

**AVDC Response to Inspector’s question 2**

Inspector’s Question 2	AVDC Responses
<p>In a number of places, policies are preceded by paragraphs which appear either to state policy in themselves or to summarise or duplicate the content of the policies which immediately follow. Instances are;</p> <p>i. Paragraphs 3.22 &amp; 3.23; “The Council will seek to preserve... (duplicates S3 (b) and S3 last paragraph)...The Council will resist... (duplicates S3 (b) and S3 last paragraph) The Council will resist... (duplicates S3 (a))”</p> <p>ii. Paragraphs 3.34 &amp; 3.35 paraphrase S4</p> <p>iii. Paragraph 3.41 paraphrases the third paragraph of policy S5.</p> <p>iv. Paragraphs 4.37 and 4.38 set requirements (“the development will adhere...”, “ the design and layout of the site should...”) which are not all included in the site-specific requirements of allocation D-AGT1.</p> <p>v. Paragraphs 4.47, 4.48 and 4.49 similarly set requirements for allocation D-AGT2 which are not all translated into the text of the allocation policy itself.</p> <p>vi. Paragraphs 4.63, 4.64 and 4.65 similarly set requirements for allocation D-AGT3 which are not all translated into the text of the allocation policy itself.</p> <p>vii. Paragraphs 4.77, 4.78 and 4.79 similarly set requirements for allocation D-AGT4 which are not all translated into the text of the allocation policy itself.</p> <p>viii. Paragraph 4.87 similarly sets requirements for allocation DAGT5 which are not all translated into the text of the allocation policy itself.</p>	<p>i) The supporting text will be modified as a minor modification to act as a justification for the policy rather than repeating its content</p> <p>ii) The paragraphs will be modified through modifications to relate better to the text of the policy</p> <p>iii) This paragraph can be removed as a minor modification</p> <p>iv) Policy text will be revised as a minor modification to include requirements from the supporting text referred to where they are not already reflected in the policy as requirements.</p> <p>v) Policy text will be revised as a minor modification to include requirements from the supporting text referred to where they are not already reflected in the policy as requirements.</p> <p>vi) Policy text will be revised as a minor modification to include requirements from the supporting text referred to where they are not already reflected in the policy as requirements.</p> <p>vii) Policy text will be revised as a minor modification to include requirements from the supporting text referred to where they are not already reflected in the policy as requirements.</p> <p>viii) Policy text will be revised as a minor modification to include requirements from the supporting text referred to where they are not</p>

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<p>ix. Paragraph 4.101 and the first clause of paragraph 4.93 set requirements for allocation D-AGT6 which are not all translated into the text of the allocation policy itself. Subparagraph (d) of paragraph 4.101 sets a requirement for 67% Green Infrastructure which is contradicted by paragraph (h) of the allocation itself which sets a requirement of 50%.</p> <p>x. Paragraphs 4.118 and 4.119 set requirements for allocation D-NLV001 which are not all translated into the text of the allocation policy itself. The penultimate bullet point of paragraph 4.119 sets a requirement for affordable housing which is in excess of the default requirement of policy H1 but is not carried through into the site-specific requirements of the allocation.</p> <p>xi. Paragraphs 4.122, 4.145 and 4.154 largely paraphrase policy D2 but go beyond its provisions by stating that "Sites not allocated in this Plan or in a made Neighbourhood Plan will not normally be permitted, as the district's required level of growth is to be met in full by these allocations," and "Development in the larger villages that is not allocated...will only be permitted in exceptional circumstances," and "Additional development in the medium villages...will only be permitted in exceptional circumstances..." This implies that the district's required level of growth is a cap not to be exceeded. This raises three questions;</p> <p>(a) How is this reconciled with the third of the government's core planning principles (NPPF paragraph 17) which is not only to meet the needs of an area but also to respond positively to wider opportunities for growth (reflected in other paragraphs of the NPPF such as paras 18-21, 23, 28 and 47),</p>	<p>already reflected in the policy as requirements.</p> <p>ix) Policy text will be revised as a minor modification to include requirements from the supporting text referred to where they are not already reflected in the policy as requirements. Clarification will be given for the discrepancy between the GI percentages.</p> <p>x) Policy text will be revised as a minor modification to include requirements from the supporting text referred to where they are not already reflected in the policy as requirements.</p> <p>xi) It is agreed that the text referred to needs to be modified via a minor modification to ensure that the text is not intimating that the plan is capping development but rather is indicating that the sites allocated will be sufficient to meet the development needs for the area</p> <p>For (a) it is considered that the text referred to in the NPPF is always followed by a clarification of how this will be achieved in local plans by provisions that will meet the development needs of an area and is not a requirement in itself. If this were to be a requirement as described then development would not be restricted at all and local plans would serve no purpose. This is particularly clear in relation to paragraph 47 which deals with housing development where it is stated that To boost significantly the supply of housing local planning authorities should use their evidence base to ensure that their Local Plan meets the full objectively assessed needs for market and affordable housing. Like for employment in paragraph 21 of the NPPF a need to provide flexibility in delivery is recognised within paragraph 47 for housing and both these requirements are recognised in VALP.</p>

