



## Report to Cabinet

<b>Date:</b>	<b>13 September 2021</b>
<b>Title:</b>	<b>Adoption of the Vale of Aylesbury Local Plan (VALP)</b>
<b>Cabinet Member(s):</b>	<b>Gareth Williams, Deputy Leader and Cabinet Member for Planning and Regeneration</b>
<b>Contact officer:</b>	<b>Peter Williams</b>
<b>Ward(s) affected:</b>	Buckingham East, Buckingham West, Winslow, Grendon Underwood, Great Brickhill, Stone and Waddesdon, Wing, Ivinghoe, Bernwood, Aston Clinton and Bierton, Wendover, Aylesbury East, Aylesbury South East, Aylesbury South West, Aylesbury West, Aylesbury North West and Aylesbury North.
<b>Recommendations:</b>	<b>That the Inspector's report is accepted and the Vale of Aylesbury Local Plan, as modified in accordance with the Inspector's report and as set out in Appendix A, is proposed to Council for adoption</b>
<b>Reason for decision:</b>	At this stage the Council can only withdraw the plan or adopt it. Adoption will provide a sound basis for planning decisions in the North and Central areas of the council. Withdrawal would mean relying on the very out of date Aylesbury Vale District Local Plan (2004) until the new Buckinghamshire Local Plan is prepared.

### **1. Executive summary**

- 1.1 Following the submission of the Vale of Aylesbury Local Plan (VALP) in 2018, the appointed Inspector has completed his Examination of the plan and prepared his binding report setting out how the VALP should be modified in order to be sound. To fully enact the plan, as modified to accord with the Inspector's report, it must be adopted by the Council. If the plan is not adopted, it will need to be withdrawn

leaving the North and Central areas of the council without an up to date development plan.

## **2. Content of report**

- 2.1 The Vale of Aylesbury Local Plan (VALP) 2013-2033 contains the spatial strategy, site allocations and development management policies for the former Aylesbury Vale District Council's area. In total it allocates land for 30,134 homes against a projected need of 28,600 homes which includes 8,000 homes to meet unmet need arising in the three former southern district council areas. Housing development is focused on the area's strategic settlements, most particularly Aylesbury, as well as a significant allocation adjacent to Milton Keynes. Specific housing provision is also made for older persons and gypsies and travellers. Employment land in the area is protected and infrastructure to support the new development is provided for. Policies are also included to protect the natural and built environment.
- 2.2 Work on VALP commenced in 2014 and, following three stages of public consultation (Issues & Options, Draft Plan and Pre-Submission) the plan was submitted for Examination in February 2018 with hearing sessions subsequently taking place in July 2018. The VALP Inspector concluded that a limited number of changes should be made to the Plan (known as main modifications) to make the Plan 'sound'. Main modifications were then consulted on from 5 November to 17 December 2019 and further main modifications were consulted on from 15 December 2020 to 9 February 2021. After further hearings in April 2021 to discuss the modifications the Inspector has now completed his final report which is binding on the Council. The report is included at Appendix B.
- 2.3 The Inspector's report contains his consideration of the issues raised by objectors and the council's responses, as well as his conclusions. The Inspector's report is final and cannot be revised except where the council advises the Inspector of factual errors prior to the publication of the final report. No further discussion of the conclusions can be entertained. The report has previously been supplied to the Council for fact checking. After consideration of the Council's response, the Inspector finalised his report and it has been published on the Council's website.
- 2.4 In summary, the Inspector accepts the Council's proposed housing figures and the housing allocations in the plan, including controversial sites at Maids Moreton and adjacent to Milton Keynes at Shenley Park. The modified plan retains the focus of housing development on the plan area's strategic settlements, particularly around Aylesbury, but now includes a substantial allocation adjacent to Milton Keynes. Notably, he has also accepted the council's approach to the protection of

employment land, allocation of gypsy/traveller sites, provision of affordable housing, achievement of biodiversity net gain and developments in town centres.

- 2.5 Other notable elements of his report include agreement to the Council's proposed method of calculating five year housing land supply due to the particular characteristics of the plan. This will make it easier for a five year supply to be proven. He has also accepted that the plan's stance on neighbourhood plans is acceptable in that the plan does not override existing neighbourhood plan policies except where there is a specific conflict. He has also accepted that there is no conflict with neighbourhood plans which have higher affordable housing requirements. The policies protecting local landscapes are also accepted as is a new area of Green Belt adjacent to Leighton Linlade.
- 2.6 The Inspector has also accepted that the Duty to Cooperate has been met, and the plan has been properly subjected to a Sustainability Appraisal and a Habitat Regulations Assessment in accordance with legal requirements.
- 2.7 Following publication of the report the council must now decide whether to adopt the VALP as modified, or not. There are no other options open to the council. Should the council determine that the plan cannot be adopted for any reason then the plan must be withdrawn, and a new plan prepared. This would leave the council without an up to date plan to base planning decisions on for the plan area and decisions would have to be based on the severely outdated 2004 Aylesbury Vale District Local Plan (AVDLP) until the new Buckinghamshire Local Plan is in place.
- 2.8 It should be noted that due to transitional arrangements the VALP is based on the 2012 National Planning Policy Framework (NPPF) and does not reflect fully the content of the newer 2019 NPPF. The VALP is, however, still considered to be an up to date local plan in the context of the newer NPPF. It should also be noted that on adoption, VALP will be the strategic basis for new or revised neighbourhood plans in the affected wards. The VALP's policies and allocations will remain in force until they are replaced by the adoption of the forthcoming Buckinghamshire Local Plan.

