

FOSCOTE PARISH MEETING

REPRESENTATION TO FINAL CONSULTATION Main Modification 101 / Site MMO006

The inclusion of site MMO006 in the VALP is based on flawed and incomplete evidence, and the allocation of the site for development is **not legally and procedurally compliant** or **sound** in accordance with NPPF para 182.

To increase the size of this site from 7.7 hectares to 8.8 hectares in MM101, and to insert the words “at least” before “170 dwellings” under site provision (a) in the Proposed Modified VALP without including this change as a Main Modification is not ‘justified’ or ‘consistent with national policy for enabling the delivery of sustainable development’ as defined in NPPF para 182. These changes are therefore **unsound**.

A. MM101 and the allocation of site MMO006: NOT SOUND

1. **Not Positively Prepared, and not Consistent with National Policy (NPPF 151)**

In order to be ‘sound’, the Local Plan must be ‘positively prepared....consistent with achieving sustainable development’.

NPPF 151 says: *“Local Plans must be prepared with the objective of contributing to the achievement of sustainable development. To this end, they should be consistent with the principles and policies set out in this Framework, including the presumption in favour of sustainable development.”*

According to VALP para 4.125 (now para 4.147), the most sustainable site in Maids Moreton has been selected for development. However, in the Technical Annex to the Sustainability Appraisal, site MMO006 is the least sustainable site in Maids Moreton.

AVDC seeks to justify allocating the least sustainable site in Maids Moreton (in breach of NPPF 151) on the basis that it *“delivers outdoor playing space and Equipped Play Facilities responding to the concern raised by the 2017 ‘Open Space, Sports and Recreation Needs for Aylesbury Vale’ audit, which found there to be a lack of suitably sized central public open space as well as no Neighbourhood Equipped Area of Play (NEAP) in Maids Moreton”*.

The claim that Maids Moreton is lacking in public open space and NEAP is incorrect and therefore not reflected in the final report from this audit (published March 2017). Maids Moreton Playing Fields situated at the end of Avenue Road has a well-equipped playpark (with small and big swings, slide, climbing frame, seesaw, roundabout and ball wall) together with a rugby pitch and cricket pitch. In fact, the existence of this recreational facility and open space is recognised as one of Maids Moreton’s ‘key criteria’ in AVDC’s own Settlement Hierarchy, without which Maids Moreton would only have 3 key criteria.

Site MMO006 scored the lowest in 6 of the 12 sustainability criteria, and the highest in only 1 of the 12 sustainability criteria. In the remaining 5 sustainability criteria all sites were ranked equal. Overall, site MMO006 ranked the least sustainable site in Maids Moreton by a considerable margin, performing particularly badly in ‘pollution’ and ‘travel/transport’. The justification to allocate this site for development due to a need for NEAP and outdoor space

is proved to be unjustified so the allocation of this site for development and the associated modifications are **unsound** because they have not been positively prepared consistent with achieving sustainable development and the allocation is not consistent with NPPF para 151.

2. Not Justified (not the most appropriate strategy)

Notwithstanding the fact that Maids Moreton has been incorrectly categorised in the Settlement Hierarchy as a 'medium village' when it is in fact a 'small village' (see below), MM283 allocates a further 12 houses to Maids Moreton bringing the total allocation for this village to 182 dwellings. VALP para 4.153 (now 4.148) lists the allocations in the medium villages as follows: -

- Cuddington – 23 dwellings
- Ickford – 30 dwellings
- Marsh Gibbon – 9 dwellings
- Newton Longville – 17 dwellings
- Quainton – 37 dwellings

This illustrates that an allocation of **182** dwellings for a 'medium village' is excessive and is not a justifiably appropriate development strategy when considered against reasonable alternatives, particularly given that Maids Moreton has the 3rd smallest existing population of the medium villages listed and the fewest 'key criteria' (see below).

In light of the additional Maids Moreton allocation in MM283, which alone would be a sufficient allocation given the size and capacity of Maids Moreton, MM101 and the allocation of site MMO006 is not justifiably the most appropriate strategy when considered against reasonable alternatives so the allocation and main modifications relating to it are **not sound**.

