

Inspector's Question 35

I would welcome the Council's response to the representations by Kirsty Macpherson of Natural England.

Requested change to Policy D1 on the AONB and NE4 – AVDC accepts a change on adding a requirement for an LVIA for a development likely to impact on the AONB but consider that the best place for that requirement to appear is at the end of Policy NE4 that relates to 'The Chilterns AONB and setting'.

AVDC has considered the comments made by the Chilterns AONB Board in preparing the VALP but we are not clear what specifically Natural England are seeking here in terms of changing in the plan.

Recommended Change to appear at the end of Policy NE4: *"Any development likely to impact on the AONB should provide a Landscape and Visual Impact Assessment (LVIA) in line with the Guidelines for Landscape and Visual Impact Assessment – version 3 or as amended"*

Requested change to Policy D1 on biodiversity. It is considered that D1 (h) does cover biodiversity as it states in line 3 and 4 "maximising benefits to wildlife..." and so the suggested change to D1 is not needed.

Requested change to Policy D1 (b) on infrastructure. AVDC's intention here is for the term infrastructure to mean all types needed for the Garden Town delivery. The precise types of infrastructure depend on the site in question and the Infrastructure Delivery Plan is a living document that sets out the various infrastructure requirements as they evolve. Para 3.38 of the VALP defines the types of infrastructure in the preamble to policy S5 'Infrastructure'. No change is considered to be needed to Policy D1 (b).

Requested change to Policy D1 (h) on green infrastructure. We can see the reason a change is sought but rather than the change suggested to D1 (h) it is considered what would achieve the same objective and improve the whole plan is to correct the definition of the term 'green infrastructure' in the VALP Glossary to clarify that it includes biodiversity. This proposed rewording is set out below:

*Add the following to the end of the VALP Glossary definition of Green Infrastructure
"GI includes urban and country parks, green open recreation spaces, commons and village greens, woodland, natural and semi-natural habitats for wildlife, Local Nature Reserves and Local Wildlife Sites, historic parks, ancient monuments and landscapes, watercourses, lakes, ponds, footpaths, cycleways, allotments and other recreational routes."*

The existing definition of “green infrastructure” in the VALP at 3.38 of p.46 provides: “GI includes urban and country parks, green open recreation spaces, commons and village greens, woodland, natural and semi-natural habitats for wildlife, Local Nature Reserves and Local Wildlife Sites, historic parks, ancient monuments and landscapes, watercourses, lakes, ponds, footpaths, cycleways, allotments and other recreational routes.” So clearly the term Green Infrastructure does include Biodiversity. VALP Policy I1 (a) also clearly covers biodiversity within the main policy of the plan on Green Infrastructure.

The suggested change to Policy D1 (h) referencing Policy NE2 and I1 is not needed because those are in the policies already referenced at the end of D1 (h) at the top of p.71 of the VALP. It is also expected that the plan should be read as a whole rather than having extensive cross referencing and/or all encompassing policies.

Requested change to Policy S1 Sustainable development for Aylesbury Vale (g).

This policy is a strategic level policy. Its main purpose to set out a commitment to sustainable development and how that would be achieved on a strategic level. The policy does not however in itself set out how it would be applied to specific development proposals nor how it would be delivered, as that is for other specific policies in the plan in later chapters. Therefore, the policy is deliberately succinct and does not reference all the other policies that would be involved in its practical application, for example in development management. The VALP is read as a whole and it is not considered necessary to list in criteria (b)- (j) all the development management policies that would be involved in their application. AVDC therefore considers that no change is necessary to policy S1.

Requested change to paragraph 3.38 bullet four

The only change AVDC considered is necessary is to update the definition of Green Infrastructure at para 3.38 to match the change recommended for the VALP Glossary in response to Natural England’s objection to Policy D1 (h).

In terms of the suggested change, AVDC has no issue with agreeing to that change but consist that it makes more sense to use the definition of Green Infrastructure from its GI Strategy and also use that in the VALP Glossary.

Recommended Change needed to plan:

Para 3.38 bullet four should therefore be amended to state (new text underlined):

- green infrastructure – a network of high quality, multi-functional green spaces which improve connectivity of towns and villages and the wider countryside. It also delivers ecological enhancements, and economic and social quality of life benefits for local communities at both the local and strategic level. It can include green corridors, such as hedgerows or transport routes, and open green spaces, such as

parcs, allotments, and country parks, commons and village greens, woodland, natural and semi-natural habitats for wildlife, Local Nature Reserves and Local Wildlife Sites, historic parks, ancient monuments and landscapes, watercourses, lakes, ponds, footpaths, cycleways, allotments and other recreational routes.”

