location where that is essential for the type of business concerned.

323. Existing employment provision in twelve key employment sites (including the three Enterprise Zones but not including the employment sites which would result from the development allocations) is identified for protection through policy E1. The release of other employment sites for non-employment use⁶³ would normally be permitted by policy E2 where there had been suitable marketing for an employment re-use for two years without takers, where development would not prejudice the efficient and effective use of the remainder of the employment area and where there is a substantial over-supply of suitable alternative employment sites in the local area.

324. The Council's evidence base (paragraph 83 of its Employment Topic Paper) frankly acknowledges that the allocations, supplemented by existing commitments in the form of outstanding planning permissions, would result in a supply of 100ha of employment land, well in excess of the 27ha recommended by its consultants in the Buckinghamshire Housing and Economic Development Needs Assessment Update 2016 and its Addendum 2017.

⁶³ As published, the plan stated "for employment use" but a correction (PIC024) published as part of the submitted plan reversed the meaning of the policy. It is this corrected version which I have considered in the examination.

325. It justifies this overprovision with seven arguments;

- There is under provision in other parts of the Functional Economic Market Area (FEMA)
- The supply within the FEMA would be brought into balance by the oversupply within Aylesbury Vale
- There is a need to provide mixed use development offering local employment
- The Enterprise Zone status of some overprovision
- The conflicting evidence of economic forecasts and market behaviour
- The potential effects of East-West Rail and the Oxford-Cambridge Expressway
- The need to improve the quality of premises

In the following paragraphs, I look at each in turn.

Conflicting evidence

326. Aylesbury Vale, by itself, is not a self-contained economic market area. The administrative area of Aylesbury Vale is divided between four Functional Economic Market Areas; Oxfordshire, Milton Keynes, Hertfordshire and Central Buckinghamshire. The most populous segment, forming about a third of the geographical area of the District, forms a relatively self-contained sub-FEMA within the Central Bucks FEMA. For the convenience of data assembly a surrogate "best fit" FEMA, based on the combined area of Aylesbury Vale, Wycombe, Chiltern and South Bucks District Council areas, is used in the evidence base but that should not blind us to the fact that, in practice, large areas of the north and west of Aylesbury Vale District would be subject to the economic realities of different FEMAs to that used for the purposes of the evidence base.

327. Even without that complication, the underlying evidence is confusing and contradictory. The various available economic forecasts project similar overall increases in the demand for employment land for Central Buckinghamshire FEMA as a whole, differing only in their predictions of its make-up between offices, industry and warehousing. On the other hand, trend based analysis (which would include the depressive effects of the most recent recession) projects a reduced growth of offices, a greater decline of industry, a contrasting direction of travel (decline rather than growth) for the warehousing sector and so an overall decline in the demand for employment land.

328. Moreover, as the Council's HEDNA Addendum of September 2017 notes "it has become apparent that there is a mismatch between what the economic forecasts in the HEDNA are showing and what the market is prepared to deliver on the ground." Nevertheless, the population (and hence the labour supply needing the provision of jobs) continues to grow.

329. In the circumstances, it is hard not to agree with the cautionary advice of the Council's consultants; "Given the market uncertainties at present, and the historic picture in Buckinghamshire, perhaps a prudent approach would be to avoid allocating or releasing significant amounts of employment land." In effect, that is what the outcome would be of the relatively limited new allocations and the relatively guarded policy for the release of existing employment land. I therefore conclude that the amount of employment land allocated within the plan is justified in principle, notwithstanding the significant oversupply created by outstanding commitments.
330. With that conclusion in mind, the other reasons advanced for the provision or retention of an oversupply of employment land within Aylesbury Vale become less significant. Nevertheless, I have examined them.

