

NBPPC'S REPRESENTATION TO THE PROPOSED MAIN AND ADDITIONAL MODIFICATIONS TO THE VALP PUBLIC CONSULTATION NOVEMBER – DECEMBER 2019

The North Bucks Parishes Planning Consortium (NBPPC) reviewed and discussed the proposed main and additional modifications to the Vale of Aylesbury Local Plan at a special meeting held on 27th November, where 14 of its 30 member Parish and Town Councils were represented.

It was recognised that many of the modifications are to be commended and welcomed, as they undoubtedly improve the Vale of Aylesbury Local Plan (VALP) and its clarity. However, it was also noted that there are, in the Consortium's considered opinion, some issues which are unsound and certain indications of processes not being lawful included in this version of VALP. These matters are detailed below.

I.) MM 076 Shenley Park, Whaddon Parish WHA001

This new allocation of 1,150 homes "in close proximity to Milton Keynes" has been chosen, when 3 sites were initially under consideration.

In AVDC's proposed modifications registered on the website in July 2019, it is stated in relation to these 3 sites –

Reconsideration of constraints and updating the evidence base (transport, flood assessment, landscape impacts, ecology etc.) was undertaken to enable a choice to be made between the three sites.

The new evidence does not indicate any significant advantages for any of the sites (NBPPC's 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 can hardly be considered a ringing endorsement for the choice of Shenley Park. NBPPC notes that the evidence base at that time did not include those most important Assessments for Sustainability and Transport for any of the three sites under consideration and 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 precipitate decision was made, based on just two sets of comparative assessments, could therefore be considered unlawful?

Obviously, the inclusion of Shenley Park as an additional modification to VALP is a very major and fundamental change and our organisation urges the Inspector to arrange a hearing session in order that this matter may be properly aired in public.

II.) Maids Moreton, West of Foscote Road, MMO006

Our organisation was extremely perturbed to learn of the very late addition to VALP of the MMO006 site for its 170 dwellings – AVDC reinstated this site into VALP **at the hearing session in July 2018**, which prevented proper process and procedure to be followed in order to allow detailed discussion on this matter at that earlier EiP hearing session. NBPPC is also concerned at the failure since then of the Inspector to address many substantive matters in relation to this proposal eg errors and questionable process by AVDC in classifying Maids Moreton as a medium village, reinstating MMO006 into VALP at the hearing session, the adverse Sustainability Assessment of the site, procedural issues etc. These matters being detailed in EDs 220, 221, 227 and 228. The Consortium would suggest that, under the circumstances, it is only just and equitable that a new hearing session on this proposal is convened by the Inspector.

III.) Buckingham - Removal of Site BUC051 from VALP

BUC051 – which is reserve site M in the made Buckingham Neighbourhood Development Plan (BNDP) - was perfunctorily removed from VALP by AVDC Forward Plans without any reference to, or consultation with, Buckingham Town Council. NBPPC considers that it is unacceptable for a key element of a made Neighbourhood Plan, previously supported and approved by our LPA, to be removed in such a way, particularly as when this decision was taken, as far as the development plan for Buckingham Parish was concerned, the BNDP was the premier planning document, carrying very significant planning weight. It is strongly contended that the new modelling of traffic congestion is highly selective and does not consider whether similar unacceptable congestion would be created by other allocated sites that remain. This does not justify the removal of this site alone from VALP.

NBPPC believes that this issue, a main modification upon which Buckingham Town Council was not shown the respect of being consulted, must be considered at a hearing session in order that the validity of the reasons stated for the decision and the wider implications in relation to other such sites in Buckingham can be discussed in detail.

IV.) 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. This decision post-

dated the commencement of this public consultation process.

The Consortium's understanding is that the most likely course of action will be for the applicant to appeal this decision and it is inevitable that it will be May 2020 at the earliest that the Appeal decision will be made public.

