

Transport • Economy • Environment

Buckinghamshire County Council

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Planning Policy,
Aylesbury Vale District Council
The Gateway
Gatehouse Road
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Date: 17th December 2019
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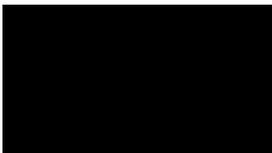
Dear Sir/Madam

Vale of Aylesbury Local Plan Main Modifications Consultation

Thank you for consulting Buckinghamshire County Council (BCC) on the Main Modifications of the Vale of Aylesbury Local Plan. We are pleased to have the opportunity to make our final representations on this version of the Vale of Aylesbury Local Plan (2013-33).

While it is disappointing to see that quite a few of BCC's comments at the Regulation 19 Submission stage have not resulted in changes to policy, BCC are generally supportive of the Plan and its progress. There are a few further technical policy amendments which we would like to see implemented where are mostly in regards to wording/phrasing amendments and these have been clearly set out as suggested changes in italics in this document. In addition we refer to recent discussions between BCC, AVDC and Winslow Town Council regarding AVDC's agreed changes to main modification MM167 and site WIN020.

If you have any questions regarding our comments, please do not hesitate to get in contact with us.



Yours sincerely,

Rob Smith
Director for Growth, Strategy and Highways

For internal Use only	ID:	31637	Rep No:	

VALP Proposed Main Modifications Consultation RESPONSE FORM

Responses are encouraged via the Council's online consultation system available on the website, see <https://aylesburyvaledc.jdi-consult.net/localplan>. However, this form can be returned via email to localplanconsult@aylesburyvaledc.gov.uk or in hard copy if necessary to:

Planning Policy, Aylesbury Vale District Council, The Gateway, Gatehouse Road, Aylesbury, Bucks, HP19 8FF

The consultation runs from 12pm Tuesday 5 November until 5.15pm Tuesday 17 December

This form has two parts:

Part A - Personal Details and Part B - Your comments

PART A

1. Personal Details

Title	<input type="text" value="Mr"/>
First Name	<input type="text" value="Rob"/>
Last Name	<input type="text" value="Smith"/>
Organisation <i>(Where relevant)</i>	<input type="text" value="Buckinghamshire County Council"/>
Address Line 1	<input type="text" value="County Hall"/>
Address Line 2	<input type="text" value="Walton Street"/>
Address Line 3	<input type="text" value="Aylesbury"/>
Post Code	<input type="text" value="HP20 1UY"/>
E-mail Address	<input type="text" value="strat_planning@buckscc.gov.uk"/>
Telephone Number	<input type="text"/>

2. Agent's Details (if applicable)

Title	<input type="text"/>
First Name	<input type="text"/>
Last Name	<input type="text"/>
Organisation	<input type="text"/>
Address Line 1	<input type="text"/>
Address Line 2	<input type="text"/>
Address Line 3	<input type="text"/>
Post Code	<input type="text"/>
E-mail Address	<input type="text"/>
Telephone Number	<input type="text"/>

PART B

REPRESENTATION FORM

Please Note: You do not need to return this form if you have made the same comments via the council's online system for this consultation. Duplicates will not be considered.

Please specify which Proposed Main Modification, part of the Sustainability Appraisal addendum or Habitat Regulation Assessment your comments relate to. Any representations on the content of the new evidence published alongside the Proposed Main Modifications must also relate to a specified Main Modification to the VALP or they will not be accepted. If you wish to comment on more than one Modification please use a separate form for each.

e.g. MM001

BCC are responding to a number of elements of the VALP which have been set out into sections below.

Do you support or object?

Support Object

Do you consider the Local Plan to be legally compliant?

Yes No

Do you consider the Local Plan to be sound?

Yes No

If you do NOT consider the Local Plan to be sound, please specify on what grounds:

Positively prepared Justified Effective Consistent with National Policy

Enter your full representation here:

Please find BCC's full technical comments to the VALP Main Modifications below.

