Vale of Aylesbury Local Plan 2013-2033 Examination

Agenda Session 10 – 11 July 2018
Green Belt west of Leighton-Linslade

Additional Response by:
Paul Newman New Homes

August 2018
DPDS Ref: C9917
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1.0. Introduction

1.1. These additional representations are prepared by DPDS Consulting Group on behalf of Paul Newman New Homes (PNNH).

1.2. The representations respond to a request by the Inspector – Mr Clark for comments on a document (ED149) presented at Hearing Session 10 on 11 July 2018 in respect of the South Bedfordshire Green Belt.
2.0. Comments

2.1. The document presented by the Council is the Central Bedfordshire and Luton Green Belt Study November 2016 produced by LUC. The specific pages which the Council drew specific attention to was Page 6 which sets out the local context in respect of the South Bedfordshire Green Belt.

2.2. It is noted from Figure 2.1 of the ED149 that the LUC study does not consider non-Green Belt land outside of Central Bedfordshire whilst the Aylesbury Vale Green Belt Assessment Report Part 2 does consider land in adjoining administrative areas including at Leighton –Linslade. Clearly this draws into question if sufficient joint working has been undertaken between Aylesbury Vale and Central Bedfordshire and the merits of the site have been sufficiently considered as part of this process.

2.3. Paragraphs 2.24 – 2.27 of the ED149 set out the evolution of the Green Belt in Central Bedfordshire including around Leighton Linslade. It states at Paragraph 2.27 that the 1980 Bedfordshire County Structure Plan (BCSP) gave the Green Belt statutory force, with the primary justification for its designation being the extreme pressure for growth around the area’s large built-up settlements. Policy 8 of the BCSP is clear in that the purpose of the Green Belt was to contain the outward growth of settlements such as Leighton Linslade and prevent the coalescence of settlements within that area.

2.4. As illustrated at Figure 2.1 of ED149 there are a number of settlements to the east of Leighton Linslade including Heath and Reach, Eggington, Stanbridge and Billington and it is clear that the original purpose of the Green Belt in this location was to prevent the coalescence of Leighton Linslade with those settlements.

2.5. However, to the west, within Aylesbury Vale the land is considered not to perform such a function and this is clear from the Council’s own Green Belt Assessment Part 2 (CD/GB/003) scores sites 109 and 110 in respect of its function in prevent neighbouring towns from merging as 1.

2.6. It should be noted that if the lack of Green Belt designation to the west of Leighton Linslade is an ‘administrative anomaly’ as advocated by 3rd Parties the question remains why through various adopted development plans over 38 years has the land not previously been considered for inclusion within the Green Belt?

2.7. Prior to the adoption of the Aylesbury Vale District Local Plan (AVDLP) in 2004 the area was covered by the Aylesbury Vale (Rural Areas) Local Plan which was adopted in 1995. No consideration of the land either for development or inclusion within the Green Belt was given within these Plans.

2.8. However, the strategic merits of the site for development have historically been considered through now abolished development plan documents. Firstly in 2004 at the Public Inquiry into the Milton Keynes South Midlands Sub Regional Strategy (MKSMSRS) and secondly in 2007 at the South East Plan (SEP) Inquiry. In both instances the independent Inquiry Panel found in favour of development of this area and supported enabling policies for its development that were included in the subsequently published Milton Keynes South Midlands Sub Regional Strategy published by the Government in 2005, and in the Secretary of State’s proposed modifications to the South East Plan published in 2008 which stated in proposed policy MKAV1 that “opportunities to go beyond
provision of 26,890 dwellings should be taken, if possible, to provide for further development in Aylesbury Vale district associated with growth around Leighton-Linslade”.

2.9. However, following public consultation on the SEP Proposed Modifications the Policy reference was removed from the final version of the plan as it was deemed “in appropriate to include site specific reference to any future allowance for growth around Leighton-Linslade ...”

2.10. Notwithstanding this SEP Paragraph 23.10 still recognised that some of the growth associated with Leighton Linslade may need to be accommodated in Aylesbury Vales stating that “… it is possible that some of the growth of Leighton-Linslade or associated facilities may need to be accommodated within Aylesbury Vale”.

2.11. The need for growth around Leighton-Linslade and in particular urban extensions could also be found in the revoked MKSMSRS (March 2005) which formed part of the East of England Plan (May 2008) and covered the Luton/Dunstable/Houghton Regis and Leighton Linslade Growth Area. The East of England Plan recognised that the MKSMSRS formed part of the strategic planning framework for Bedfordshire and that it allowed for some of its growth to extend into Aylesbury Vale.

