

# GUIDANCE NOTE

## AND RESPONSE FORM

to accompany the Vale of Aylesbury Local Plan

Proposed Main Modifications Consultation (2019)



**Please read these guidance notes before completing your response**

### Introduction

The Vale of Aylesbury Local Plan (VALP) was submitted for examination in February 2018. The examination process is being carried out by an independent planning inspector, Paul Clark BA MA MRTPI, to determine whether the Local Plan is 'sound' and has complied with the necessary legal requirements. Following the examination hearings in July 2018, the plan has reached the next key stage in the process. The Inspector has now asked that consultation be carried out on the Proposed Main Modifications to the VALP, which have been identified by the Inspector in order to make the VALP a 'sound' plan which can be adopted. This consultation is also an opportunity to say if the Council has produced a modified plan that is legally compliant. The Proposed Main Modifications document is accompanied by a Sustainability Appraisal Addendum and Habitats Regulations Assessment as well other supporting documents. These can all be viewed on our website: <https://www.aylesburyvaledc.gov.uk/valp-main-modifications-consultation> or viewed in hard copy at the places listed within our [Statement of Availability](#).

Consultation on the Proposed Main Modifications will run from 12pm Tuesday 5 November until 5.15pm Tuesday 17 December 2019. We would encourage consultees to make their representations via our online consultation platform, found at: <https://aylesburyvaledc.jdi-consult.net/localplan/> as this will enable the council to deal with your representations in a more efficient way. This will assist the examination process by allowing the comments to be sent to the Inspector and publicised in a more timely manner after the consultation.

Responses should be limited to the Proposed Main Modifications, the Sustainability Appraisal Addendum of the Proposed Main Modifications and the updated Habitats Regulations

Assessment. If you have a comment on the additional evidence produced to support this stage of the plan it should be made against the main modification it relates to. You should not repeat or re-submit your previous representations or raise new issues on parts of the plan that haven't changed. Following completion of the consultation period the Council will prepare a response to the representations for the Inspector. The Inspector will then consider the representations and the Council's response and decide whether any further hearings are necessary or any issues need to be revisited. At the end of the examination process the Inspector will present his final conclusions in a final, binding report. If the plan is found legally compliant and 'sound' with any necessary modifications, it will then be adopted by the council.

If you require a hard copy version of the response form, need assistance in completing your representation, or have any other questions then please contact the Planning Policy Team by email at [localplanconsult@aylesburyvaledc.gov.uk](mailto:localplanconsult@aylesburyvaledc.gov.uk) or by phone on 01296 585308.

## Part A: Personal Details

Please note that it is not possible for representations to be considered anonymously. Representations will be published on the consultation website and sent to the Inspector but address and contact details will be removed from published responses. **By making a representation you are agreeing to your name and comments being published.**

The council reserves the right not to publish or take into account any representations which it considers offensive or defamatory. The council will be publishing representations after the consultation closes. When submitting hard copy or email responses please supply an email address where possible, as this will allow us to contact you electronically. Everyone who submits a representation will be added to the relevant consultation database (if not already included) so that we can keep you up to date with the Plan. If you do **not** wish to be contacted in this way, please state this clearly on the form or opt out on the online portal.

If an agent or consultant has been engaged to act on your behalf, please fill in both sets of details in full when registering online or on your form. Correspondence will be sent to the agent.

## Part B: Representation

The council is inviting comments on whether the Main Modifications are legally compliant and sound. Comments should only be made on the Proposed Main Modifications published for comment or the accompanying a Sustainability Appraisal Addendum and Habitats Regulations Assessment. Please give details to explain why you support or object to the wording of the Modification or part of the accompanying a Sustainability Appraisal Addendum and Habitats Regulations Assessment. The Inspector is not inviting further comments on issues not covered by the Proposed Main Modifications.

For those using the online consultation portal, the website has a help page which details how to make and view representations through the system. Please note that representations will only be publicly visible once they have been published by the council.

The council has also published a track changes version of the submission Local Plan (The Vale of Aylesbury Plan as Proposed to be Modified). This has been published for information only, and does not form part of the consultation. In addition to the proposed Main Modifications the council has identified further amendments it considers necessary to improve the clarity of the Plan. These amendments are known as 'Additional Modifications', and are set out in the track changes Plan. They include the correction of typos and updates to factual information. These Additional Modifications are not considered to affect the soundness of the Plan and do not form part of this consultation. Any representations made about the Additional Modifications will not be sent to the Inspector for consideration.

## Legal Compliance

The inspector has assessed whether the Plan meets the legal requirements under section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended), which includes whether the council has complied with the Duty to Co-operate when preparing the VALP. In relation to the current consultation, comments regarding legal compliance should only be submitted where they relate to the Proposed Main Modifications.

You should consider the following before making a representation on legal compliance:

- The Plan should be included in the current Local Development Scheme (LDS) and the key stages should have been followed.
- The process of community involvement should be in general accordance with the Statement of Community Involvement (SCI).
- The Plan should comply with the Town and County Planning (Local Planning) (England) Regulations 2012 (the Regulations).
- The local planning authority must provide a Sustainability Appraisal Report. This should identify the process by which it has been carried out, baseline information used to inform the process and the outcomes of that process.