MM032

Highways

- Change 'which should' to 'which will'
- Suggest addition of 'no vehicular access to the South East Aylesbury link road will be permitted to serve development sites'

MM035

Highways

- **c.** - Change to prioritising and safeguarding delivery of...
- **d.** - suggest addition of 'all development sites shall be designed to provide unhindered vehicular, pedestrian and cycle connections to adjoining sites'

Implementation approach

Change to ... 'once in accordance with an AGT1 masterplan SPD for the entire allocation'

MM041

Highways

- BCC suggest that this point refers to dualing. As this will be determined through modelling and impact assessment, we suggest that this is changed to 'safeguarded for future dualing in the event that is built as a single carriageway.
- Junction improvements may be more than A418 and A413 so suggest this is a separate bullet point.
- Other network improvements as necessary as agreed through the consideration of the transport impacts.
- Include public transport accessibility improvements to cycling and walking links

MM048

Highways

- **b.** - To suggest everything will be delivered within 5 years is not realistic. The ELR is to be delivered by or as soon as after 2021 as possible. Other highway works will be phased beyond that for delivery based on build and need.
- **m.** -Change to vehicular access to the site shall be from ELR(s)

MM057

Highways

Site specific requirements- this should mention A41PPTC

MM061

Highways

Implementation approach

Design code was submitted for village 3 for the recent reserved matters application and is available to view on the planning portal (18/0115).

MM063

Transport Strategy

- **a.**- sentence does not finish.

MM076 (pages 134 and 135 of tracked changes)

Rights of way

- **h and i**- Cover of walking and cycling links connecting the development with outlying communities – both are excellent. A bridleway (WHA/12/2) sits just outside the development edge on the north side of a strip of land called Briary Plantation. This bridleway forms the North Bucks Way and Swans Way, and connects the Tatternhoe Valley Park and Redways with Whaddon in an east to west direction. A bridleway exists north to south in MK borough (Shenley Brook End Bridleway 006) on the eastern edge of the development
- Improvements to Buckinghamshire Bridleway WHA/12/2 and a link onto it from the built development would be advantageous for residents, providing access to green space as well as transport links for walking and cycling between Milton Keynes, the development and Whaddon village. The suggested vision would be for this bridleway to be an extension of the Redways route, with the same or similar bitumen construction (not necessarily red), but also allowing a grass width for horses, if possible.

- **g-** For the avoidance of doubt should mention '*...Redway standard improvements to Bridleway WHA/12/2*' specifically as it lies just outside the development edge. Similarly, in para h. could mention '*...extensions into the development from Shenley Brook End Bridleway 006, constructed to Redway standard*'.

MM101

Transport strategy

This policy states that a cycling and walking strategy is to be agreed by the Council. This is not clear what the cycling and walking strategy would relate to, i.e. is it just for this site or an overall strategy.

MM167

Property

Following the informal publication of the proposed modifications in July 2019, the change of allocation for the WIN020 site became known to BCC and WTC. This created significant concerns around the proposals for the WIN020 site. Since then, BCC, AVDC and Winslow Town Council have engaged in constructive discussions and have reached an alternative agreement to the proposed modification that would not have an impact on an existing project within Winslow that is supported by all parties.

BCC are concerned with the proposed modification MM167 as there would be an impact on an existing scheme proposed for the WIN026 allocation at the Winslow Centre. This scheme consists of a medical centre, community facilities including a new library and up to 90 Extra Care homes. This scheme has gained financial backing from the One Public Estate Board, of which BCC and AVDC are members, along with the NHS and Thames Valley Police. It is based on provisions contained within the existing Winslow Neighbourhood Plan that was adopted in 2014 and is currently the premier planning policy for the Winslow area.

BCC acknowledges that earlier plans and documentation for the WIN026 site included only 30 bed C2 use. This, however, has been revised and the scheme can now achieve over 80 C2 use dwellings (Good practice guidelines for Extra Care developments indicate that 30 units would be too small and a minimum development of 60 units is required to realise the economies of scale benefits of this type of development). The WIN026 site has been allocated in the Winslow Neighbourhood Plan for this purpose. However, in order to achieve the outcomes of this allocation the re-provision of sporting facilities at WIN020 was needed, as also provided for in the Winslow Neighbourhood Plan. WIN026 is a much preferred site for C2 accommodation as it will be adjacent to a new health centre and the library, and is much closer than WIN020 to town centre facilities.