Requested change to Section 4.4

AVDC considers that the word ‘green’ should be inserted into the first bullet on para 4.4.

In terms of a further change inserting a reference here to an SPD on biodiversity or green infrastructure, it is not considered that this would be the correct location for this because para 4.4. is about just the Garden Town SPDs. Para 9.17 and its reference to an SPD on biodiversity concerns the whole of Aylesbury Vale so that is the right place to have the reference.

Recommended change needed to plan:

Para 4.4 bullet change to (new text underlined):

“strategic infrastructure delivery of the Garden Town – this will set out all the key strategy, physical, green and social infrastructure required to deliver a Garden Town setting out how its funded, when it will be delivered and how”

Requested change to Section 4.28 (Aylesbury Garden Town Vision)

No change is considered necessary.

There are no references to other policies (such as NE2) throughout the vision and it is not considered necessary to make them. The plan is to be read as a whole and Policy NE2 applies to the entire Vale, including the Garden Town. As a result, it is not necessary to add in references to all the policies in the latter part of the VALP that would of course apply to the Garden Town too as a relatively small part of the whole district.

Requested change to Policies D-AGT1, D-AGT2, D-AGT3, D-AGT4, D-AGT6

This aspect of the representation concerns the compliance of the following policy wording with NPPF para 109:

- Existing vegetation should be retained where practicable, including existing woodlands and hedgerows. Existing public rights of way need to be retained and integrated into the development within safe and secure environments as part of a wider network of sustainable routes, to directly and appropriately link the site with surrounding communities and facilities
- Proposals must retain and enhance existing habitats where practicable, including the creation of linkages with surrounding wildlife assets

AVDC feels that the relevant criteria above do meet the NPPF para 109 because there is a strong commitment in the above criteria to preserving existing vegetation and existing habitats. However Policy NE2 (b) as the detailed policy on biodiversity must also be considered here as to how this would be applied on the Garden Town site allocations. Policy NE2 (b) has the requirement for compensation as a last resort if significant harm from development on biodiversity, geodiversity or the natural environment cannot be avoided. So, although this is very much a last resort, if the loss of (however small) existing woodlands, hedgerows or biodiversity habitats cannot be avoided, compensation and enhancement must be provided and be maintained in perpetuity to accord with the policy. Once those compensation and enhancement measures are provided and maintained then the Council does believe para 109 of the NPPF is being met as there may still be a positive overall impact on biodiversity and the natural environment.

So no change to the plan is considered necessary.

Requested change to Policy D-AGT3: Aylesbury north of A41

There is a general requirement for planning applications where there is any potential biodiversity value under the Council's Local Validation List for a Biodiversity Survey and Report to be produced. A number of the VALP site allocations set out the need for an Ecological Management Plan to be submitted for approval and a buffer to development to be provided from streams or ponds and areas of sites with a high ecological impact to be retained. However on certain sites which have already been subject to (in part) planning applications and the council has resolved to approve subject to Section 106 (such as a significant part of D-AGT-3), then the Council has already made a decision that ecological mitigation measures will be required. For other sites we are not saying ecological mitigation will not be required but ahead of a planning application coming in we cannot confirm whether mitigation will be needed or not. Under Policy NE2 of VALP, development proposals will have to pass the various tests there, particularly NE2 (b) that mitigation for biodiversity, geodiversity and the natural environment will be needed if there is any harm to those assets and the site is otherwise suitable and sustainable.

It is not considered necessary to insert a reference in the site allocations that Policies NE1-9 of VALP must be complied with as the plan has to be read as a whole and all of its relevant policies assessed.

No change to the plan is considered to be needed.

Requested change to Policy D-HAL003 RAF Halton

Para 4.136 of VALP sets out that a Masterplan SPD for this site will guide a detailed site layout, distribution of uses and add detail to how the VALP place shaping principles in para 4.137 and all the site specific requirements will be met.

Whilst AVDC does not dispute that the neighbouring sites are of ecological value and has considered this for the VALP site allocation policy, it is considered premature to set out in the VALP what the 50% green infrastructure on this site would focus on, and likewise what mitigation options should focus on. The site is not expected to come forward until at least 2022. It is considered more appropriate to wait for more clarity on how the site is likely to come forward and that can advise the SPD which in turn can set out how, for example, the green infrastructure should be provided (albeit there is some guidance already in para 4.127 and criteria (e) and (f) of Policy D-HAL003). There will be a full public and stakeholder consultation on a draft of the Masterplan as an SPD as per the requirements of our adopted Statement of Community Involvement.