NBPPC therefore questions whether, with currently nearly 2,000 homes of the district's total of 28,600 (excluding buffer) not assured, VALP is therefore unsound and cannot proceed to adoption until this issue is resolved?

V.) Supplementary Planning Documents

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 8 SPDs. The likes of SPDs for Aylesbury Garden Town, RAF Halton and Shenley Park, which have yet to be produced, are understandable but also detailed in the Summary of Main Modifications are –

Four VALP wide SPDs covering Affordable Housing (SPD4), District Design Guidance (including Garden Town) (SPD 5), Bio/Geodiversity (SPD 6) & Sport, Leisure & Community Facilities (SPD 7).

NBPPC does not understand why these 4 district-wide 'key infrastructure requirements and other standards' 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, far from satisfactory for such an important and sensitive element of this Local Plan.

VI.) Demonstrable Failure of the Proposed VALP to provide for the Total Future Affordable Housing Needs of Aylesbury Vale and the Unmet Need of the Districts in South Bucks

1. It is surely reasonable to expect that those responsible for the development of VALP and its examination should recognise the vital importance of ensuring that the delivery of the various types of affordable housing will meet the needs of Aylesbury Vale, including the unmet need from other Buckinghamshire districts, to 2033 and agree they have a very clear responsibility to guarantee that the figure for the delivery of affordable housing on qualifying sites is as robust as it can be. This is an element of a Local Plan where mistakes

are not acceptable because of the potential hardship that would be caused to disadvantaged family units in genuine need of affordable housing in the long term, **it must be fit for purpose.**

Unfortunately, in our organisation's view, this has not happened. There is overwhelming evidence that ORS/AVDC got it badly wrong when establishing the affordable housing need for the Vale to 2033. The detailed rebuttal by NBPPC of Opinion Research Services' assurances made in its (ORS's) submission ED177, which indicated that its work in arriving at the 25% affordable housing figure was robust and error free, was submitted to the Inspector by the Consortium in early March 2019 and eventually designated ED192. It has not, it appears, either been submitted to AVDC for comment nor, in NBPPC's opinion, taken proper account of by the Inspector prior to this public consultation. Much of the robust and substantive evidence contained in that submission of March 2019, is detailed later in this section, proving that errors had indeed been made by ORS, with the result that the proposed figure for the delivery of affordable housing for rent and shared ownership to meet the future needs of Aylesbury Vale is, indeed badly flawed and unsound. Our organisation is very concerned at a process which failed to take account of extremely robust evidence which proved that, for this vital element of VALP, the district's need for shared ownership affordable homes has effectively been ignored because of a gross error by AVDC's consultants.

A) Practical Level of Affordable Housing Delivery

2. The Wycombe District Local Plan (WDLP) was adopted in August 2019. In it, there was the following in relation to the delivery of affordable housing -

POLICY DM24 – AFFORDABLE HOUSING

The Council will require all developments for 10 or more dwellings or more than 1000 sqm of residential floorspace to provide on-site affordable housing of at least:

- a) 48% of the total number of units on sites that are greenfield land or were last used for Class B business use or a similar sui generis employment-generating use, or;
- b) 35% of the total number of units on all other sites.

3. These figures equate to an overall percentage rate of affordable housing delivery to 2033 in Wycombe District on qualifying sites which is roughly 70% greater than that being proposed in Aylesbury Vale, where both districts are located within the same Housing Market Area and house prices in Wycombe District are substantially higher than those in the Vale. Wycombe District Council makes it clear that this level of affordable housing delivery *will also meet the housing mix detailed in Figure 123 of the Bucks HEDNA* and meet economic viability assessments. This provides incontrovertible evidence that it is practical to achieve delivery of substantially more than 25% affordable housing on qualifying sites in the Buckinghamshire Housing Market Area.