Further detailed design works of the re-provision of the sporting facilities has identified that more land is required than that proposed for the eastern parcel of WIN020 resulting in the need for the whole of the WIN020 allocation to be for sport facilities. Furthermore, the allocation for the remaining parcel of WIN020 for a 100 bed C2 use would be in conflict with the proposal for the Winslow Centre development. BCC as landowner of both allocations would not implement both schemes for C2 use, questioning the deliverability of one or both schemes.

In our discussions we have considered the role of One Public Estate in supporting the Winslow Centre development. It is for these reasons that BCC, AVDC and WTC would seek a revised modification for this allocation. We would wish to see the WIN026 Winslow Centre remain the same with the acknowledgement that it can offer 80+ beds for C2 use and the whole of WIN020 be allocated for sport provision.

BCC, AVDC and Winslow Town Council will be submitting these comments as a joint letter to the Inspector expressing the revised position for the proposed modification of the western part of the site WIN020. We are confident that the agreed changes will be made by AVDC as part of the main modifications consultation.

MM212

Highways

Change text... ‘ *the guidelines set out below which are taken from the... thresholds for development...*’ transport impact assessment change to ‘ *transport statement, transport assessment and travel plans*’... ‘*development*’ this is a guide only and the need should be confirmed through pre application discussions with the council.

MM218

Highways

- a.- suggest houses should have one fast electric vehicle dedicated charging points. At least two parking bays marked for electric vehicles only.

Suggest referring to Surrey’s parking guidance to provide up to date info on power sources and changes to installation process.

MM221

Archaeology

Policy BE1 Heritage Assets is not as clear as it could be. The policy is divided between designated heritage assets and non-designated heritage assets; however the requirements for designated are equally valid for undesignated. We would therefore recommend that BE1 includes the following text after the non-designated heritage paragraph:

Heritage statements and / or archaeological evaluations may be required to assess the significance of any heritage assets and the impact on these by the development proposal.

The word ‘known’ should be removed from the second paragraph relating to possible archaeological sites. This would better fit with NPPF Paragraph 189 which includes, ‘Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.’

- b. - should probably refer to *NPPF February 2019 Paragraph 195* rather than 133.

MM224

Ecology

- The narrative on priority habitats in MM224 (para 9.9) states that; “*Priority habitats and priority species are not always fully protected under UK wildlife laws.*” but does not refer to their consideration in the National Planning Policy Framework, 2019. It is recommended that text from the NPPF is incorporated in to this section of the Plan, Specifically, paragraph 174 (b) “*To protect and enhance biodiversity and geodiversity, plans should: ...promote the conservation, restoration and enhancement of priority habits, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measureable net gains for biodiversity.*”
- It is also recommended that the Plan includes the definition of Priority habitats and species in the Plan. NPPF Annex 2 (Glossary) defines Priority habitats and species as: *Species and Habitats of Principal Importance included in the England Biodiversity List published by the Secretary of State under section 41 of the Natural Environment and Rural Communities Act 2006.*
- Paragraph 9.14 on biometric calculations requires clarity. There is not sufficient emphasis that the mitigation hierarchy should be applied, to avoid, mitigate and compensate, before considering off-site offsetting contributions.
- Paragraph 9.14 also currently says “*A negative unit loss would need to be offset*”. This statement is confusing as it could be interpreted that ‘loss’ is acceptable. The emphasis should be on achieving net gain (on-site in so far as possible through the mitigation hierarchy).

- Paragraph 170 of NPPF should be included in the text as this refers to net gain (we have moved on from 'no net loss'). It specifically states that: "*Planning policies and decisions should contribute to and enhance the natural and local environment by: ... d) minimising impacts on and providing **net gains for biodiversity**, including by establishing coherent ecological networks that are more resilient to current and future pressures...*" It is recommended that this text from the NPPF is included in the text of the Plan.
- There should be clearer guidance on which biometric calculator is expected (or is acceptable) to be used. The paragraph refers to "Warwickshire's" metric which should be specified as the most recent metric being used by Warwickshire County Council (version 20 is soon to be published). Consideration should also be given to the use of the Defra 2.0 metric, which is currently available as a beta version, and is likely to be finalised in summer 2020.

