

Sent by email to: localplanconsult@aylesburyvaledc.gov.uk

16/12/2019

Dear Sir/ Madam

Response by the Home Builders Federation to the consultation on the main modifications to the Vale of Aylesbury Local Plan

Thank you for consulting the Home Builders Federation (HBF) on the proposed main modifications to the Local Plan. The HBF is the principal representative body of the housebuilding industry in England and Wales and our representations reflect the views of discussions with our membership of national and multinational corporations through to regional developers and small local housebuilders. Our members account for over 80% of all new housing built in England and Wales in any one year. Outlined below are our comments on the approach taken by the Council to increasing the supply of land for residential development and the policies being proposed with regard to the management of new development in future.

MM115

This modification is unsound as it is inconsistent with national policy.

This proposed modification includes additional text that would allow neighbourhood plans (NPs) adopted prior to the publication of the Vale of Aylesbury Local Plan (VALP) to maintain different affordable housing requirements. We have three concerns regarding the soundness of this additional sentence.

Firstly, such an approach is unsound as it is inconsistent with paragraph 30 of the NPPF in relation to the status of neighbourhood plans and non-strategic policies. This paragraph clearly states that NP policies will only take precedence over existing non-strategic policies in a local plan. Where local plan is adopted subsequent to a Neighbourhood Plan then the neighbourhood plan's policy will be superseded.

Secondly, the policy would have an impact on strategic allocations as set out in section 4 of the VALP. Paragraph 29 of the NPPF states that Neighbourhood Plans should not undermine strategic policies yet MM115 will require strategic allocations in areas with Neighbourhood Plans to provide a higher level of affordable housing than that tested at the examination of the local plan.

Finally, the testing of viability of NPs adopted prior to the submission of the VALP cannot have tested the impact of the policies it contains. For example, the Cheddington



Neighbourhood Plan was considered to be consistent with viability evidence from 2012 and not the evidence published to support the examination of the VALP. As such the approach taken by the Council cannot be justified as an NP adopted prior to the examination and adoption of the VALP will not have been able to take into account all of the policies in the higher tier plan and the viability evidence supporting that plan.

The proposed amendment is therefore considered to be unsound and must not be taken forward into the adopted Local Plan.

MM239

The main modification suggests that development must provide a minimum buffer of 50m between ancient woodland and any built development. This is inconsistent with guidance on the use of buffer zones around ancient woodlands¹ which states that:

“For ancient woodlands, you should have a buffer zone of at least 15 metres to avoid root damage. Where assessment shows other impacts are likely to extend beyond this distance, you’re likely to need a larger buffer zone.”

The Council should therefore amend the modification to reflect guidance on this matter. We would suggest the following changes:

“... and would generally be expected to be a ~~minimum of 50m~~ 15m between the ancient woodland and any built development or grey infrastructure unless assessments show other impacts require a larger buffer”

Yours faithfully



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¹ <https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences#use-of-buffer-zones>