

**Inspector's Letter in
respect of the Vale
of Aylesbury Plan**

DLP BRIEFING NOTE 143

Prepared by
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Strategic Planning Research Unit**

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1.0 Introduction

- 1.1 The Inspectors letter on the Vale of Aylesbury Plan (VAP) brings together a number of issues that the DLP's Strategic Planning Research Unit (SPRU) has been addressing in recent months at various development plan examinations across the country. One of the benefits of SPRU covering the country as a whole is that our team have developed an overview of how the inspectorate is approaching the difficult task of addressing both the legal "Duty to Cooperate" and the issue of soundness in respect of employment and housing policies in submitted development plans.
- 1.2 The background to the VAP is that it was launched by the council only after the Regional Spatial Strategy was revoked this timing was critical as the council were proposing a lower level of housing than that in the RSS. It also posed a lower level of provision than that which has occurred in recent years even during the recession. This approach was adopted by the council as a response to the localism agenda rather than the National Planning Policy Framework (the Framework) and other more recent advice on the approach to defining the objectively assessed housing need for a district.
- 1.3 Roland Bolton head of DLP's Strategic Planning Research Unit presented evidence to the VAP examination including our independent objective assessment of objectively assessed housing need. For further details of this approach please visit web site: see <http://www.dlpconsultants.co.uk/strategic-planning-research-unit/objectively-assessed-housing-needs.html>
- 1.4 Below is a brief summary of the inspector's letter to the council in which he sets out the reasons for finding that the council did not discharge the Duty to Cooperate and that the overall level of provision for housing and employment was unsound.

2.0 Vale of Aylesbury Plan

- 2.1 The inspector in finding the duty to co-operate had not been discharged noted the strong relationship with the neighbouring urban area of Milton Keynes which will continue to be a focus of housing and employment growth and that the district formed part of the wider housing market Area (paragraph 9). The inspector also highlighted that:

11. The duty to co-operate is not a duty to agree. ... The lack of jointly produced evidence and the fact that a number of other local authorities continue to have concerns in respect of the level of housing provision set out in the Plan are not in themselves reasons to conclude that the Council has failed to comply with the duty. It is the actions of the Council in terms of co-operating to maximise the effectiveness of the preparation of the Plan which are critical to my consideration of the matter.
- 2.2 The inspector highlighted the lack of consideration of other areas needs or consultation with other authorities in the preparation of the original evidence base that lead to the decision on the overall level of housing provision (paragraph 19) and concluded that the extent to which engagement, particularly of the limited form undertaken, could have genuinely influenced the overall level of housing provision appears to have been minimal. The inspector suggested that the very brief responses of other authorities to the later work undertaken to rectify the inadequacy of the evidence base needed to be seen in the context of their understanding of their role in the process. The inspector noted that there is no record of any substantive engagement with other authorities in relation to the preparation of the evidence base of the objectively assessed need for the district or indeed on the work that considered the wider Housing Market Area (paragraph 20).
- 2.3 The inspector refers to the issue of concerns expressed by other council and in particularly Milton Keynes with regard to the balance of jobs and housing and the need to plan for the growth of the urban area as an issue that had not been adequately addressed (paragraph 21). This was an issue DLP had also presented independent evidence upon and drew the inspectors attention on several of the days during the examination.

2.4 In conclusion the inspector stated:

27. As it stands there are significant issues in terms of potential unmet needs from other authorities and how they will be accommodated. There are particular issues concerning the relationship of Aylesbury Vale to Milton Keynes and its future growth. These issues have been left unresolved. The Council has been aware of these issues from early in the plan preparation process, if not before. There has been a substantial period of time since the duty to co-operate came into force and the NPPF was published. Whilst noting the lack of specific evidence on potential unmet needs from other authorities and accepting that collaboration and joint working is a two way process, it is the Council's duty, as the authority submitting the Plan for examination, to have sought to address these issues through constructive, active and ongoing engagement.

2.5 Turning the inspectors comments regarding the soundness of the plan in terms of housing and jobs the inspector again emphasised the need for the strategy to be the most appropriate when considered against all reasonable alternatives and be based on effective cross boundary working (paragraph 30).

2.6 The inspector noted that the council selected a level of housing provision close to the bottom of what had been identified as the range of "objectively assessed need" while the evidence base was still being prepared and in the context of there being no fundamental environmental or infrastructure constraints to the higher levels of growth (paragraphs 32 and 33). DLP had augmented the council's evidence with independent projections all of which highlighted the inappropriateness of the selection of a level of housing towards the bottom of the range. The inspector highlights that the original decision was taken at a time when there was no evidence regarding the potential needs of other authorities (paragraph 39).

2.7 In terms of detail of the housing and employment projections the inspector considered that there was insufficient evidence to reduce migration based on the ONS revised Mid-Year Estimates, he also noted that recent migration figures as submitted by DLP in their evidence and brought to his attention during the examination suggested a return to pre-recession levels (paragraph 35).