MM227

Ecology

There is no reference in this section to the statutory protection afforded to Local Nature Reserves. It is recommended that this is included.

MM228 (NE1 Protected Sites)

Ecology

NE1 Protected Sites has been written based on paragraph 175 of the NPPF, which is appropriate. However, paragraphs 176 and 177 of the NPPF also relate to protected sites and it appears these have not been considered in NE1, or at least they are not easily identifiable as having been considered. It is recommended that this wording is incorporated in to the VALP for the avoidance of any doubt as to the definition/protection of a protected site/habitat:

"176. *The following should be given the **same protection as habitats sites**:*

- a) Potential special protection areas and possible special areas of conservation;
- b) Listed of proposed Ramsar sites; and
- c) Sites identify or required as compensatory measures for adverse effects on habitats sites, potential special protection areas, possible Special Areas of Conservation, and or proposed Ramsar sites.

Paragraph 177. The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site

MM230

Ecology

It would be helpful if this paragraph included examples of which "*species have historically been entirely dependent on human habitation for their reproductive success*". It should also be specified in this paragraph that planning conditions will be used to ensure these features are installed (in an appropriate way that will benefit wildlife) in the development.

MM231

Ecology

Paragraph 9.17 of the VALP should include reference to the Buckinghamshire and Milton Keynes Natural Environment Partnership (NEP) who is currently preparing the supplementary planning document (SPD) that is the subject of this paragraph. This will raise awareness of the NEP which will become increasingly important as biodiversity accounting/offsetting becomes the 'norm' in development terminology.

MM275

Strategic Flood Management

Policy I4 (page 314 and 315 of tracked changes)

- **f.** – Wording is unclear in terms of what is expected of an applicant. The Strategic Flood Management team would suggest the wording is amended as follows: *Ensure that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus climate change storm event should be safely contained on site.*
- **i.** – the connectivity between the original bullet point and the additional wording is not clear. It is would advised that guidance is sought from the Environment Agency on the suitability of this wording.
- **o.** – refers to surface water runoff and then goes onto encompass all sources of flood risk. The focus of this bullet point is SuDS to manage development runoff. It is suggested that where the LPA want to promote SuDS as a measure for mitigating other sources of flood risk this should be included within a separate bullet point.
- **o.** – The Strategic Flood Management disagree with the suggested amendment regarding discharge rates being solely agreed by the sewerage undertaker. There needs to be partnership working between the sewerage undertaker and Lead Local Flood Authority to determine a suitable discharge rate for the site. Therefore, the Strategic Flood Management team would suggest the following amendment: *Where the final discharge point is the public sewerage network the runoff rate should be agreed with the sewerage undertaker in consultation with the Lead Local Flood Authority.*

Policy I4

Flood risk assessments

- Amend first line to say 'All development proposals must adhere to the advice in the latest version of the SFRA *and also the general advice in Section 4 of the groundwater addendum, plus any site-specific advice within the groundwater addendum, and will*':
- **e-** it would be helpful if the policy could define the word 'harm' as this is currently open to interpretation. If not defined, it is suggested this word is removed. Additionally ask that the term 'third parties' is clarified, or propose using alternative wording such as downstream receptors, existing development and/or adjacent land.
- **k-** insert '*as defined in the Planning Practice Guidance para 041*' after 'provide an assessment of residual flood risk'.
- **i-** to include an additional point (L) to say '*include detailed modelling of any ordinary watercourses within or adjacent to the site, where appropriate, to define in detail the area at risk of flooding and model the effect of climate change*'.
- **l-** include a bullet point (M) to say '*complete site specific ground investigations to gain a more local understanding of groundwater flood risk and inform the design of sustainable drainage components*'.
- After title heading **Sustainable drainage systems (SuDS)** in policy I4, to include the following wording '*All development proposals must adhere to the advice in the latest version of the SFRA and also the general advice in Section 4 of the groundwater addendum, plus any site-specific advice within this groundwater addendum, and will*':

The Strategic Flood Management team has no other comments relating to the modifications. It is, however, regretful to note that none of our previous recommended changes to Chapter 11 ('Flood risk' section and Policy I3, now I4) that we set out in BCC's final representation (dated 14th Dec 2017) to the Proposed Submission Version of the VALP were made.