The FEMA

331. One is the concept that oversupply in Aylesbury Vale will help to make up shortfalls arising elsewhere within the FEMA⁶⁴. I asked for evidence of whether the shortage of available employment land and premises in the south of Buckinghamshire was long-standing because, if it had been and there was no evidence of take-up being displaced to Aylesbury Vale, that would tend to show that this reason being advanced in favour of the Council's policies was unsound. Evidence in the form of CoStar data over ten years was submitted by Turley on behalf of SEGRO plc, for which I am grateful.
332. For the first part of the period, this does not support the Council's argument. But from about 2014/15 onwards there is consistency in the data for all three components of the southern sub-FEMA. Their warehouse vacancy rates dropped to 4% or lower indicating a greater and more consistent shortage across the whole of the southern sub-FEMA. At the same time, that for Aylesbury Vale also dropped, to a little more than 6%. At the same time there have been parallel reductions in the warehousing availability rate in both Aylesbury (from a much higher level) and Wycombe. There has been an abrupt increase in asking prices in Wycombe from about 2015 onwards and a gentler increase in Aylesbury to about two-thirds of that sought in Wycombe. These are all indications that a consistent shortage of warehousing space across the southern sub-FEMA took strong effect from about that date simultaneously with a lesser reduction in availability in Aylesbury Vale.
333. I agree that the data available is not conclusive and may simply indicate a general sign of growing confidence in the market amongst warehouse related businesses but it is not inconsistent with the theory that shortages of employment land in Wycombe and other parts of the southern sub-FEMA will result in (perhaps sub-optimal) displacement of demand to Aylesbury Vale, thus helping to justify the continued provision and retention of an overprovision there.

⁶⁴ Justified in the final sentence of supporting paragraph 3.13 and in supporting paragraph 4.172 of the submitted plan as well as in the Council's Employment Topic Paper

334. Even if representations made to the submitted Wycombe Local Plan had succeeded in persuading the examiner of that plan to require the Council to identify more land for employment uses in that plan, that would not render unsound the policies in VALP because they do not depend on that justification alone but also on other reasons to which I now turn.

The need for mixed use development

335. The need for mixed use development to provide local employment responds to the ninth and eleventh bullet points of paragraph 17 of the NPPF⁶⁵. This establishes that one of the government's core planning principles is to promote mixed use developments. Another is to manage patterns of growth actively to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable. This last is elaborated in paragraphs 37 and 38 of the NPPF which advises that planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.
336. Consistency with government policy is one of the criteria by which a plan is found sound. Insofar as allocations such as AGT5 (Berryfields) require mixed use development in accord with this aspect of government policy, it cannot be found unsound even though it may contribute to an oversupply of employment land. These allocations are not designated as key employment sites within the plan and so the permissive policy E2 would apply to proposals for their release for non-employment uses, not the protective policy E1.

Enterprise Zones

337. The Council points out that some element of overprovision results from the designation of Enterprise Zones within the District. The Council itself does not point out but I observe that Silverstone Enterprise Zone (EZ) is located at the extreme northern tip of the district, well outside the Central Buckinghamshire FEMA and its Aylesbury town sub-FEMA. It is on the border between the Milton Keynes and Oxfordshire FEMAs. Likewise, Westcott EZ is well located for the Oxfordshire FEMA.
338. Although there has been no request under the Duty to Cooperate for VALP to make provision for employment land to serve those FEMAs and, for the purposes of statistical convenience they are included within the surrogate "best fit" Central Buckinghamshire FEMA, they would, in practice, benefit from the economic growth prospects of those two other FEMAs. They have, as noted above, different growth prospects than those of Central Buckinghamshire so I do not find unsound their inclusion within the list of key employment sites protected by policy E1 even though that would notionally

⁶⁵ References to the NPPF in this report are to the March 2012 edition of the NPPF unless specifically stated otherwise

contribute to any oversupply of accommodation within the Aylesbury Town sub-FEMA part of the "best fit" Central Buckinghamshire surrogate FEMA.

