BUCKINGHAM TOWN COUNCIL

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Town Clerk: Mr. P. Hodson

Tuesday, 18 June 2019

Councillor,

You are summoned to a meeting of the Planning Committee of Buckingham Town Council to be held on **Monday 24th June 2019 following the Interim Council meeting** in the Council Chamber, Cornwalls Meadow, Buckingham.

Mr. P. Hodson
Town Clerk

Please note that the meeting will be preceded by a Public Session in accordance with Standing Order 3.f, which will last for a maximum of 15 minutes, and time for examination of the plans by Members.

AGENDA

1. **Apologies for Absence**
   Members are asked to receive apologies from Members.

2. **Declarations of Interest**
   To receive declarations of any personal or prejudicial interest under consideration on this agenda in accordance with the Localism Act 2011 Sections 26-34 & Schedule 4.

3. **Minutes**
   To receive the minutes of the Planning Committee Meeting held on Monday 3rd June 2019 to be put before the Full Council meeting to be held on Monday 15th July 2019.
   Copy previously circulated

4. **North Buck Parishes Planning Consortium (min 22.6/19)**
   Postponed from previous agenda, Minute 44/19
   Members to discuss and agree two Town Council representatives on the North Bucks Parishes Planning Consortium.

5. **Buckingham Neighbourhood Plan/Vale of Aylesbury Plan**
   To receive any update.

6. **Walnut Drive application**
   To receive an update from Mrs Cumming **Appendix A**

Members are reminded to declare any prejudicial interest as soon as it becomes apparent.
All Committee documents can be found on the Buckingham Town Council's website. Alternatively, the Clerk send you a copy of any minutes, reports or other information. To do this, send a request using the contact details set out above.

Additional Plans

6. 18/04210/APP Bourton Mill Health & Leisure Club, Bourton Road, MK18 7DL
Single storey extension to existing leisure centre
Sagoo

Additional Plans: Proposed Parking Layout with survey levels (previous versions were small insets on drawings)

Not for consultation, for information only:

7. 19/02061/ACL 26 Shetland, MK18 1WG
Application for a Lawful Development Certificate for a proposed loft conversion with dormer extension to rear roofslope and rooflights to front roofslope
Poole

9. Planning Decisions

To receive for information details of planning decisions made by AVDC as per 'Bulletin' and other decisions.

		BTC response	Officer recommn.
Approved			
18/02722/APP rear 10 Market Sq.	Var.Cond.17/04725: flats & windows	No objections	
18/03475/APP land adj. 2 Market Hill	Ch/use highway to seating area	Opp.& Attend	Approve
18/03773/APP 46 Summerhouse Hill	Proposed reconstruction historic wall	No objections	subj.HBO
18/03774/ALB *[the summer house]*			
19/00735/APP 61 Moreton Road	Demol.bungalow, erect 4-bed house	Opp.& Attend	Approve
Not in our Parish (Biddlesden)			
19/00532/ADP Silverstone Hotel	Reserved matters, landscaping etc.	Oppose & attend	
Refused			
18/03597/APP 9 Portfield Way	Single & 2st. side & rear extensions	No objections*	

* changed from Oppose & Attend 13/5/19 on receipt of acceptable amended plans

Not Consulted on:

Approved			
19/01330/ATC Fleece Yd/Forge Cott.	Remove tree from boundary wall	No objections	

10. Development Management Committee

10.1 Strategic Development Management (12th June 2019) *No Buckingham applications*
10.2 Development Management (13th June 2019); to receive verbal reports from
10.2.1 Cllr O'Donoghue (18/03475/APP: Coffee#1 pavement tables)
10.2.2 Cllr. Hirons (19/00735/APP: 61 Moreton Road)

11. Enforcement

11.1 To receive a case update if available
11.2 To report any new breaches

12. S106 Quarterly update

To receive the quarterly update (AVDC only) **Appendix C**

13. Matters to report

Members to report any damaged, superfluous and redundant signage in the town, access issues or any other urgent matter.

14. Chairman's items for information

15. Date of the next meeting: Monday 22nd July 2019 at 7pm.

c/o Foscote Manor
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P W Clark BA MA MRTPI
Planning Inspector for the Vale of Aylesbury Local Plan
c/o Ms L St John Howe
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SUBMISSIONS TO PLANNING INSPECTOR

01.06.19

Dear Mr Clark

ALLOCATION OF SITE MMO006 FOR DEVELOPMENT IN THE VALP

Please find attached a document setting out our objection to the allocation of site MMO006 for the development of 170 dwellings in the draft VALP. We would ask please that you consider this submission and take it into account as part of the examination of the VALP.

We appreciate that a hearing session on MMO006 has been held, but consider that there are very good reasons why the submission should be accepted. Indeed, we consider that you are obliged to do so in order for the examination of the VALP to be lawful. There are a number of reasons for this.

First, we refer you to your Examination Note dated 3.8.18, in which you state:

> "While the examination remains open the Inspector will not turn away relevant material which assists him in his task".

This gives rise to a legitimate expectation that submissions such as the attached will be accepted.

