

VALE OF AYLESBURY LOCAL PLAN EXAMINATION

INITIAL OBSERVATIONS Qs 1-13

- 1) As I understand policy S2, more than 50% of housing development is to be directed towards Aylesbury itself. This is a less pronounced focus than in the previous Local Plan (65%) but still represents a proportionate shift away from rural settlements towards the town (which housed 41% of the District's population at the last census). Of the designated larger villages, only 3 out of 12 have any housing allocation. Of the designated medium villages, only 6 out of 19 have any housing allocation. Although policy does not preclude growth in settlements without allocations, supporting text appears to do so (see my question 2(xi) below), which implies a continuation of little or no growth in villages for the next twenty years or so.

Given that (i) household sizes continue to fall so that a no-growth housing provision is likely to lead to a reduced population in these villages and (ii) there is an ageing population which historically demonstrates reduced household expenditure, to what extent is this settlement policy consistent with the strategic aim stated in paragraph 4.183 that communities continue to thrive and do not stagnate or go into decline and the aspiration of the part of policy D6 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." Has the viability and deliverability of this policy been tested?

Paragraph 11.16 defines shops, post offices and public houses as community facilities, so the same question applies to policy I3; "The council will resist proposals for the change of use of community buildings and facilities..." though I appreciate that this latter policy is qualified by the phrase "for which there is a demonstrable need" and also by considerations of viability and marketing. Despite the qualifications in the latter policy, I have doubts about the soundness of both these policies in the light of the known evidence of demographic change and household expenditure characteristics and would appreciate the Council's views on this point. It may be that, upon reflection, these two policies (the last part of D6 and the first part of I3) may be felt to be unrealistic.

- 2) In a number of places, policies are preceded by paragraphs which appear either to state policy in themselves or to summarise or duplicate the content of the policies which immediately follow. Instances are;
 - i. Paragraphs 3.22 & 3.23; "The Council will seek to preserve... (duplicates S3 (b) and S3 last paragraph)...The Council will

- resist... (duplicates S3 (b) and S3 last paragraph) The Council will resist... (duplicates S3 (a))”
- ii. Paragraphs 3.34 & 3.35 paraphrase S4
 - iii. Paragraph 3.41 paraphrases the third paragraph of policy S5.
 - iv. Paragraphs 4.37 and 4.38 set requirements (“the development will adhere...”, “ the design and layout of the site should...”) which are not all included in the site-specific requirements of allocation D-AGT1.
 - v. Paragraphs 4.47, 4.48 and 4.49 similarly set requirements for allocation D-AGT2 which are not all translated into the text of the allocation policy itself.
 - vi. Paragraphs 4.63, 4.64 and 4.65 similarly set requirements for allocation D-AGT3 which are not all translated into the text of the allocation policy itself.
 - vii. Paragraphs 4.77, 4.78 and 4.79 similarly set requirements for allocation D-AGT4 which are not all translated into the text of the allocation policy itself.
 - viii. Paragraph 4.87 similarly sets requirements for allocation D-AGT5 which are not all translated into the text of the allocation policy itself.
 - ix. Paragraph 4.101 and the first clause of paragraph 4.93 set requirements for allocation D-AGT6 which are not all translated into the text of the allocation policy itself. Sub-paragraph (d) of paragraph 4.101 sets a requirement for 67% Green Infrastructure which is contradicted by paragraph (h) of the allocation itself which sets a requirement of 50%.
 - x. Paragraphs 4.118 and 4.119 set requirements for allocation D-NLV001 which are not all translated into the text of the allocation policy itself. The penultimate bullet point of paragraph 4.119 sets a requirement for affordable housing which is in excess of the default requirement of policy H1 but is not carried through into the site-specific requirements of the allocation.
 - xi. Paragraphs 4.122, 4.145 and 4.154 largely paraphrase policy D2 but go beyond its provisions by stating that “Sites not allocated in this Plan or in a made Neighbourhood Plan will not normally be permitted, as the district’s required level of growth is to be met in full by these allocations,” and “Development in the larger villages that is not allocated...will only be permitted in exceptional circumstances,” and “Additional development in the medium villages...will only be permitted in exceptional circumstances...” This implies that the district’s required level of growth is a cap not to be exceeded. This raises three questions; (a) How is this reconciled with the third of the government’s core planning

principles (NPPF paragraph 17) which is not only to meet the needs of an area but also to respond positively to wider opportunities for growth (reflected in other paragraphs of the NPPF such as paras 18-21, 23, 28 and 47), (b) Where will I find the evidence or justification for imposing a limit, which is not stated in the policy itself and (c) To what extent is this policy, limiting development outside allocations, consistent with paragraphs 4.185 and 4.186 of the plan which appear to encourage residential development on unallocated sites and asserts that town centres are suitable locations for residential development of an appropriate scale and form.

