

VALE OF AYLESBURY LOCAL PLAN SCRUTINY COMMITTEE

26 SEPTEMBER 2017

PRESENT: Councillor C Poll (Chairman); Councillors A Cole (Vice-Chairman), B Adams, M Edmonds, S Jenkins, L Monger and W Whyte (in place of M Collins)

IN ATTENDANCE: Councillors J Brandis, B Foster, C Paternoster and D Town.

APOLOGY: Councillor M Collins

1. MINUTES

RESOLVED –

That the minutes of the meeting held on 11 July, 2017 be approved as a correct record.

2. PROPOSED SUBMISSION DRAFT VALE OF AYLESBURY LOCAL PLAN (REGULATION 19)

In accordance with the Council's scheme for public participation at meetings, 2 members of the public made statements to the Scrutiny Committee prior to consideration of the agenda item. One person spoke regarding the omission of the garden village at Shenley Park as a site allocation in the VALP, the other person spoke opposing the allocation of Oaksview Park, Boarstall, as a site to meet the needs for Gypsy and Travellers allocations.

All local planning authorities were under a statutory obligation to prepare a local plan. The last adopted local plan dated from 2004 and did not take into account the recent changes in Government planning policy. As such, the district did not have an up to date local plan.

The Council had tried to prepare a replacement plan on a number of occasions and the most recent attempt had been withdrawn following an examination in public in 2014. Since then the Council had been working to deliver a new local plan and to ensure that AVDC met the Government expectations that local plans were produced as soon as practicable.

An initial scoping consultation on the new Vale of Aylesbury Local Plan (VALP) and call for sites had taken place in 2014, which had led to a large number of development sites being suggested across the District. This had been followed by an issues and options consultation in 2015, which looked at how 31,000 houses could be accommodated in the district to 2033. Over 700 responses had been made to the issues and options consultation which included over 4,500 comments, many of which were very detailed. All of these comments had been summarised and were accessible on the council's website. Where possible, the content of those responses had been taken into account in the preparation of the draft plan.

From July to September 2016 public consultation had taken place on the Draft Vale of Aylesbury Local Plan. Through the consultation, residents and other interested parties had been able to comment on any aspect of the draft Plan, such as locations identified for new homes and jobs and the wording of policies.

Members were informed that 10 exhibitions had been held across the district through the summer, with a letter inviting people to respond having been sent to those on the Local Plan consultation database. Further publicity and information had been

provided by way of press releases, leaflets, exhibitions and articles and social media promotions.

Some 1,600 responses had been received from that consultation, with over 5,000 comments about the draft Plan and its supporting policies. A summary of the representations had been prepared and was also accessible on the website, together with spreadsheets which detail the content of the responses. The main issues raised were:

- (a) the overall level of housing.
- (b) meeting unmet need from other areas.
- (c) the possible new settlement.
- (d) developments on the edge of Milton Keynes.
- (e) provision of infrastructure such as schools and roads.
- (f) removal of land from the Green Belt.
- (g) distribution of development across the District.
- (h) level of development in the villages.

Again, consideration had been given to the points raised and they had been taken into account in the preparation of the Submission Plan. A Consultation Statement, which detailed all the consultation activities in relation to the plan preparation, would be produced and submitted to the Secretary of State, alongside the plan.

Since the consultation on the draft plan, Officers had been analysing the comments and they had commissioned and prepared a range of supporting technical evidence to further inform the submission draft of the plan. The Committee report had stated that this supporting evidence was attached as Appendix 1 to the agenda, however, due to the significant number of documents this had not been possible. Instead, a complete list of the supporting evidence for the Plan, which included links to the documents on the Council's website, had been circulated to Members in advance of the meeting. Discussions with other local authorities and relevant agencies had continued to ensure that all the latest evidence and information had been factored into the Submission version of the Plan.