Secondly, the conduct of the examination of the VALP in relation to site MMO006 was such that it would be procedurally unfair to decline to accept the attached submission in the

circumstances. The circumstances were as follows. In mid to late June 2018, AVDC was stating publicly in response to Inspector's questions that it would remove policy MMO006 from the VALP. On 2 July 2018, in the Inspector's replies to AVDC's responses to questions, you stated in relation to the proposal to remove MMO006: "I note and accept the response". In advance of the hearing session, it was therefore apparent that MMO006 would be removed from the VALP. There was therefore no need for those objecting to the allocation to plan to attend the hearing session or take any further interest in the process. It was only at the hearing session that AVDC announced its change of position and that it did wish to retain the allocation in the VALP. No prior notice of AVDC's change of position had been given. Those objecting to MMO006 were not therefore aware that it would in fact be necessary to attend, because they did not know that AVDC was going to change its position again. Objectors were deprived of the opportunity to make their points at this hearing session.

On the basis that there have been a number of serious breaches of process which will threaten to undermine the validity of the VALP, we urge you to accept our submissions and recommend site MMO006 be deleted from the VALP as a matter of urgency. In particular, we draw your attention to the following:

1. There is a clear lack of evidence and consultation in the preparation of HELAA v4, the extent of which invalidates HELAA v4 as a reliable evidence base on which you can rely in judging the soundness of policy MMO006.

2. Hearing Session 34 failed to notify Regulation 19 objectors that AVDC had changed its position and no longer wanted to delete site MMO006 from the VALP. Regulation 19 objectors based their decision not to participate in Hearing Session 34 on the answers to the Inspector's queries, which clearly and several times stated that AVDC intended to delete the site from the draft VALP, thereby making participation at the Hearing Session unnecessary.

3. Para 9.51 of VALP says that the allocation of agricultural land for development in the VALP has been informed by HELAA 2016 (version 3), which seeks to designate only poorer agricultural land for development in accordance with NPPF para 112. However, HELAA v3 designates site MMO006 unsuitable for development. The allocation of site MMO006 in the draft VALP is actually informed by HELAA 2017 (version 4), an evidence base that designates site MMO006 as suitable for development in breach of NPPF 112. Para 9.51 of VALP is therefore incorrect if site MMO006 remains as an allocated site in the VALP.

4. Para 4.153 of VALP is factually incorrect. It claims that the VALP allocates the 'most sustainable' site for development in Maids Moreton. However, according to the technical annex of the sustainability study (submitted as supporting evidence for the VALP), site MMO006 is in fact the least sustainable site of the five options considered. It is therefore impossible on this basis for the Inspector to find Policy D-MMO006 'sound'.

In addition, the allocation of site MMO006 seriously breaches the NPPF, and also a number of policies in the VALP itself.

We would ask please that the programme officer confirms by return that the attached submission will be considered and taken into account by you as part of the examination.

Yours sincerely

Evelyn Cummins

On behalf of
The Maids Moreton & Foscote Action Group

SUBMISSION TO PLANNING INSPECTOR
to delete site MMO006 from the VALP

Site MMO006 forms an allocated site within the VALP for the development of a 7.7 hectare site for 170 dwellings. The sources informing the allocation of this site in the VALP are the HELAA and the planning application 16/00151/AOP (see Policy D-MMO006, VALP). The allocation of this site in the VALP needs to be reconsidered as a matter of urgency for the following reasons: -

HELAA v3
HELAA v3 (May 2016) deemed site MMO006 'unsuitable' for development on the grounds that:

"Development would not relate to existing pattern of development of the village and there is no suitable access to the land. Would extend village significantly north east into open countryside."

There was overwhelming support for this designation in HELAA v3 in the Issues and Options Consultation prior to its publication. The site was therefore not allocated for development in the Draft VALP published for consultation during summer 2016, and a revised Settlement Hierarchy reclassified Maids Moreton from a 'large village' to a 'medium village', deeming Maids Moreton even less suitable for a large development. As the site was not included in the draft VALP, it was not raised or commented on during the consultation period in Summer 2016.

HELAA v4: Lack of Evidence
Despite Maids Moreton being reclassified as a 'medium' village in the Settlement Hierarchy, 'HELAA v4' (published just seven months later in January 2017), deemed site MMO006 as 'suitable' for 170 houses, even though the consultation on HELAA v3 showed agreement with the conclusion that the site was 'unsuitable' for development in HELAA v3.

In the seven months between the publication of HELAA v3 and HELAA v4, the existing pattern of development of the village did not change, neither did any access to the land, and it remains the case that the development of that site would significantly extend the village north east into open countryside – nothing about the site changed.

Pressure has been placed on AVDC to explain what evidence led to this change in HELAA v4. Through various letters and Freedom of Information Requests addressed to AVDC, we have learnt that "further information relating to the site in question" (see letter from AVDC to Rt Hon John Bercow MP dated 18.04.19), together with "information from the site visit" by one AVDC planning officer (see reply to FOI Request addressed to C Cumming) informed this change. Actual **evidence** supporting this amendment is woefully lacking:

1. We do not know what this "further information relating to the site in question" was, despite repeated requests to see the information.
2. We do not know the date of the planning officer's site visit, nor can AVDC tell us which planning officer carried out the site visit – there is no diary entry or written record of this site visit.
3. We have been told that the planning officer who made the site visit was not the same planning officer who made the decision to amend the HELAA (see reply to FOI Request addressed to C Cumming). The information from this site visit, which must have been recorded as a report prepared as supporting evidence for the amendment in the HELAA, has not been disclosed.
4. AVDC has informed us that "There was no meeting and there is no paper with a recommendation" relating to the re-designation of the site as 'suitable' for development (see

reply to FOI Request addressed to K Pryke). In effect, there is no evidence supporting the change to the HELAA.