If your representation is more than 100 words, please provide a summary under 100 words here:

We have taken this opportunity to set out some outstanding concerns and suggested amendments that BCC would like to see addressed in the adopted Vale of Aylesbury Local Plan. These points include revisions to MM275 to address the soundness of the modification, additions to MM076 to improve site connectivity and consideration to the compliance with the NPPF.

Please specify the changes you think are needed to be made to the proposed main modification. It will be helpful if you are able to put forward your suggested revised wording of any policy or text.

Please see comments above

If the inspector decides further hearing sessions are needed would you wish to speak at these?

Yes No

If Yes - you wish to speak at any further hearings, please outline why you consider this to be necessary:

Should the changes to the Winslow site WIN020 allocation not be implemented, BCC would like to speak at further hearing session.

Do you wish to be notified...

- When the Inspector's report is published?
- When the Vale of Aylesbury Local Plan is adopted?

**Vale of Aylesbury Local Plan: Responses should be returned to Aylesbury
Vale District Council by 5.15pm Tuesday 17 December 2019
(responses will not be accepted after this time)**

25 October 2019

Privacy Notice for Vale of Aylesbury Local Plan (VALP) Main Modifications consultation

Aylesbury Vale District Council (AVDC) is committed to protecting your privacy when you use our services. The law requires us to give you a Privacy Notice which gives you details about how we use and protect your information.

Our contact details are:

The Gateway, Gatehouse Road, Aylesbury, Buckinghamshire, HP19 8FF. Telephone: 01296 585858

Our Data Protection Officer is Mr Andy Barton. He can be contacted via ibinning@aylesburyvaldc.gov.uk or telephone 01296 585495.

What information will we collect about you:

- Name and address
- Contact details
- Job title/organisation (where relevant)
- Your comments/representations

Why are we using your information?

We are asking for your information so that we can support the local planning process and creation of the Local Plan, including within the independent examination process. As a Local Planning Authority, the law requires us to carry out consultations for this purpose.

We can use your information because you have given us your permission to use it and we need to comply with the law. You may have rights to stop us using your information depending upon the stage of the local plan and the applicable legislation. If you want to check or stop us using your information you should email localplanconsult@aylesburyvaldc.gov.uk and quote 'Vale of Aylesbury Local Plan consultations'.

If you do not give us your information or you stop us using your information (where possible) your comments or representation may not be taken into account within the local planning process and we may not be able to contact you with any follow up information on the plan's development, including the outcome of the independent examination.

Your information will normally be retained for the length of the plan period or until the plan is no longer in effect.

Your information is only used for the reasons above but if we need to use it for any other reason we will normally tell you.

We may share your information with:

JDi Solutions who operate our online local plan consultation system for us. Your information is held in their system as result of representations you make, but only your name is published in relation to your representation. Importantly JDi Solutions are not permitted to do anything with your information other than provide it to us for our lawful use in relation to the preparation of the Local Plan

Once the consultation closes we are required by Regulations to share all valid and existing comments/representations with the independent Planning Inspector appointed by government to AVDC to undertake the examination. If the Inspector wishes to invite you to answer any follow up questions in response to your representation or invite you to attend any further public hearing for the purposes of the examination, we will share your contact information with the Inspector, via our appointed external Programme Officer, so he can contact you about the local plan.

Please note that your name, organisation, system ID and representation will be made publically available. However your contact information will not be published in the report of representations and will be redacted if it appears in the body of your representation.

Automated Decision Making

We will not carry out any automated decision making. All decisions are made by a living person.

25 October 2019

Your rights

You have legal rights over your information. For details of those rights, how long we keep your information and how we keep it safe, see our main Privacy Notice on [Privacy Notice page](#)

If you have any concerns and/or complaints you may write to Jackie Binning, Data Governance Manager, on email jbinning@aylesburyvaledc.gov.uk or telephone