3. Not justified (based on incorrect evidence)

Examination Document ED200(B) proposes changes to the settlement hierarchy which reduces the number of houses being delivered in Buckingham and surrounding villages in order that further housing can be delivered close to Milton Keynes in line with the Inspector's Interim Findings. MM283 *increases* the allocation in Maids Moreton to 182 new houses, and MM101 increases the size of MMO006 to 8.8 hectares, with a further modification stating there should be 'at least' 170 new houses on the site despite the overwhelming evidence that Maids Moreton has been incorrectly classified as a 'medium' village when it is, in fact, a 'small' village.

According to ED191, the final position of where a settlement is ultimately categorised in the Settlement Hierarchy Assessment depends on the 'key facilities' score. *"The key services available are the main determinant of the final position of a settlement in the hierarchy, not a settlement's population."* (ED191)

To be a medium village, para 5.15 of CD/MIS/003 ('Settlement Hierarchy Assessment for the Vale of Aylesbury Local Plan to accompany Proposed Submission Plan September 2017') sets out that between 6 and 7 of the 'key criteria' should be met, **with at least 6 being the minimum number**. The only exception to this is Stewkley which meets only 5 of the key criteria but has a large population of 1,840.

The 'key criteria' for assessing the settlement hierarchy are: within 4 miles of a service centre, employment of 20 units or more, food store, pub, post office, GP, village hall, recreation facilities, primary school, hourly or more bus service and train station. **Maids Moreton only meets four of these key criteria:** -

1. 1.5 miles to a service centre (Buckingham)

2. 1 public house
3. 1 recreation ground/playing field
4. 1 village hall

There is no hourly bus service in Maids Moreton and there is not a primary school in Maids Moreton (only an infant school but an infant school is not stated as a key criteria so cannot be regarded as such).

Para 5.19 of CD/MIS/003 states that none of the smaller settlements have more than five key criteria, and typically only have **four** of the key criteria. Great Brickhill, a settlement with a comparable population to Maids Moreton, has 5 key criteria but is categorised as a small settlement.

Maids Moreton must be reclassified in the Settlement Hierarchy as a 'small' village in order to correct the false assertion in CD/MIS/003 that Maids Moreton has 6 key criteria when in fact it only has 4. Unless this change is made, MM101 and the allocation of site MMO006 are not justified because the allocation is based on inaccurate evidence, and is **unsound**.

4. Not justified (not based on proportionate evidence) and not consistent with National Policy (NPPF para 158)

HELAA v4, which deemed site MMO006 as 'suitable' for 170 houses, was used as supporting evidence for the allocation of site MMO006 in the Submission VALP. The designation of this site as suitable for development in HELAA v4 is not evidence based and therefore calls into question the general soundness of the approach to identifying the allocation (see ED186(A-S): HELAA v4, Lack of Evidence).

NPPF para 158 says: *"Each local planning authority should ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area."*

Therefore, the allocation of this site in the VALP, and the modifications in MM101, are not justified by a sound evidence base, and are not consistent with NPPF 158 so the allocation of the site for development is **not sound**.

5. Not consistent with National Policy (NPPF para 155 and PPG para 3-008 [2014])

NPPF para 155 states: *"Early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses is essential. A wide section of the community should be proactively engaged, so that Local Plans, as far as possible, reflect a collective vision and a set of agreed priorities for the sustainable development of the area."*

PPG para 3-008 (2014 version) states who plan makers should work with: *"The following should be involved from the earliest stages of plan preparation, which includes the evidence base in relation to land availability: ... parish and town councils;"*

Paragraph: 008 Reference ID: 3-008-20140306. Revision date: 06 03 2014

AVDC did not engage with Maids Moreton Parish Council, Foscote Parish Meeting or Buckingham Town Council on any occasion with regard to the amendment in HELAA v4 which designated this site as suitable for development. The only consultation thereafter was the public consultation on the Submission VALP *not* the designation of the site as suitable for development in the HELAA. Relying on the designation of this site in the HELAA as a source of evidence to support the allocation of site

MMO006 or MM101 is therefore **unsound** because it is not consistent with NPPF para 155 and PPG para 3-008.