2.12. The above clearly demonstrates that at a strategic level the emphasis historically has been for development of land to the west of Leighton Linslade.

2.13. At a local level, within Central Bedfordshire, a Joint Planning and Transportation Unit (JTU) was set up in 2005 with neighbouring Luton Borough Council to co-ordinate the production of a joint Core Strategy (JCS).

2.14. As part of their Issues and Options process for the JCS the JTU identified land between Linslade and the Linslade Western bypass as a potential location for an urban extension, as one of 13 options, without any promotion of the site by developers or land owners. It was unique as it was the only site identified within the 13 options for an urban extension that was NOT within the Green Belt.

2.15. Decisions emerging from the JCS production discounted the land west of Leighton Linslade with a preference to remove land from the Green Belt in Central Bedfordshire for development. A subsequent Freedom of Information Act request to the JTU regarding the selection of the Green Belt sites within the JCS was made where it was conceded that at the time the decision was taken on the preferred JCS strategy a sound evidence base did not exist and there was no reasoned consideration of alternative sites or objective methodology for any ‘analysis’ and selection process.

2.16. Whilst initially submitted for Examination, the Inspector raised significant initial concerns over the soundness of the JCS and subsequently Luton Borough Council sought the withdrawal of the JCS and this occurred in September 2011.

2.17. Within Aylesbury Vale the Aylesbury Vale District Council Core Strategy was submitted to the Secretary of State on 30 October 2009. Section 2.8 of the Core Strategy - Managing Growth Across Boundaries: Leighton Linslade dealt with potential growth at Leighton Linslade. Policy CS5 Leighton Linslade stated with regard to accommodating growth at Leighton Linslade stated that: “...to comply with MKSM and the South East Plan this Core Strategy identifies an area of search for the provision of a sustainable urban expansion to the West of Leighton-Linslade”.
2.18. However, following the Secretary of States intended abolition of the Regional Strategies at the time the Council sought to withdraw the Core Strategy and this was confirmed in September 2010.

2.19. The subsequent Vale of Aylesbury Plan (VAP) sought to accommodate the majority of the 13,500 dwellings required within the District at the key strategic settlements of Aylesbury, Buckingham and Winslow. The VAP was submitted for examination in August 2013 with hearing sessions taking place in December 2013. The Inspector in a letter following the initial hearing sessions stated that the Council had not engaged constructively, actively and on an ongoing basis and that had undermined the effectiveness of plan preparation in dealing with key strategic issues. He therefore concluded that the Council has not complied with the duty to cooperate. The VAP was subsequently withdrawn 5 February 2014.

2.20. Within Central Bedfordshire, following the withdrawal of the JCS, progress on their own stand-alone Development Strategy commenced in 2012. The site West of Leighton-Linslade was considered as a development option through CBC’s emerging evidence base. An initial assessment of some 11 potential development sites within Central Bedfordshire ranked the site as the 2nd highest as being suitable for development. However, the Councillors considered the empirical scoring mechanism was not clear and sites which were not the Council’s ‘Preferred Option’ such as land West of Leighton Linslade scored highly under that system. The assessment was revised using a colour coded scoring mechanism and presented back to Members resulting in the site performing poorer than in the previous assessment.

2.21. Despite being promoted by a developer for some 900 dwellings and not within the Green Belt the site was therefore discounted for not being of a strategic size and nature to support the aims and objectives of the Development Strategy. It was acknowledged by the LPA during the production of the Development Strategy that the consideration of the site West of Leighton Linslade had been considered within the draft Development Strategy so as to strengthen its exclusion as a potential site for development.

2.22. The Development Strategy was subsequently submitted for Examination in October 2014 where the Inspector considered that the Council had failed to meet the Duty to Co-operate test.

2.23. The Council subsequently raised a Legal Challenge against the Inspectors conclusions and it was within this ‘policy vacuum’ that Central Bedfordshire brought forward urban extensions within the Green Belt through the development management process and for which land west of Leighton Linslade is proposed as ‘compensation’. The Legal Challenge and subsequently the Development Strategy were withdrawn, once the resolution to grant the East of Leighton Linslade urban extension

2.24. However, as discussed at the relevant hearing session there is no policy requirement to maintain a specific quantum of Green Belt within an area and compensate for loss. As set out in the NPPF (2012) new Green Belts should only be established in exceptional circumstances and as set out in the original written representations to the VALP it is not considered that these exceptional circumstances exist and the proposal for additional Green Belt west of Leighton Linslade does not pass the tests in Paragraph 82 of the NPPF.
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