5. AVDC has informed us that "no discussion took place regarding the impacts on Foscote" (see reply to FOI Request addressed to N. Grima) and "no discussion took place regarding the impacts on Foscote Lane" (see reply to FOI Request addressed to R Scott), despite Foscote being the neighbouring hamlet and the road through Foscote being the most direct route from the site to the A422.
6. In fact, AVDC has said:
   - "The decision on HELAA suitability was made informally by AVDC Planning Policy officers" (see reply to FOI Request addressed to A Ralph)
   - "There is no evidence in the form of minutes and emails.....the process was done informally by AVDC planning policy officers with verbal discussions" (see reply to FOI Request addressed to R Scott).
   - "There are no minutes as there was no formal meeting held" in relation to the decision to amend the HELAA (see reply to FOI Request addressed to A Ralph).
   - "The decision [to amend the HELAA] was made by AVDC Planning Officers, informally, it was not made at a committee or any capacity formally recorded. The decision was made in December 2016-January 2017." (see reply to FOI Request addressed to D Child).
7. We have repeatedly been referred to the AVDC website to see evidence supporting the allocation of this site in the VALP. However, there is no supporting evidence available on the AVDC website relating to the allocation of this site and AVDC has refused to help guide us to this 'evidence' on the website (if it exists).

VALP para 4.120 says:

"The allocations in the Local Plan are based on the Council's HELAA. This is a strategic assessment of the availability and suitability of land for development providing a key component of the evidence base to inform the Local Plan." (underline added)

However, there is no evidence underpinning this amendment to HELAA v4 on which the Inspector can rely, so allocation of this site in the VALP is in breach of NPPF (2012) para 158, which states:

"Each local planning authority should ensure that the Local Plan is based on adequate, up-to-date and relevant evidence."

According to NFFP (2012) para 182, at the examination stage policy MMO006 can only be found 'sound' if it is:

"based on proportionate evidence."

HELAA v4: Lack of Consultation

The NPPF (2012) para 155 states:

"Early and meaningful engagement and collaboration with neighbourhoods...is essential. A wide section of the community should be proactively engaged, so that the Local Plans, as far as possible, reflect a collective vision."

On p. 24 of the AVDC Issues and Options Consultation Document dated October 2015, it says:

"The main source of potentially suitable land is the HELAA. This assesses the suitability of available sites in a transparent, consistent way according to an established methodology"

The HELAA Methodology (May 2015) para 1.20 says:

"The PPG recommends that local authorities should work in partnership with all interested parties in the production of the HELAA...stakeholders will reflect those categories identified in the PPG: [including] parish and town councils."

The HELAA Methodology (May 2015) para 1.21 also says:

"As a minimum each local planning authority will carry out the following: ....A draft report will be published for key stakeholders to review individual sites, prior to the Council finalising the study....Where details are known, landowners/developers/agents will be contacted for each site to provide information on deliverability....Involvement of stakeholders at these times is vital in ensuring Councils assessment process is realistic and informed."

Appendix 2 of HELAA v4 also acknowledges the importance of 'stakeholder' involvement:

"The Planning Practice Guidance advises that the HELAA should be prepared with the involvement of key stakeholders including ..... Parish and town councils..."

The Planning Practice Guidance (para 3-008 dated 06.03.14) in fact states that both "local communities" and "parish and town councils" should be involved in the HELAA process.

However, Maids Moreton Parish Council was <u>not</u> involved, informed or consulted during the preparation of HELAA v4, despite there being a substantial change which would have a profound effect on the settlement. Neither were Foscote Parish Meeting, nor Buckingham Town Council, not the local community more generally.

Other than publication on the AVDC website, there was no specific notification of the amendment in HELAA v4 to Maids Moreton Parish Council, Buckingham Town Council, Foscote Parish Meeting or any residents, and there was certainly <u>no</u> opportunity to comment or object to this amendment. AVDC has agreed "There was no consultation with the Parish Council on the change to the HELAA entry for MMO006" and "There was no consultation with the Parish Meeting specifically on the change on the HELAA entry for MMO006" (see reply to FOI Request addressed to K Pryke): the amendment to HELAA v4 was made in breach of both the HELAA Methodology and the Planning Policy Guidance.

Appendix 2, HELAA v4 says:

"During summer 2016, further comments were received, this time on the HELAA v3 report and these informed the preparation of HELAA v4"

This statement does not apply to site MMO006. The amendment in respect of site MMO006 was contrary to ALL but one of the comments in the extensive public consultation relating to HELAA v3 in March 2016. There has been no consultation at all in relation to the amendment in HELAA v4 other

than consultation exclusively with the developer (see para 6.10 in the Housing Topic Paper, Jan 2018), who stands to have a substantial financial gain in developing this site.

The statutory six week consultation immediately preceding submission of the draft VALP to the Inspector is not a consultation on the suitability of sites in the HELAA, and it certainly does not give rise to any changes to the HELAA.

HELAA v4: Incorrect Methodology

We have been informed that the decision to amend the site suitability in HELAA v4 "was based on information from the site visit and carrying out the HELAA methodology [as published in May 2015, Central Buckinghamshire Housing and Economic Land Availability Assessment Methodology]" (see reply to FOI request addressed to Mrs L Robinson).