6. Not consistent with National Policy (NPPF para 34)

In his Interim Findings, the Inspector states: *“What is surprising is that within the northern half of the district the roles of Buckingham, Winslow and Milton Keynes are relatively equal in the anticipated distribution of development. Milton Keynes, the dominant settlement, is not expected to dominate the development strategy.”* (para 35)

“It is hard to escape the conclusion expressed by several representations that the spatial strategy in the north of the district would lead to increased lengths of commuting flows to and from Milton Keynes.” (para 36)

“This would be contrary to national policy expressed in para 34 of the NPPF which advises that plans should ensure that developments which generate significant movement are located where the need to travel will be minimised. It is therefore unsound.” (para 37)

Site MMO006 is a large allocation in North Buckinghamshire unconnected to any public transport network, and with no direct route to Milton Keynes or beyond. MM101 increases the allocation to 8.8 hectares and a further modification inserts the words ‘*at least*’ 170 houses, and MM283 allocates an *additional* 12 houses to Maids Moreton bringing the total to 182 dwellings. There will be a significant increase in traffic from commuting cars and service vehicles with no direct access to site MMO006 onto a main road as both access points for the development are onto narrow rural lanes.

The allocation of site MMO006 and the proposed modifications are therefore contrary to para 34 NPPF: Site MMO006 will generate significant movement and, being on the northern edge of a rural village with only a minimal bus service and no direct service to a dominant settlement, it is not located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

The site allocation in MM283 should therefore be retained but the allocation of site MMO006 and the proposed modifications are **unsound** as they are not consistent with NPPF 34.

7. Not consistent with National Policy (NPPF para 112)

NPPF para 112 says: *“Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality in preference to that of higher quality.”*

VALP para 9.51 says that poorer agricultural land should be prioritised for development over higher grades, and that the Council’s approach to site allocations in order to give effect to NPPF para 112 has been informed by HELAA v3 (2016). Site MMO006 is Grade 3a land (good and versatile agricultural land) and HELAA v3 says that site MMO006 is unsuitable for development. However, site allocation in the VALP is, in fact, informed by HELAA v4 so the allocation of site MMO006 and the proposed modifications are **unsound** because they are not consistent with NPPF 112.

B. MM101 and the allocation of site MMO006: NOT LEGALLY AND PROCEDURALLY COMPLIANT

1. Amendment to HELAA v3 falls foul of HELAA v4 appendix 2

In his Interim Findings (29.08.18), the Inspector has not questioned the general soundness of the Council's capacity-led approach to identifying allocations: "...without questioning the general soundness of the Council's capacity-led approach to identifying allocations (which received widespread support)..." (para 41)

There was overwhelming support for the designation of site MMO006 as 'unsuitable for development' in HELAA v3 in the Issues and Options Consultation prior to its publication. On this basis, the site was not allocated for development in the Draft VALP published for consultation during summer 2016. As the site was not included in the draft VALP, it was not raised or commented on during the consultation period in Summer 2016.

HELAA v4 appendix 2 states: "*During summer 2016, further comments were received, this time on the HELAA v3 report and these informed the preparation of HELAA v4*"

Therefore, the designation of site MMO006 in HELAA v4 as 'suitable' for development falls foul of HELAA v4 appendix 2 because this amendment was not informed by the comments received, and it is contrary to the Inspector's assertion in para 41 of his Interim Findings the capacity-led approach to identifying allocations has received widespread support. In fact, there has been a large number of objections to the allocation of site MMO006 which have never been addressed by AVDC due to AVDC's assertion during the VALP Examination that they were going to delete the site from the VALP. The allocation of site MMO006 and the proposed modifications to extend this site are informed by evidence that is **not legally and procedurally compliant**.

2. HELAA Methodology paras 1.20 and 1.21 not correctly adhered to

HELAA Methodology para 1.20 states: *The PPG recommends that local authorities should work in partnership with all interested parties in the production of the HELAA....Each District Council will identify stakeholders relevant for their area and engage appropriately.....Stakeholders will reflect those categories identified in the PPG:parish and town councils.*

HELAA Methodology para 1.21 states: *Each Council is committed to stakeholder engagement on the HELAA....As a minimum each local planning authority will carry out the following:*

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- *a draft report will be published for stakeholders to review the individual sites prior to the council finalising the study*
- *Where details are known, landowners/developers/agents will be contacted for each site to provide information on deliverability and when a site is likely to be developed. Involvement of stakeholders at these times is vital in ensuring the Councils assessment process is realistic and informed.*

AVDC did not identify Maids Moreton Parish Council, Foscote Parish Meeting or Buckingham Town Council as 'stakeholders' that should be consulted on the designation of site MMO006 in HELAA v4 and the subsequent allocation of the site for development in the VALP. There was no engagement with these local bodies, and no draft report for them to review individual sites prior to the council finalising the study. Notably, comments from the consultation on HELAA v3 were not adhered to in the production of HELAA v4. Therefore, the designation of site MMO006 in HELAA v4 is **procedurally**

and legally not compliant and it cannot be relied on as the evidence base for the allocation of site MMO006 for development in the VALP.