- xii. Paragraphs 4.137 and 4.138 set requirements for allocation D-HAL003 which are not all translated into the text of the allocation policy itself.
- xiii. Paragraph 4.167 largely paraphrases policy D4.
- xiv. Much of paragraphs 4.174 and 4.175 paraphrase policy D5.
- xv. Although most of paragraphs 5.6 to 5.13 are explaining and justifying the content of policy H1, there are elements of paraphrase or policy restatement.
- xvi. Although much of paragraphs 5.21 to 5.49 is explaining or justifying the content of policy H3, there is a considerable element of paraphrase or even policy statement which is not included in the policy itself.
- xvii. Paragraph 5.50 paraphrases, rather than justifies policy H4.
- xviii. Paragraph 6.7 says; "The policy set out below also recognises that some existing employment sites may be causing significant environmental or amenity problems that cannot be overcome" but in fact, that criterion is absent from the stated policy E2. It is however present in the bullet points of paragraph 6.8, so is that paragraph, together with paragraph 6.9 the true statement of policy rather than E2?
- xix. Paragraphs 6.12 and 6.13 are a paraphrase of policy E3, not a justification for it.
- xx. Paragraphs 6.15-6.17 and 6.20 paraphrase rather than justify policy E5.
- xxi. The final sentences of both paragraphs 6.22 and 6.23 appear to be restating an element of policy E6 rather than justifying it.
- xxii. Paragraph 6.27 seems to be stating policy requirements not stated in policy E7.
- xxiii. Although much of paragraphs 6.31-6.39 are justifying policy E8, there are also elements of paraphrase or policy statement not in the policy itself.
- xxiv. Parts of paragraphs 6.40 and 6.41 appear to be stating policy requirements not stated in policy E9 itself.

- xxv. Paragraph 7.12 seems to be paraphrasing rather than justifying a requirement of policy T2.
- xxvi. Paragraph 7.21 seems to be paraphrasing rather than justifying policy T4 (a)
- xxvii. Paragraph 7.27 provides justification for elements of policy that in fact do not appear to be required by policy T5.
- xxviii. Most of paragraphs 9.1-9.5 appear to be justifying policy NE1 but Paragraph 9.5, the final two sentences of paragraph 9.4 and the final sentences of paragraphs 9.1 and 9.3 appear to be statements of policy rather than justifications of it. There also appears to be duplication and overlap between policies NE1 and NE2 themselves in that both apply to SSSIs and NE2(d(i)) duplicates NE1. Paragraph 9.3 is a precise duplication of paragraph 9.12. There is duplication between paragraphs 9.2 and 9.54 regarding ancient woodlands.
- xxix. Much of paragraphs 10.1 to 10.26 appear to be justifying policy C1 but there is also a considerable amount of policy statement or paraphrase which is not stated in the policy itself. Likewise, much of paragraphs 10.27 to 10.50 appear to be justifying policy C2 but there is also much policy statement or paraphrase which is not stated in the policy itself. There also needs to be a check of the degree of overlap and consistency between policies C1 and C2 and policies E7, E8 and E9.
- xxx. Paragraphs 10.56 to 10.58 appear to be stating elements of policy.
- xxxi. Is there any overlap between policies C4 and T6?
- xxxii. Paragraphs 9.7 and 11.4 both cover the Green Infrastructure Strategy.
- xxxiii. Paragraph 11.17 seems to be stating an element of policy.
- xxxiv. Paragraphs 11.29, 11.30 and 11.31 appear to be duplicating or paraphrasing policy I4 and to some extent duplicate paragraph 9.19 and policy NE3.

There is a risk in this duplication or paraphrasing in that any inconsistency of phrasing between the paragraph in the text and the text of the policy itself can lead to a lack of clarity about the meaning of the policy and its interpretation, both when planning applications are made and when appeals are considered. Such lack of clarity tends to reduce the effectiveness of the plan and so may be unsound. The contradictions in examples (ix) and (x) are particularly unhelpful. On the other hand a precise replication of the policy in the supporting text would be unnecessary and would allow the paragraphs of text to be omitted. Would the Council please review these instances of paraphrasing or duplication

with a view to eliminating any inconsistencies or discontinuities which may lead to a finding of unsoundness through ineffectiveness.