However, according to the HELAA methodology:

- *"The following environmental constraints will be carefully considered [when determining suitability of a site].....Grade 1, 2 and 3 agricultural land quality, long distance views, Listed buildings, public rights of way, noise and pollution constraints" (para 2.15).* We have seen no evidence that these were taken into consideration by the planning officers when re-designating the site as 'suitable' for development.
- *"in relation to the suitability for economic development: whether the site has/can gain access to the strategic transport network. The time needed to access the strategic network will be considered....also known congestion levels."(para 2.21).* As far as we can ascertain, the supporting evidence in determining this site as 'suitable' was the transport report submitted by the developer as part of planning application 16/00151/AOP. This transport report was the outcome of a desktop exercise, and is factually incorrect and incomplete (see comments below relating to Highways), and was not acceptable to Buckingham County Highways at the time of the amendment to HELAA v4.

From Planning Practice Guidance (www.gov.uk/guidance/housing-and-economic-land-availability-assessment) - "What factors should be considered when assessing the suitability of sites/broad locations for development?", it clearly states:

- *"potential impacts including the effect upon landscapes including landscape features, nature and heritage conservation;*
- *environmental/amenity impacts experienced by would be occupiers and neighbouring areas."*

The negative impacts of development on Site MMO006 on *"neighbouring areas and existing residents"* will be substantial. These considerations have not been assessed, so the amendment in HELAA v4 again has not been made in accordance with the PPG or the HELAA Methodology.

VALP: Hearing Session 34

Following the amendment to the HELAA, site MMO006 was included in the Proposed Submission VALP (November 2017). This received 72 objections during the consultation period, which ran from 2.11.17 through to 14.12.17 and was the first opportunity that Buckingham Town Council, Maids Moreton Parish Council, Foscote Parish Meeting and members of the public were given to comment on the allocation of the site for development. This six week consultation period was not an opportunity to comment on the 'suitability' of the site, as has been suggested by AVDC, nor did it

give rise to any discourse with local communities or the local Council, or give rise to amendments prior to the Examination Stage of the VALP.

During the Examination of the VALP, the Inspector raised substantial queries regarding the allocation of site MMO006 (see questions 48, 72 and 104). Question 72, in particular, dealt with the objections relating to site MMO006. The Inspector requested that this be dealt with at an open hearing together with other sites to which questions 48 and 104 referred. However, in a written response to Question 72, AVDC said it proposed to delete site MMO006 from the VALP as a major modification. This was reiterated in AVDC's response to question 104, which the Inspector accepted as a satisfactory answer. The written responses stating that AVDC would delete the site from the VALP was the only information made available to Regulation 19 objectors, and informed their understanding that participation in Hearing Session 34 would not be necessary in relation to site MMO006.

However, last minute evidence relating to site MMO006 (some received as late as 16 July 2018), which has never been shared or discussed with the local councils or residents and was not made available on the AVDC website, was received by the Inspector. This led to the Inspector reinstating site MMO006 as an agenda item in Hearing session 34 to obtain 'clarity' in relation to this site. Participants to the Hearing were informed of this change but the Participants at this stage only included two of the Regulation 19 objectors to site MMO006. The remaining 70 objectors were never informed about AVDC's change of position and, therefore, never given the opportunity to participate in the Hearing Session.

At this session concerns, particularly relating to the scale and context of the continued allocation for 170 dwellings, were raised but these concerns have not been addressed. The continued allocation of the site, as far as we are aware, has been predominantly on the basis of the access issue, which has only been discussed with AVDC and the developer – never local residents or councils. All other concerns with the allocation - which have been raised in objections, by the Inspector and are detailed in this submissions document - have been ignored, and Regulation 19 objectors have not had an opportunity to be heard. Due to this failure of process, the continued allocation of site MMO006 undermines the VALP and leaves it vulnerable to a legal challenge.

VALP: Inadequate consideration to the Highways

A settlement of 170 houses will significantly increase traffic from cars and service vehicles, and both access points to the development are onto narrow rural lanes, particularly to the south of the site. Most traffic from site MMO006 will head to either Milton Keynes or Aylesbury and beyond. There are several routes that could be used:

- Walnut Dr to Main St (which is a narrow village road) then right to Towcester Rd and through Buckingham. Buckingham centre is already over-crowded by traffic and the proposed two traffic lanes being painted outside the Old Gaol are unlikely to mitigate this;
- Walnut Dr to Main St then left along Main St (a narrow village road) and Church St and Mill Lane (referred to by the developer and County Council as 'College Farm Road') to A422. During morning rush hour, turning left onto the A422 from this junction is hard, turning right for Aylesbury and beyond is impossible. In the evening, the reverse is true. Traffic from Milton Keynes has great difficulty turning right into Mill Lane and causes long tailbacks sometimes as far as the Foscote junction. The proposed surface markings and warning signs are an inadequate solution, even with the right turn lane into Mill Lane coming from MK towards Buckingham;

- Exiting the site into Foscote Rd, turning left and then turning right through the hamlet of Foscote to A422. This route has not been addressed by the developer, AVDC or the Highways Agency, and yet it is the **most likely route** for all traffic heading to Milton Keynes. The road through Foscote is a very narrow, single tracked gated lane which travels across two open fields of livestock. There is no passing point or refuge and virtually no visibility for oncoming traffic. Traffic calming measures on this road would not be suitable for what is beautiful, open and unspoilt agricultural countryside and, in its present form it certainly could not support traffic from an additional 170 houses. Despite many calls by Foscote Parish Meeting and Foscote residents for this to be assessed, no assessment of this route has been made during the course of the current planning application on which the allocation of the site for development in the VALP relies.
- It is possible to avoid the gated Foscote Lane by going towards Leckhampstead on Foscote Road, deemed to be a 'failed road' by the Highways Authority, but this is a long diversion along a single track country lane, and the exit from it onto the A422 is very difficult as is that from Foscote Lane. In both cases the same limitation on turning onto the A422 would apply as to trying to join the A422 from Mill Lane.
- Exiting the site into Foscote Rd, turning right then either via Church St and Mill lane to A422 or turning right and along either Main St or via Church St and Avenue Rd to Towcester Rd. The same difficulties apply as noted above for traffic leaving via Walnut Drive.