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<p>(b) Where will I find the evidence or justification for imposing a limit, which is not stated in the policy itself and</p> <p>(c) To what extent is this policy, limiting development outside allocations, consistent with paragraphs 4.185 and 4.186 of the plan which appear to encourage residential development on unallocated sites and asserts that town centres are suitable locations for residential development of an appropriate scale and form.</p> <p>xii. Paragraphs 4.137 and 4.138 set requirements for allocation D-HAL003 which are not all translated into the text of the allocation policy itself.</p> <p>xiii. Paragraph 4.167 largely paraphrases policy D4.</p> <p>xiv. Much of paragraphs 4.174 and 4.175 paraphrase policy D5.</p> <p>xv. Although most of paragraphs 5.6 to 5.13 are explaining and justifying the content of policy H1, there are elements of paraphrase or policy restatement.</p> <p>xvi. Although much of paragraphs 5.21 to 5.49 is explaining or justifying the content of policy H3, there is a considerable element of paraphrase or even policy statement which is not included in the policy itself.</p>	<p>For (b) the amendment to supporting text referred to above will address this question</p> <p>For (c) paragraph 4.122 will need to be modified to add ...'or proposals not in accordance with policies in the development plan' ...to address the inconsistency</p> <p>xii) It is agreed that the content of paragraph 4.137 should be reflected in the policy. However it is considered that paragraph 4.138 are objectives which should remain but adjustments to the policy will be needed to ensure it reflects them.</p> <p>xiii) The paragraph will be revised to justify the policy rather than paraphrase it.</p> <p>xiv) Whilst there is some similarity between the wording of the paragraphs and the subsequent policy it is not felt that there is sufficient similarity to justify a modification.</p> <p>xv) The last sentence of 5.6 should be included in the policy. Beyond that adjustment it is considered that the paraphrasing of the policy is necessary to provide context for the further detail provided by the supporting text.</p> <p>xvi) Given the substantial amount of supporting text it is considered that there is an appropriate balance between the detail in the supporting text and the text of the policy. Large scale inclusion of text in the policy would result in an unwieldy and overly detailed policy. The exception to this are the bullet points under paragraph 5.37 which should be included in the policy.</p>

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<p>xvii. Paragraph 5.50 paraphrases, rather than justifies policy H4.</p> <p>xviii. Paragraph 6.7 says; "The policy set out below also recognises that some existing employment sites may be causing significant environmental or amenity problems that cannot be overcome" but in fact, that criterion is absent from the stated policy E2. It is however present in the bullet points of paragraph 6.8, so is that paragraph, together with paragraph 6.9 the true statement of policy rather than E2?</p> <p>xix. Paragraphs 6.12 and 6.13 are a paraphrase of policy E3, not a justification for it.</p> <p>xx. Paragraphs 6.15-6.17 and 6.20 paraphrase rather than justify policy E5.</p> <p>xxi. The final sentences of both paragraphs 6.22 and 6.23 appear to be restating an element of policy E6 rather than justifying it.</p> <p>xxii. Paragraph 6.27 seems to be stating policy requirements not stated in policy E7.</p> <p>xxiii. Although much of paragraphs 6.31-6.39 are justifying policy E8, there are also elements of paraphrase or policy statement not in the policy itself.</p> <p>xxiv. Parts of paragraphs 6.40 and 6.41 appear to be stating policy requirements not stated in policy E9 itself.</p> <p>xxv. Paragraph 7.12 seems to be paraphrasing rather than justifying a requirement of policy T2.</p>	<p>xvii) Paragraph 5.50 will be modified to read more appropriately as supporting text.</p> <p>xviii) Policy E2 should contain reference to the impacts of a current employment site on its surroundings. The text of paragraph 6.8 should be included in policy E2. The content of paragraph 6.9 is considered to be too detailed for inclusion in the policy.</p> <p>xix) The paragraphs will be revised to act as supporting text to the policy.</p> <p>xx) The paragraphs will be revised to act as supporting text to the policy.</p> <p>xxi) Agreed. These sentences repeat part of the policy and can be removed.</p> <p>xxii) Agreed. Elements of paragraph 6.27 will need to be added to the policy and remaining text revised to act as supporting text.</p> <p>xxiii) In the main the paraphrasing of the policy can be addressed by the paragraphs being revised to act as supporting text to the policy. However the criteria listed as bullet points under paragraph 6.36 should be included in the policy.</p> <p>xxiv) The paragraphs will be revised to act as supporting text to the policy and minor adjustments will be required to the wording of the policy.</p> <p>xxv) This paragraph can be deleted and the preceding paragraph reworded to provide more background for the policy.</p>

