

VALE OF AYLESBURY LOCAL PLAN EXAMINATION

AVDC Response to the Inspector's Interim Findings

Introduction

1. These are AVDC's comments in response to the Inspector's Interim Findings report ("Report") dated 29 August 2018. AVDC has considered carefully the points made in the Report. It welcomes the Inspector's confirmation that he considers that VALP is capable of being made sound, and looks forward to continuing to work with the Inspector to make the necessary modifications.
2. AVDC notes that the Report seeks to identify broad areas where further work is necessary, but considers that some of the interim findings contained within the Report require further discussion before publication of the document.

Early review

3. The Report notes that an early review of VALP relatively soon after adoption is something which troubles the Inspector, and the requirement that a plan must be positively prepared is cited. Paragraph 5 of the Report suggests that a general early review of the VALP would be extraordinary. AVDC considers that, in fact, an early review is an accepted, and accepted, approach with local comparators.
4. An early review is the approach supported by the Inspector in relation to the Luton Local Plan. Policy LLP40 of the Luton Local Plan, which was adopted in November 2017, requires a review of the Luton Local Plan to commence before the end of 2019 with submission of the review for examination by mid-2021 i.e. within two years of adoption. The Luton Local Plan requires an early review to address eleven matters of significance, including:
 - a. unmet housing need;
 - b. the objective assessment of housing need;
 - c. a Functional Economic Market Area Study; and
 - d. provision for the relocation of Luton Town FC.

AVDC considers that these matters cannot be described as "relatively peripheral", and are/were, to use the language of the Report, "predictable events" at the time the Luton Local Plan was adopted.

5. Similarly, the Inspector for the Plan:MK, the Milton Keynes Local Plan, has also addressed the matter of an early review of that local plan in an Inspector's Advice letter dated 13th August (provided at the end of this Appendix for convenience). The MK Inspector advises:

"To justify the Plan period to 2031 there would be a need to commit to a review within a defined timescale. I am persuaded there are particular circumstances relating to the need for coordinated strategic growth in Milton Keynes that would justify this approach. As discussed at the hearings, the Council's commitment to a review of Plan:MK should be formalised in a policy of the Plan as a main modification. The policy should set out the factors that will guide the timing of the review but in any event should commit to submitting a plan document containing strategic policies no later than 2022. Additional supporting text to the policy should contextualise the particular circumstances for the timing of the plan review, including the current plan period to 2031 as well as the developing background for very substantial, aspirational growth along the Cambridge Oxford Arc".

6. AVDC considers that the Milton Keynes Inspector's approach to how the local plan should respond to the "aspirational growth along the Cambridge Oxford Arc" should also be appropriate for the local plan for an adjacent council area. Indeed, through the Central Corridor Group, AVDC has already commenced early discussions involving Milton Keynes and other councils about the coordinated strategic growth that the Milton Keynes Inspector refers to.
7. AVDC is concerned that if VALP is required to define the options for future growth in Aylesbury Vale resulting from the Cam-MK-Ox corridor as suggested in the Report, it will be out of step with the local plan for an adjacent area and any coordinated approach over a wider area.

The housing requirement

8. Paragraph 21 of the Report refers to the fact that VALP makes no reference to the effects of the Cam-MK-Ox growth arc in respect of housing, and notes that VALP makes reference to the growth arc in relation to employment.
9. Paragraph 22 of the Report suggests that VALP takes the effects of the growth arc into account in relation to employment land. However, the employment sites referred to are not included in VALP as a result of the growth arc. Those employment sites are within VALP because either:
 - a. they are existing commitments in existing plans;
 - b. they have planning permission; or
 - c. they have some form of designation.
10. The employment sites are dispersed across the district, and in allocating those sites, no reference was made to the growth arc or to the three corridor options produced by

Highways England. On that basis, AVDC considers that the employment sites cannot be considered to be a series of new allocations generated to serve the corridor. By contrast, the approach suggested in the Report would mean that the housing allocations would have been generated for that purpose.

11. AVDC considers that it has adopted a pragmatic approach to the retention of already allocated employment sites, but if it is considered that those sites generate a need to allocate additional housing, AVDC would want to consider whether to delete or reallocate those sites wherever possible.

Partnering For Prosperity: A new deal for the Cambridge-Milton Keynes-Oxford Arc

12. AVDC notes the comments in the Report concerning the National Infrastructure Commission ("NIC") report '*Partnering For Prosperity: A new deal for the Cambridge-Milton Keynes-Oxford Arc*', and adds here to AVDC's contention that the Government's full response has not been published, and it would be premature for VALP to include the NIC report in the VALP evidence base. The NIC sets out a "*deliberately ambitious timetable for action across the arc*". It states that:

"It will be for Ministers, with the support of their officials, to work with stakeholders across the arc, equipping local partners to secure a step change in development and intervening directly where national action or investment is required".

