



Name of the Local Plan to which this representation relates:

Vale of White Horse
Local Plan 2031 Part 2

Please return by 5pm on Wednesday 22 November 2017 to: Planning Policy, Vale of White Horse District Council, 135 Eastern Avenue, Milton Park, Milton, Abingdon, OX14 4SB or email planning.policy@whitehorsedc.gov.uk

This form has two parts:

Part A – Personal Details

Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

Part A

1. Personal Details*

*If an agent is appointed, please complete only the Title, Name and Organisation boxes below but complete the full contact details of the agent in 2.

Title

Mr

First Name

D

Last Name

Bond

Job Title (where relevant)

Organisation representing

(where relevant)

Woolf Bond Planning

Address Line 1

The Mitfords

Address Line 2

Basingstoke Road

Address Line 3

Three Mile Cross

Postal Town

Reading

Post Code

RG7 1AT

Telephone Number

01189884923

Email Address

d.bond@woolfbond.co.uk

2. Agent's Details (if applicable)

Sharing your details: please see page 3

Part B – Please use a separate sheet for each representation

Name or organisation:

3. To which part of the Local Plan does this representation relate?

Paragraph

Policy

Policies Map

Abingdon on Thames and Oxford Fringe Sub Area

4. Do you consider the Local Plan is: *(Please tick as appropriate)*

4. (1) Legally compliant

Yes

No

4. (2) Sound

Yes

No

4. (3) Complies with the Duty to Cooperate

Yes

No

5. Please provide details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the Duty to Cooperate. 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 Cooperate, please also use this box to set out your comments.

1. Contrary to Regulation 2(1), Regulation 5(1)(b), and Regulation 22(1)(b) of the Town & Country Planning (Local Planning) (England) Regulations 2012 the 'submission proposals map' is not limited to showing how the adopted policies map would be amended by the Local Plan 2031 Part 2 or its policies.
2. The submission proposals map for the Abingdon-on-Thames and Oxford Fringe Sub-Area wrongly purports to include a proposed change to the Green Belt boundary which is currently defined on the adopted policies map at North Hinksey so as to include that land within the Green Belt when it is not currently in the Green Belt.
3. In the absence of any proposal in the policies of the Local Plan 2031 Part 2 to promote a change to the adopted Green Belt boundary at North Hinksey so as to include that land within the Green Belt, it is not open to the Council to show any such change on the submission proposals map. The change does not relate to any amendment proposed by the Local Plan 2031 Part 2.
4. The suggestion on the submission proposals map that this proposed change is a 'correction' is not justified. The adopted policies map fully meets the requirements of Regulation 9 of the 2012 Regulations.
5. The adopted proposals map was published by the Council on 15 December 2016 in conjunction with the Council's notification of the adoption of the Local Plan 2031 Part 1. The Local Plan 2031 Part 1, and the adopted policies map which showed the extent of the Green Belt at North Hinksey, was available for legal challenge under section 113 of the Planning & Compulsory Purchase Act 2004, for a 6 week period from 15 December 2016.
6. That legal challenge period expired on 26 January 2017 and no legal challenge was brought. Thereafter, neither the Local Plan 2031 Part 1, nor the adopted policies map, could be subject to legal challenge on any grounds relating to the processes involved in

preparing and adopting those documents. Even if there were a 'mistake' made at that time (none being accepted), that could not now form the basis for any legal challenge to the extent of the adopted Green Belt that is subject to Policy 13 of the Local Plan 2031 Part 1.

7. There is therefore no legal basis for the Council to now put forward any 'correction' to the adopted policies map. The Council has no unilateral power to make changes to the adopted policies map. Its powers in relation to the preparation of an adopted policies map and a submission policies map (both of which are types of local development document) are only as set out in the Planning & Compulsory Purchase Act 2004 and in the 2012 Regulations.
8. The only route for the Council to change the adopted policies map is if it were to promote a policy in the Local Plan 2031 Part 2 to change the extent of the adopted Green Belt boundary. This is a course that the Council has followed at Dalton Barracks, where Policy 13a does promote a Green Belt amendment, and the submission policies map then properly reflects that new policy position.
9. However, any such amendment to the adopted policies map has to be brought forward via a policy change in the Local Plan 2031 Part 2, so that the submission policies map is reflective of any such new policy.
10. In the case of the land at North Hinksey there is no such policy change in the Local Plan 2031 Part 2 and so no proper basis for putting forward any change to the adopted policies map in the submission policies map.
11. In addition and in any event, it is quite clear that changes to the extent of an adopted Green Belt can only be made if the test of 'exceptional circumstances' is satisfied, as the Court of Appeal has emphasised in the case of Solihull MBC v Gallagher Estates Ltd [2014] EWCA Civ 1610, at paras 32 to 34. This test applies both to additions to the Green Belt as well as to exclusions from it. Nothing in the Local Plan 2031 Part 2 provides (or attempts to provide) any basis for showing that there are 'exceptional circumstances' to change the extent of the adopted Green Belt at North Hinksey so as to include new land within that designation.
12. The consequence of these failings is that the contents of the submission proposals map in relation to the Green Belt at North Hinksey are in breach of Regulations 2(1), 5(1)(b), and 22(1)(b) of the 2012 Regulations. Since the submission proposals map is a prescribed document within section 20(3) of the 2004 Act but has been prepared in breach of the 2012 Regulations, the Local Plan 2031 Part 2 does not satisfy the requirements of the 2012 Regulations and, as a result, the Inspector examining the Local Plan 2031 Part 2 cannot conclude that it meets the requirements in section 20(5)(a) of the 2004 Act. In those circumstances the Inspector cannot recommend adoption of the Local Plan 2031 Part 2 or that the adopted proposals map should be amended as shown on the submission proposals map.
13. In addition, the Local Plan 2031 Part 2 fails the 'soundness' test in para 182 of the NPPF because it is not "consistent with national policy". It is quite clear from para 83 of the NPPF that "Once established, Green Belt boundaries should only be altered in exceptional circumstances". The Local Plan 2031 Part 2 does not claim to identify any exceptional circumstances to change the established Green Belt, as shown by the adopted policies map, at North Hinksey. There is therefore no policy basis to support the change shown on the submission proposals map. The Local Plan 2031 Part 2 therefore fails the soundness test in section 20(5)(b) of the 2004 Act.

