

REPORT OF THE STRATEGIC AND LOCAL PLAN ADVISORY GROUP
TO THE DEVELOPMENT CONTROL COMMITTEE AND EXECUTIVE ON
20 MARCH 2006 AND COUNCIL ON 22 MARCH 2006

The Inspector's Report on the Local Plan 2011

1.0 Introduction and Report Summary

- 1.1 The Inspector's report on the Local Plan inquiry, held between May and September last year, was formally received by the Council on 13 February 2006. The Local Plan will guide development in the district to 2011 and beyond, and in the case of the strategic housing site west of Grove to 2021. The Council has to consider the Inspector's report and his recommendations for changes to the plan and decide whether to accept them. Any changes made to the draft Local Plan approved in its second deposit form (June 2004) have to be published and consulted on as proposed modifications for a period of six weeks. If no objections are received the Local Plan can be adopted. If objections are received, the Council has to consider them before deciding whether to adopt the Plan or make further modifications.
- 1.2 A copy of the Inspector's report has been sent to all members of the Council and town and parish councils in the district. It is available for people to inspect on the Council's website, at the local service points in Abingdon and Wantage, the Council office in Faringdon, public libraries in the district and at Didcot and Westgate (Oxford) libraries.
- 1.3 Appendix 1 to this report contains a brief summary of the Inspector's main conclusions and recommendations. Appendix 2 contains a schedule of the Inspector's reasoning and recommended changes together with the observations and recommendations of the Strategic and Local Planning Advisory Group who carefully considered his report at their meeting on 1 March. Only the Inspector's recommendations where he is proposing a change to the Plan's policies or text are included in the schedules. Where he recommends that no change be made it is in effect support for the second deposit plan. Appendix 3 contains a list of the proposed modifications to the second deposit draft Local Plan arising from the Inspector's recommendations and the Advisory Group's consideration of them. These also contain the proposed modifications arising from the joint Inspectors' report on the public inquiry at Didcot which took place November 2004 – January 2005 and which were considered and agreed by the Executive in October 2005. A 'crib' version of the Local Plan showing the proposed modifications incorporated in it will be sent to all Members of the Advisory Group and any other Member on request. If possible it will be put on the Council's Web site after 16th March. Once approved by Council, Appendix 2 and Appendix 3 will be published for a period of six weeks from 23 March to 5 May to enable the public to make representations and objections.
- 1.4 For those policies where the Inspector has recommended that no change be made and where no changes are proposed by the Council, there is no scope for further duly made objections to be made. They can, therefore, be treated as though they are adopted policies in the development control context. A list of those policies which are unchanged is attached at Appendix 4 to this report. Many of the changes to the policies recommended by the Inspector are minor wording changes only, some of which have been the subject of negotiation with objectors. These are unlikely to attract fresh objections. Those policies which are subject to proposed modifications but where no duly made objections are received within the six week period can also be adopted for development control purposes.

1.5 The contact officer for this report is Katie Barrett, Section Head, Planning Strategy (telephone number 01235 540339).

2.0 **Recommendations**

2.1 *That the Development Control Committee recommends the Executive to recommend Council to:-*

- (a) *agree that the schedules in Appendix 2 to this report be published as the Council's statement of decisions on the Inspectors' reports and recommendations on the joint Didcot Local Plan inquiry and the Vale of White Horse local plan inquiry;*
- (b) *agree that the changes set out in Appendix 3 to this report be published as the Council's proposed modifications to the Local Plan for a period of six weeks together with the required statutory notice advertising the proposed modifications and the Council's intention to adopt the Local Plan if no objections are received;*
- (c) *delegate responsibility for publishing (a) and (b) above according to the statutory requirements, and for making any minor consequential and editorial changes that may be necessary, to the Deputy Director (Planning and Community Strategy). Should any substantive inconsistencies arise, the responsibility to resolve the issues should be delegated to the Deputy Director (Planning and Community Strategy) in consultation with the Chair of the Strategic and Local Planning Advisory Group and the Opposition Spokesperson for Planning;*
- (d) *agree that the policies that are unchanged by the Inspectors' recommendations and the proposed modifications (Appendix 4 to this report) be adopted for development control purposes from 27 March 2006, and*
- (e) *agree that where no duly made objections are received to the proposed modifications to other policies within the six week consultation period, those policies be adopted for development control purposes on the Monday immediately following the closing date for comments.*

3.0 **Relationship with the Council's Vision, Strategies and Policies**

3.1 This report complies with the Council's Vision and objectives. The Local Plan will guide development in the Vale to 2011 and beyond.