In August 2017, an advisory visit had been arranged with a representative of the Planning Inspectorate to help provide informal advice on the Submission Draft and the next stages of taking the plan through the examination process. The informal feedback had been very useful and overall the Inspector had been positive about the approach that AVDC had adopted and had made some suggestions for further improvement to the way in which the information was presented in the final submission document.

The Scrutiny Committee was informed that the Local Plan had to set out where development could take place, areas that would be protected and policies that would be used to determine planning applications. To determine how much development was required in the Vale, the Council had undertaken a Buckinghamshire Housing and Economic Development Needs Assessment (HEDNA) in conjunction with the other Buckinghamshire Councils. The latest update to the HEDNA could be found on the Council's website.

This sets out the levels of growth that needed to be accommodated and the evidence showed that just to meet the district's own housing and employment needs, the plan will have to deliver 19,300 new homes and 26 hectares (ha) of employment land within the district up to 2033.

In addition to meeting Aylesbury Vale's needs in the local plan preparation, AVDC had a formal Duty to Co-operate with other adjoining local planning authorities to work together on strategic issues which cross boundaries. This required positive

engagement with neighbouring authorities and other organisations, about issues such as housing numbers and employment requirements.

The Council was co-operating, particularly with other authorities in Buckinghamshire, over what evidence their plans should be based on. This had included:

- (a) A joint housing needs assessment.
- (b) A joint assessment of employment land requirements.
- (c) A joint review of the Green Belt.
- (d) A joint report on a best-fit housing market area.
- (e) An agreed methodology over the assessment of land availability.

This joint work had identified that the areas to the south of Aylesbury Vale in Buckinghamshire had a collective unmet need of 8,000 homes (2,200 to meet Wycombe's unmet need and 5,750 for Chiltern/South Bucks). When added to the Vale's own locally generated need this created a housing requirement of 27,400 additional homes for the period to 2033.

The Duty to Co-operate was an on-going duty through the plan preparation and the four District Councils in Buckinghamshire, together with the Buckinghamshire and Thames Valley Local Enterprise Partnership had signed a Memorandum of Understanding that was attached at appendix 2 to the agenda.

At the present time, AVDC had not been asked to accommodate any unmet need from any other adjoining authorities and as Councils were at different stages of local plan preparation, this would need to be kept under review.

The Committee was further informed on various elements of the submission version of the Plan as follows:-

Spatial Strategy

The overall proposed spatial strategy to meet the housing and employment needs of the district was to direct sustainable levels of development to existing settlements, through the implementation of a capacity-based approach. This represented a move away from the percentage approach to apportioning development to settlements via their size as had been proposed in the draft version of the VALP.

Table 1 on page 35 of the Submission Draft VALP set out the proposed housing distribution across the settlement categories in the Vale. The table also detailed that over half of the additional 27,400 homes required in the plan had already been completed or had planning permission. More than half of the new homes planned for the district would be built in and around Aylesbury.

Development was also proposed in the other key settlements of Buckingham, Winslow and Haddenham. Some homes were also expected to be delivered at RAF Halton once the site closed, currently scheduled to happen in 2022. The plan also recognised that in the longer term and beyond the plan period, a new settlement might be needed. This would be considered once more information was known about the route of the proposed Oxford-Cambridge "Expressway".

Employment

The employment land forecast was for 26 hectares (for B1/B2 & B8), although there was currently an oversupply of employment space. However, in light of the shortfall in employment space in adjoining authorities, it was expected that Aylesbury Vale's surplus would play a crucial role in helping to meet this demand in due course.

Infrastructure

Ensuring that provision had been made for sufficient infrastructure required to accommodate such levels of growth in housing and employment had been a key consideration in preparing the plan. Officers had worked closely with Buckinghamshire County Council and other key agencies in formulating the Infrastructure Development Plan (IDP). The IDP would be essential in determining the Community Infrastructure Levy, and would itself be the subject of a separate public consultation and examination in due course.

