



Guidance Note and Response Form

VALP Further Main Modifications Consultation

15 December 2020 – 9 February 2021

Please read these guidance notes before completing your response

Introduction

Following the Main Modifications consultation in late 2019 and the Council's consideration of those responses, the plan has reached the next key stage in the process. The Council has prepared further modifications to the VALP in response to representations and based on other updated information. The Inspector has considered the Council's proposed further Modifications and determined that some of these are main modifications and require further consultation in order to make the VALP a 'sound' plan. The Proposed Further Main Modifications document is accompanied by a Sustainability Appraisal Addendum and an updated Habitats Regulations Assessment as well other supporting documents. The Proposed Further Main Modifications will be subject to an eight week public consultation period from **9am Tuesday 15 December 2020 until 5.15pm Tuesday 9 February 2021.**

The consultation material can now all be viewed on our website:
<https://www.aylesburyvaledc.gov.uk/section/valp-examination> .

Due to the COVID-19 pandemic, there are currently Government regulations in place which remove the requirement for the Council to display hard copies of consultation material in its main offices at the Gateway in Aylesbury and deposit point locations around the area. These regulations are due to expire on 31 December 2020 and so the Council will make hard copies available after this date. Further information can be found in the Statement of Availability, which can be found on the Council's website through the link above.

We would encourage consultees to make their representations via our online consultation platform, found at: <https://aylesburyvaledc.oc2.uk/> . 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 Further Main Modifications, the Sustainability Appraisal Addendum 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 further 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.av@buckinghamshire.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. Where possible, please supply an email address when submitting responses 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 email us at localplanconsult.av@buckinghamshire.gov.uk.

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

The online portal has recently been upgraded in order to improve the consultation process. Consultees who have used the portal for previous consultations will notice the look of the website has changed, however the process for making and viewing representations is still very similar. If you intend to submit a representation on the portal, there is an updated help page available with instructions on how to register, log in, make comments and view representations.

In addition to the proposed Further Main Modifications the Council has identified further minor amendments it considers necessary to improve the clarity of the Plan. These amendments are known as Further Additional Modifications and they include the correction of typos and updates to factual information. These Further 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 Further Additional Further Modifications will not be considered by the Council as 'duly made' as part of this consultation.

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 Further 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 (as Amended) (the Regulations).
- The local planning authority must provide a Sustainability Appraisal Report and a report assessing if there would be any impact of the plan in combination with other plans and projects on species covered by EU Directive (a Habitat Regulations Assessment). 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 Further Main Modification, the response forms asks you to identify which of the below tests of the soundness you consider the modifications fails to address, which will aid the Inspector when considering your comments. 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 fewer than 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.oc2.uk/>
- via the representation form which can be downloaded from the website and returned:
 - via email to: localplanconsult.av@buckinghamshire.gov.uk
 - or by post to: Planning Policy, Buckinghamshire Council, The Gateway, Gatehouse Road, Aylesbury, Bucks, HP19 8FF



VALP Proposed Further Main Modifications Consultation Response Form

Responses are encouraged via the Council's online consultation system available at <https://aylesburyvaledc.oc2.uk/>.

However, this form can be returned via email to localplanconsult.av@buckinghamshire.gov.uk or via post to:

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

The consultation runs from 9am Tuesday 15 December until 5.15pm Tuesday 9 February 2021.

This form has two parts - Part A: Contact Details and Part B: Representation Form

Part A: Contact Details

Personal details	Personal details	Agent's Details (if applicable)	Agent's Details (if applicable)
Title		Title	Mrs
First Name	Ella	First Name	Kirstie
Last Name	Hammond	Last Name	Clifton
Organisation	Vistry Group	Organisation	Define Planning and Design
Address Line 1	c/o Agent	Address Line 1	Unit 6, 133 – 137 Newhall Street
Address Line 2		Address Line 2	Birmingham
Address Line 3		Address Line 3	
Post Code		Post Code	B3 1SF
E-mail Address	c/o Agent	E-mail Address	kirstie@wearedefine.com
Telephone Number	c/o Agent	Telephone Number	0121 237 1901

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 Further Main Modification, part of the Sustainability Appraisal addendum or Habitat Regulation Assessment addendum your comments relate to.
- Any representations on the content of the new evidence published alongside the Proposed Further Main Modifications must also relate to a specified Further 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.

What are you commenting on? Please only state a Further Main Modification reference (e.g. FMM001), the Sustainability Appraisal Addendum or the Habitats Regulation Assessment.