## Soundness

Local Plans are required to be assessed against the tests of Soundness. The appointed Inspector has to be satisfied that the Plan is positively prepared, justified, effective and consistent with national policy in accordance with section 20 of the Planning and Compulsory Purchase Act 2004 (as amended). If you are objecting to a Proposed Main Modification, the response forms asks you to identify which of the below tests of the soundness you consider the modifications fails to address to aid the inspector. Soundness is explained in National Planning Policy Framework (NPPF 2012) paragraph 182.

**Positively prepared** - This means that the Plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

**Justified** - The Plan should be the most appropriate strategy when considered against reasonable alternatives, based on a proportionate, robust and credible evidence base.

**Effective** - The Plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities, sound infrastructure delivery planning, and should not infringe on regulatory or national planning barriers. It should be flexible to changing circumstances.

**Consistent with national policy** - The Plan should be consistent with national policy. Any departure from this must be clearly justified.

## General Guidance

Where there are groups who share a common view on how they wish to see the Plan modified, it would be very helpful for that group to send a **single** representation which represents the view. In such cases the group should indicate how many people it is representing.

Please remember that where a representation is **over 100 words** you are required to include a **summary in under 100 words** of its main points in the box provided, which will be published alongside your full representation. Where a summary has not been provided by a respondent,

**one will be produced by a planning officer** to outline the key representation issues as a point of reference for the Inspector and any other interested parties.

Care will be taken to ensure the summaries reflect the representations and it is important to note that the full text of all representations and any attachments will still be sent verbatim to the Inspector. The summary will therefore not impact on how the Inspector views your representation.

### **Representations can be made:**

- via the council's online consultation portal: <https://aylesburyvaledc.idi-consult.net/localplan/>
- via the representation form which can be downloaded from the website and returned
  - via email to: [localplanconsult@aylesburyvaledc.gov.uk](mailto:localplanconsult@aylesburyvaledc.gov.uk)
  - or by post to: **Planning Policy, Aylesbury Vale District Council, The Gateway, Gatehouse Road, Aylesbury, Bucks, HP19 8FF**



For internal Use only	ID:		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](mailto: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"/>
First Name	<input type="text"/>
Last Name	<input type="text"/>
Organisation (Where relevant)	<input type="text" value="Westonmead Farm Ltd c/o Nexus Planning"/>
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"/>

### 2. Agent's Details (if applicable)

Title	<input type="text" value="Mr"/>
First Name	<input type="text" value="Oliver"/>
Last Name	<input type="text" value="Bell"/>
Organisation	<input type="text" value="Nexus Planning"/>
Address Line 1	<input type="text" value="Fifth Floor, Thames Tower"/>
Address Line 2	<input type="text" value="Station Road"/>
Address Line 3	<input type="text" value="Reading"/>
Post Code	<input type="text" value="RG1 1LX"/>
E-mail Address	<input type="text" value="o.bell@nexusplanning.co.uk"/>
Telephone Number	<input type="text" value="0118 214 9340"/>

## 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

MM042

**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:**

These representations have been prepared by Nexus Planning on behalf of Westonmead Farm Limited, who control land at Westonmead Farm, which is allocated for housing under Policy D-AGT3 and given reference WTV017.

We support MM042 which changes the housing allocation for Westonmead Farm from 60 dwellings to 157 dwellings, reflecting our submissions made during Matter 15c of the examination. This modification ensures an effective use of land and that the policy optimises the potential of a site to accommodate development in accordance with paragraph 58 of the NPPF.

At the time of the Matter 15c hearing session, we reported that planning application ref. 17/04819/AOP had been submitted to the Council and was under consideration, having been validated back in December 2017. This application sought outline planning permission for 157 dwellings on the southern part of the Westonmead Farm site and importantly, we can now advise that the Council's Planning Committee resolved to grant outline planning permission for this application on 14<sup>th</sup> August 2019. The Section 106 Agreement is currently being finalised and conditions agreed, such that planning permission can be issued very early in the New Year.

The above situation unquestionably demonstrates the soundness of allocating the southern part of the site for 157 dwellings given the extensive detail that a planning application considers proposals. Demonstrably this level of scrutiny cannot be replicated at the local plan examination stage and in fact does not need to be in order to pass the soundness tests set out at paragraph 182 of the NPPF.

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

We support MM042 in so far as it allocates Westonmead Farm for 157 dwellings. The soundness of this approach is evidenced through the Council's resolution to grant outline planning permission for this quantum of development on the site (ref. 17/04819/AOP).

**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.**

N/A

**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:**

As the landowner of an allocation within the VALP with limited but important concerns with the plan, it is vital that we are given the opportunity to expand upon these issues of soundness at any further hearing sessions.

**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@aylesburyvaledc.gov.uk](mailto:ibinning@aylesburyvaledc.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@aylesburyvaledc.gov.uk](mailto:localplanconsult@aylesburyvaledc.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](mailto:jbinning@aylesburyvaledc.gov.uk) or telephone