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339. Lastly, the Council prays in aid the potential effects of East-West Rail and the (now cancelled) Oxford-Cambridge Expressway. The National Infrastructure Commission's (NIC) report *Partnering for Prosperity: a new deal for the Cambridge-Milton Keynes-Oxford Arc* is not included in VALP's evidence base but it is referenced in government policy both in the *Autumn Budget November 2017* and in a policy paper, *Helping the Cambridge-Milton Keynes-Oxford corridor reach its potential* also published in November 2017.
340. This last records that the government's vision for the corridor is to stimulate economic growth in the national interest. It notes estimates by the NIC that, with the right interventions, annual output of the corridor in 2050 could be approximately double the growth expected without intervention. Although 2050 is well beyond the end date of VALP the effects of the growth corridor can be expected to start to be experienced before then and so it is justified for VALP to take it into account.

Conclusion

341. I therefore conclude that, in general terms, the plan's policies for the allocation and retention of employment land are sound without modifications other than those to which the Council has committed in response to other of my questions.

Issue 11 – Whether policies towards retailing provision would be justified or effective

342. The plan includes a target within policy D6 for the development of additional retail provision, justified by reference to the Aylesbury Vale retail study 2015 and the Aylesbury Town Centre Retail Capacity Update (December 2016), both summarised in a table in the text (paragraph 4.187). I concur with the Council's explanation for covering retail needs for 15 years rather than 20 because of the uncertainty of prediction in the later years of the plan. It is not a sufficient reason to find the plan unsound.
343. Certain allocations (eg D-AGT1, D-AGT2, D-AGT3, D-AGT4, D-AGT5, D-NLV001, D-HAL003) include retailing as part of a mixed use local centre. One town centre allocation requires 5,000 sq m comparison retail floorspace (D-AYL052). Another requires the retention of ground floor retail use (D-AYL063). Its submission policies inset maps also record commitments. None of these policy or allocation provisions is controversial, except for two relatively minor issues, concerned with the boundaries of Aylesbury Town Centre and its Primary Shopping Area and with the criteria by which a sequential test would be required for proposals sited outside town centres.

Whether the boundaries for Aylesbury Town Centre and its Primary Shopping Area are justified

344. The third bullet point of NPPF paragraph 23 advises that in drawing up Local Plans, local planning authorities should define the extent of town centres and

primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres and set policies that make clear which uses will be permitted in such locations. Compared with the adopted Aylesbury Vale District Local Plan 2004, VALP proposes to define a much larger town centre for Aylesbury, a marginally adjusted Primary Shopping Area and no changes to the primary shopping frontage.

345. The town centre boundary in the adopted local plan aligned with the A41 and A418 roads which circumscribe the core of the town. The proposed new boundary includes areas lying outside that ring of roads to include the railway station, retail parks originally constructed as "edge of centre" developments, the town's Aqua Vale Swimming and Fitness Centre and Vale Park, the town's new Waterside Theatre and adjoining hotel, a campus of Buckingham College, recently constructed office buildings and high intensity residential developments.
346. The NPPF advises, in its Glossary, that the town centre is an area defined on the local authority's proposals map, including the primary shopping area and areas predominantly occupied by main town centre uses within or adjacent to the primary shopping area. Town centre uses are described in the fifth bullet of NPPF paragraph 23 as including retail, leisure, commercial, office, tourism, cultural, community and residential development.
347. From this definition it can be seen that the uses encompassed within the newly defined town centre boundary are town centre uses. If not all adjacent to the primary shopping area, they are at least, with the exception of the Buckingham College campus, in close proximity to it. There is little immediately outside the new boundary which could be described as an obvious town centre use and so I conclude that the new town centre boundary is justified and therefore, sound. There is, however, no definition of a Defined Town Centre in the Plan's glossary and so a modification is necessary to provide one [MM283] for the sake of effectiveness.
348. Despite identifying on the Central Aylesbury Inset Map a site for a mixed use town centre development which policy D7 describes as based principally on retail uses with an element of residential and other town centre uses at an appropriate scale and location, only a part of it (coinciding with the primary shopping area definition of the 2004 plan) is defined as within the primary shopping area. Although primary and secondary shopping frontages within that development site obviously cannot be defined until a scheme is designed and built, it is inconsistent, and therefore unsound, for the plan to propose a development within the town centre principally for retail uses (quantified in policy D6) yet not adjust the primary shopping area boundary to encompass it. A modification is therefore required [MM286].
349. Between them, policies D6, D7 and D8 govern proposals for new retail development within Aylesbury Town Centre. Policy E6 governs new uses within primary and secondary frontages. There does not appear to be any specific policy governing new uses (implying loss of retail) outside the primary or secondary frontages yet within the primary shopping area other than (possibly) the second paragraph of policy D6. Although such a policy could only apply to a very limited number of premises (on the south-west side of Temple Street and the north-west side of Bourbon Street) this is a theoretical