Affordable Housing

The HEDNA identified an affordable housing need of 4,130 during the plan period. The Submission Plan detailed the policies that related to the provision of affordable housing and that a minimum of 25% affordable housing should be provided on sites with 11 or more units or 0.3ha or larger in size.

The Submission Plan also detailed how affordable housing on rural exception sites would be handled and included policies dealing with self/custom build housing, housing mix and dwelling sizes.

Gypsy, Traveller and Travelling Show People Provision

In line with Government guidance, the submission plan contained a policy in relation to the provision of suitable pitches for the gypsy and traveller community. The level of need for these sites had been informed by a study jointly commissioned by the authorities in Buckinghamshire. It was also something that would need to be reviewed regularly.

Neighbourhood Plans

The Committee was reminded that once a Neighbourhood Plan was 'made' or put into effect, it became part of the overarching development plan, which then formed the basis for planning decisions. Neighbourhood Plans had to take account of strategic elements of the relevant local plan. To avoid adding extra development beyond that which local communities consider necessary to meet their needs and where the level of development proposed in a neighbourhood plan enabled the district to meet its strategic housing need, no further sites were being allocated. However in the strategic settlements, due to the overall housing need for the district, capacity identified and suitability of available sites, housing figures differ to those set out in neighbourhood plans in some instances.

Rather than impose sites on settlements with neighbourhood plans to meet these figures, the council had worked with town and parish councils to identify sites that could be allocated through revisions to their neighbourhood plans. The council would work to identify sites it could keep in reserve in such locations, so the supply which the local plan had to identify was set out in the Plan. These would only be activated if a neighbourhood plan revision had not passed pre-submission consultation within 12 months of the local plan being adopted, which was when neighbourhood plans gained enough weight to be considered in planning decisions.

Development Management Policies

The Submission Plan contained a full suite of development management policies that the Council would continue to keep up-to-date to ensure that they reflect any new government planning policy requirements prior to submission.

Policies Map

A key element of the local plan was accompanying map, that was referred to as a policies map (also known as a proposals map). This identified areas to be allocated for development and designations which needed to be taken into account in applying policies. The local plan policies map did not replicate proposals and designations from the 'made' neighbourhood plans and their maps would need to be consulted separately.

Sustainability Appraisal

A sustainability appraisal had to accompany the Submission Plan and it had been prepared. It was one of the key pieces of evidence that would be scrutinised at examinations. This was one of the key background documents related to the plan and could be found on the council's website, alongside all of the other supporting evidence documents.

Engagement Strategy

At each stage of the plan preparation, AVDC Councillors, Town and Parish Councils, other authorities and key partners had been actively engaged in the issues associated with the development of the plan. Regular briefing notes and seminars had been arranged to help keep everyone up-to-date with progress and the issues being considered. This engagement would continue as the plan progressed through to examination.

Next Stages

Once the Council had agreed the plan for consultation in October 2017, the Submission Draft of the Vale of Aylesbury Local Plan would be published for a period of 6 weeks starting in November 2017. Details on the procedures and the tests of soundness would be provided to help guide consultees. The formal consultation process will be published in accordance with the Local Planning Regulations and using all relevant media sources.

Comments at the Regulation 19 stage needed to focus on the soundness and legal compliance of the plan on the understanding that the Council had approved the Local Plan as the version it intended to submit for examination. Any person could make representations on the plan and those that were made in accordance with the representation procedure would be forwarded to the Planning Inspectorate to consider as part of the formal examination process.

At examination the Inspector would be judging whether the Plan was:-

- Positively prepared – ie based on a strategy which seemed to meet objectively assessed need and infrastructure requirements.
- Justified – i.e. the plan should be an appropriate strategy when considered against the reasonable alternatives.
- Effective – i.e. should be deliverable in the Plan period and based on effective joint working on cross boundary strategic priorities.
- Consistent with national policy – i.e. should enable the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework.

Once the publication period ended, it was intended to submit the plan in January 2018 for examination by an independent Inspector. Comments received and any updated evidence would be passed to the Inspector, along with the comments from the 2016 consultation.

