

Though many of the proposed modifications to the Vale of Aylesbury Plan are positive and will result in a superior Local Plan to that which was previously put forward, there are several issues in my opinion where further improvements are required.

1) References to Supplementary Planning Documents which have yet to be published

The Inspector criticised the Submission VALP for referring far too often to non-existent Supplementary Planning Documents and supporting documents and indicated he expected to see – *Key infrastructure requirements and other standards to be set out in the Plan rather than supporting documents or SPDs.*

However, though much reduced in number, there are still four referenced district-wide SPDs covering Affordable Housing, Design Guidance, Bio/Geodiversity and Sport and Leisure which have yet to be produced. I do not understand why these 4 district-wide ‘key infrastructure requirements and other standards’ documents are not, for completeness and clarity, ‘set out in the Plan.’ In particular, having to wait a protracted length of time for a replacement of the current SPD on Affordable Housing, which dates back to 2007, is, under the circumstances, unacceptable for such an important and sensitive element of this Local Plan. This, I would contend, is a clear issue constituting a lack of soundness in the proposed VALP.

2. Policy H5 on self/custom build housing is unclear and toothless

Policy H5 Self/custom build housing states –

The plan will expect developments proposing 100 dwellings and above (including partial development(s) of a wider site and the cumulative need for provision) to provide a percentage plots for sale to self/custom builders. These numbers will be determined on a site by-site basis dependent on evidence of demand and feasibility, and subject to a legal agreement.

Introduced in 2015 is the Self-build and Custom Housebuilding Act, which is summarised on the Parliament website as: *A Bill to place a duty on local authorities to keep a register of individuals and community groups who have expressed an interest in acquiring land to bring forward self-build and custom-build projects and to take account of and make provision for the interests of those on such registers in developing their housing initiatives and their local plans; to allow volume house builders to include self-build and custom-build projects as contributing towards their affordable housing obligations, when in partnership for this purpose with a Registered Social Landlord; and for connected purposes.* I would interpret this Act as very robustly placing a duty on LPAs to deliver serviced self/custom build plots to meet local demand. More than 4 years since it was enacted, AVDC should by now have a well-established register of interested parties, which should have provided evidence to have generated a much more positively worded Policy, with, for example, at least a minimum percentage figure for sites of 100 dwellings and more and an indicative mix of housing sizes. The Policy as it stands, is, I would confidently suggest, so woolly and weak as to stand no chance of being successfully defended at a Planning Appeal Inquiry.

The Policy is therefore unsound and requires rewriting.

3) Modification in Direct Conflict and Contravention of a Made Neighbourhood Plan

MM167 details a new policy – Policy H6b Housing for Older People and the first site identified is *WIN020 – Buckingham Road Winslow (Winslow Neighbourhood Plan site)* of 4.2 hectares to deliver approximately 100 units.

- The made Winslow Neighbourhood Plan June 2014 was, at the time of this allocation, and at the time of writing this representation the primary planning policy document for the development plan for the parish of Winslow.
- The decision to allocate this 4.2 ha area of the site, which is detailed for employment development in the community's Neighbourhood Plan under Policy 7, was not discussed with the Qualifying Body – Winslow Town Council (WTC) by AVDC Forward Plans, nor was there the courtesy of forewarning WTC of this significant development before publication of ED212A. The same discourtesy was extended to the owner of the site, namely Buckinghamshire County Council.
- I strongly and sincerely believe that this action by our LPA of overriding a policy in a made Neighbourhood Plan is, under the circumstances, of questionable legality because, in the planning balance, the WNP surely carried far more weight in July 2019 (or earlier), when this decision was taken, than the emerging VALP.
- Once again, our LPA has shown its abysmal failure to recognise the 'power' of made Neighbourhood Plans and the correct process to follow, apart from treating relevant Qualifying Bodies with due respect. I am aware of a near identical situation concerning MM283, the removal of site BUC051, which is detailed in the made Buckingham Neighbourhood Plan as a site for housing development.
- This main modification must be removed because it is unsound and probably illegal, being in significant conflict with the made WNP and remote from the essential facilities located within the centre of Winslow. If AVDC had bothered to consult with WTC and Bucks CC, they would have learnt that these two organisations were in advanced discussions concerning a town centre development which includes more than 80 extra-care homes to be incorporated in the Revised Winslow Neighbourhood Plan.

I trust the Inspector recognises that such conflicting proposals simply should not be allowed to occur, as they would dilute and diminish the status of made Neighbourhood Plans, which is contrary to government promises and guidance, the NPPF and established planning law. I would therefore request that the Inspector unequivocally clarifies that AVDC's actions were unacceptable, if not illegal, in order that in the development of future Local Plans, the LPAs concerned will not be tempted to treat made Neighbourhood Plans in such a cavalier fashion.

4. Unsound and Possibly Illegal Process in the Choice of the Housing Development Site for 1,150 Dwellings 'In Close Proximity' to Milton Keynes

This matter refers to MM076 Shenley Park, Whaddon Parish site WHA001. Initially, AVDC considered 3 possible sites to meet the need for 1,150 dwellings 'in close proximity' to

Milton Keynes. In July 2019, AVDC confirmed that - ***The new evidence does not indicate any significant advantages for any of the sites*** (my emphasis) *but the balance of evidence, including in two key areas (Strategic Flood Risk Assessment and Landscape Comparison Assessment) led to the conclusion that Shenley Park should be the preferred site.* This is undoubtedly the least robust and convincing reasoning for a decision of such magnitude I have ever come across! At the time the decision was taken, it was undoubtedly unsound.