An inaccurate 700 page traffic report prepared by the developer for planning application 16/00151/OAP has informed the allocation of this site. This flawed and incomplete report was not accepted by Buckingham County Council Highways until 16 July 2018 (long after the amendment to the HELAA), when it was re-assessed following a series of telephone conference calls between the developer and BCC to resolve the issue in time for the re-instated VALP Hearing Session 34 on 17 July 2018.

However, these conference calls continued through to August 2018, as confirmed by Tim Thurley of BCC Highways in the revised assessment letter dated 30.11.18:

"Following my previous consultation response, the applicant submitted a further Highway Technical Note dated June 2018 in order to address my concerns. A number of conference calls were then held with the applicant during July and August in order to discuss and address remaining issues."

In light of this, it is concerning that the Inspector has relied on this transport report and BCC Highway's hurried withdrawal of their objections to accommodate the VALP Hearing Session, whilst clearly issues remained unresolved. It is an inescapable conclusion that a 170 house development will generate traffic wholly disproportionate for single track country lanes through the centre of a village and onwards through the neighbouring hamlet.

VALP: Consideration of the rural setting

The developer's attempt in the current planning application to address the inevitable traffic problems by proposing 'road improvements' and 'traffic calming measures' seeks to turn village roads into 'town centre' style roads by adding pavements, roundabouts and street lighting, which is in breach of one of the twelve core principles of NPPF (2012) para 17:

"Planning should take account of the different roles and character of different areas.... recognising the intrinsic character and beauty of the countryside...."

Given the rural setting of site MMO006, a development of this magnitude would be inconsistent with Policy BE3 of VALP, which states:

"Planning permission will not be granted where the proposed development would unreasonably harm any aspect of the amenity of existing residents." (underline added)

Para 8.47 of VALP clarifies that 'amenity' includes:

"...privacy, noise, light pollution, fumes or odours, excessive or speeding traffic."

A 170 house development on the edge of a rural village which would require every vehicle from the site to travel through the village in order to reach a main road would cause an unreasonable amount of excessive traffic to the rural community.

Para 9.51 of VALP refers to para 112, NPPF (2012):

*"The NPPF sets out that the poorer quality agricultural land should be prioritised for development over higher grades. The Council's approach to site allocations as advised by the Housing and Economic Development Land Availability Assessment **(2016)** follows this advice"* (bold/underline added)

This paragraph is correct in that HELAA 2016 (version 3) did designate site MMO006 as unsuitable for development. However, the allocation of site MMO006 in the draft VALP has actually been informed by HELAA 2017 (version 4), which has failed to take into account the fact that site MMO006 is good quality agricultural land.

In an email exchange between the developer and the planning officer dated 18.02.19, an agricultural land report found that the majority of this site is classed as Grade 3a land (good and versatile agricultural land). Para 9.51 of VALP goes on to say:

"However, a Local Plan policy approach is needed to safeguard any other agricultural land sites that come forward over the VALP period that could affect the best and most versatile agricultural land."

Given that it is HELAA v4 which has incorrectly informed the allocation of this site, site MMO006 must be deleted from the VALP in order to secure the protection afforded by para 9.51, or it will be in breach of para 112, NPPF (2012) which states:

"Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use poorer quality land in preference to that of higher quality."

It is, in fact, one of the twelve core principles of NPPF (2012), para 17:

"Allocations of land for development should prefer land of lesser environmental value"

Protection of Heritage buildings

It is one of the core principles of NPPF (2012), para 17 to:

"conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations."

Main Street is part of the Maids Moreton Conservation Area and has twelve Grade II listed houses, mainly 17th and 18th century cottages, timber-framed, thatched and without foundations. The vibration impact on old listed buildings lacking foundations along Main St, and the necessary changes around the 14th century Grade I listed church to accommodate the huge increase in traffic have not

been considered, although the church is only 9.6m from the road, perched on higher ground supported by a historic retaining wall.

The NPPF (2012), para 129 states:

"Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise."

There has been no detailed report on the significance of these heritage assets to the village of Maids Moreton, nor to the likely adverse effects of the proposed road layout on the setting of these buildings, or the undoubtedly increased volume of traffic, all of which will have to pass these buildings to get to Milton Keynes or Aylesbury.

NPPF (2012), para 132 states:

"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.... Significance can be harmed or lost through....development within its setting."

The allocation of this site for development in the VALP has not given any weight whatsoever to the heritage assets that will be affected. The increased traffic and the proposed road layout around the village, and in particular around the Grade I listed church, will cause significant and direct harm to the setting of these historic buildings.

Para 141 of VALP says:

"Local planning authorities should make information about the significance of the historic environment gathered as part of plan-making or development management publicly accessible."