lacuna within the plan, and so I find that its absence should be rectified by Modification [MM188] so as to provide effectiveness against all possibilities.

350. The Council accepts that commitment site AYL058 is incorrectly shown on the Aylesbury Inset Map and proposes modification MM286. In response to Natural England comments it proposes modifications MM110 and MM111 to policies D7 and D8 to secure compliance with paragraph 114 of the NPPF. These are necessary to comply with government policy. The Council has explained that the apparent discrepancies between statements concerning proposed upgrading of the existing bus station and its replacement in a transport hub relate to short term and long-term aspirations so there is no indication of unsoundness which requires a modification to the plan.

Whether policy E5 (Development outside town centres) is justified or effective

351. As submitted, the policy states that a sequential test will be applied to all main town centre uses. It then goes on to state a set of criteria applicable to retailing proposals alone. One of these (criterion b) duplicates the sequential test and so is unnecessary. Two others seek to introduce the types of goods sold as a criterion of acceptability whereas it is the scale of the proposal relative to the scale of the impacted town centre which ought to be the consideration. Two others set process requirements for the submission of applications rather than conditions which a completed development must meet. These include a threshold for impact assessment which is much lower than the default set in NPPF paragraph 26 and justified less by a consideration of the size of the town centres likely to be impacted and more by a consideration of the size of proposal frequently received in the District.

352. The Council has submitted two suggested modifications [MMs 183 and 185] to the plan to meet these criticisms. They would refine the sequential test and apply it only to defined town centres. The threshold for impact assessment would still be lower than the national default but is justified by up to date evidence and would be related to the scale of the impacted town centre. The types of goods sold would no longer figure as a criterion. These modifications are necessary to justify the policy and to make it effective.

353. The aim of this policy, to direct town centre uses to town centres, is reinforced by clause (c) of policy E1 but that lacks clarity. A modification [MM176] is necessary to make it clear that the policy to protect key employment sites from the incursion of town centre uses does not apply to those town centre uses in Use Classes E, B2 or B8 which properly belong in key employment sites and enterprise zones.

Issue 12 – whether policies for the provision of open space are based on robust and up to date assessments

354. In respect of a robust and up to date assessment of open space needs, reference is made in policy I1 which requires the provision of new green infrastructure by reference to the Council's assessment of Open Space, Sports and Recreation Needs for Aylesbury Vale (2017). But a similar reference is lacking from policy I2 which requires sport and recreation provision in new development and from policy I3 which requires the provision of new community facilities. Modifications are therefore required.

355. The Council has responded with a comprehensive review of the open space provisions of chapter 11 of the Plan. Following representations about the definition of green infrastructure in the proposed modifications, the Council adjusted their wording. I agree that the modifications proposed, adjusted where appropriate in line with the Council's suggestions [MMs 29, 30, 246, 247, 248, 249, 254, 255, 256, 257, 260, 261, 262, 268, 269, 270, 271, 279, and 280] are necessary for soundness and so, recommend that they be included in the plan for adoption.

Issue 13 – Whether policy NE2 (Biodiversity and Geodiversity) is justified and effective

356. VALP contains two policies concerned with the protection of fauna, flora, geological and physiographical features. One (NE1) is concerned only with protected sites. SSSIs and ancient woodlands are specifically mentioned in the policy itself but supporting text refers also to local geological sites of regional significance and local nature reserves. The other policy (NE2) is concerned with biodiversity and geodiversity in general but it contains specific sections applying only to internationally designated Special Areas of Conservation (not specifically referenced in policy NE1) and to SSSIs.