The above obviously confirms that the evidence base at that time did not include those vitally important Assessments for Sustainability and Transport for any of the three sites under consideration and I understand that the Sustainability Assessment for Shenley Park was only published in October 2019. Does not 'correct process' demand in such circumstances that a decision of such magnitude, importance and impact on the wider area should only be made when all the necessary evidence is available, and the failure to do so when that decision was made, based on just two sets of comparative assessments, could therefore be considered unlawful as well as unsound?

This matter must therefore be revisited and I suggest this process starts with EiP Hearings in order that a sound process for the determination of a fully validated chosen site is agreed.

5. The Unacceptable Failure of VALP to Provide a Level of Affordable Housing to Meet the Real Need of Aylesbury Vale and the Unmet Needs of the Other Districts.

This is an issue which logic, common sense and fairness has, from VALP's first iteration, been identified as demonstrably unsound, as the proposed delivery figure for affordable homes on qualifying sites in Policy H1 will not meet the total need.

I am fully aware of the recently submitted representation by the North Bucks Parishes Planning Consortium (NBPPC), which was based on an earlier substantive document submitted in March 2019 for the Inspector's attention, which has seemingly been totally ignored in spite of the strength of evidence presented. For this key area, catering for the disadvantaged of our society who are in genuine need of social housing, it is obviously imperative that the evidence underpinning the calculated need for all types of affordable housing for the duration of the Plan is as sound and robust a figure as possible and substantive challenges as to the accuracy of that figure should be thoroughly investigated. Sadly, this has not happened, so I trust the Inspector will ensure right is done and a hearing session is convened to thoroughly investigate the issues raised as to the validity and soundness of the proposed delivery figure of 25% on qualifying sites.

Everyone will accept that, in a new Local Plan, the target delivery of new dwellings during the Plan Period is probably the primary element. Equally, I would contend, it is vitally important that the target figure for the delivery of new affordable dwellings during the Plan Period must meet the accurately determined total need for the various types of affordable housing, gross errors are simply not acceptable in such a sensitive area as providing for significantly disadvantaged households in Aylesbury Vale. Referring to the NBPPC representation, I have briefly detailed below the main issues which prove that ORS/AVDC 'got it badly wrong.'

- The claim made at the July 2018 hearing session by Opinion Research Services (ORS) was that a figure of more than 25% affordable housing delivery on qualifying sites would not be viable. The fact that VALP has been modified in Policy H1 to permit existing made Neighbourhood Plans with a different delivery percentage (35% in the main) to take priority over the figure in VALP obviously debunks this claim, together with the data submitted to the hearing session by Buckingham Town Council showing that all neighbouring LPAs had affordable housing figures for qualifying sites far in excess of 25%. Add to this the average figure in the recently adopted Wycombe District Plan of over 40% affordable housing delivery on qualifying sites, Wycombe District being in the same Housing Market Area as Aylesbury Vale, and that claim by ORS can therefore be seen as very clearly erroneous and misleading.
- ORS states that, in their calculations of affordable housing need in the Vale, ***only households unable to afford market rent were assessed to need affordable housing.*** It is this ***'arbitrary rule,'*** adopted by ORS and presumably sanctioned by AVDC, which is primarily responsible for the significant miscalculation of affordable housing need in Aylesbury Vale during the Plan period. In Paragraph 4 of the ORS response ED177 to NBPPC's questions arising from the early termination of the hearing session, there is mention of various 'affordable home ownership products,' which will include shared ownership and other intermediate affordable homes. ORS dismisses these as being *not counted within the identified need for affordable housing.* Then in the Opinion Research Services ▪ Atkins | Buckinghamshire HEDNA Update 2016 – Addendum Report September 2017 document, Paragraph 3.15 states - Figure 53 illustrates the breakdown of overall housing need and shows that *the overall need for affordable housing (9,600 dwellings over the 20-year period 2013-33) is fundamentally based on those households unable to afford market rent and who therefore are likely to need a rented affordable product.* There can therefore be no doubt that **ORS/AVDC has effectively excluded shared ownership tenure affordable homes from its calculations of total need for affordable homes in VALP and admits to this being the case.**
- ORS/AVDC then creates confusion by providing Figure 123 of the Bucks HEDNA which indicates a need in Aylesbury Vale for intermediate affordable housing from 2013 to 2033 of 700 dwellings, 17% of the total. In Paragraph 11 of the Opinion Research Services' response ED177, we are advised - *Figure 123 identifies that of the households unable to afford market housing to rent or to buy, 17% could afford intermediate affordable housing products with the remaining 83% unable to afford any more than affordable rent.* So now we are being told there is indeed a need for intermediate affordable housing and, without any evidence to support it, goes on to say that 17% of those households unable to afford market rent could afford the cost of shared ownership affordable homes. The NBPPC representation in paragraphs 13 and 14 provides detailed evidence which incontrovertibly repudiates this, yet another, erroneous and misleading claim by ORS.
- Surely no right-minded person who has read the NBPPC representation can possibly argue that ORS/AVDC have not made a gross error in failing to include the need for

intermediate affordable homes in their delivery figure of 25% for affordable homes on qualifying sites. **Therefore, this figure is demonstrably badly flawed and unsound and needs correcting before VALP can move forward for adoption.** This can of course only be achieved with a definitive and up to date indication of the proportions of tenure of affordable homes for rent and intermediate affordable homes via an Affordable Housing SPD or similar.

6. Salden Chase, Newton Longville Parish NLV001

The Salden Chase application for 1,855 homes was refused by Milton Keynes Council's Development Control (Planning) Committee on 7th November 2019. Therefore, currently, delivery of nearly 2,000 homes of the district's total of 28,600 (excluding buffer) in VALP are not guaranteed. This must surely mean that VALP is therefore unsound and cannot proceed to adoption until this issue is resolved! I would therefore expect the Inspector to convene a hearing session to allow this matter to be thoroughly discussed.

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