- 3) The penultimate paragraph of policy S5 reads "...verified by an independent consultant verified by the Council..." Is that what is meant?
- 4) The penultimate paragraph of policy S5 requires verification of an appellant's submitted information in support of an application "at the expense of the applicant." This requirement is repeated in paragraphs 5.7 and 5.18 and in clause (b) of policy H1. Is this meant to imply a fee in addition to the fee which an applicant pays for the processing of a planning application and, if so, what is the legal authority empowering the Council to make such a charge over and above the fees which it is allowed to charge for the processing of planning applications?
- 5) Paragraph 4.6 refers to "other "deliverable" sites". What is meant by this phrase?
- 6) Policy D1 (a) (b) (g) and (h) and allocations D-AGT1-6 and D_HAL003 refer to the Aylesbury Garden Town Design Guidance SPD and to individual site-specific supplementary planning documents (SPDs). Paragraphs 5.8, 5.9, 5.10, 5.13 and policy H1 refer to an Affordable Housing Supplementary Planning Document. Paragraph 4.222 refers to an Aylesbury Parking Strategy setting out the Council's aims regarding parking in the town. Allocation D-AYL059 refers to a Design SPD. Paragraph 5.68 refers to a Design SPD. Paragraph 7.29 and policy T5 delegates vehicle parking standards to the Design SPD. The final sentence of policy BE1 refers to adopted SPD (unnamed). Paragraph 8.45 and policy BE2 refer to the production of a Design SPD. Paragraph 9.17 refers to the development of a biodiversity SPD. Paragraph 9.59 refers to the intended production of a trees SPD. Paragraph 11.15 refers to Sport and Leisure facilities SPG

National Guidance Paragraph: 028 Reference ID: 12-028-20140306 advises that supplementary planning documents "should build upon and provide more detailed advice or guidance on the policies in the Local Plan". They should not themselves introduce new policy requirements which have not been the subject of examination.

Standard PINS advice is that a supplementary planning document (SPD) does not have statutory force and is not the subject of examination. It is defined at Regulation 2 of the Town and Country Planning (Local Planning) (England) Regulations 2012 as something that is not a local plan. Consequently policies should not simply devolve fundamental matters to SPD although they may legitimately add further detail to policies or to

provide guidance as per the definition in the NPPF. Policies that require compliance with an SPD on matters such as car parking are unlikely to be consistent with national policy.

Whilst I'm relatively comfortable with the level of specificity in the Affordable Housing and Biodiversity policies in the plan, I have severe doubts about the soundness of delegating car parking standards to an SPD in view of the extent of land which may be required to satisfy car parking standards and hence the degree of consistency with policies S7 ("development in Aylesbury will be expected to make efficient and effective use of land"), BE2 ("complement the physical characteristics of the site and its surroundings") and BE4 ("Proposed densities of developments should reflect those of their surroundings...") and also its consequent effect on the viability of development.

I am also unconvinced of the soundness of the balance of specificity between policies BE2 and the SPD in the light of the requirement to follow the SPD guidance set out in policy BE2 compared with the relatively abstract requirements of the policy itself. I also note that there is a multiplicity of other policies with design implications which have no reference to the Design SPD. These include, besides policy BE2, policies BE4, T5, NE3, NE5, NE6, NE9, C1, C3, I1 and I4.

Would the Council please consider whether there are any provisions of the SPDs which ought to be included in the policies and then consider whether policies should be re-drafted so as to make it clear that policy does not require compliance with the SPD but that adherence to the guidance in the SPD is likely to be accepted by the Council as compliance with the policy.

- 7) Policy D1 (h), applicable to sites comprising the Aylesbury Garden Town vision (and cross-copied to the relevant allocation policies) requires a minimum of 50% of land within the allocations to be provided as local and strategic green infrastructure. Where will I find the evidence which shows that development will be viable whilst complying with this requirement? How is this requirement made consistent with the requirement in policy S7 that "development in Aylesbury Vale will be expected to make efficient and effective use of land"?
- 8) Paragraph 4.31 notes that the south Aylesbury allocation includes land not formally promoted to the Council. Could the Council please point me to the evidence that shows that this part of the allocation is deliverable?
- 9) Several allocation policies require the submission of a transport assessment. Although some make it clear that this is only needed so as to establish the precise extent of remediation or accommodation

measures are necessary, others do not and so appear to be implying that the impact of the proposed development is not known to be capable of being accepted in principle. In these cases (D-AYL073(d), D-AYL115(e), D-BUC051(d), D-BUC046(d), D-NLV005(d)) can the Council please point me to the evidence which shows that the impact of these sites on the transportation network can be made acceptable and so, that the allocation is sound?

- 10) What is meant by the words in square brackets in subsection (e) of allocation AYL059?
- 11) Paragraph 4.128 refers to "the village". Is this a correct term to describe Buckingham, the second most important settlement in the district?
- 12) Is the rigour of policy E6 (A1, A2, A3 uses only in Primary frontages, so no bars or take-aways) consistent with the fourth of the Guiding Principles for Aylesbury (encouraging social interaction...a place in which to meet, relax and spend their leisure time) set out in paragraph 4.207?
- 13) The wording of the first sentence of policy NE1 appears garbled; "The Council" at the end of the second line seems superfluous. The final two lines of this policy have not been highlighted in colour.