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<p>xxvi. Paragraph 7.21 seems to be paraphrasing rather than justifying policy T4 (a)</p> <p>xxvii. Paragraph 7.27 provides justification for elements of policy that in fact do not appear to be required by policy T5.</p> <p>xxviii. Most of paragraphs 9.1-9.5 appear to be justifying policy NE1 but Paragraph 9.5, the final two sentences of paragraph 9.4 and the final sentences of paragraphs 9.1 and 9.3 appear to be statements of policy rather than justifications of it. There also appears to be duplication and overlap between policies NE1 and NE2 themselves in that both apply to SSSIs and NE2(d(i)) duplicates NE1. Paragraph 9.3 is a precise duplication of paragraph 9.12. There is duplication between paragraphs 9.2 and 9.54 regarding ancient woodlands.</p> <p>xxix. Much of paragraphs 10.1 to 10.26 appear to be justifying policy C1 but there is also a considerable amount of policy statement or paraphrase which is not stated in the policy itself. Likewise, much of paragraphs 10.27 to 10.50 appear to be justifying policy C2 but there is also much policy statement or paraphrase which is not stated in the policy itself. There also needs to be a check of the degree of overlap and consistency between policies C1 and C2 and policies E7, E8 and E9.</p> <p>xxx. Paragraphs 10.56 to 10.58 appear to be stating elements of policy.</p> <p>xxxi. Is there any overlap between policies C4 and T6?</p>	<p>xxvi) The paraphrasing of the policy can be addressed by the paragraph being revised to act as supporting text to the policy.</p> <p>xxvii) Agreed. Elements of paragraph 7.27 will need to be added to the policy and remaining text revised to act as supporting text.</p> <p>xxviii) It is agreed that sufficient distinction has not been made between policies relating to different levels of protected sites and within the supporting text. The supporting text and policies will need to be adjusted to remove repetition and clarify the differing levels of protection for the respective levels of sites.</p> <p>xxix) It is agreed that the supporting text in paragraphs 10.1 to 10.26 could be modified slightly to better serve as supporting text and policy elements not included in the policy at 10.8, 10.11, 10.15 and 10.24 will be relocated to within policy C1. It is also agreed that the supporting text in paragraphs 10.27 to 10.50 could be modified slightly to better serve as supporting text and policy elements not included in the policy at 10.45, 10.47 and 10.48 will be relocated to within policy C2. It is not however considered that there is any significant overlap with policies E7, E8 and E9 as they deal with sufficiently differing forms of development.</p> <p>xxx) It is agreed that the references to older buildings in paragraph 10.56 and the need for greater efficiency in all development in paragraph 10.57 need to be incorporated into policy C3.</p> <p>xxxi) It is agreed that there is overlap. Policy T6 needs to be revised to remove reference to the protection of existing rights of way and focus on footpaths and cycle routes in relation to new development. A cross</p>

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<p>xxxii. Paragraphs 9.7 and 11.4 both cover the Green Infrastructure Strategy.</p> <p>xxxiii. Paragraph 11.17 seems to be stating an element of policy.</p> <p>xxxiv. Paragraphs 11.29, 11.30 and 11.31 appear to be duplicating or paraphrasing policy I4 and to some extent duplicate paragraph 9.19 and policy NE3.</p> <p>There is a risk in this duplication or paraphrasing in that any inconsistency of phrasing between the paragraph in the text and the text of the policy itself can lead to a lack of clarity about the meaning of the policy and its interpretation, both when planning applications are made and when appeals are considered. Such lack of clarity tends to reduce the effectiveness of the plan and so may be unsound. The contradictions in examples (ix) and (x) are particularly unhelpful. On the other hand a precise replication of the policy in the supporting text would be unnecessary and would allow the paragraphs of text to be omitted. Would the Council please review these instances of paraphrasing or duplication with a view to eliminating any inconsistencies or discontinuities which may lead to a finding of unsoundness through ineffectiveness.</p>	<p>reference in the supporting texts will also be included.</p> <p>xxxii) It is considered that it is appropriate to mention the Green Infrastructure Strategy in both locations but the relevant text at paragraph 9.7 should be modified to relate more directly to the context of biodiversity with a cross reference to policy I1.</p> <p>xxxiii) It is agreed that paragraph 11.17 needs to be rephrased to function as supporting text.</p> <p>xxxiv) It is agreed that paragraphs 11.29, 11.30 and 11.31 are duplicating or paraphrasing policy I4. Minor modifications will be proposed to ensure the paragraphs operate properly as supporting text and any policy elements will be moved to policy I4. It is agreed that reference to a watercourse advice note only needs to be made in relation to policy NE3.</p> <p>It is agreed that this risk needs to be addressed through minor modifications to supporting text and policy so that the plan is effective.</p>