

From: Kate Pryke
Subject: Re: VALP - Response from Council to Letters
Date: 23 August 2019 at 13:05:57 BST
To: PO Services <louise@poservices.co.uk>

Dear Ms St John Howe

Thank you for your email of 15 August 2019 setting out the Inspector's position in response to our email of 12 August 2019. We have taken further advice from counsel and are writing now to ask the Inspector to reconsider his position, as he appears to have overlooked the background to this matter which was set out in our letter of 1 June 2019. As we explained in our letter of 1 June 2019, the position is 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, he stated in relation to the proposal to remove policy MMO006: "I note and accept the response". In advance of the hearing session, it was therefore apparent that policy 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 allocation MMO006 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.

It is not the case, to quote the email of 15 August, that the hearing session was held "after the Council decided to persevere" with policy MMO006 – that decision was only made public at the hearing session.

In our email of 12 August 2019 we pointed out that, as a result of the above, local objectors have never been informed of AVDC's

response to the significant number of the objections to allocation MMO006 and the various questions raised by the Inspector during the examination (eg Qs 48, 67, 72, 104, etc). Reference to AVDC's response being provided orally at hearing session 34 does not help at all, as people were not present to hear it, for the reasons given above.

AVDC's response was never provided in writing. We have a copy of the Inspector's notes for the hearing session covering MMO006, but they are on less than two sheets of A4 in total and contain no detail at all about AVDC's response. We question whether the Inspector really can have all the information he needs from AVDC from these notes, as they do not appear to grapple with the issues raised in Questions 48, 67, 72, 104, etc, or the objections to allocation MMO006.

Be that as it may, what is absolutely certain is that most of those objectors to allocation MMO006 have no idea what AVDC's response given in session 34 actually was. They were not present at the session for the reasons explained above and there is no record of AVDC's response which can now be made available.

This is procedurally unfair. It is a fundamental principle of natural justice that a person should know the case it has to meet and has an opportunity to do so. Had the position in relation to MMO006 not unfolded so irregularly, objectors would have had AVDC's response in writing before the hearing session and would have been able to respond to it at the hearing.

Rather than seek to remedy this unfair position by following the proposal in our email of 12 August 2019, the email of 15 August 2019 confirms a way forward which will compound the unfairness and indeed exacerbate it, by allowing AVDC to make another round of representations which objectors to MMO006 will have no opportunity to respond to.

If that does happen, counsel has advised us that the VALP will be liable to quashing under s113 of the PCPA 2004 when it is

adopted, on the basis of procedural unfairness. We would suggest that it is not in the interest of the Planning Inspectorate (who would be second defendant in the s113 proceedings on behalf of the Secretary of State) or AVDC to have the adoption of the plan quashed by the High Court.

It would be far better for an attempt to be made at this stage to seek to remedy the unfairness in the handling of the examination in relation to policy MMO006. We also believe that it is right, and in the interests of good decision-making, for the Inspector to be informed by comments from local objectors to policy MMO006 on AVDC's response. For the Inspector to say that he does not need further information suggests that he regards representations made by local objectors as irrelevant or valueless. We very much hope that this is not the message which the Inspector intended to convey.

We would therefore ask for the Inspector to reconsider his response to our email of 12 August 2019.

With kind regards

Kate Pryke
(on behalf of
Maids Moreton & Foscoote Action Group)

From: PO Services <louise@poservices.co.uk>
Date: Thursday, 15 August 2019 at 17:36
To: Kate Pryke
Subject: Re: AVL P - Response from Council to Letters

Dear Ms. Pryke,

Thank you for your email which I have discussed with the Inspector. .

A hearing session was held to deal with allocation MMO006 after the Council decided to persevere with its inclusion in the plan. AVDC made their response to the Inspectors questions in relation to this proposed site and to matters raised by representations on that occasion.

The Inspector is content that he does not need further information on which to come to a view on the matters raised. The only new matter which has arisen subsequently concerns the change to the provision of bus services and he will take a view on whether he needs a further hearing session to consider the implications of that change when he considers representations made on the main modifications when they are published.

Kind regards,

Louise

Louise St John Howe
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On 12 Aug 2019, at 16:29, Kate Pryke
> wrote: _____

Dear Ms St John Howe

Thank you for updating us on the changed timetable for AVDC to respond to the points raised in our

submissions to the Inspector. We are disappointed to see that AVDC's response has been delayed until after the Main Modifications Consultation, as this appears effectively to deny us the chance to comment on AVDC's response.

We have yet to see AVDC's case for allocating MMO006 in light of the significant number of objections to this allocation and the various questions related to MMO006 raised by the Inspector (eg Qs 48, 67, 72, 104, etc). Rather than dealing with the objections and answering the Inspector's questions substantively, in the responses to the Inspector's questions AVDC simply said that it proposed to delete this site from the VALP. Those questions remain substantively unanswered.

Had the correct procedure been followed, AVDC would have published their position for including this site in the VALP in writing (including in answer to the Inspector's written questions) before Hearing Session 34. Their response would have been discussed in full at Hearing Session 34 with all Reg 19 objectors fully informed and engaged in this discussion.

Instead, it now appears that AVDC's position will not be set out until very late on in the examination process and at a time when there is no provision for us to challenge or comment on what AVDC says. This would be unfair.

We therefore request that AVDC's response to our submissions is made available to us as soon as

possible and that we are given a chance to respond prior to the final consultation. We also consider that it would be appropriate for an examination session to be held to deal with allocation MMO006.

With kind regards

Kate Pryke
(on behalf of
Maids Moreton & Foscote Action Group)

From: PO Services <louise@poservices.co.uk>
Date: Wednesday, 31 July 2019 at 12:49
To: Louise St John Howe <louise@poservices.co.uk>
Subject: AVLP - Response from Council to Letters

Good Morning,

As you have recently submitted a letter (s) to the Aylesbury Vale Local Plan Examination, which have been accepted by the Inspector and are Examination Documents, I am writing to advise you of the timings of the Council's response to the points raised in your letters.

The Inspector has asked me to inform the Council that it would assist him most if they could submit their responses to the points raised when they respond to representations on the Main Modifications when these are duly made, rather than responding at this stage of the Examination.

The Council have confirmed that they will reply to the points raised as requested rather than submitting their responses at this stage.

Kind regards,

Louise
Louise St John Howe
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