(Continue on page 4 /expand box if necessary)

6. Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the matter you have identified at 5 above. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

1. The submission proposals map needs to be amended so that the Abingdon-on-Thames and Oxford Fringe Sub-Area no longer seeks to show any change to the Green Belt boundary or extent at North Hinksey. The Green Belt boundary and extent at North Hinksey should be precisely as shown on the adopted policies map, as published by the Council on 15 December 2016.
2. The Green Belt notation itself (shown diagrammatically by a green stipple) should also be removed from all land at North Hinksey that is not included in the Green Belt on the adopted policies map (December 2016).
3. In addition the title box giving the title details to the Abingdon-on-Thames and Oxford Fringe Sub-Area of the submission policies map should be amended to delete the words "Includes correction to Green Belt boundary at North Hinksey Village."

(Continue on page 4 /expand box if necessary)

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.

7. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

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

To explain further legally compliant and soundness failings of the plan.

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

Signature:

Date: 21.11.2017

Sharing your personal details

Please be aware that, due to the process of having an Independent Examination, a name and means of contact is required for your representation to be considered. Respondent details and representations will be forwarded to the Inspector carrying out the examination of the Local Plan after the Publicity Period has ended. This data will be managed by a Programme Officer who acts as the point of contact between the council and the Inspector and respondents and the Inspector.

Representations cannot be treated as confidential and will be published on our website alongside your name. If you are responding as an individual rather than a company or organisation, we will not publish your contact details (email / postal address and telephone numbers) or signatures online, however the original representations are available for public viewing at our council office by prior appointment. All representations and related documents will be held by Vale of White Horse District Council for a period of 6 months after the Local Plan is adopted.

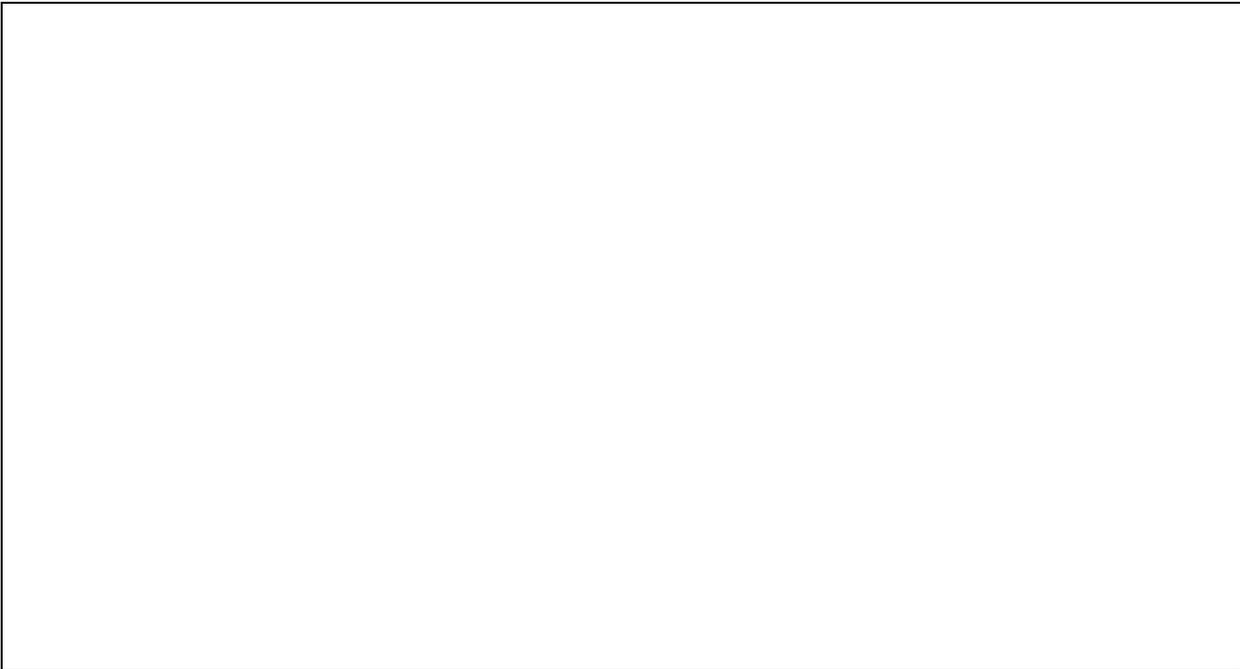
Would you like to hear from us in the future?

I would like to be kept informed about the progress of the Local Plan

I would like to be added to the database to receive general planning updates

Please do not contact me again

Further comment: Please use this space to provide further comment on the relevant questions in this form. **You must state which question your comment relates to.**



Alternative formats of this form are available on request. Please contact our customer service team on 01235 422600 (Text phone users add 18001 before you dial) or email planning.policy@whitehorsedc.gov.uk

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