13. The NIC Annual Monitoring Report 2018 notes that the Government published an overarching vision for the Cam-MK-Ox arc alongside the Autumn Budget 2017 setting out an initial package of measures to address the NIC recommendations. At page 66 of the NIC Annual Monitoring Report, NIC notes:

"...the Government will respond in full to the Commission's report, including any formal endorsement of its recommendations within 6-12 months".

14. This response has not yet been made. On that basis, it is clear that the Government does not yet endorse the recommendations of the NIC report, so it cannot be said to be Government policy. There is no indication when the Government will publish its detailed response. Given that the NIC report has no current status in law or policy, it would not be appropriate to prepare a local plan on the basis of its content.
15. Further, in July 2018, the Housing Minister, Kit Malthouse, reiterated by letter the Government's ambition to see one million homes built in the region by 2050 as set out in the NIC report. The minister said that "detailed analysis" would soon begin to identify sites for new settlements in the corridor and invited councils to submit "ambitious proposals" for growth by 14 September 2018.
16. However, the letter prompted concerns among some councils that local plans could be undermined and that the proposals could see new settlements imposed on the area by Central Government. As a result, Rachel Fisher, deputy director for regeneration and infrastructure at the Ministry of Housing, Communities and Local Government ("MHCLG") clarified matters to councils in an email. She apologised for "any confusion"

caused by Mr Malthouse's letter and for "the delay in sending out this further information". She stated that the call for new settlement proposals by 14 September 2018 "does not reflect a hard deadline" and said the Government considered that the invitation was "a very first step in what is likely to be a long term process".

17. Ms Fisher agreed that developing full proposals before the deadline would be "logistically impossible" and "would not provide the kind of robust proposals which will need to be tested both legally and democratically in the future". Instead, she said MHCLG was looking for a "hand in the air" from interested local authorities "with an understanding that this does not commit either side to anything concrete at this stage".
18. On this basis, AVDC considers that the Government's exact intentions for the corridor are very unclear, and there is no current information as to the timescale to be applied to the further detail being developed given the reference to "a long term process". AVDC is concerned that an approach based on inchoate potential policy is not a suitable basis for preparing a local plan for adoption in the near future.
19. The early discussions referred to above have not yet defined any housing figure for the councils within the corridor and no overall figure for the corridor has yet been defined by the Government as set out above.
20. The Interim Report suggests that AVDC should take strategic decisions about the corridor independently of other councils, in circumstances where there is no indication of the required level of development. AVDC is concerned that there is a real possibility that this may offend the duty to cooperate.
21. On the suggested approach, AVDC would be required to recommence discussions with adjacent councils regarding strategic priorities that cross local boundaries to ensure that those priorities were properly coordinated pursuant to Paragraph 179 of the old NPPF which applies to this plan. Given that the two of the relevant councils, Milton Keynes and Central Bedfordshire, are at Examination on their local plans, it would be almost impossible to meet the requirements set out in the NPPF, as the effects would be addressed on fundamentally different bases. AVDC considers that the early review it contends for in VALP will enable compliance with national policy, as the necessary work will be undertaken cooperatively with Milton Keynes on its review.

The Expressway

22. AVDC notes the comments in the Report in respect of the east-west expressway at Paragraph 23 of the Report. Whilst AVDC agrees that the announcement of the corridor for the expressway is expected this Autumn, it has already been delayed from the Summer. Moreover, AVDC does not consider that the selection of the broad corridor will particularly assist matters, as the potential corridors are exceptionally broad. This can be seen on Highways England's potential corridors map¹. If corridor B is chosen, that

¹ <http://assets.highwaysengland.co.uk/roads/road-projects/Oxford+to+Cambridge+expressway/Oxford+to+Cambridge+expressway+potential+corridors2.pdf>

corridor is 8 miles across within AVDC's area, from Long Crendon to the district's border with Cherwell District Council. It then runs a further 5 miles on to the north of Bicester.