4. In Paragraph 14 of the ORS response ED177, it advises - *However, the Wycombe Local*

Plan proposes to meet all of the identified affordable housing need, which explains why Wycombe are seeking a significantly higher target than the 21.5% found in the HEDNA. Later in the same section, in Paragraph 16 we find - As a result of this strong commitment to meet affordable housing need locally, any affordable housing built as part of the unmet need commitment can be considered as extra affordable housing contribution in excess of the minimum enumerated in the HEDNA. NBPPC sincerely believes this is a totally erroneous and very misleading statement.

In the WDLP support documents, the Topic Paper 2: Housing, Paragraph 5.14 states – *The Buckinghamshire wide Memorandum of Understanding (MOU) will also address some of the unmet need for affordable housing as this will allow an element to be provided in Aylesbury Vale District. This will contribute to meeting the need occurring in Wycombe as with the wider housing supply. Also, in the last sentence of VALP 5.5: it is stated - "Allowing for 25% affordable homes to be provided on the entire housing figure (**i.e. including the unmet need element referenced above**) a total of 6,850 additional affordable homes must be provided in the district in the Plan period."* Put simply, the WDLP most certainly does not aim to 'meet all of the identified affordable housing need' and VALP is very clear that it will provide the affordable housing element of the wider unmet need!

5. What the evidence in Paragraphs 2 to 4 proves, together with the details of affordable housing delivery percentage figures for qualifying sites in nearby LPAs provided by Buckingham Town Council's Hearing Session Document July 2018, all of which are significantly more than that which is proposed in VALP, is that the proposed figure of delivering 25% of dwellings as affordable housing on qualifying sites, claimed by AVDC/ORS as the best that could realistically be achieved without wholesale challenges by developers, as they indicated that a higher figure would not be sustainable, is very clearly erroneous, unsubstantiated and unsound.

A delivery figure of only 25% will, during the Plan period, **inevitably badly fail many hundreds of disadvantaged family units in real need of affordable homes in the Vale** because of the very significant under-provision of affordable homes based on badly flawed assumptions made by ORS. The evidence supporting this contention is detailed in the next section.

B) The Irrational Exclusion of Intermediate/Shared Ownership Tenure Affordable Housing Need from the Total Affordable Housing Delivery for Aylesbury Vale

6. In the Opinion Research Services ▪ Atkins | Buckinghamshire HEDNA Update 2016 – Addendum Report September 2017 document, under Affordable Home Ownership, in Paragraph 3.11 it is stated in bold that **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, this point is reiterated as follows - *It is clear that there would be the potential to provide affordable homeownership products in Buckinghamshire; however, this would be for households able to afford market rent and this need is therefore not counted within the identified need for affordable housing.*

ORS therefore recognised the need for intermediate affordable housing, which is mainly shared ownership, yet, to the amazement of many, then effectively discounts this as being *not counted within the identified need for affordable housing!*

7. 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.* This further evidences NBPPC’s contention that VALP, based as it is on these various Bucks HEDNA documents in its assessment of the total affordable housing need to 2033 for Aylesbury Vale, **has excluded shared ownership tenure affordable homes from its calculations and admits to this being the case.**

8. In Paragraph 11 of the Opinion Research Services’ response 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.* To suggest that ‘households unable to afford market rent’ could afford shared ownership (the usual form of intermediate affordable housing) is most certainly illogical and irrational and is not substantiated with any supporting evidence in the relevant VALP documents and runs counter to the other extracts referred to above in Paragraphs 6 and 7. This issue is covered in much greater detail later in the Consortium’s response.

9. Figure 123 of the Bucks HEDNA indicates a need in Aylesbury Vale for intermediate affordable housing from 2013 to 2033 of 700 dwellings, 17% of the total. However, there does not appear to be any detailed substantive data to support how this figure was arrived at. Paragraph 5.5 of the Modified VALP advises - *Allowing for 25% affordable homes to be provided on the entire housing figure (i.e. including the unmet need element referenced above) a total of 6,850 additional affordable homes must be provided in the district in the Plan period.* 17% of this figure therefore indicates the ORS/AVDC belief that only 1,165 shared ownership tenure affordable homes are required during the entire Plan period.