There has been no information gathering exercise in relation to the historic buildings which will be affected by the development of site MMO006, either at the time of the amendment to the HELAA, or subsequently in relation to the allocation of this site for development in the VALP. It also breaches policy BE1 of VALP:

"All development....should seek to conserve heritage assets in the manner appropriate to their significance, including their setting."

Undue influence from the developer

AVDC's response to the Inspector's questions stating that they would delete MMO006 from the VALP set off an exchange of emails on 04.07.18 between John Dillon (Managing Director of David Wilson Homes) and Jeff Membery (Assistant Director of Customer Fulfilment at AVDC). John Dillon wrote:

"The reason for me writing to you is I have been made aware that there is a risk of the site currently drafted as a housing allocation under Policy D-MMO006 in the VALP, being removed from the allocation....This is obviously a big concern to me....Can you please advise/help me with this in order to ensure that this application which has been running since January 2016 can remain in the housing plan"

In response to this email, Jeff Membery's reply of 5.7.18 states:

"Good Morning John, The VALP is the responsibility of my colleague Will Rysdale, however Will and I work very closely together as do the experts on planning in the two areas Charlotte Stevens and Susan Kitchen. I have copied them all in to this response so that they are aware of your concerns and the current position with the site."

Also, on 4.7.18 the developer's agent, Richard Colson of CC Town Planning, emailed the AVDC planning officer working on the VALP, which he copied to the Inspector's Programme Officer:

"...we feel it is prudent to make you aware of the progress being made in regard of the future development of the site and the advancement of technical work since the submission of the VALP.

Whilst I spoke to your colleague Lucie de la Mothe on Tuesday of this week, I thought I would email you on the basis of where we are in respect of application reference 16/00151/AOP (Maids Moreton) which, for clarity, is currently drafted as a housing allocation under Policy D-MMO006 in the VALP.

"....At this time and via a BCC formal response we anticipate that there will be no highway objections to this application and therefore the commentary in regards to issues in accessing the site (AVDC Response to Inspector Q72) is factually inaccurate. Therefore, with no technical objections to the future development of the site, the proposed allocation should remain."

Through submitting a planning application on this site before the allocation of sites in the VALP has been agreed and adopted, David Wilson Homes has provided evidence and exercised a degree of undue influence over the process for allocating site MMO006 for development in the VALP.

On 16.7.18 (the day before Hearing Session 34), Edmund Fox (Planning Manager at David Wilson Homes) emailed the Programme Officer with a statement responding to issues raised by the Inspector.

"We have prepared a brief statement (attached) to support this position and to respond to some of the issues raised by the Inspector."

This was rejected by the Programme Officer, as David Wilson Homes had not submitted any comments at the Regulation 19 stage, so was not eligible for submitting documents at the Examination Stage. However, the report was also attached to an email from John Dillon to Jeff Membery and Will Rysdale of AVDC on 16.7.18:

"Following on from previous correspondence I can confirm that Christine Urry will be in a position to tell the Inspector tomorrow she has no objection on the grounds of highways. In addition, please find attached an updated statement we have prepared on the planning application and deliverability on the site. I hope this can be considered as part of the hearing discussion tomorrow." [underline added]

AVDC has confirmed that "formal correspondence received on planning application 16/00151/AOP.... informed verbal discussion between AVDC officers and Buckinghamshire County Council officers concerning the allocation of site MMO006 in the VALP" (see reply to FOI Request addressed to C Cumming).

The allocation of the site in VALP should be assessed independently on the suitability of the site for development and the soundness of policy MMO006. This judgement should not influenced by the progress of a planning application submitted to AVDC together with a hurried series of emails and conference calls between AVDC, the developer and BCC persuading BCC to prematurely remove their objection to the planning application in time for the re-instated Hearing Session – particularly as this was done without public scrutiny and without the knowledge of any other Regulation 19 objectors.

Settlement Hierarchy Assessment

Maids Moreton has been incorrectly classified as a 'medium sized' village in the settlement hierarchy. It has a smaller population than the average population for a medium sized village and, in the absence of an hourly bus service and only having one infant school (covering less than half the seven primary school years), it only meets a marginal 5 of the key criteria, when medium villages are supposed to meet 6 to 7 of the key criteria (see Annex 1 and Annex 2 at the end of this document).

Even if marginal, the classification of Maids Moreton as a medium village for the purposes of VALP puts it on the 'smaller' end of a medium sized village. However, looking at the VALP plans for housing in medium villages, Maids Moreton has not been given a fair proportion. See Annex 1 and Annex 2 below which show that 170 houses in Maids Moreton is more than four times the average for all medium villages of the number of houses per 100 people. The development of this site would increase the population of the village by more than 60%.

Para 4.153 of VALP details allocations of less than 40 houses at the five other 'medium' villages:

Cuddington (21), Ickford (20), Marsh Gibbon (9), Newton Longville (17) and Quainton (37).

Given that Maids Moreton has an astounding 170 house development, we refer you to para 4.152 of VALP:

"Newton Longville and Maids Moreton have an excess of suitable HELAA sites beyond a reasonable amount for a medium village, ***and so the most sustainable site has been selected****."* [bold and underline added]

We refer you to the Sustainability Appraisal of the Vale of Aylesbury Local Plan (submitted as technical evidence supporting the submission Plan), and in particular the Technical Annex to the Sustainability Study dated September 2017 in which the sustainability of five options in Maids Moreton were considered in detail.