23. AVDC does not consider that it would be viable to determine which areas should be allocated to meet the Arc's growth when the road could lie anywhere within a 13 miles area. The risk is that a site allocated in VALP, even after the announcement, may still lie over 10 miles away from the expressway. AVDC is concerned that an approach to site allocation precipitated on the potential corridor would contradict the requirements of the NPPF Paragraph 182 in relation to the tests of soundness in that "the plan should be the most appropriate strategy considered against the reasonable alternatives, based on proportionate evidence", and potentially in relation to the third test in Paragraph 182, as the plan should be "based on effective joint working on cross boundary strategic priorities". If AVDC is the only council addressing the impact of the Arc in its plan, it cannot be said to be based on effective joint working.
24. Indeed, in response to consultation, AVDC proposed a hybrid route, instead of the options set out by Highways England. AVDC responded on the basis that the routing of one road across Aylesbury Vale would not take account of expected growth or environmental considerations and so proposed that a hybrid route covering corridors B and C should be considered.
25. As a result, AVDC considers that there is significant uncertainty in respect of the route of the expressway. On that basis, AVDC chose not to commit scarce resources to evaluating multiple sites for significant growth. Instead, it proceeded on the basis that such consideration should happen as part of a future review, once route selection approaches certainty, and cooperation with other councils at the same stage can take place.
26. To that end, AVDC focused on the delivery of a local plan that addresses the immediate future. This approach means that AVDC has not prepared the contingency plans anticipated by the Interim Report. To generate such contingency options to a level which would justify allocating an area in VALP would require a very significant amount of work and expense resulting in delay to the progress on VALP for a considerable time. AVDC does not consider that such an approach would be justified.

Housing Requirement

27. The ORS Report at Appendix 2 addresses the basis for increasing the market uplift and demonstrates the consistency of AVDC's position with a number of other plans and decision letters.
28. It is clear from the ORS Report that Aylesbury Vale's ("AV") affordability is still less than the overall affordability for Buckinghamshire. This means that affordability is worse in the other three districts. As stated at paragraph 7.85 of the HEDNA (CD/HOU/004):

"...it is evident that the market signals for the two local HMAs (Aylesbury town local HMA and High Wycombe and Amersham local HMA) are notably different. More specifically, whilst affordability across the Buckinghamshire HMA is 12.1x at the

lowest quartile, the rate for Aylesbury Vale (the “best fit” for Aylesbury town local housing market area) is 10.4x whereas the combined rate for Chiltern, South Bucks and Wycombe (the “best fit” for the High Wycombe and Amersham local housing market area) is notably higher at 13.9x lower quartile earnings, around double than the national rate”.

29. The effect of a 25% uplift for AV is likely to create pressure to increase the uplift applied in Wycombe, where the local plan is currently at Examination. The proposed market uplift for Wycombe is currently 20%, so any uplift required would need to match the AV uplift or, more probably, exceed it. The effect of this would be to raise the housing requirement for Wycombe, where the constrained capacity would be likely to increase the unmet need requirement from Wycombe above the level agreed with AV. This would mean that the duty to cooperate discussions would need to be reopened and could result in a further need to increase the AV housing requirement to even higher levels than suggested in the Report.

Leighton-Linslade

30. In relation to proposed extension of the Green Belt adjacent to Leighton Linslade, AVDC welcomes the conclusion at Paragraph 32 of the Interim Report that there is no reason to find the choice unsound. The implicit suggestion of the Report is though that in seeking to meet the suggested increase in housing numbers, AVDC should reconsider the proposed extension to the Green Belt and consider the suitability of the land as a potential housing site. However, AVDC has already considered the site, and found it to be unsuitable in the HELAA (CD/HOU/007) as sites SOU005 and SOU006 on page 224. As set out in the entry for SOU006:

Unsuitable -site is not connected to the existing settlement and in a prominent position overlooking an expansive landscape with insurmountable reasons on landscape and visual impact grounds why a previous appeal was dismissed and planning applications refused. A further appeal decision dated 07.01.17 has upheld this view.

31. On this basis, AVDC would be surprised if it were suggested that this is a suitable site for allocation in conflict with an assessment of the suitability of the site and two appeal decisions which support the conclusion of that assessment.

The New NPPF

32. The Inspector is clearly concerned about the need to turn to a review quickly after the adoption of the VALP. However, this is in essence a requirement of the new NPPF in any event. The new NPPF is predicted on the basis that policies are less than five years old or have been reviewed within five years. If they have not, local authorities are then subject to higher capping levels in relation to their five year supply calculation.
33. Therefore, in any event, whether or not there is a requirement in VALP for it to be reviewed following its adoption, AVDC will need to do so if it is to avoid the higher capping levels in the new NPPF. Indeed, the NPPF has a policy expectation that plans are reviewed so that no plan following adoption is more than five years old either through

replacement or review. Therefore, even if none of the issues raised in the Report existed, AVDC would still be under a policy obligation to carry an early review of VALP.

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By Email Only

13 August 2018

Dear Mr Cheston

Examination of Plan:MK.

Inspector's Advice following the Stage 1 Hearings: - Main Modifications
Introduction

1. During the Stage 1 hearing sessions a number of main modifications were discussed and agreed by the Council. These should now be incorporated into the schedule of draft main modifications previously presented in Document MK/SUB/004. Consequently, this letter relates solely to a small number of critical main modifications which, having reflected on what was discussed in the hearings, and with reference to the written material before me, I now consider necessary for plan soundness.
2. At this stage I am not inviting any comments about the contents of this letter. That said, in outlining them now, I hope to have an informed discussion with the Council at the final session on 30 August on the likely timeframe for the examination going forward, including consultation on proposed main modifications.

Plan Period

3. To justify the Plan period to 2031 there would be a need to commit to a review within a defined timescale. I am persuaded there are particular circumstances relating to the need for coordinated strategic growth in Milton Keynes that would justify this approach. As discussed at the hearings, the Council's commitment to a review of Plan:MK should be formalised in a policy of the Plan as a main modification. The policy should set out the factors that will guide the timing of the review but in any event should commit to submitting a plan document containing strategic policies no later than 2022. Additional supporting text to the policy should contextualise the particular circumstances for the timing of the plan review, including the current plan period to 2031 as well as the developing background for very substantial, aspirational growth along the Cambridge-Oxford Arc.

Objectively Assessed Need (OAN) and housing requirements

4. I have reflected on the written evidence, the discussion at the hearings and the Council's subsequent clarification on the application of the East of England Forecasting Model (EEFM) (Examination document MK/EXAM/013). Based on what is before me, I see no need at this stage to recommend any adjustments to the submitted OAN of 1,766 dwellings per annum for plan soundness. The Council's clarification on the EEFM should accompany the main modifications consultation and I will consider any related submissions before preparing my report.
5. As discussed at the hearings the Strategic Housing Market Assessment (SHMA) considers the accommodation needs of older persons as part of the overall housing requirement. The SHMA advises of an institutional population increase of 1,032 persons over the plan period. The Planning Practice Guidance at paragraph 3-037 states that

housing provided for older people, including residential institutions (Use Class C2), should count against the housing requirement. The SHMA seeks to quantify the 1,032 persons as translating into a need for 1,173 care home bedspaces (allowing for vacancies) and thus amounting to an equivalent 878 dwellings if the C2 provision did not materialise and existing stock were not vacated as assumed.

6. As I interpret it, the SHMA at paragraphs 6.22 and 6.23 advises two options. Firstly, if no specific provision is made to plan for the forecast C2 provision, to include the 878 dwellings assumed to be vacated by such households as part of the housing requirement. At the hearings the Council confirmed the submitted Plan makes no specific provision for C2 accommodation (for example, site allocations or requiring specific provision as part of the strategic sites). There was a verbal indication at the hearings the Council could be minded to include the 878 dwellings as part of the housing requirement.
7. The second option in the SHMA would be to establish a separate target for C2 provision and monitor the supply of bedspaces. The SHMA at paragraph 6.23 advises. "However, if this approach is preferred, it will be necessary to consider the extent to which some older persons assumed to need residential care (and therefore not counted as part of the OAN) may be diverted to Extra Care housing, and therefore should be counted as part of the housing requirement."
8. One of the action points from the Stage 1 hearings requires the Council to clarify its position on older person accommodation and the 878 figure. To assist on this point, having reflected further on the evidence before me, I would recommend the Council includes a separate target for C2 provision (some 1200 bedspaces) within Policy DS2 which is then cross-referred to in Policy HN3 and for this to be reflected in the monitoring framework of the Plan. Having made this modification it would be a matter for the Council to consider whether any further adjustment to the housing requirement would be necessary for older persons accommodation. This may well be discussed further when we examine development management policies (including the HN policies) at the forthcoming Stage 2 hearings.

Housing Land Supply

9. I am satisfied that the Council's trajectory for delivery is broadly justified. The only exception is South East Milton Keynes where, notwithstanding the Council's positive approach to delivery, the timetable needs to be put back by one year so that initial completions would be in 2023/24. It would be a matter for the Council to consider the re-profiling of delivery at this strategic site over the plan period, including the 450 units projected to be delivered in the year 2030/31. Nonetheless, some 50 units should not be counted in the year 2022/23 for the purposes of deliverable supply. The relevant documents will need to be updated.

Primary Shopping Area

10. The proposed Primary Shopping Area (PSA) in the City Centre would not be justified or consistent with national policy. It should be revised to reflect the existing PSA in the adopted Core Strategy and this would need to be a main modification. The full reasoning will be set out in my report.

Consideration of potential main modifications

11. The views I have expressed in the hearing sessions and in this letter on potential main modifications and related policies map changes are based on the evidence before me, including the discussion that took place at the Stage 1 hearing sessions. However, my final conclusions on soundness and legal compliance will be provided in the report which I will produce after the consultation on the potential main modifications has been

completed. In reaching my conclusions, I will take into account any representations made in response to the consultation. Consequently, the views I expressed during the hearing sessions and in this letter about soundness and the potential main modifications which may be necessary to achieve a sound plan could alter following the consultation process.

12. If you require any clarification on the contents of this letter, please contact me through the Programme Officer.

Yours sincerely

David Spencer

Inspector.

