

Comment

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| Address | 6 White Horse Uffington SN7 7SE |
| Event Name | Vale of White Horse Local Plan 2031 Part One - Publication |
| Comment by | Evelyne Godfrey |
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Q1 Do you consider the Local Plan is Legally Compliant? No

Q2 Do you consider the Local Plan is Sound (positively prepared, effective and Justified) No

If your comment(s) relate to a specific site within a core policy please select this from the drop down list. N/A

If you think your comment relates to the DtC, this is about how we have worked with the Duty to Cooperate bodies (such as neighbouring planning authorities)

Q3 Do you consider the Local Plan complies with the Duty to Co-operate? No

Q4 Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Re: Core Policies 39 and 44, 13 and saved HE policies

The European Landscape Convention (treaty of Florence, 2000) was ratified by parliament and came into effect in England in 2007. In ratifying the ELC, the government agreed to take into account the

concepts and implementation guidance of the Convention, and to adopt these in the national planning policy framework. The ELC defines "Landscape" as encompassing both the Natural and Historic environment together. Landscape is taken to mean the surroundings where people live. A high quality environment (landscape) is recognised in the ELC as a precondition for individual and social well-being (understood in the physical, physiological, psychological and intellectual sense) and for sustainable development, as well as a resource conducive to economic activity. The NPPF (2012) Chapter 12 "Conserving and enhancing the historic environment" is arguably, in broad respects and in detail, currently inconsistent with the ELC. This is of course a matter that needs to be resolved at a national level, rather than in a Local Plan examination.

The issue with regard to the Local Plan, is that it must be consistent with the NPPF, and the NPPF must be consistent with the ELC. Therefore, the Local Plan policies relating to Landscape (Core Policy 44 and 13 in particular), the Natural Environment (mainly in Core Policy 44, but spread across a number of other District-wide Policies), and the Historic Environment (Core Policy 39) must in turn be consistent with the ELC (accompanying implementation guidelines). The relevant Local Plan "saved policies" must also be consistent. All of the Local Plan "saved policies" on Historic Environment, for example, need to be reviewed in light of the ELC, as they are fundamentally inconsistent. These "saved policies" are:

HE1 Preservation and enhancement: implications for development

HE4 Development within setting of listed building

HE5 Development involving alterations to a listed building

HE7 Change of use of listed building

HE8 Historic parks and gardens

HE9 Archaeology

HE10 Archaeology

HE11 Archaeology

These saved policies date from 2006, and are carried forward from older policies, so pre-date the ratification of the ELC (2007) and publication of the implementation guidelines (2008).

The inconsistencies between the outdated concepts in the saved policies, aspects of the Local Plan, and Chapter 12 of the NPPF (Outdated/Inconsistent HE Policies), and the ELC can be summarised as follows

Definition of heritage

| <u>Outdated HE Policies</u> | | <u>ELC</u> |
|-----------------------------|--------|--|
| Monuments | -----> | Landscapes |
| Buildings | | Urban areas |
| Sites | | Historic environment/cultural heritage |

Role of heritage in society

| <u>Outdated HE Policies</u> | | <u>ELC</u> |
|--------------------------------|--------|--|
| National unity | -----> | Respect for cultural diversity |
| Generate revenue from visitors | --> | Wider economic benefits/ social benefits |

Decisions

| <u>Outdated HE Policies</u> | | <u>ELC</u> |
|-----------------------------|--------|--------------------------------|
| State | -----> | Region/ locality |
| Authoritarian | --> | Democratisation/ participation |

Professionals

Outdated HE Policies

ELC

| | | |
|------------------------------------|--------|-----------------------------|
| Experts | -----> | Facilitators |
| Single discipline (e.g. buildings) | --> | Multi-skilled professionals |
| Historical knowledge | -----> | Management skills |

Significance

Outdated HE Policies

ELC

| | | |
|------------------------|--------|---|
| Old | -----> | Industrial Heritage/ Post-war buildings |
| Aesthetic | --> | Commemorative value |
| National importance | --> | Local Distinctiveness |
| Mono-cultural | --> | Values of different cultures |
| Narrow range of values | --> | Wide range of values |

Interpretation

Outdated HE Policies

ELC

| | | |
|------------|--------|---------------|
| Expert led | -----> | Community led |
|------------|--------|---------------|

Responsibilities

Outdated HE Policies

ELC

| | | |
|-----------------|--------|---------------------------------------|
| State led | -----> | Communities/the market/private sector |
| Heritage sector | --> | Environmental sector |

Management practices

Outdated HE Policies

ELC

| | | |
|-----------------------|--------|-------------------------|
| Designation | -----> | Characterisation |
| Separate conservation | --> | Integrated conservation |
| Site based | --> | Strategic |
| Technical research | --> | Philosophical research |

In preparing the Local Plan, the District Council have failed to formulate a Landscape policy according to the contemporary concepts of the ELC. The relevant Core and Saved Policies, especially Core Policies 13 (Green Belt), 39 (Historic Environment, plus Saved HE Policies), and Core Policy 44 (Landscape) should therefore be seen to be not sound. In particular, there has been no apparent public participation in the formulation of the policies. This is contrary to the ELC guidelines, which state that

"Participation should be a feature of all the different phases in the processes of drawing up and implementing landscape policies, in particular those of landscape appraisal, definition of landscape quality objectives, decision-making and implementation of actions over time. Participation should also be regarded as a system for the mutual information of the relevant stakeholders. It is particularly important that participation take place at all stages of implementation, from the initial knowledge phase through to the implementation of agreed actions, that is, in the execution of projects in which all relevant stakeholders have participated."

Due to inconsistency with the ELC, the relevant Core and Saved Policies, especially Core Policies 13 (Green Belt), 39 (Historic Environment, plus Saved HE Policies), and Core Policy 44 (Landscape) can also be seen to be not legal. The ELC states that "Each Party undertakes: a. to recognise landscapes in law as an essential component of people's surroundings, an expression of the diversity of their shared cultural and natural heritage, and a foundation of their identity." This concept is currently not evident in the Local Plan or relevant sections of the NPPF.

Please note *your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.*

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

Q6 If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination? Yes - I wish to participate at the oral examination

Please note *the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.*

Q7 If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

I have noted and am in agreement with many other submissions that have been made and feel that the subject of the inconsistency of the Local Plan with the European Landscape Convention has not been addressed to the necessary extent.