

VALE OF AYLESBURY LOCAL PLAN EXAMINATION

Inspector: Paul Clark BA MA MRTPI

Inspector's additional questions in reply to AVDC responses to his Q31, Q42, Q83, Q92 and Q109

Q110 In the response to my Q31, the Council writes that "the VALP does not make provision for, nor support the inclusion of temporary port-a-cabins as a principle or on individual sites" But provisions (q) of allocation AGT1, (t) of allocation AGT3, (p) of allocation AGT4 and (i) of allocation AGT6 require "on-site health facilities and community buildings (including temporary buildings if necessary)", so presumably the Council will be proposing a Modification to delete the references to temporary buildings. I also note the elaboration of Nicola Lester's original letter now contained within the Council's response which explains the ambition "to potentially create one new "super" practice" taking the form of "a multi-purpose health and social care hub" which presumably means that the three separate requirements for new "on site" provision contained within each of allocations AGT1 (q), AGT3 (t) and AGT4(p) will also require Modification in favour of a proposal for a single facility on one of the three allocations.

Q111 I am largely satisfied with the response to my Q42 but I note that whereas policy I1 makes reference to the Assessment of Open Space, Sports and Recreation Needs for Aylesbury Vale (2017) (the Assessment) as the touchstone by which to judge compliance with that policy, by contrast, policy I2 does not even though, as I understand the Council's response, it would be used in the same way. I also note that the Council's response cites the Infrastructure Delivery Plan as an example of the way the Assessment has been taken account of in VALP. But the Infrastructure Delivery Plan, like the Buckinghamshire Local Transport Plan on which policies T1 and T3 rely, does not form part of the Development Plan and so, unless its provisions are translated into VALP, I am not convinced that they can be relied upon to show that VALP is comprehensively compliant with the NPPF and therefore sound. I would appreciate it if the Council would give further consideration to these points which can be discussed further in hearing session 43 (matter 13). I do not recommend the introduction of any additional reference to the forthcoming Playing Pitch Strategy or Built Facilities Strategy because the soundness of VALP has to rely on existing evidence. Reference to the future production of a new evidence document may imply unsoundness of the existing evidence base of the document which is before me, whereas I understand the Council to be telling me that the plan, based on the Assessment is sound as it is.

Q112 I note that the response to Q83 asserts that this policy is not trying to impose the nationally described optional internal space standards and that there is no justification for doing so. Nevertheless the policy itself is clearly directed towards requiring the provision of sufficient internal space for normal residential activities. National Planning Practice Guidance relating to the nationally described optional internal space standards advises that the government set out its policy on the application of these standards in plan making in a Written Ministerial Statement (WMS) of 25 March 2015. This WMS 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. This policy is clearly contrary to the advice given in that Written Ministerial Statement which is a statement of government policy. One of the criteria for soundness set out in paragraph 182 of the NPPF is whether a plan is consistent with government policy. I invite the Council to consider whether the inclusion of policy H7 in the plan would render the plan unsound as inconsistent with government policy. Policy H7 is included for discussion in Hearing Session 2 (matter 7).

Q113 I note the response to Q92 points to Regulation 2 of the Town and Country Planning (Local Planning)(England) Regulations 2012 which defines a Supplementary Planning Document (SPD) as any document of a description referred to in regulation 5 which is not a local plan. But a local plan is defined by the same regulation as any document of the description referred to in regulation 5(1)(a)(i),(ii) or (iv) or 5(2)(a) or (b). This definition includes any development management policy document intended to guide the determination of applications for planning permission, which therefore cannot be SPD but must be a Local Plan but excludes (as 5(1)(a)(iii)) any statement of environmental, social, design or economic objectives relevant to the attainment of the development and use of land which therefore can be SPD. Whether or not the Council's intentions for SPDs fall within the requirements of the regulations depends on whether they state a development management policy intended to guide the determination of a planning application or state an objective relevant to the development and use of land. Would the Council please revisit its response to this question and my earlier question Q6 in the light of the requirements of the regulations. This will need to be discussed at hearing session 2 (matter 7) because participants have exercised their right to be heard.

Q114 I note the response to Q109 but will need to be provided with a copy of the published list of heritage at risk in Aylesbury Vale so that I can consider the adequacy of the response.