357. There is duplication and overlap which is unclear and therefore unlikely to be effective and so, not sound. The two policies and their supporting text should be merged into a single policy [MMs 224, 228 and 232], eliminating the distinction between greenfield and brownfield sites in criteria (a) and (i) of NE2 which, at the hearing sessions, the Council accepted was an unnecessary distinction and including the acceptance of mitigation within criterion (g) of NE2. These modifications have been refined in response to representations made. Supplementary modifications [MMs 235 and 236] to policies NE8 and NE9 to require agricultural land classification assessments and protection for Ancient Woodland are also necessary to make the Plan clear and effective.

Issue 14 – Whether the designations of Areas of Attractive Landscape and Local Landscape Areas are justified.

358. Amongst other matters, NPPF paragraph 109 advises that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. NPPF paragraph 113 goes on to advise that local planning authorities should set criteria-based policies against which proposals for any development on or affecting landscape areas (amongst other concerns) will be judged. It advises that distinctions should be made between the hierarchy of international, national and locally designated sites so that protection is commensurate with their status.

359. VALP puts this advice into practice in relation to landscape by recognising at the highest level in the hierarchy the Chilterns AONB designated as a nationally important landscape. This is given its own criteria-based policy (NE4).

360. Lower down the hierarchy are two local designations recognised by VALP. Of the two, Areas of Attractive Landscape (AALs) are said to have the greater significance in the hierarchy, Local Landscape Areas (LLAs) the lesser. Policy NE5 sets a criteria based policy applicable to both local designations and also to the remaining undesignated landscape of the District. It requires all

development proposals to have regard to the Council's Landscape Character Assessment (LCA) of 2008 (amended 2015). The additional criteria applicable to the two local designations are that proposed development therein should have particular regard to their character defined in a more recent (2016) report. This seems no more than is commensurate with their locally designated status. Mitigation of harm would be sought in both designated and undesignated landscapes.

361. The two major criticisms of the justification of policy NE5 are that it is based on an evidence base now over ten years old, applying the methodology of its time, and that, in places, the landscape has changed, invalidating its findings. It is true that both national policy and landscape assessment methodology have changed over time but essentially, the evidence base recognises this. It is therefore, not invalid. NPPF advice emphasises criteria-based policies. Policy NE5 is such a policy, applying seven criteria with reference to the 2008 Landscape Character Assessment and to the 2016 report *Defining the Special Qualities of Local Landscape Designations in Aylesbury Vale District*.
362. Although the local landscape designations predate current national landscape policy and advice, that 2016 report has evaluated their designations with reference to current best practice, finds that although the evidence for why their boundaries were drawn as they are is no longer available, they nevertheless show continuity with the Landscape Character types and Landscape Character Areas defined in the 2008 study which shows a reasoned justification for their continuation. It finds that four areas are not justified by reference to current thinking and these are not included in the submitted VALP. It provides the additional work to identify key valued features and characteristics of each designated area which the 2015 advice felt was necessary to bring the 2008 study in line with current best practice.
363. I therefore conclude that the approach taken to landscape protection policy within VALP is sound in its general approach. It needs no modification other than those proposed by the Council to amend the supporting text and footnotes 7 and 9 to policy S3 [**MMs 13, 14, 233 and 234**]. These would;
- define the term coalescence more clearly
 - add a sentence to policy NE4 so as to require a LVIA for development likely to impact the AONB
 - amend policy NE5 to delete specific reference to the 2008 Landscape Character Assessment and
 - amend its penultimate sentence to recognise that mitigation of effects should be taken into account

They are necessary to provide clarity and justification to the policy. A factual correction to paragraph 6.40 relating to agricultural buildings is also necessary to make the plan sound [**MM199**].

