

Inspector's question 54

I would welcome the Council's comments on the many representations to the effect that policy S9 (monitoring) would be ineffective, such as those from Suzanne Lindsey of Whaddon PC, Mark rose of Define on behalf of Bovis, Dr Lucy Murfitt of Chiltern AONB Conservation Board, Jackson Planning, Michael Wood of Indigo Planning and Reece lemon of Savills Oxford, both on behalf of Lands Improvement Holdings, Neil Tiley of Pegasus on behalf of Waldridge Garden Village Consortium, Nicole Penfold of Gladman, Robert Love of Bidwells on behalf of both Carey New Homes and Persimmon, Sally Hicks of Central Beds Council, Rebecca McAllister of Savills on behalf of the Society of Merchant Venturers, Mr Gately of Savills on behalf of Crest Homes and Steven Browne of Woolf Bond on behalf of Persimmon Homes North London. Particularly well argued representations include those from Michael Wood of Indigo Planning and Reece Lemon of Savills Oxford both on behalf of Land Improvement Holdings

AVDC's Response

The referred to representations relate to policy S9 Monitoring and review. The Council has summarised the representations and the main issues identified will be considered below.

The Objectively Assessed Need of Aylesbury Vale

A number of the representations referred to in the Inspector's question 54 make reference to the Objectively Assessed Need (OAN) for housing in Aylesbury Vale. Robert Love of Bidwells on behalf of both Carey New Homes and Persimmon and Michael Wood of Indigo Planning on behalf of Lands Improvement Holdings argue that the VALP in its current state does not adequately meet the OAN due to not adequately taking into account the effects of migration on the OAN. A number of other representations argue that the OAN should be based on the new methodology for calculating OAN presented in the draft version of the new NPPF.

The Buckinghamshire Housing and Economic Needs Assessment (HEDNA) establishes the calculated OAN and the methodology used in calculating it for the districts of Buckinghamshire. Mr. Jonathan Lee is the author of the HEDNA, and he will provide a separate response to representations relating to the OAN. As such, the Council refers to the response of Mr. Lee in regard to these points.

The wording of the policy makes the plan unsound

Rebecca McAllister of Savills on behalf of the Society of Merchant Venturers refers to part c. of policy S9, arguing that it should mention the Government's finalised methodology for calculating OAN.

As part c. already makes reference to accommodating change in national planning policy the Council considers that the Government's updated methodology for calculating OAN is already broadly covered by this along with any other changes proposed in the draft NPPF. Nothing further is required at this stage. The Council therefore does not propose a rewording of this part of the policy.

Neil Tiley of Pegasus on behalf of Waldridge Garden Village Consortium argues that the final sentence of the policy is not clear as it could mean several things. The final sentence could be taken to mean that the proposed early review could be delayed by five years.

This point is acknowledged by the Council. The last sentence of policy S9 states that “Irrespective of the above criteria, the Plan will be reviewed within five years”. However, this statement cannot be read in isolation. Paragraph 3.77 of the VALP states that “[...]it is envisaged that the Plan will need to be reviewed soon after adoption. Regional, national and international connectivity schemes such as the Oxford-Cambridge Expressway and Heathrow expansion will potentially have a significant impact on the district in the future, and therefore will inevitably influence future planning. Other circumstances that would trigger either a review of the plan, or alternative sustainable sites to be brought forward [...]”. For clarity though the Council proposes to re-word the policy and paragraph 3.77 to clarify the ambition of the early review (the proposed amended text is set out at the bottom of this answer).

The policy trigger mechanism

A number of representations argue that the policy does not have an efficient trigger for when a review should start. Mark Rose of Define on behalf of Bovis states that the policy should have an extra trigger point for a review if the housing need evidence is superseded.

The Council notes the point made, but considers no amendment is required as this is already covered in the policy. The potential superseding of the housing need evidence would be the result of the application of an updated methodology in calculating OAN as part of a review. This would mean a change in national planning policy and guidance which is already covered by part c. of the policy. Also, as the council is expecting to commence a review immediately after the adoption of VALP the objection is somewhat academic.