No change to the plan is considered to be needed.

Requested change to Policies NE1-9, I1 and I4

Criterion (i) of Policy NE2 requires a monitoring and management plan for biodiversity features on a site to ensure their long term suitable management. Criterion (i) of Policy I1 sets out the requirement to secure the on-going management and maintenance of GI and for a mechanism to manage a site into perpetuity. The penultimate paragraph of Policy I1 requires the monitoring of GI and habitat creation so that it achieves a satisfactory condition otherwise remedial measures are required.

No change to the plan is considered to be needed.

Requested change to Policy NE9

The NPPF paragraph 118 is noted and it is considered that the council has taken account of it in Policy NE1 on Ancient Woodlands. We have put Ancient Woodlands in that policy because they are in our view of national importance and NE1 is about providing additional policy coverage, addressing the higher level of protection set out in the NPPF, to specific assets that are more than biodiversity or geodiversity (NE2) and more significant than the more common trees, woodlands and hedgerows covered in Policy NE9.

Policy NE9 of the VALP covers woodlands and we can clarify that this also includes 'Ancient Woodland'. Therefore, a reference can be added into Policy NE1 that the buffers in NE9 also apply the Ancient Woodland.

AVDC also intends to add more clarity in the SPD on how the buffers would be applied (see paragraph 9.59).

AVDC does consider that a change could be made to NE9 on Ancient Woodland to be consistent with the existing buffers in that policy.

Recommended change to plan:

Add the following wording at the end of Policy NE1:

See Policy NE9 for the buffers to be applied for Ancient Woodland as part of the standards on all woodlands.

Add the following change to Policy NE9 before the final sentence:

Development must provide buffers to Ancient Woodland and should provide additional planting to join up fragmented areas of woodland as part of the development's GI. Buffers should allow the maximum space proportionate to the development, and would generally be expected to be a minimum of 50m between the ancient woodland and any built development or grey infrastructure.

Requested change to Policy NE6

AVDC has considered the NPPF paragraph 117 reference against Policy NE6 as drafted and agrees it could be strengthened with the suggested change.

Recommended change needed to plan:

Policy NE6 second paragraph on noise pollution to be changed as follows (new text underlined):

“Developments likely to generate more significant levels of noise will be permitted only where appropriate noise attenuation measures are incorporated which would reduce the impact on the surrounding land uses (existing or proposed) and sensitive human and animal receptors, to acceptable levels in accordance with Government guidance.”

Requested change to Policy S4

The policy criteria have come from the NPPF paragraph 89 which lists the exceptions to the rule that the construction of new buildings is inappropriate in the green belt. The first two bullets of the NPPF para 89 cover agriculture, forestry, sport and recreation and cemeteries but do not also cover the suggested addition of biodiversity priority habitat creation or mitigation. As VALP needs to be consistent with the NPPF green belt policy at paragraph 89 it is not considered there is room for any deviation to include the changes requested.

No change to the plan is considered to be needed.

Requested change to Policies D-AGT1, D-AGT2, D-AGT4, D-NLV001, D-BUC043, D-BUC051, D-BUC046, D-HAD007, D-WIN001

The VALP Sustainability Appraisal has already assessed the VALP site allocations for their impact on agricultural land quality under the heading 'Natural Resources'. The intention of VALP Policy NE8 is that notwithstanding the site allocations (which have already considered best and most versatile agricultural land through the SA

and also the HELAA process) then on other sites the Council will seek to protect the best and most versatile agricultural land. On the allocated sites, other than the need to meet the required growth in the site allocation policies there is already the preferred use in Policy NE8 for BMV land to be used for green open space and built structures avoided.

The difficulty in seeking to protect areas of BMV land for green infrastructure is that some of the sites are already commitments and so certain development parameters are already agreed. Other than that the Council is happy to make a change to the Garden Town sites, setting out as per NPPF 112 that seeks to use poorer quality land in preference to that of higher quality. However rather than making a change to every Garden Town site allocation policy referred to, it is considered the easiest way is to make a change to Policy D1 (h) which covers green infrastructure and the natural environment. Policy D-NLV001 criterion 'Community facilities and Green infrastructure' on p.113 of the VALP can also be amended.

In terms of the other sites mentioned it is considered Policy NE8 provides sufficient coverage to guide those site allocations as the plan is to be read as whole.