Issue 15 – Whether the approach to planning for heritage assets would be sound

364. NPPF paragraph 126 advises that local planning authorities should set out in their local plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. As submitted, VALP appears to contain only one policy (BE1) relating to heritage assets. It is generic, rather than specific to any heritage asset and it is reactive, rather than proactive.
365. These specific concerns are assuaged by modifications **MM218** and **MM219**, which are necessary to demonstrate compliance with government policy. The former modification makes it clear that paragraphs 8.1 to 8.39 of the plan represent the plan's response to the NPPF requirement that local plans should contain a positive strategy for the conservation and enjoyment of the historic environment. The latter makes the point that the positive application of the strategy to particular heritage assets is contained within the allocation policy relevant to the particular heritage asset in question. This can be seen within allocations D-CDN001 and D-AYL059 amongst others. **MM220** to policy BE1 itself is also necessary to bring the policy into line with the NPPF.
366. My comments on allocations D-AGT2, D-HAD007 and D-HAL003 (RAF Halton) are also germane to this issue. They demonstrate how the Council's evidence base has taken into account heritage matters in preparing the proposals for individual allocations.

Issue 16 - The passage of time

367. This has been an examination extended over more than three years. During that time, events have occurred, including changes to legislation. Modifications to the Plan are needed as a result. Most of these have been previously referred to. The changes to the Use Classes Order require specific modifications [**MMs 174, 175, and 187A**].

Assessment of Other Aspects of Legal Compliance

368. My examination of the legal compliance of the Plan is summarised below.
369. The Local Plan has been prepared in accordance with the Council's Local Development Scheme.
370. Consultation on the Local Plan and the MMs was carried out in compliance with the Council's Statement of Community Involvement.
371. Sustainability Appraisal has been carried out and is adequate. Appraised options at the plan submission stage did not include dispersed settlement options, to the disappointment of some who made representations. They were excluded from further consideration at an earlier stage of Sustainability Appraisal. The explanation is given in paragraph 6.3.7 of the final (2017) Sustainability Appraisal and also in response to my Q86. The explanation is twofold. Firstly, it was not known whether dispersed options could deliver the housing requirement (the HELAA did not find enough suitable sites). Secondly, *a priori* considerations of sustainability such as dispersed

infrastructure provision and consequential increased travel movements meant that dispersed settlement options were not reasonable options to examine in detail. I concur with this explanation.

372. A number of representations allege that individual sites have been incorrectly evaluated in the Sustainability Appraisal. The implication is that, if their scoring were different then a different selection of sites would be included in the chosen development strategy. The scoring system used in the SA is a matter of judgement. Although I might come to a different judgement in a particular instance, as do some of the representations made, it does not follow that the judgement made in the SA is thereby unsound; it is simply different. I have not identified any circumstance in which I could clearly say that an unsound judgement has been made in the process which was clearly trying to constrain an excessive number of suitable sites to the housing numbers identified through the HEDNA.
373. Moreover, the representations misunderstand the purposes of the Sustainability Assessment; as noted earlier, in the discussion on allocation HAL003 RAF Halton, it is to inform the determination of a preferred strategy for VALP but it does not itself determine the preferred strategy. As the final sentence in Appendix III of the Sustainability Assessment makes clear, the intention is for the Council and stakeholders to take its findings into account when considering how best to 'trade-off' between competing objectives and establish the 'most sustainable' option. The way in which the Council has made that "trade-off" is clearly stated in paragraph 8.2.2 of the Sustainability Assessment. It does not depend on the score of any one site but on the characteristics of the options overall. A different ranking of the options in respect of any given criterion would not necessarily lead to a different choice being made. Paragraph 8.2.3 of the SA correctly points out that the chosen option also reflects the findings from other evidence documents; it does not just reflect the SA itself or feedback from public consultation.
374. Nevertheless, it should be clear from the sections of this report which deal with the spatial development strategy and the housing land allocations that an adjustment to the choice of spatial strategy needs to be made in order to identify additional allocations for housing development. A further option has needed to be considered. That further choice has been informed by an updated Sustainability Assessment which has also considered all the proposed modifications to the Plan, albeit scoping out some at an early stage of the Assessment.
375. The Habitats Regulations Appraisal Report (April 2017) is based on a main report evaluating an earlier version of the plan, supplemented by an Assessment report dated August 2017 which evaluates three main policy changes to conclude that the original Appraisal continues to hold true for the submission plan. However, paragraph 5.21 of the original Appraisal report identifies two site allocations which may have significant effects on the Chiltern Beechwoods SAC through disturbance caused by increased public access to the Ashridge Estate.
376. Paragraphs 5.22 and 5.23 of the Appraisal Report conclude that the plan contains sufficient mitigation to avoid likely significant effect on the Chiltern Beechwoods SAC because policies NE1, NE2 and I1 "specifically outlines the