3. HELAA Methodology para 2.15 not correctly adhered to

HELAA Methodology para 2.15 states that Grade 1, 2 and 3a agricultural land quality will be carefully considered when designating sites as suitable for development. HELAA v4 has not taken into consideration that site MMO006 is Grade 3a agricultural land. VALP para 9.51 states the Council's approach to site allocations has been informed by HELAA v3 (2016) when it has, in fact, been informed by HELAA v4. Using HELAA v4 to inform land allocations in the VALP rather than HELAA v3 means that the evidence base for this allocation and the associated modifications in MM101 are **not legally and procedurally compliant**.

4. Examination process is not compliant

There has been procedural unfairness during the Examination Stage whereby regulation 19 objectors were informed that site MMO006 would be deleted from the VALP. They were not made aware that AVDC had changed its position with regard to the allocation of this site prior to the hearing session. In a covering email to a joint letter from various objectors – including Buckingham Town Council, Maids Moreton Parish Council and Foscoote Parish Meeting – to the Inspector dated 25th March 2019, it was asserted that site MMO006 had been **erroneously** included on the agenda for Session Hearing 34. It is only through information subsequently disclosed via a series of Freedom of Information Requests that it has become apparent that the Hearing Session was reinstated following considerable pressure from the developer on AVDC and BCC. Regulation 19 objectors were not informed that the Hearing Session had been reinstated, nor were they informed of AVDC's change in their position. The allocation still has not been adequately and openly scrutinized and remains procedurally unfair. The Council has not set out in writing its response to any of the objections raised, nor have Regulation 19 objectors been informed of AVDC's response (other than of AVDC's initial response to the Inspector's written questions that the site would be deleted from the VALP).

C. Conclusion

The allocation of site MMO006, and the modifications in MM101 together with the additional modification to insert the words 'at least' 170 dwellings are **unsound and not legally and procedurally** compliant. During the course of the Examination Stage, AVDC has proposed to omit site MMO006 from the VALP on a number of occasions:-

1. In response to the Inspector's Q67 re Jeremy Bloss's comment 203
"through considering planning application 16/00151/AOP...the constraints of highways access and impacts cannot be tackled by mitigation and detailed design. Therefore the site in Maids Morton is no longer considered suitable and should be deleted from the VALP.
2. In response to the Inspector's Q67 re Christopher Wayman's comment 886 (of Buckingham Town Council) and re Crest Strategic Projects comments 2033 and 2035
"AVDC has now proposed to delete the Maids Moreton allocation of around 170 homes (site MMO006) as a Proposed Examination Change and so any transport impacts on Maids Moreton and Buckingham would be less and also less impact on the settlement identity of Maids Moreton."

3. In response to the Inspector's Q72 re all other Reg 19 objectors relating to this site
"The Council is proposing to remove the allocation of policy D-MMO006 Land east of Walnut Drive and west of Foscoote Road from the VALP as a major modification....During the regulation 19 consultation the allocation received a high number of representations of objection, with a significant number raising traffic impact and the expected population increase to maids Moreton. The proposed removal of the site from the plan addresses these concerns.

4. In response to Inspector's Q104
"It should be noted that, as per the response to question 72, it is the intention of the Council to remove policy D-MMO006 from the VALP"

In particular, AVDC's response to the Inspector's Q72 states *"new commitments from 2017/18 are expected to balance the loss of dwellings from this site so **replacement provision will not be required**" (bold added).*

Given AVDC's acknowledgement throughout the examination process that it would not be problematic to take site MMO006 out of the VALP, it is essential that this site is now deleted from the VALP, together with all associated modifications, in order that the VALP can be found **sound and legally and procedurally compliant** in accordance with NPPF 182.