

Inspector's Question 63

I would welcome the Council's observations on the representations (507 and 811) from Mr Andrew Docherty and from Mrs Margaret Smith of Cheddington Parish Council alleging an inconsistency between paragraphs 4.122, 4.159 and policy D2.

AVDC Response

In response to the representations from Mr Andrew Docherty and Mrs Margaret Smith of Cheddington Parish Council, the Council will suggest minor wording changes in the proposed table of minor changes following submission to clarify the interrelationship between Policy D2 and its supporting paragraphs.

Inspector's Question 64

I would welcome the Council's observations on the representations (313, 867, 939, 1350, 1487, 2647, 2717) from Cllr Warren Whyte, Andrew Bateson of AB Planning and Development, Dr Lucy Murfett of the Chiltern AONB Conservation Board, Roger Welchman of Armstrong Rigg Planning on behalf of Bellway Homes Ltd, Bellcross Co Ltd and Fosbern manufacturing Ltd, the Fingask Association, Heather Pugh of David Lock Associates on behalf of O&H Properties Ltd concerning policy D2.

AVDC Response

The key issues raised in the specified representations have been extracted and the Council's response to them is set out in the table below.

Respondent	Key Issues	AVDC Response
Cllr Warren Whyte	Amend criterion 'c' to allow for flexibility in the interpretation of the 'settlement boundary' where supported by neighbours or the parish, or demonstrated by the applicant.	Where there is no defined boundary determination is already made through a subjective assessment so it is not considered that further flexibility is warranted.
AB Planning & Development Ltd (Mr Andrew Bateson)	It is inappropriate in the policy and in criterion (a) to include the word "small" as it is too restrictive and takes no account of local circumstance.	Changing the policy to just state 'infilling of gaps' would be too broad and would create difficulty in defining what constitutes a 'gap' in development versus a space between separate areas of development which should not coalesce.
Chiltern Area of Outstanding Natural Beauty Conservation Board (Dr Lucy	Delete the word 'adjacent' from 'within or adjacent to the existing developed footprint of the settlement' from criterion 'c' as it could lead to incremental	Building adjacent to an existing footprint does not change the settlement boundary of a made neighbourhood plan. Each application will be assessed on

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Murfett)	outward creep of villages onto Greenfield land. Question how rural exceptions sites will ever be delivered if land adjacent to villages is allowed for market housing. Slow delivery of allocations should not justify release of AONB.	its level of significant harm and sites on Greenfield/ AONB land will have the significance of their location taken into account during such an assessment. The representation ignores the fact that this is a fall back position which will only have effect if housing delivery is significantly compromised.
Armstrong Rigg Planning (Mr Roger Welchman) for Bellway Homes Ltd, Bellcross Co. Ltd and Fosbern Manufacturing Ltd	Criterion 'c' of the policy should be amended to more closely reflect the wording of relevant policies within the relevant neighbourhood plan: "c. be located within or adjacent to the existing developed footprint of the settlement or, where there is a made neighbourhood plan, whose policies expressly restrict development beyond settlement boundary limits , the site is located entirely within that settlement boundary."	The suggested insertion could encourage restrictive neighbourhood plan policies and would create ambiguity around accepted levels of development outside settlement boundaries. In any event settlement boundaries within neighbourhood plans form part of the development plan and should be regarded as the accepted limit of development regardless of policy content.
Rural Solutions (Ms Kate Girling) for The Fingask Association	Criteria a) and b) are overly restrictive and further criteria on the types of supported development should be added: "c) It can be demonstrated that the planned growth in the spatial strategy for the settlement will not be delivered during the plan period; d) It is a rural exception site in accordance with policy; or e) Development is justified by special economic, environmental and/or social circumstances." In accordance with the NPPF, the location of individual applications should be assessed on their merits and allow for sustainable	Suggested criterion 'c' is already covered by policy S9 Monitoring and Review, where a review of the Plan will be triggered by under delivery of housing in accordance with the housing trajectory. Suggested criterion 'd' is covered by policy H2 Rural Exception Sites, which provides further details on the circumstances in which they may be permitted. Suggested criterion 'e' is already covered by policy S2 Spatial Strategy for Growth and is ambiguous and detrimental to the Development Management process. The Council agrees that the location of individual applications should be assessed on their merits, including their conformity with

Respondent	Key Issues	AVDC Response
	development to be brought forward.	development plan policies and allow for sustainable development to be brought forward.
David Lock Associates (Heather Pugh) for O&H Properties Ltd.	<p>To align with the Government's position set out within the Housing White Paper, add a new criteria:</p> <p>"development which can facilitate the delivery of necessary local infrastructure by providing sustainable growth (when considered against all other planning policies and meeting the criteria for sustainable development)."</p> <p>The wording around neighbourhood plans in criterion 'c' undermines housing delivery, should allocations not come forward as intended. NPs should not be able to determine settlement boundaries without taking account of local plan housing targets. The Council should clarify the criteria's compatibility with national policy as well as existing and emerging local plan policy and it should be reviewed after the new NPPF publication.</p>	<p>The suggested criterion is already covered by policy S2 Spatial Strategy for Growth. The Plan is in accordance with paragraph 47 of the NPPF in that the number of allocations and commitments to date meet the full, objectively assessed need for market and affordable housing in the housing market area. Therefore all the criteria in policy D2 defining acceptable development beyond the fulfilled need are in accordance with the NPPF. The current settlement boundaries in neighbourhood plans were in any event determined without the existence of an up to date local plan. Following the adoption of VALP, local plan allocations will have to be taken into account in neighbourhood plans. The proposed early review of the local plan will allow the implications of the new NPPF to be taken into account.</p>