



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.

FMM008, FMM016 and FM107

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:

Whilst FMM001 proposes a *reduction* in the District's overall housing supply during the plan period (2013-2033), from 30,233 to 30,134 dwellings, FMM008 specifies that there has been an increase in housing provision at 'large villages' over the plan period from 2,271 dwellings to 2,408 dwellings. Whilst the marginal increase in delivery at 'large villages' is welcomed, the VALP should ensure that it maximises development potential at such settlements, given that the NPPF makes it clear that "*planning policies should identify opportunities for villages to grow and thrive*", and that development in such locations supports local services and the provision of infrastructure (NPPF paragraph 78).

Indeed, whilst there has been a marginal increase in the number of dwellings to be delivered in large villages in the plan period, FMM016 (which seeks to modify Spatial Strategy for Growth Table 1 and sets out the composition of completions and commitments by settlement hierarchy level) makes it clear that the increase in delivery at large villages has occurred as a result of prior completions and existing commitments earlier on in the plan period, rather than being derived from the provision of any further allocations within the 'large villages.'

Thus, notwithstanding that modification, the modified plan seeks to allocate land for just 26 dwellings within 'large villages' in the remainder of the plan period. That is clearly an insufficient level of development for the remaining 13 years of the plan period across all villages and fails to reflect that, as identified in the settlement hierarchy, large villages "*have at least reasonable access to facilities and services and public transport, making them sustainable locations for development*". Indeed, the allocation of such a small number of dwellings across the remainder of the plan period fails to maximise the potential of such settlements, and certainly does not provide the investment that such settlements require in order to support the provision of local services and facilities; and as such is contrary to the aforementioned NPPF paragraph 78.

Indeed, it is notable that the figure is lower than the number of dwellings to be delivered from allocations at 'medium villages' (39 dwellings as per MM016), which appears to be at odds with a settlement hierarchy that should fundamentally underpin the distribution of development in the District.

As such, it is Vistry Group's position that the number of dwellings to be delivered at 'large villages', as proposed to be modified by FMM008 and FMM016, should be increased further still through the identification of an increased quantum of development through upcoming allocations (rather than commitments outside of the local plan review process). That approach would also help to provide an increased buffer above AVDC's housing requirement to address the District's dependence on large sites (please refer to Vistry Group's representations to FMM001, FMM012 and FMM106 for further commentary on this matter). Specifically, the increase in the number of dwellings to be delivered at such locations should be achieved by maximising delivery from already allocated sites.

Indeed, a suite of technical and environmental assessments have been submitted in relation to 'Land at Creslow Way, Stone' (STO008) that identifies that the site is suitable to accommodate the development of c. 60 dwellings, rather than 26 dwellings as currently suggested. Those submissions identified that there are no technical or environmental constraints that would limit the capacity of the site to 26 dwellings and that the site could effectively accommodate a development size of circa 60 dwellings. That position was noted within the previous consultation and, whilst Vistry Group recognises that the Inspector has stated that AVDC's response to not increasing the site's capacity has been accepted, that response was generic in its nature and offered no technical-based justification for the decision not to maximise the available capacity on land that forms an integral part of an existing proposed allocation within a large village.

Indeed, the current allocation confirms that AVDC recognise the site's suitability for residential development. However, by limiting the site area and potential capacity, AVDC are unduly restricting potential development and residential land delivery in this location, and thus are failing to promote an "*efficient use of land*" in accordance with NPPF paragraph 122.

As such, the capacity of site STO008 (Land South of Creslow Way, Stone) as identified in the housing trajectory that is proposed to be modified by FMM106 should be updated to **60 dwellings** both to maximise the efficient use of the site and to allow for a further buffer above the Council's housing requirement. To accommodate that, the policies map for Stone, proposed to be amended under FMM107, should be further amended to include the whole of Vistry Group's site ownership, with the landscape buffer amended to reflect the boundary of that land.

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

Whilst the marginal increase in the provision of housing at large villages is welcomed, the modified plan fails to allocate a sufficient quantum of development for the remainder of the plan period, and as such fails to support large villages. To achieve this, and also to allow for an increased buffer over AVDC's housing requirement, AVDC should maximise the potential of existing allocations.

Given that there are no technical constraints that would limit the site's capacity to 26 dwellings, the capacity of 'Land South of Creslow Way, Stone' (STO008) should be increased to c. 60 dwellings.

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.