Historical data would indicate that it is in fact a very significant underestimate of true need for this type of affordable housing, with well over 25% of all affordable homes delivered in the Vale over the past 10 years being shared ownership properties. In the first 6 years of the Plan period – 2013 to 2019, 587 intermediate affordable homes were completed in the Vale, an average of 98 per annum, which represented 31.1% of all the completed affordable

homes (source - AVDC). This therefore means that in the first 6 years of VALP, more than half of the intermediate affordable homes for the entire duration of VALP have already been completed. ORS/AVDC are therefore indicating that for the last 14 years of VALP, 578 intermediate affordable homes are required – ie an average delivery of only 36 new intermediate affordable homes per annum 2019 to 2033. Common sense tells us this is obviously not rational and very badly flawed indeed. The delivery of such homes in the Vale during the first 8 months of 2019/20 and those committed in approved planning applications with Section 106s will probably already exceed the figure of 578! There can therefore be no doubt that the figure of 1,165 (17% of the total) intermediate affordable homes, as expressing the need over the 20 years of VALP to 2033, requires a substantial uplift and that the proposed delivery figure of 25% for affordable housing on qualifying sites as meeting the total affordable housing need for the Vale is therefore simply wrong.

Also, it is important to note that AVDC's current Affordable Housing SPD November 2007 stipulates a tenure split of 75% rented and 25% intermediate. The actual delivery figure in recent years of more than 30% for shared ownership tenure affordable homes, obviously proves a need far in excess of the 17% figure proposed for the duration of VALP.

10. As noted earlier in this representation, the Inspector justifiably criticised the submission VALP for referring far too often to non-existent Supplementary Planning Documents, indicating he expected to see -

Key infrastructure requirements and other standards to be set out in the Plan rather than supporting documents or SPDs.

Yet, for such a key district-wide 'infrastructure requirement' as affordable housing to have to wait possibly years for the tenure split between affordable rented and affordable intermediate housing to be clarified is, under the circumstances, totally unacceptable. As detailed above, delivery of shared ownership affordable homes has in recent years averaged more than 30% of the total for affordable homes. Currently, AVDC's Affordable Housing SPD specifies a tenure split of 25% shared /intermediate and 75% rental but ORS/AVDC in VALP indicate that only 17% of affordable homes as intermediate tenure should be delivered. However, the reality of course is that, the ORS 'arbitrary rule' precludes the delivery of intermediate tenure affordable homes.

11. The maths is simple, the higher the intermediate tenure percentage is, the higher the total figure for delivery of affordable housing must be, because VALP has demonstrably only taken account of the need for affordable homes for rent! For obvious reasons, NBPPC therefore believes it is imperative that the tenure split is urgently made clear and is introduced as a further main modification in VALP before its final publication and the necessary recalculation of the delivery percentage figure in Policy H1 is undertaken and modified.

12. The stringent approach adopted by Opinion Research Services in determining affordable

housing need based solely upon those ‘households unable to afford market rent,’ was challenged at the EiP in July 2018 as unsound by our organisation. In light of new information, it is incontrovertibly evident that such a basis for calculating affordable housing need cannot include provision for part ownership affordable housing because, if a household is unable to afford market rent, it most certainly will not be able to afford the monthly outgoings of mortgage and rental payments demanded by a shared ownership affordable housing tenure in the long term. Therefore, the figure of 25% affordable housing delivery on qualifying sites in VALP, as being able to meet Aylesbury Vale’s total affordable housing need to 2033, is again demonstrably unsound. Our detailed evidence for making this statement is as follows.

13. The table below details the various monthly outgoings for theoretical archetype 2 and 3 bed properties, dependent upon the tenure type (Source – Vale of Aylesbury Housing Trust). The various figures are relevant to March 2019 and the repayment mortgages are based on a 25-year term.