Recommended changes needed to plan:

Policy D1 (new text underlined)

h. Creation of distinctive environments which seek to achieve a minimum of 50% land within the proposed garden communities as local and strategic green infrastructure which should be designed as multifunctional, accessible, and maximise benefits such as wildlife, recreation and water management. This will include land required to mitigate the ecological and flood risk impacts of development. As part of the masterplan for the allocated sites, areas of Best and More Versatile Agricultural Land will be preferred to be used for green infrastructure. Management regimes should be developed in tandem with the detailed development of GI for each of the garden communities. Policies I1, I2, I3, NE1, NE2, NE3, NE4 and NE5 should be taken into account. Site-specific SPDs will be developed as required to set out clear and detailed requirements for place-making

Policy D-NLV001 (new text underlined)

Criterion: 'Community facilities and Green Infrastructure'

The site will need to make provision for a comprehensive network of multifunctional open spaces and green corridors with both formal and areas of informal public open space. This will include 53.67ha of green open space and 1.18ha of allotment land, nine locally equipped areas of play (LEAPs) and also two neighbourhood equipped areas of play, which each include a multi use games area. In addition to the provision of LEAPs and NEAPs on site, youth shelter, a multi-use games area (MUGA), sports hall, changing pavilion, skateboard park, sports pitches, cricket wicket, tennis courts and a community centre will be required through a S106

Agreement. Multi functional Green Infrastructure will be required to control surface water flows and flooding. As part of the masterplan for the allocated sites, areas of Best and More Versatile Agricultural Land will be preferred to be used for green infrastructure

Requested change to Policies D-SCD003 and D-SCD008

There is (not detailed) Agricultural Land indicative mapping for the entire district - it is from 1988 and the most up to date data is dated 2002 and owned by Natural England. It is agreed however that as the data is very high level and not meant to be site specific it is not a substitute for site specific Agricultural Land Quality mapping. This classification data has not been supplemented by any detailed work by the Council other than at strategic settlements from the mid-2000s.

We agree with the change but consider that it would be better inserting the requirement for an BMV assessment before the second sentence of Policy NE8 so that the requirement would affect any non-allocated sites that also come forward.

Recommended changes needed to plan:

Policy NE8 (new text underlined)

Subject to the development allocations set out in the VALP, the Council will seek to protect the best and most versatile farmland for the longer term. Proposals involving development of agricultural land shall be accompanied by an assessment identifying the Grades (1 to 5) Agricultural Land Classification. Where development involving best and more versatile agricultural land (Grades 1,2, and 3a) is proposed, those areas on site should be preferentially used as green open space and built structures avoided. Where development would result in the loss of best and more versatile agricultural land, planning consent will not be granted unless:

- a. There are no otherwise suitable sites of poorer agricultural quality that can accommodate the development, and
- b. The benefits of the proposed development outweighs the harm resulting from the significant loss of agricultural land.

Requested change to Policies D-AYL073, A-AYL052, D-AYL059, D-AYL077, D-AYL068 and D-AYL115

The 50% Green Infrastructure minimum land is for the 'proposed garden communities' (Policy D1 (h)) which are the site allocations with an 'AGT' reference within Policy D1. The one exception to this is Berryfields which is approximately two thirds already built with the remainder already committed on a detailed planning scheme which means it cannot meet the 50% GI target. However the other AGT sites - South Aylesbury, South west Aylesbury, Aylesbury north of A41, Aylesbury south of A41 and Kingsbrook all have the 50% figure included. The AGT sites are of

such significant size that they have been drawn up in the VALP with the large land areas to be provided for green infrastructure, mitigation and other strategic infrastructure.

Smaller sites allocated within Aylesbury (listed in Policy D1) are urban area sites, predominantly brownfield, with much smaller housing capacity and do not have room for significant infrastructure including Green Infrastructure. They do nevertheless have site specific requirements but not the 50% GI target which is just for the strategic-scale proposed garden communities still being planned.

No change to the plan is considered to be needed.

Requested change to Policies D-BUC043, D-BUC051, D-BUC046, D-HAD007, D-WIN001, D-SCD003, D-SCD008, D-WHI009, D-ICK004, D-MMO006

As the VALP is to be read as a whole and its policies and proposals complied with as a whole it is not considered necessary to reference every policy in the VALP for a proposed development that the site allocation has to comply with. The Natural Environment (NE) policies and Infrastructure (I) policies provide sufficient coverage already on biodiversity.