### **3. Other options considered**

- 3.1 As stated above the only alternative to adopting the VALP as modified is to withdraw the plan and replace it with a new plan. This would leave the northern and central parts of the Council's area without an up to date local plan. In such circumstances the NPPF sets out at paragraph 11 (d) that planning permission must be granted for development except where it conflicts with policies in the NPPF that protect areas or assets of particular importance or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. This would lead to an increase in planning

applications for opportunistic development across the Vale which the Council would have diminished grounds to resist or control at the application stage or at appeal. This option is therefore not considered to be tenable.

#### **4. Legal and financial implications**

- 4.1 The VALP has been prepared under the Planning and Compulsory Purchase Act 2004 (as amended) (“the Act”) and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). The Plan was submitted for examination by an independent planning inspector under section 20 of the Act and the Inspector has issued his report and recommendations. Subject to accepting the Inspector’s main modifications, the Inspector considers the plan to be “sound” in the terms set out in the NPPF and to meet the requirements of Section 20(5) of the Act. As part of his assessment, the Inspector has considered that the Plan has been prepared in a legally compliant way, including in relation to the “Duty to Cooperate” introduced through the Localism Act 2011.
- 4.2 The main financial costs arising from the preparation of VALP have largely already been covered in relation of officers’ time, costs of expert advice, preparation of evidence and costs of the Programme Officer. The main outstanding costs relate to the Inspector’s costs for undertaking the final parts of the Examination process, and related legal and consultancy costs. Budgetary provision is in place to cover the remaining costs, which are estimated at £125,000 and are funded from the legacy local plan budget. Not proceeding with the adoption of the plan would place the Council at risk of fighting a significant number of appeals with associated significant costs. There is also the risk that the Council will be faced with legal challenges to VALP after its adoption which will place a financial burden on the Council – this would need to be funded from identified reserves.

#### **5. Corporate implications**

- 5.1 In relation to the four key priorities of the Council, the VALP will strengthen our communities by providing housing with associated infrastructure, improve our environment by securing well designed development and mitigating climate change, protect the vulnerable by providing affordable housing as well as housing for older people and it will increase prosperity by protecting and promoting employment opportunities.
- 5.2 The VALP will also improve the Council’s performance in relation to climate change by encouraging the use of alternatives to the private motor vehicle such as walking, cycling and use of electric powered transport. Similarly, the VALP will enhance sustainability by focusing development in locations well served with infrastructure and avoiding the negative implications of dispersed development. The VALP has

been subject to an equality impact assessment and data implications have been addressed throughout its preparation.

## **6. Local councillors & community boards consultation & views**

- 6.1 No consultation has been carried out with local Councillors or Community Boards on this final stage because of the nature of the decision required. However local Councillors have been closely involved in the preparation of the Plan at earlier stages.

## **7. Communication, engagement & further consultation**

- 7.1 No further consultation or engagement has been carried out on this matter. Following adoption, the Council will notify those who have made representations that the plan has been adopted

## **8. Next steps and review**

- 8.1 Following adoption, the VALP will form the basis for planning decisions in the plan area. It will also serve as the strategic policy context for neighbourhood plans. It will be replaced by the new Buckinghamshire Local Plan once it is finalised. It should be noted that the Buckinghamshire Local Plan is still in its early stages and is projected to be adopted in 2025.

## **9. Background papers**

- 9.1 The documentation associated with the preparation of VALP and its Examination can be seen via the following link: [Vale of Aylesbury Local Plan \(VALP\) 2013-2033 | Buckinghamshire Council | Aylesbury Vale Area \(aylesburyvaledc.gov.uk\)](https://www.aylesburyvaledc.gov.uk/valp)
- 9.2 The full text of the local plan and proposals maps as proposed to be adopted is set out at Appendix A of this report. The published Inspector's report is set out at Appendix B.

## **10. Your questions and views (for key decisions)**

- 10.1 If you have any questions about the matters contained in this report please get in touch with the author of this report. If you have any views that you would like the cabinet member to consider please inform the democratic services team. This can be done by telephone 01296 382343 or email [democracy@buckinghamshire.gov.uk](mailto:democracy@buckinghamshire.gov.uk).