amount of and distance to sufficient green space and thus has the potential to offset recreational impacts". That conclusion is reiterated in paragraph 6.2 of the original Appraisal report. However, policy I1 in the submitted plan drops the prescription for the provision of natural green spaces which was in the earlier version of the plan. I am therefore unable to confirm that the plan as submitted would avoid significant effect on the Chiltern Beechwoods SAC and consequently, the plan as submitted must be found unsound in that respect. Modifications **MM260** and **MM279** are therefore necessary to reinstate requirements for the provision of accessible green space to mitigate likely significant effects on the Chiltern Beechwoods SAC.

377. Moreover, the recent judgement in the Court of Justice of the European Union (People over Wind, Peter Sweetman v Coillte Teoranta)(Case C-323/17) which is subsequent to the submission of the plan means that Appropriate Assessment cannot be avoided by the inclusion of mitigation measures within a project. Accordingly the Council commissioned a revised HRA Screening Assessment and an Appropriate Assessment, during the examination of the plan.
378. The consequent Habitats Regulations Appraisal Report prepared by LUC in June 2019 shows that whilst most likely significant effects on nearby SACs can be screened out, an AA is necessary in respect of the likely effects of recreational pressure and air pollution on parts of the Chiltern Beechwoods SAC. The report carries out those full assessments which show that in fact, no significant effect through air pollution would result but that the plan may have some negative effects through recreational impact which require mitigation but that this mitigation will have been secured through the plan as proposed to be modified.
379. As originally submitted, the local plan omitted to deal adequately with some strategic priorities such as the need to plan for the housing needs of some specialist groups but this omission has been remedied by modifications such as **MMs 153, 154, 155, 156, 157, 158, 159, 168, 169 and 170**. Consequently, I am satisfied that the Local Plan as proposed to be modified, taken as a whole, includes policies to address the strategic priorities for the development and use of land in the local planning authority's area.
380. The Local Plan, taken as a whole, includes policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change. Examples include policies T7 (electric vehicle infrastructure (as proposed to be modified by modification **MM217**)) C3 (renewable energy (as modified by modification **MM243**) and I4 (flooding (as proposed to be modified by modification **MM275**)) designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change.
381. In a few instances the Local Plan as submitted contains provisions for charging developers for carrying out work involved in the consideration of planning applications. These are ultra-vires and so cannot be justified. I recommend their deletion [**MMs 18, 114, 115, 116**].

382. As originally submitted, the Local Plan omitted to comply with Regulation 8 (4) & (5) of the 2012 Regulations (as amended) which require that the policies in a local plan must be consistent with the development plan - unless the plan being examined contains a policy that is intended to supersede another policy in the adopted development plan and the plan states that fact and identifies the superseded policy. Modification (**MM 282**) introducing Appendix F remedies that deficiency by including a Schedule of policies to be superseded. The Local Plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations (as amended).

Overall Conclusion and Recommendation

383. The Plan has a number of deficiencies in respect of soundness and legal compliance for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explained in the main issues set out above.

384. The Council has requested that I recommend MMs to make the Plan sound and legally compliant and capable of adoption. I conclude that the duty to cooperate has been met and that with the recommended main modifications set out in the Appendix the Vale of Aylesbury Local Plan 2013-2033 satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.

P. W. Clark

Inspector

This report is accompanied by an Appendix containing the Main Modifications.