FMM001, FMM012 and FMM106

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:

FMM001 proposes a reduction in the District's overall housing supply during the plan period (2013-2033), from 30,233 to 30,134 dwellings. Indeed, that alteration is also reflected in FMM012, which notes that this results in a reduction in the buffer of housing that is to be provided above the overall housing requirement from 5.7% (as per the previous iteration of the plan) to 5.4%.

The reduction in the total number of dwellings to be delivered across the plan period is informed directly by the housing trajectory, which is proposed to be amended through FMM106. Notably, those amendments have resulted in reductions to delivery from D-AGT2 South West Aylesbury (reduced to 1,300 dwellings in the plan period from 1,400 dwellings) and D-AGT3 Aylesbury North of A41 (reduced to 600 dwellings in the plan period from 757 dwellings previously).

Whilst the amendments to the trajectories of those sites are welcome, the broader point still stands that the District's housing supply is still largely dependent on delivery from a number of large sites within the same settlement (most notably Aylesbury town). Indeed, the housing trajectory as modified by FMM106 anticipates that 8,877 dwellings are to be delivered within the six strategic allocations surrounding Aylesbury (D-AGT1 to D-AGT6) between 2020 and 2033; which comes in addition to the delivery of 3,036 dwellings within those developments in the plan period to date (April 2013 – April 2020). Clearly, that is a significant proportion of AVDC's supply to be delivered from just 6 sites, and indeed delivery from those sites totals some 40% of the District's supply.

Whilst the inclusion of large, strategic sites within AVDC's trajectory is of course sound in principle, the reliance on large developments in a single settlement fails to reflect that larger sites frequently stall during the course of their development. *The Letwin Review of Build Out* (Final Report, October 2018) succinctly captures the reasons for the reduction of the build out rates of larger sites (such as the aforementioned allocations D-AGT1 to D-AGT6).

Firstly, the Letwin Report highlights that delays can often occur at the early stages of development as a result of the complexities of delivering the necessary transport and utilities-based infrastructure to accommodate development of this scale. That is a particularly relevant consideration given the nature of the proposed development sites adjacent to Aylesbury town, and indeed the revised policies maps (as proposed to be modified by FMM107) highlight the significant road infrastructure that is still required to be delivered to facilitate those development sites.

Specifically, the modified policies map highlights that delivery of the Eastern Link Road North, Eastern Link Road South, Southern Link Road, South East Aylesbury Link Road, the Stoke Mandeville A4010 Realignment, and the South West Aylesbury Link Road have yet to be completed. That infrastructure provision directly relates to parcels AGT1, AGT2, AGT3, and AGT4, and as such their deliverability is dependent on the timely delivery of it. Indeed, whilst it is accepted that the majority of those infrastructure projects are nearing completion, AVDC must be aware that the delivery of large pieces of infrastructure is volatile, and that delays can occur for a multitude of reasons even in the latter stages of a project.

As such, whilst modified under FMM106 to marginally improve the realism of the timelines for delivery, it is considered that the amended Housing Trajectory still does not reflect the reality of delivering a number of large sites around Aylesbury town. Indeed, the Housing Trajectory suggests that residential delivery at AGT4 will commence from 2022/23 (as little as four months after the highways project is scheduled to be completed), and that delivery at the residual areas of AGT1 and AGT2 will commence in 2024/25. Those timescales fail to take into consideration those complexities, and the need for those developments to first navigate through the planning application process.

If and when those issues have been overcome, the Letwin Report also notes that build out rate can be limited by the effective market absorption rate of developments. Indeed, the report concludes that "*the homogeneity of the types and tenures of the homes on offer on these sites, and the limits on the rate at which the market will absorb such homogenous products, are the fundamental drivers of the slow rate of build out*" (paragraph 1.7). This is particularly prevalent given the sheer concentration of new housing to the settlement of Aylesbury. Evidently, a considerable

number of dwellings will be delivered in the Garden Town at the same time and, in reflection of the findings of the Letwin Report, the release of these units onto the open market could effectively flood the market. Given that the absorption of properties can directly stall the build-out of sites, this may be a considerable issue within a settlement where six allocations are delivering some 40% of AVDC's supply of housing over the plan period.

That is not to say, however, that the modified housing trajectory should reduce its aspiration to deliver larger sites. However, with the reduced buffer now proposed within the modified VALP of just 5.4% (see FMM012) there is even less scope for slippage in the delivery of these clearly complex sites. Therefore, it is Vistry Group's position that the buffer should be increased further to allow flexibility in AVDC's supply of land and to ensure that there is certainty that the plan can deliver over the plan period. Until that approach is taken, the plan cannot be considered "effective" in accordance with NPPF Paragraph 35c.

