

REPORT OF THE DEPUTY DIRECTOR (PLANNING & COMMUNITY STRATEGY)
TO THE STRATEGIC AND LOCAL PLANNING ADVISORY GROUP AND THE DEVELOPMENT
CONTROL COMMITTEE
24 MAY 2006

Response to formal consultation on the Proposed Modifications to the Local Plan 2011

1.0 Introduction and Report Summary

- 1.1 Members will recall that following the consideration of the Inspector's Report on the Local Plan 2011 the Council's statement of decisions on the Inspector's recommendations and its proposed modifications to the Local Plan were published for comment between 23 March and 4 May.
- 1.2 The purpose of this report is to consider the representations received and decide whether any further modifications should be made before the Local Plan is formally adopted.
- 1.3 Appendix 1 to this report contains a schedule of representations received together with the officers' responses and suggested recommendations to Executive and Council. Appendix 2 contains a list of policies subject to proposed modifications where no objections have been received. The Council at its meeting on 22 March agreed that such policies could be given full weight when considering planning applications.
- 1.4 The contact officer for this report are Katie Barrett, Section Head: Planning Strategy, contact Tel No: 01235 540339 and Grant Audley-Miller, Section Head (Environmental Planning & Conservation), contact Tel No. 01235 540343.

2.0 Recommendations

- 2.1 *That the Advisory Group and the Development Control Committee recommend the Executive to recommend Council to:*
- i) note the representations received to the Council's of decisions on the Inspector's recommendations and the proposed modifications to the Local Plan and agree the officers' observations and recommendations;*
 - ii) accept there is no justification for making further substantive changes to the Local Plan which would require the publication of further proposed modifications;*
 - iii) delegate authority to the Deputy Director (Planning and Community Strategy) to make minor editorial changes and up-dates to the Local Plan prior to adoption;*
 - iv) adopt the Local Plan as proposed to be modified and authorise officers to give notice of this decision and take the remaining necessary steps in accordance with the regulations.*

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

- 3.1 This report complies with the Council's vision and aims. The Local Plan will guide development in the District to 2011 and beyond.

4.0 **Overview of the Representations Received**

- 4.1 A total of 276 representations were received on the Council's proposed modifications from 138 individuals and organisations. 33 representations supported the proposed modifications, 233 objected and there were 10 informal comments.
- 4.2 No objections were made to the proposed modifications in the following chapters: introduction, the future of the Vale, historic environment, natural environment and tourism. 185 of the representations (mainly objections) related to the allocation of the two sites at Botley recommended by the Inspector. The site at Tilbury Lane was the main focus of the objections and a further 17 objections were received to the loss of safeguarded land at Botley. 10 objections related to the strategic housing allocation at Grove, 2 to the Chilton Field allocation and 1 to the increased number of dwellings at the former Dow Agro site (from Letcombe Regis Parish Council).

5.0 **Consideration of the Representations**

- 5.1 Members will be aware that the Council accepted all but five of the Inspector's recommendations to change the Local Plan and three of these were minor changes to the Inspector's wording which the Council proposed for clarity. The majority of the proposed modifications arise from the Inspector's recommendations to make specific changes to the plan to ensure consistency or to update the plan. Given that the Inspector has carefully considered all the objections to the Local Plan and the detailed evidence put forward at the Inquiry and given the late stage in the local plan process, officers are of the view that further substantive changes to the Local Plan would only be justified if significant additional information comes to light which alters the Council's judgement on a particular policy or proposal. However, minor wording and editorial changes and up-dates to the plan can be made without a need to advertise them as further proposed modifications. Having examined the representations received officers are of the view that no substantive changes to the plan are necessary as outlined in Appendix 1.
- 5.2 If Members believe substantive changes are necessary at this stage – such as adding or deleting a site proposed for development, or introducing, deleting or significantly amending criteria in policies – these would need to be advertised as further proposed modifications to the Local Plan. This would mean that the Local Plan could not be adopted before 22 July 2006. After this date all plans and strategies adopted by councils must be subject to an environmental assessment in accordance with Government regulations unless it is not feasible to do so. The Council at its meeting in May 2005 considered it would not be feasible to carry out an environmental assessment in accordance with the regulations at this late stage in the process and has published a statement to that effect on its web site and placed notices in the local press. Although the Council has taken Counsel's opinion and done all it can to safeguard the Local Plan in the event that it is not adopted by 22 July, there is no guarantee that it would be able to successfully defend its position if the 'not feasible' approach were tested through a high court challenge. If the court did not support the Council, the Local Plan could not be formally adopted and the Council would have to rely on the plan in its draft form until local development documents were adopted. Policies in a draft plan would not carry as much weight at a planning appeal as those in an adopted plan. Having to rely on a draft Plan would be likely to encourage planning applications on greenfield sites not allocated for development. While the requirement for an environmental assessment does not preclude substantive changes being proposed, members should be aware of the consequences of doing so.

6.0 **The Next Steps**

- 6.1 The recommendations of the Advisory Group and the Development Control Committee will be considered by the Executive at its scheduled meeting on 2 June and a special meeting of Council on the 14 June. If no substantive changes are proposed requiring the advertisement of further proposed modifications a notice of intention to adopt the Local Plan will be published in the local press. After a period of four weeks the Local plan will be adopted (13 July). A further notice has

to be published and a six week period given within which legal challenges can be lodged with the high court.

- 6.2 Comments on the draft Supplementary Planning Guidance, which will give more detail on policies and proposals in the Local Plan and which were also available for comments between 25 March and 4 May, will be considered at a meeting of the Advisory Group on 26 June; Development Control Committee on 3 July; Executive on 7 July and Council on 19 July for adoption on 20 July.

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TIM SADLER
Strategic Director

Background Papers: None