Sites D-ICK004 and D-MM0006 have a specific requirement for an Ecological Management Plan in the site allocation criteria with the aim to deliver a net biodiversity gain because those sites are already known to the Council to have ecological interests and have been subject of recent planning applications. The Council has advised in the development management validation process that it wished to see the submission of such Ecological Management Plans on those sites. On other sites, work on the HELAA identified biodiversity assets/value and a specific need for an Ecological Management Plan and so that is why it appears as a site specific criteria such as on D-QUA014/015/016.

However regardless of the site specific criteria, all development proposals on sites will be subject to Policy NE2 and the policy clearly sets out in (a) where a net gain in biodiversity is sought and where no net loss is the position and a net gain sought where possible. Part (f) of the policy sets out ecological surveys are needed and (i) of the policy on how long term management will be secured.

In terms of how net gain or no net loss are to be measured, this is covered in Policy NE1 (a) and paragraph 9.17 that there will be a future SPD, to be prepared with other Buckinghamshire Councils on what the appropriate mechanism will be.

No change to the plan is considered to be needed.

Requested change to Policy D4

As the VALP is to be read as a whole and its policies and proposals complied with as a whole it is not considered necessary to reference every policy in the VALP for a

proposed development that the site allocation has to comply with. Policies NE1-9 are a key part of assessment of any proposed development on a site, wherever in the district and whether it is allocated or windfall.

No change to the plan is considered to be needed.

Requested change to Policy D-BUC051 and D-BUC046

The Council agrees with the change as suggested for (f) and new criterion (x) for D-BUC051 for the reasons stated. In terms of Policy D-BUC046 it is queried why criteria (x) is relevant as there is no significant waterway around that site and criterion (e) of the policy already covers the requirement for an Ecological Management Plan and provision of an ecological buffer.

Recommended changes needed to Policy D-BUC051

f. ...The fields in the site north of the railway have a high ecological value and a 20-40m buffer either side of the railway which must include all existing woodland is required.

x. In the design of the green infrastructure along the waterways of the site significant consideration should be given to the habitat values (in line with NE3) and the possibility of restoring or re-creating priority habitat.

Requested change to Guiding principles and strategic aims for future development (Section 4.174 – 4.225)

The Principles in paragraph 4.207 concern Aylesbury Town Centre and principles for future development. The principles, aims and actions plans are actually from the Aylesbury Town Centre Plan though and this section of the VALP is a summary of those. It does not mean the VALP is silent on a strategy for biodiversity and green infrastructure in Aylesbury Town Centre as that will be covered in the Aylesbury Garden Town SPD and is covered in the VALP for example at 4.19-4.21 and the section after on the Garden Town Vision.

No change is therefore required to the plan.

Requested change to Policy D7

AVDC accepts the change requested as it would improve use of the plan and compliance with the NPP para 114.

Recommended Change to Policy D7 (new text underlined):

Change to wording;

.....public realm improvements, connectivity improvements to the rest of the town, new open space, new green infrastructure (in line with policy NE2 and I1) and other main town centre uses....

Requested change to Policy D8

AVDC accepts the change requested as it would improve use of the plan and compliance with the NPP para 114. Also there is a need to be consistent with Policy D7 and the change made there.

Recommended Change to Policy D8 (new text underlined):

Proposals should have particular regard to enhancements to the built environment, improvements for pedestrian access and environmental enhancements (in line with policy NE2 and I1) to the public realm.

Requested change to Policies H2 Rural exception sites E8 Tourist accommodation E9 Agricultural development C2 Equestrian development

Whilst AVDC understands the reasons which this change is sought, it is considered that it is not important to reference Policies NE1-9 and I1 and I4 in policies H2, E8, C2 and other policies where there are no specific environmental impacts mentioned.

Policies NE1-9 and I1 and I2 still need to be addressed on all development proposals.

Policy D10 for example does have specific environmental safeguards in there because the policy is on Gypsy, Traveller and Travelling Showpeople sites. As stated above the plan is to be read as a whole to avoid excessive cross referencing and repetition.

No change to the plan is considered needed.

Requested change to Policy E7

Agree with the change for the reasons given.

Recommended Change to Policy E7 (new text underlined):

...proposed development must justify a countryside location, ~~and~~ avoid environmental impacts, and avoid unacceptable traffic....

Requested change to Allocation Maps

Agree with the change for the reasons given.

Recommended Change to Plan

Change the site allocation policies criteria 'site specific requirements' where appropriate to refer to the areas shown on the policies maps as 'Not built development'.