Dr. Lucy Murfett of the Chiltern AONB Conservation Board states that this policy provides for the undermining of the development plan by allowing a single policy becoming out of date because of national policy change would ‘bin the whole plan’.

A local plan needs to be considered “sound”. In order for a plan to be considered sound it must be positively prepared, justified, effective and consistent with national policy. As national policy is dynamic, mechanisms need to be in place for the adaptation of the local plan to a new policy context. This does not mean that the local plan will be ‘binned’, but rather that the Council can ensure that the plan is updated in respect of evidence and national policy through a review. The representation also ignores the fact that until such a review is completed the extant local plan would remain in force. Hence a review does not immediately cancel a local plan. As such, the Council propose no amendments to the policy in this regards.

Neil Tiley of Pegasus on behalf of Waldridge Garden Village Consortium states that the first bullet point of the policy says that a review will be instigated where site allocations are not coming forward. He says this fails to take into account other sources of supply, such as existing commitments and windfall sites, and therefore is not an effective trigger mechanism to ensure housing supply.

The Council acknowledges this point, and proposes to re-word point a. to take into account committed sites and windfall sites in addition to allocated sites. The proposed re-wording is presented at the end of this response.

Mr. Gately of Savills on behalf of Crest Homes states that the ‘early plan review’ should be formally incorporated into policy with an appropriate and clear trigger mechanism.

The Council opts to not make any amendments in this respect. The early review is already mentioned in several paragraphs in the VALP. It is also not necessary nor possible to implement the early review into policy as there is too much uncertainty and unpredictability in

the near future. This uncertainty includes factors such as the implementation of the Oxford-Cambridge expressway project, the designation of the 'growth corridor', the adoption of a new NPPF and the new OAN calculation methodology in combination with the potential joining of the Buckinghamshire local authorities into one unitary council. This means that a clear timeline for the review cannot be established as suggested.

Early review

Representations raising issues with the planned early review of the VALP have been received by the Council.

The representation from Reece Lemon of Savills Oxford on behalf of Lands Improvement Holdings states that it has been demonstrated at other local plan examinations where there is clear evidence of strategic issues and deficiencies these should be taken into account within the emerging plan and not 'kicked along the road' for some date in the future. The VALP needs to take on board a number of strategic issues rather than rely on an early review.

The purpose of the early review is not to delay dealing with strategic issues, but rather to deal with a number of strategic factors that cannot be defined sufficiently at this point in time. As stated above, these factors include the implementation of the Oxford-Cambridge expressway project, the designation of the 'growth corridor', the adoption of a new NPPF and the new OAN calculation methodology in combination with the potential joining of the Buckinghamshire local authorities into one unitary council. It is simply not possible to wait to produce a plan until everything is suitably clarified as suggested. The lack of an up to date local plan in Aylesbury Vale means that a plan needs to be put in place as soon as possible. The proposed early review allows for a local plan that is flexible enough to face the challenges of the near future and is a pragmatic approach to dealing with the constantly evolving circumstances that affect Aylesbury Vale.

Sally Hicks of Central Beds Council supports the need of an early review of the VALP to consider potential for new housing at RAF Halton once it closes as well as the potential for a new settlement. The Council welcomes this support from an adjacent authority.

Delivery mechanism

Steven Browne of Woolf Bond on behalf of Persimmon Homes North London states that the VALP does not have an appropriate mechanism to assist in bringing sites forward in the Event that the allocated sites do not deliver as intended.

The early review will be the main mechanism for bringing alternative sites forward in the case of the allocated sites not delivering. As it currently stands, the VALP is providing more housing than required by the OAN through a buffer. The Housing & Economic Land Availability Assessment (HELAA) has also identified a number of sites that were deemed suitable for housing development but were not allocated in VALP. Should further supply be needed beyond the buffer, these sites would be the most appropriate sites for any necessary alternative allocation required. This could be delivered either through a partial review of the plan or by considering planning applications on the suitable sites. It should also be noted though that windfall sites and allocations in neighbourhood plans will inevitably deliver more supply over and above the local plan's allocations. There is therefore no need to create any other form of mechanism to address housing supply shortfall.