It was unclear at the moment when the examination was likely to take place but it was hoped it would be as early as possible in 2018. The Planning Inspectorate were aware of the Council's timetable and would be keen to help move the plan forward in light of the level of development proposed and the history associated with plan preparation in the District.

The Government have recently announced a consultation on a new methodology for calculating Objectively Assessed need which would lead to an increase in the levels of OAN in most areas (55% increase for Aylesbury Vale). The Government have confirmed that for those areas that had submitted their plan by March 2018, the new methodology would not need to be used, but would need to be applied at the review stage of the plan.

Lastly, the Committee was informed that a number of minor post-publication changes had been made since the agenda for the scrutiny committee had been circulated. A table of the changes was circulated at the meeting.

Members sought and were provided additional information on various aspects and policies in the VALP. Resultantly, a summary of the comments made at that scrutiny meeting that Members asked Cabinet to take into account in making a final recommendation to Council were as follows:-

- (i) Policy D2 (page 114) – Members commented that there was a failure to recognise 'settlement boundaries' included in neighbourhood plans (NP). At paragraph C, it was recommended to delete the word 'village' and replace it with 'settlement' and then ADD, *...or, where there is a made neighbourhood plan which includes a settlement boundary, the application site is located entirely within said settlement boundary*.
- (ii) Policy H1 (page 171) – Cabinet was requested to re-word Policy H1 Affordable Housing as follows:-
"Residential developments of 11 or more dwellings gross or sites of 0.3ha or more will be required to provide a minimum of 25% affordable homes on site: but if any policy in a made neighbourhood plan for the area in question proposes a higher percentage then that higher percentage will be required."
- (iii) Employment (Policy D5 at page 152) – Cabinet was requested to consider at a) ADDING, *...and in made neighbourhood plans.*"
- (iv) Policy E10 (Silverstone Circuit, page 204) – a discussion was held on the criteria that proposals should have particular regard to the definition of "serious' additional disturbance" at a) . It was suggested that this could be updated to "severe' additional disturbance.", or other suitable wording be taken on board from the Silverstone Masterplan.
- (v) Policy NE7 (Local Green Space, page 241) – Members pointed out the difficulties that some communities could face if they decided to change the use of and element of green space but retain it for community use for leisure purposes. While it was suggested that a point c) be added to the policy, "the development of new or enhanced leisure related facilities", it was explained that that advice would need to be sought from the Corporate Planner on this matter.
- (vi) Policy I3 (Communities Facilities and assets of community value, page 267) – at the second line after the word 'need', Cabinet was requested to consider removing the full stop and adding, "unless the proposal includes the provision of alternative facilities of at least equal quality and serviceability".

Members also sought and were provided with clarification on the following matters:-

- (a) Paragraph 1.15 (Town Centres) – it was confirmed that information on Buckingham Town Centre would need to be included at this paragraph.

- (b) Paragraph 1.25 (Using this plan) – that legal advice had recommended that all policies in the VALP should be regarded as ‘strategic’ as they were wide reaching and would be used in deciding a range of planning applications.
- (c) Paragraph 1.35 (Population) – that the population forecast was from the 2011 Census. However, this did not take account of the level of housing growth, including unmet need from other areas, that needed to be accommodated in Aylesbury Vale. Once the number of proposed houses in the VALP was confirmed then the future population would be able to be more accurately forecast.
- (d) Paragraph 3.17 (Housing and Economic Needs) – it was confirmed that the buffer figure was 5.2%, not 5.9%.
- (e) Paragraph 3.60, Table 4 (Allocations to meet the needs for Gypsies and Travellers) – Oaksvie Park, Boarstall – it was explained that the Council believed that an allocation of 13 potential pitches at this location was suitable.
- (f) Unmet Housing Need – Officers were satisfied that adjoining local authorities had done what they reasonably could to accommodate future housing needs in their own areas which had minimised unmet housing need included in the VALP. While they were constrained by the green belt it was felt that the other Bucks authorities had considered moderately acceptable green belt sites as part of their assessments. It was explained that the ability to be able to develop some sites would depend on the attitudes of landowners and would also depend in the longer term on Government guidance issued regarding developments on Green Belt land.