Option 5 in this technical annex deals with the allocation of site MMO006, and it concludes that Option 5 is the **LEAST** sustainable of all five options considered, with the lowest possible score of '5' in the areas of travel/transport and pollution. Para 4.152 of VALP is therefore factually incorrect, and it cannot under any circumstances be found by the Inspector as 'sound'.

The Council includes in this technical annex a response to their disingenuous finding of site MMO006 being the most sustainable:

"...one important factor is the potential for the site to the north (MMO006) to deliver a new children's play area"

The provision of a children's play area has little weight in the sustainability study, other than a minor consideration in 'community sustainability'. Even in this area of the sustainability study, the provision of the play area is acknowledged but still does not tip the balance in favour of site MMO006 (scoring only '2' in Community, whilst options 1 and 3 score '1').

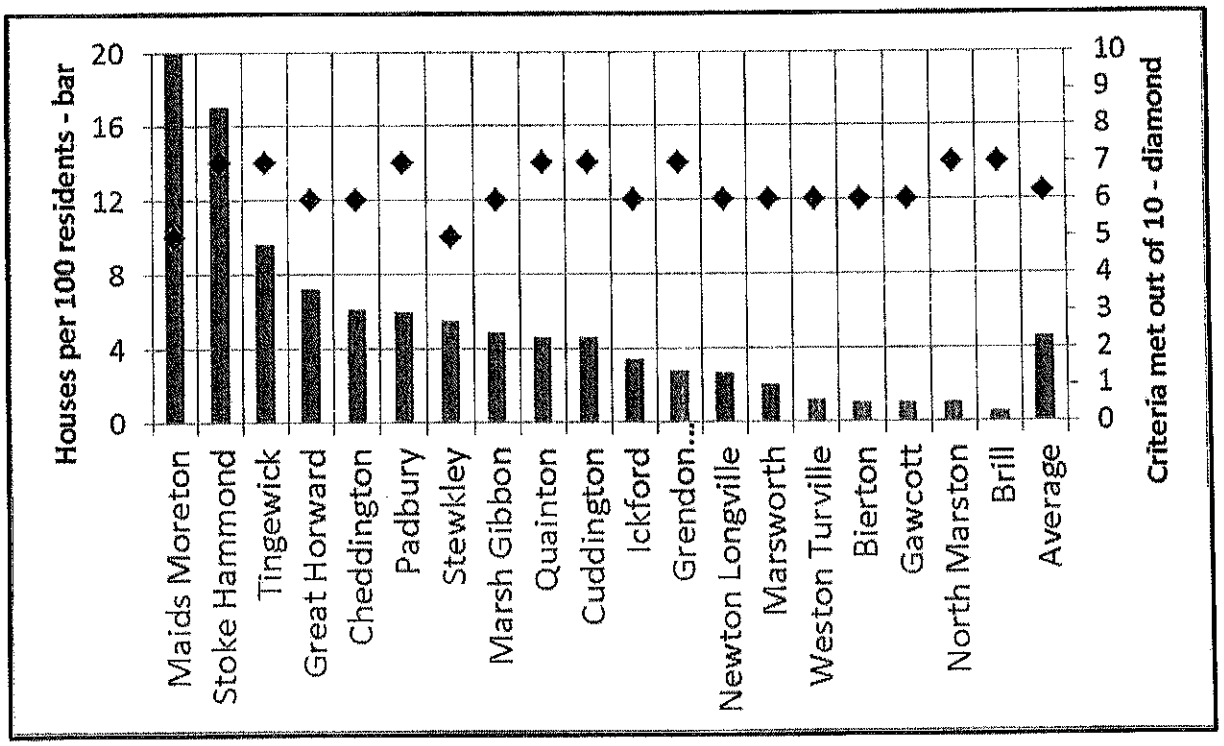
According to the Sustainability Study, the order of sustainability for allocation of sites in Maids Moreton is as follows, with the most sustainable being listed first working down in order to the least sustainable:

1. Option 1 (nil allocations) – the MOST sustainable
2. Option 3 (MMO004 and MMO005)
3. Option 2 (MMO001)
4. Option 4 (MMO001, MMO004 and MMO005)
5. Option 5 (MMO006) – the LEAST sustainable

It is noted that sites MMO004 and MMO005 have not been considered on their own merits as individual sites.

Newton Longville, the village viewed in VALP as comparable with Maids Moreton in terms of availability of sites exceeding reasonable development for the size of the settlement, has a population over double the size of the Maids Moreton population, a shop, a post office and a full primary school. However, a site of only 17 houses has been allocated to Newton Longville in the VALP.