Review mechanism not effective

Nicole Penfold of Gladman objects to the current drafting of the policy, stating that the triggers for the review need to be meaningful, 'have teeth', and contain an end date that is in the control of the LPA. The policy should also include consequences for failing to meet the target dates. Robert Love of Bidwells on behalf of both Carey New Homes and Persimmon states that the early review of VALP is essential, but that the policy should explicitly state when the replacement VALP will be adopted. The two separate representations from Reece Lemon of Savills Oxford and Michael Wood of Indigo Planning, both on behalf of Lands Improvement Holdings, stipulate three criteria for the policy to be effective, namely the plan should: define the period for reviews, set out specific criteria to review against and set out actions and timescales if such criteria are not met.

As stated above there are a number of variables which make it impossible to set a definite date for the completion of a review. These include the implementation of the Oxford-Cambridge expressway project, the designation of the 'growth corridor', the adoption of a new NPPF and the new OAN calculation methodology in combination with the potential joining of the Buckinghamshire local authorities into one unitary council and coordination with adjacent councils. Further complications may be added by the London Plan and the expansion of Heathrow. In any case, it is the Council's ambition to have finalised a review of the plan within five years. This is stated in the final sentence of the policy, although the wording does not make it entirely clear that it is the ambition of the Council to *finish* the review of the plan within five years. As such, the Council proposes to re-word this part of the policy. This is presented at the end of this document. The Council does not wish to include consequences for failing to meet the target dates. It is not up to the Council to decide on consequences for failing to implement the plan. Rather, this is the role of the Secretary of State, of which the Council is accountable to who has the powers to intervene if plan progress is not satisfactory.

More unmet housing need from adjoining authorities

Suzanne Lindsey of Whaddon PC states that point b. of the policy opens Aylesbury Vale up to the possibility of taking on too much unmet need from the surrounding authorities.

One of the requirements for a local plan to be considered 'sound' as per the NPPF paragraph 182 is that it needs to be 'positively prepared'. In order for a plan to be positively prepared it needs to "be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development." The Council will ensure that any unmet requirements from neighbouring authorities will be considered 'reasonable' and consistent with achieving sustainable development. The current unmet housing need agreed to by the council was informed by a joint study with the other Bucks councils of potential housing delivery rates. This demonstrates that it is possible for the council to resist unmet housing need being imposed upon it where it would not be reasonable.

Major developments promoted after adoption to go through sustainability appraisal

Suzanne Lindsey further states that any alternative sites allocated after adoption of the VALP should go through appropriate sustainability appraisal to take into account larger national projects.

The Council agrees that it is insufficient to just accept any new site simply because it might be available. The Council agrees that a site must be properly considered in the light of any new strategic circumstance. The suitability of any potential alternative sites will be assessed through a local plan review which will require a sustainability appraisal to support a new plan. Should sites be advanced through planning applications, the need for a sustainability

appraisal will not apply but the application process itself will allow a site's suitability to be assessed in detail.

Proposed amended wording of S9

S9 Monitoring and review

The policies in the Plan will be monitored at least annually to ascertain whether or not they are fulfilling their aims.

The Plan will be reviewed, or proposals for alternative sustainable sites considered favourably (subject to compliance with other policies in the Plan), in any of the following circumstances:

- a. Housing supply not coming forward at the rate anticipated in the housing trajectory, leading to development not being delivered at the rate expected in the Plan
- b. Evidence established through another local planning authority's Local Plan process show that its unmet need can only be accommodated in Aylesbury Vale
- c. Changes in national planning policy and guidance that mean one or more of the policies in the Plan are not up to date, or
- d. Evidence in the monitoring report shows that one or more of the policies in the plan are not achieving the Plan's objectives or is working contrary to effective planning in the district.

Irrespective of the above criteria, the Plan will have undergone a review within at most five years of the adoption of this plan.