Members were also informed that it was anticipated that Luton, Central Bedfordshire and Wycombe Councils would submit their Local Plans for consultation/examination before 31 March 2018, so no additional unmet housing need would come forward from them for the next 5 years. However, if Chiltern DC / South Bucks DC did not submit their Local Plan by 31 March the new methodology for Objectively Assessed Need (OAN) could mean them having an uplift of 10% in their annual housing requirement which could impact on Aylesbury Vale. There was also the possibility that the London Plan, still in draft, could result in additional housing growth coming to the Vale.

- (g) Allocation of Site Specific housing allocations in Neighbourhood Plan areas – legal advice had recommended that allocating sites in the policy, rather than housing numbers in NP areas would assist the Council in evidencing at examination that it had a 5 year housing land supply. However, it would be possible for NP areas to revise and specify their own sites with a view to submitting information to the Inspector.

(Note: it would be possible to discuss this issue with the QC at the Members’ VALP seminar on 2 October 2017).
- (h) Consultation with NP communities – it was suggested that greater clarification was required on the consultation that had been held with NP communities regarding housing allocations.
- (i) Housing at RAF Halton – it was explained that the proposed allocation of housing at RAF Halton was on a brownfield site within the green belt, which was acceptable to Government. It had been assessed that there was the capacity to realistically allocate 1,000 homes here in this plan period. It was likely that the VALP would start to be reviewed as soon as it was approved and any updated details on RAF Halton’s situation would be factored into reviews.

An explanation was also provided that the Council had been challenged on allocating additional housing on the edge of Milton Keynes (i.e. Shenley Park) when the majority of unmet housing need was coming from the south of the

County. Officers believed that, on balance, the RAF Halton allocation was the best strategic decision.

- (j) HS2 impact on RAF Halton – it was explained that the County Council (as the local highways authority) had been consulted in relation to traffic modelling in relation to the construction of HS2 and they had advised that RAF Halton would not be affected by HS2 related traffic (HS2 was to the south of Wendover, RAF Halton was to the north of Wendover). This had also been confirmed following a conversation with the Station Commander, RAF Halton.

Concerns were expressed that the traffic modelling had fully taken into account the wider impact of HS2 construction.

- (k) Affordable Housing – Members sought clarification:-
- on why only 25% affordable housing was proposed in the VALP, when the Wycombe DC Local Plan Policy DM24 was proposing 40% on greenfield sites and 30% on brownfield sites.
 - on Wycombe Local Plan (paragraph 4.51), which stated that the affordable element of their unmet need being delivered by AVDC would match the requirements of their Plan.
 - on whether affordable housing levels proposed in NPs should take precedence over the 'basic' level proposed in VALP. As such, a revised policy wording was suggested, as detailed at Minute 3(ii).

It was agreed that this policy re-wording should be put forward to Cabinet for consideration.

It was explained that the differences in affordable housing proposed in the Plans was due to the results of viability assessments. It was clarified that any of Wycombe's unmet housing need that was delivered in Aylesbury Vale would be required to provide 25% affordable housing (as proposed in the VALP).

- (l) Affordable Housing on rural exception sites – a detailed explanation was provided on this area of VALP and on policy H2 (Rural Exception sites).
- (m) Student Accommodation – it was explained that student accommodation/buildings (e.g. plans for 400 units in Buckingham (page 117)) was not covered within the VALP, although it was part of the made Buckingham Neighbourhood Plan. As such, the 400 units would not count towards achieving Buckingham's accommodation growth numbers of 2,359 homes.
- (n) Affordable Housing definition (page 278) – a detailed explanation was provided on this matter. If the Government guidance in relation to starter homes / rent mix for affordable housing changed, then the definition would be suitably updated.
- (o) Employment (Policy E2, page 190) – a discussion was held on certain types of traditional shops that were moving from town centre locations to key employment sites. Officers explained that they believed the VALP included appropriate safeguards such that the alternative reuse of employment sites to an alternative employment use would not normally be permitted.