4.0 **Consideration by the Advisory Group**

4.1 The Advisory Group has considered carefully all the Inspector's recommendations and the views of officers on those recommendations. Members recognised that although the Council does not have to accept the Inspector's recommendations there are significant risks in not doing so. If the Council fundamentally disagreed with the Inspector and rejected key recommendations, it could result in the Secretary of State directing the Council to accept them and adopt the plan accordingly. If the Secretary of State chose not to intervene, objectors could mount a legal challenge to a particular aspect of the plan once it is adopted. An alternative and frequently used approach that objectors can take when a Council has not accepted an Inspector's recommendation is to submit a planning application that accords with the Inspector's recommendations and challenge the Council's decision through the appeal process with the associated risk to the Council that an award of costs could be made against them. The Advisory Group acknowledged that in this context there must be very sound planning reasons not to accept an Inspector's recommendation. They also recognised that to introduce anything

new into the Local Plan at this stage which was not discussed at the inquiry could result in the need for another inquiry if there were objections to it.

- 4.2 In the majority of cases the Advisory Group accepted the Inspector's recommendations. Occasionally they considered that some additional words should be added for clarity and they recognised that other consequential changes would have to be made as a result of his recommendations (such as the renaming of the Area of High Landscape Vale as the North Vale Corallian Ridge which is referred to throughout the plan, not just in policy NE7). The two occasions when the Advisory Group did not accept the Inspector's recommendations were in relation to policy H8 for the Dow site at Letcombe Regis and policy H15 for the size thresholds above which the Council will seek half of all the dwellings on the site to have two bedrooms or less. The Advisory Group will be giving further consideration to the Dow site at their meeting on 15 March and their recommendation in relation to this site will be circulated separately.
- 4.3 The Advisory Group did not consider the Inspectors' report on the local plan inquiry which related to development West of Didcot. This report was considered by the Group itself in September 2004 and by the Executive in October 2004. Although the Inspectors' report on Didcot does not need to be considered again by Executive, their recommendations have been incorporated into the schedules in Appendix 2 and the proposed modifications in Appendix 3 as they will form part of the Local Plan 2011 and need to be approved by Council and published for a period of six weeks.

5.0 **The Next Steps**

- 5.1 Appendix 2 will be published as the Council's Statement of decisions on the Inspectors' recommendations and Appendix 3 will be published as the Council's proposed modifications to the second deposit draft Local Plan. Given the short time scale between receiving the Inspector's report and the date the papers had to be prepared for Council some minor editorial changes may have to be made before the documents are published. As there are possibly some consequential changes arising from the Inspector's report that have not been fully taken into account at this stage, Officers are suggesting that any more substantive changes be delegated to the Deputy Director (Planning and Community Strategy) in consultation with the Chair of the Advisory Group and the Opposition Spokesperson for Planning.
- 5.2 In accordance with the regulations the statement of decisions on the Inspector's recommendations and the proposed modifications will be published for a period of six weeks. The objective is to achieve this between 23 March and 5 May. If objections are made to these documents they will need to be considered by Council before it can issue its notice of intention to adopt the plan. So that the plan is not caught by the Sustainability Appraisal/Sustainable Environmental Assessment Regulations the plan must be adopted by 21 July 2006. A special meeting of Council is therefore likely to be necessary in June.

RODGER HOOD
Deputy Director (Planning and Community Strategy)

TIM SADLER
Strategic Director

Background Papers: