

Foscott  
Buckingham

P W Clark BA MA MRTPI  
Planning Inspector for the Vale of Aylesbury Local Plan  
c/o Ms L St John Howe  
Programme Officer  
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#### SUBMISSIONS TO PLANNING INSPECTOR

01.06.19

Dear Mr Clark

#### **ALLOCATION OF SITE MMO006 FOR DEVELOPMENT IN THE VALP**

Please find attached a document setting out our objection to the allocation of site MMO006 for the development of 170 dwellings in the draft VALP. We would ask please that you consider this submission and take it into account as part of the examination of the VALP.

We appreciate that a hearing session on MMO006 has been held, but consider that there are very good reasons why the submission should be accepted. Indeed, we consider that you are obliged to do so in order for the examination of the VALP to be lawful. There are a number of reasons for this.

First, we refer you to your Examination Note dated 3.8.18, in which you state:

“While the examination remains open the Inspector will not turn away relevant material which assists him in his task”.

This gives rise to a legitimate expectation that submissions such as the attached will be accepted.

Secondly, the conduct of the examination of the VALP in relation to site MMO006 was such that it would be procedurally unfair to decline to accept the attached submission in the

circumstances. The circumstances were as follows. In mid to late June 2018, AVDC was stating publicly in response to Inspector's questions that it would remove policy MMO006 from the VALP. On 2 July 2018, in the Inspector's replies to AVDC's responses to questions, you stated in relation to the proposal to remove MMO006: "I note and accept the response". In advance of the hearing session, it was therefore apparent that MMO006 would be removed from the VALP. There was therefore no need for those objecting to the allocation to plan to attend the hearing session or take any further interest in the process. It was only at the hearing session that AVDC announced its change of position and that it did wish to retain the allocation in the VALP. No prior notice of AVDC's change of position had been given. Those objecting to MMO006 were not therefore aware that it would in fact be necessary to attend, because they did not know that AVDC was going to change its position again. Objectors were deprived of the opportunity to make their points at this hearing session.

On the basis that there have been a number of serious breaches of process which will threaten to undermine the validity of the VALP, we urge you to accept our submissions and recommend site MMO006 be deleted from the VALP as a matter of urgency. In particular, we draw your attention to the following:

1. There is a clear lack of evidence and consultation in the preparation of HELAA v4, the extent of which invalidates HELAA v4 as a reliable evidence base on which you can rely in judging the soundness of policy MMO006.
2. Hearing Session 34 failed to notify Regulation 19 objectors that AVDC had changed its position and no longer wanted to delete site MMO006 from the VALP. Regulation 19 objectors based their decision not to participate in Hearing Session 34 on the answers to the Inspector's queries, which clearly and several times stated that AVDC intended to delete the site from the draft VALP, thereby making participation at the Hearing Session unnecessary.
3. Para 9.51 of VALP says that the allocation of agricultural land for development in the VALP has been informed by HELAA 2016 (version 3), which seeks to designate only poorer agricultural land for development in accordance with NPPF para 112. However, HELAA v3 designates site MMO006 unsuitable for development. The allocation of site MMO006 in the draft VALP is actually informed by HELAA 2017 (version 4), an evidence base that designates site MMO006 as suitable for development in breach of NPPF 112. Para 9.51 of VALP is therefore incorrect if site MMO006 remains as an allocated site in the VALP.
4. Para 4.153 of VALP is factually incorrect. It claims that the VALP allocates the 'most sustainable' site for development in Maids Moreton. However, according to the technical annex of the sustainability study (submitted as supporting evidence for the VALP), site MMO006 is in fact the least sustainable site of the five options considered. It is therefore impossible on this basis for the Inspector to find Policy D-MMO006 'sound'.

In addition, the allocation of site MMO006 seriously breaches the NPPF, and also a number of policies in the VALP itself.

We would ask please that the programme officer confirms by return that the attached submission will be considered and taken into account by you as part of the examination.

Yours sincerely

*On behalf of* ...  
The Maids Moreton & Foscote Action Group