It was also believed that the VALP and supporting documents were supportive of employment sites being located in rural areas.

- (p) Employment numbers – it was explained that the target figures for jobs in the plan period were set out in the Housing and Economic Development Needs Assessment (HEDNA) (supporting document) although the numbers had not been translated into the VALP. While the VALP was oversupplying employment areas, the job numbers were a forecast and were not necessarily an accurate prediction.
- (q) Aylesbury Vale Employment Land Review Update (page 187) – it was explained that while the update had identified 16 key employment sites in the district which

included both B1/B2/B8 sites and other employment sites, it was unlikely that B8 (storage and distribution) would be attracted to most sites due to the poor road networks and connections to motorways in the Vale.

- (r) Policy E4 (Working at home) – there were some general comments from Members that this policy was very vague. It was explained that this was a difficult area of planning. Applications were usually decided on a case-by-case basis and having regard to whether the impact of the partial use was acceptable.
- (s) Policy E5 (Development outside town centres) – clarification was provided on the proposed 400 square metre floor space threshold which was detailed at c) in this policy.
- (t) Edlesborough (p.129) – it was noted that the A4146 (line 4) had changed and was now the B440.
- (u) Aylesbury Vale Clinical Commissioning Group (AVCCG) – it was confirmed that the AVCCG were regularly consulted, including on the Aylesbury Garden Town planning, regarding facilities that would necessarily need to be provided for to serve the VALP's housing growth. This did present some challenges and it was explained that the Government required CCGs to plan for 5 years (and then provided related funding for 5 years) while the VALP was planning for the next 20 years.
- (v) Flooding, Flood Risk and Water Courses (pages 268-274) – an explanation was provided on the work, testing and mitigation that had been done to the south west of Aylesbury that included the Willows and land area around to Fairford Leys. This had been an area of concern and a lot of work had been done with the County Council who were the lead on flooding. The Environment Agency had not made any objections to the VALP as long as issues were addressed as a part of planning applications.

It was confirmed that it was not intended to build on the land area adjacent to the Willows.

- (w) Buckingham Transport Strategy (page 207) – it was agreed that a link would be put into the VALP enabling people to be able to access the Strategy.
- (x) Policy T3 (page 210) – it was explained that the scheme route would only be protected in any review to the VALP when it had been agreed.
- (y) Policy T5 (page 212) – it was acknowledged that there were some difficult issues to address relating to parking spaces allocated for housing as well as any visitor parking. This included where visitors wished to make use of an electric charging point. These issues would be addressed in the design SPD.
- (z) Policy T7 (page 214) – it was explained that requirement to provide electric charging points for new developments of 10 dwellings or more would be set out in the design SPD. It was likely that the SPD would change the percentage requirement over time.
- (aa) Policy H6 / Housing for older people / Households with specific needs / Policy (page 182-184) – a detailed explanation was given of housing provision for older people in the VALP. In particular, paragraph of Policy H6 (Housing Mix) was read out to the meeting by the Chairman, and states:-

“In all residential development schemes, opportunities for the provision of extra care, specialist housing for older people and other supported housing for those with specific living needs will be encouraged in suitable locations, taking account of viability.”

It was further explained that the regulation of care homes was outside of the VALP and that housing provided by care homes did not count towards the housing numbers that the VALP had to deliver.

RESOLVED –

- (1) That the Submission Draft of the Vale of Aylesbury Local Plan be noted.
- (2) That Cabinet be asked to take into account the issues and comments raised by the Scrutiny Committee in finalising the Submission Draft of the Vale of Aylesbury Local Plan that was to be submitted to the full Council on 18 October, 2017.