Specifically, the Letwin Report finds that "we will continue to need more new housing both on the smaller sites and on large sites" (paragraph 1.8 (b)), which reflects the findings of the NPPF that "small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly" (paragraph 68). The suggested amendment would therefore ensure that the plan is in accordance with the NPPF in that regard.

In that light, and to address AVDC's reliance on large sites and ensure that their land supply has sufficient flexibility, AVDC should maximise the potential of small-medium sites. Indeed, whilst the plan proposes to allocate 'Land South of Creslow Way, Stone' (STO008) for residential development, it puts forward a site capacity of just 26 dwellings, which fails to take into consideration the suite of technical and environmental assessments that have previously been submitted that demonstrate a more suitable capacity of c. 60 dwellings. The allocation policy, as currently drafted, fails to ensure an "efficient use of land" therefore as required by NPPF paragraph 122.

As such, to allow for an increased buffer of dwellings in the Council's supply and to demonstrate an 'efficient use of land' in accordance with NPPF paragraph 122, the capacity of 'Land at Creslow Way, Stone' should be increased to 60 dwellings.

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

Whilst modified through FMM106, AVDC's housing trajectory maintains a considerable reliance on large sites around Aylesbury town, with the reduced buffer over the housing requirement (5.4%) failing to provide enough flexibility to address the complexity of delivering a number of large sites in the same location, and the potential for delays in delivery.

To address that, and in light of the technical and environmental assessments previously submitted to support the site's promotion, the capacity of STO008 should be increased to c. 60 dwellings to reflect the site's true capacity and achieve an efficient use of land.

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

The modified housing trajectory (as proposed to be modified through FMM106) should be further modified to identify a development capacity of c. 60 dwellings at 'Land South of Creslow Way, Stone' (STO008) rather than 26 dwellings as currently drafted, in order to achieve an efficient use of land. The overall housing supply (as modified by FMM001) and other relevant alterations (e.g. the buffer as modified by FMM012) should be modified in light of this change, and the allocation policy should also be updated to reflect this.

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

Yes No (written response only)

If 'Yes', please outline why you consider it necessary to speak at any further hearings:

Do you wish to be notified:

When the Inspector's report is published?

When the Vale of Aylesbury Local Plan is adopted?

Responses should be returned to Buckinghamshire Council by 5.15pm Tuesday 9 February 2021.

Privacy and the Vale of Aylesbury Local Plan (VALP)

This privacy notice explains how the local planning team at Buckinghamshire Council (the data controller) will use the personal information we collect about you when participating in this process.

Information we hold

We can collect the following information about you:

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

Why we need your information

We are asking for your information so:

- We can support the local planning process and creation of the Vale of Aylesbury Local Plan including within the independent examination process
- We can comply with the law, as a Local Planning Authority, and carry out consultations for this purpose.

We can use your information because we have your consent to do so (Article 6(1)(a)) and we need it to provide a service as a local authority under our legal obligation (Article 6(1)(c)) under planning legislation:

- Planning and Compulsory Purchase Act 2004
- The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

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 discuss this or stop us using your information you should email localplanconsult.av@buckinghamshire.gov.uk and quote 'Vale of Aylesbury Local Plan consultations'.

If you ask us to stop using your information (where possible) your comments or representations may not be taken into account within the local planning process and we will 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 is only used for the reasons above but if we need to use it for any other reason, such as the preparation of Supplementary Planning Documents (SPDs) and future Local Plans, we will normally tell you.

How we share and process your information

We will share your information, if appropriate, with:

- JDi Solutions who operate our online local plan consultation system for us as our data processors.
- 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 undertake the examination. If the Inspector wishes to invite you to answer any follow up questions in response to your representations or invite you to attend any further public hearing for the purposes of the examination, we will share your contact information with the Inspector so they can contact you about the Vale of Aylesbury Local Plan.

Please note that your name, organisation, system ID and representations 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.

We will securely hold your information and it will normally be retained for the length of the plan period or until the plan is no longer in effect. At the end of this period your records will be confidentially disposed of.

Automated decision making

We do not carry out any automated decision making in relation to this information.

Your rights

You have legal rights over your information. For details of those rights, see our corporate Privacy Policy: <https://www.buckinghamshire.gov.uk/your-council/privacy/privacy-policy/>.

Our Data Protection Officer can be contacted at Buckinghamshire Council, The Gateway, Gatehouse Road, Aylesbury, HP19 8FF, or by email at dataprotection@buckinghamshire.gov.uk.