Annex 1: New House per 100 Residents and Criteria Met



Annex 2: Extract from Settlement Hierarchy Assessment report Appendix A: Aylesbury Vale Settlement Audit Assessment September 2017

Maids Moreton

Settlement Size			Connectivity & Public Transport						Key Services									Non-key Services					Qualitative Assessment	Settlement Hierarchy Outcome
Settlement population	Pop by parish	Number of Houses in	Distance to large service centre	Train station	Bus routes operating at least hourly	Routes operating less frequently 5 or more days a week	Routes operating less than 5 days a week	Number of Employment Units	Food Stores	Pubs	Post office	GP facility	Village/ community hall	Recreation ground/ playing fields	Primary Schools	Total Number of Key Services	Total number of Criteria met	Pharmacy	Library	Place of worship	Secondary school	Total Number of Non-key Services		
847 *	847	387	1.3 miles to Buckingham		5 (Oxford, Cambridge, 60/60 Wolds, Moreton, Aylesbury)			3	0	1	0	0	1	1	1 (Infant only)	4	6	0	0	1	0	1	Moderate population size and very well connected to a large service centre (adjoins Buckingham) Also has an hourly or more bus service and good provision of key services.	Medium Village

(* = only parish population available)

Defining the criteria for 'Medium Villages'

5.15 In developing a criteria for medium villages, the settlements were defined as typically having a population of between around 600 and 2,000 and have between 6 – 7 of the key criteria (within 4 miles of a service centre, employment of 20 units or more, food store, pub, post office, GP, village hall, recreation facilities, primary school, hourly or more bus service and train station).

Characteristics of 'medium villages'

5.16 To some extent the provision of facilities in each settlement reflects the size of the population, but a medium village has at least six of the key criteria. In total 19 settlements were defined as a 'medium village' and the medium villages have an average population of 1,152. There are some exceptions to this such as Stewkley which has 5 of the key criteria but a large population.

ACTION LIST

Subject	Minute	Form	Rating √ = done	Response received

Min.49/19	**7 applications via Parish Channel; 1 via Parish Support (as it prematurely vanished from the Consultee In-Tray); 1 (Silverstone) via letter to both Cabinet Members**		**Min.**	**News release none agreed**	**Date of appearance**

Subject	Minute	Form	Rating √ = done	Response received
AVDC				
Record Keeping	46.2/19	Letter to acting Chief Exec. as minuted	√	
BCC:				
CCTV	917.1/18	Letter to be written to Mark Shaw regarding continuing lack of CCTV installation on Tesco roundabout	√	
Bridge Street Footbridge - flooding	917.3/18	Planning Clerk to write to both the County Councillors and TfB asking for a timescale to repair or unblock the drainage.	√	
Other:				
Lace Hill balancing lakes	654/18 ; 920/18	Write to Chamonix as minuted Planning Clerk forward a copy of the response to the Lace Hill Residents Association	√ √	
HS2	917.2/18	**Town Clerk** to write to the Government and HS2 appealing for the cessation		

Appendix B

Subject	Minute	Form	Rating √ = done	Response received
		of construction work until the line north of Birmingham is confirmed.		
Section 106	919/18	Planning Clerk to investigate and report back on the following: Balance not yet committed - what has the money been spent on? Why is Section106 funding being allocated to a private playing Field pavilion owned by the University and where is Verney Road?	√	Verbal report from the Town Clerk
Enforcement reports and queries				
13 High Street	795.3/15 664.2	New signage & lighting Chase response (done regularly)	√	P Dales: 12/5/17. 13 High Street, Buckingham: we had in the past met with the owner to secure the removal of the signs. Whilst this had not materialised we had been aware that its ownership may change and had hoped that the new owner may be have their own plans and/or may be receptive. However, this has not materialised and so I have asked our consultant enforcement officer Will Holloway to take on the case and we will keep you informed of progress.
	148/17	Prompt sent 14/9/17 Chase via Parish Liaison	√	26/10/17 I have written to the operator of the premises asking them to confirm a timetable for the removal of the signage. If a timetable is not agreed then the Council will have to consider formal action. I will update you further when I have received a response from the operator. J Wilmot Planning Enforcement Consultant
		Chased 13/4/18		25/4/18: Thank you for your email. The update is that we have been in applying pressure to the owner to either remove the signage or sell the property. We noted that the property had been put back on the market a few weeks ago and appears to be under offer. We are continuing to maintain pressure in order to resolve the issue. Jim Wilmot
	957/17	Advise no longer advertised; Listed Bldg status omitted from description	√	Acknowledged
		Update requested	√	
			√	

ACTION LIST

Subject	Minute	Form	Rating √ = done	Response received
	8/10/18 528/18	Broken window, water leak and damaged front door reported Details to Cllr. Stuchbury for action	√	Acknowledged and given case number 18/00478/CON3 Response 5/12/18: I've now had the chance to have a look at the attached and to review progress to date. Apologies that those concerned feel that they haven't been kept in the loop. In short it has historically been very difficult to get any engagement with the building owner, who is very evasive. Certainly we had hoped that progress with this case would be made once the property was sold, but this has since stalled. Given the above - I have asked that we take a fresh look at this and an officer is going out to visit this week. We'll also check land registry to see if the building has changed hands in the meantime. I should add that any building disrepair is not a planning enforcement issue, rather whether this is an at risk historic building. We'll make the necessary referrals if this is the case. I'll update you again once a case officer has visited. Peter Brown > Interim Group Manager - Regulatory Services Customer Fulfilment See agenda 6.2 21/1/19 Update reported to 25/2/19 meeting
Reasons for case closure	743.1	**Cllr. Stuchbury** to investigate further		
'Unresolved' case load	759/18	Respond to Cabinet Member as minuted	√	
8 Bridge Street	49.2/19	Report ? unauthorised change of use	√	**Case no. 19/00282/CON3 allocated**
28 Candleford Court (gym)	49.2/19	Report unauthorised shed on street frontage	√	**Case no. 19/00294/CON3 allocated**
Dry Cleaners, Market Hill	49.2/19	Report window advertising	√	**Added to existing Case no. 19/00082/CON3**