	<u>2 Bed House</u>	<u>3 Bed House</u>
Open Market Value	£270,000	£325,000
Mortgage pcm*	£1,135	£1,354
Market Rent pcm	£900	£1,050
Affordable Rent pcm	£678	£806
<u>Shared Ownership Purchase 40% Equity</u>		
Equity Rent (on 60%) pcm	£371	£447
Mortgage pcm*	£466	£556
Total Monthly Outgoings	<u>£837</u>	<u>£1,003</u>

*Estimated Mortgages based on 10% deposit

The 40% equity share is the normal minimum that Housing Associations operating in Aylesbury Vale consider as practical.

The above figures are based on property values for the north of Aylesbury Vale. In the south of the district, the open market values are about 10% higher than those in the north with a corresponding increase therefore in total monthly outgoings for shared ownership purchase (source - VAHT).

14. Though the total monthly outgoings for shared ownership tabulated above are currently marginally less than corresponding market rents, the perceived wisdom is that, during the life of the Plan, the current record low mortgage interest rates will increase and therefore

households without an income which would be more than sufficient to afford a market rent, would not be advised to pursue the shared ownership affordable homes route. A doubling of the interest rate from 2% to 4% for the shared equity mortgage would, in the north of the Vale, lead to increased repayments amounting to £559 for the 2-bed house, resulting in a total of £930 total monthly outgoings and for the 3-bed house the mortgage pcm would be £667 and a total monthly outgoings figure of £1,114. Of course, those households with a sufficient monthly income to afford shared ownership affordable housing in the long term would, in accordance with the 'rule' in VALP, in theory be excluded from being eligible for such homes!

15. The North Bucks Parishes Planning Consortium therefore considers the evidence it has presented regarding the intermediate/shared ownership element of the total affordable housing need for the Vale to 2033 proves absolutely that it has effectively been excluded from consideration in arriving at the 25% figure for delivery on qualifying sites in VALP and has, in reality, only considered households needing rented affordable accommodation. Therefore, the figure obviously needs to be substantially increased to deliver sufficient affordable homes to meet the true total need, including shared ownership tenure homes, which are an established, essential and integral part of affordable homes delivery.

16. Using the 25% delivery figure for rented affordable housing on qualifying sites, which is effectively all that is currently detailed in VALP, were it to be specified that 25% of affordable homes should be of intermediate tenure to meet this need, then the delivery of total affordable housing on qualifying sites should be a minimum of 33.3%, if it were to be 20% then the minimum delivery would be 31.3%.

17. NBPPC finds it very disconcerting that our Local Planning Authority will have been aware of almost all the facts detailed in paragraphs 1 to 15 but has failed to recognise its duty to ensure that Policy H1 is fit for purpose. For AVDC, as appears to be the case, to simply accept, as a main plank of the evidence base for the figure of 25%, ORS's assurance that family units that are unable to afford market rents are still able to afford shared ownership affordable homes, without insisting on the provision of the necessary data to support this questionable contention, was very clearly a major error of judgement.

18. It should be recognised that if VALP goes forward with only 25% total affordable housing delivery and, as seems almost certain, there is a stipulation that a proportion of these homes are allocated for shared ownership via its existing and future Affordable Housing SPDs, then obviously the need for rented affordable housing in Aylesbury Vale will be significantly underprovided for to 2033 and this would be totally unacceptable.

19. In conclusion, the North Bucks Parishes Planning Consortium therefore trusts, with the very substantial weight of evidence it has provided, proving beyond doubt that the proposed figure of 25% delivery for all tenure types of affordable housing on qualifying sites is very badly flawed and therefore unsound, being a very significant underestimate of true

total need, that this vitally important issue will at least be tabled for discussion at a hearing session in 2020 to resolve a fundamental soundness issue and for fairness to all those current and future disadvantaged residents of Aylesbury Vale in genuine need of affordable housing.

North Bucks Parishes Planning Consortium

December 2019