2.8 The inspector also commented upon the range of employment projections and assumptions regarding commuting which DLP drew to his attention during the examination (and again provided independent assessment of) and concluded:

Notwithstanding the difficulties associated with economic forecasting, it is clear that the Council is planning for a level of housing well below that indicated by its own evidence in terms of potential economic growth (paragraph 36)

2.9 The inspector highlighted that the Council's own evidence indicated that significantly more housing than that planned would be required to support the level of jobs growth in the plan and that:

- a. There was no substantive evidence that the jobs density are likely to change to the extent required to support the planned level of employment growth without the need for significantly more housing.
- b. There was no substantive evidence that patterns of out-commuting are likely to change to the extent required to support the planned level of employment growth without the need for significantly more housing (paragraph 37)

2.10 Both these points were drawn out during the examination by DLP and others.

2.11 The inspector concluded on the employment housing balance that:

In simple terms there is a clear and substantial mismatch between the level of housing and jobs planned (paragraph 37)

- 2.12 In noting that a number of key strategic issues remained unresolved the inspector states (paragraph 40) that the:

The contingency approach included in the Plan is not an effective or appropriate way to deal with the issue of potential unmet housing needs from other authorities.

- 2.13 The inspector notes that on a practical level, the only effective response given that the issue would be the overall level of housing provision would be a plan review which would take some time.

- 2.14 In paragraph 41 the inspector states that putting off the resolution of the significant strategic housing issues which need to be effectively resolved as soon as possible through the plan making process following genuine co-operation and collaboration with other authorities would be inappropriate.

- 2.15 The inspector goes on to state that whilst there are clearly benefits in having an adopted plan as soon as possible, these would not in themselves outweigh the need for that plan to be effective in respect of housing issues.

- 2.16 The inspector concludes:

Taking all of the above into account, I consider that in relation to the overall provision for housing and jobs, the Plan has not been positively prepared, it is not justified or effective and it is not consistent with national policy. It is therefore not sound (paragraph 42).

3.0 Conclusions

- 3.1 This decision brings together a number of issues that have been aired at the various development plan examinations attended by DLP as well as others which DLP have been monitoring these are as follows:

- There is a reliance upon the councils own data base to establish shortcomings in the assumptions – while a great deal of examination time did consider alternative projections and evidence in would appear that the inspector has taken these criticisms on board but relied upon the shortcomings exposed by such an examination in the councils own data base as a reason for concluding the approach was unsound
- Co-operation does not have to result in agreement but must be meaningful:
 - Just consulting neighbouring authorities on documents by letter or telephone without engaging them in the process does not discharge the duty
 - Consultation is required prior to decisions regarding the level of provision
 - The lack of evidence of specific levels of need in other authorities does not mean the duty can be discharged
- In terms of calculation of the objectively assessed need for housing:
 - Policy or general concerns regarding environmental or infrastructure capacity should not be taken into consideration in defining the objectively assessed housing need and are not reasons to reduce the housing requirement
 - The correction of the ONS mid-year estimates cannot be used as a basis for reducing migration
 - The balance of jobs and houses need to be considered in the context of the Housing market area not just the district
 - Assumptions regarding changing commuting patterns must be supported by substantive evidence
 - Assumptions regarding changing employment densities or activity rates must be supported by substantive evidence

- For details of the SPRU please visit our web site: <http://www.dlpconsultants.co.uk/strategic-planning-research-unit/strategic-research-planning-unit-introduction.html>
- For details of all the services offered by DLP please visit the web site: <http://www.dlpconsultants.co.uk/strategic-planning-research-unit/objectively-assessed-housing-needs.html>

DLP Planning Consultants – Strategic Planning Research Unit

In the case of a planning application or appeal a robust up to date evidence base will be needed to support the provision of housing in terms demonstrating that the proposal is required to meet the objectively assessed housing need. While reliance may be placed on previous development plans in many cases the evidence base will have changed and in some circumstances where plans have failed to be updated such evidence may be absent altogether.

A comprehensive review of the demographic and associated evidence provided by the Strategic Planning Research Unit (SPRU) to provide an objective assessment of housing need is therefore an essential piece of evidence to demonstrate to the decision maker that the proposal is required to meet an existing need. The output of this work can also provide guidance to the appropriate level of housing provision against which to calculate the five year land supply.

The SPRU has a proven track record of producing and presenting evidence on housing need and the economic benefit of housing development both at planning appeals and in Local Plan examinations.

Whether supporting a proposed allocation or promoting an alternative allocation in an emerging plan it is essential that the case is supported by a robust assessment of the level of housing need for the plan period. The Framework requires that the overall level of need is assessed prior to any policy decisions regarding the impact of meeting that need in full. The SPRU is experienced at critically examining the evidence base for Local Plans and testing the assumptions prior to producing their own independent objective assessment of housing need.

Members of the SPRU have experience of presenting their findings at Local Plan examinations and utilising the evidence base to argue for the appropriate level of housing within a district and its distribution.

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