

Guy Wilson  
Culham House  
High Street  
Culham  
Oxfordshire  
OX14 4NA

Date 8 May 2013  
Your ref  
Our ref GRIMBLRJ/156111-000007  
Direct dial 0845 497 4983  
Direct fax 0845 497 4919  
johngrimbley@eversheds.com

## **By Post & Email**

Dear Guy

### **Culham House – Draft Vale of White Horse Local Plan**

I am writing to you in relation to the purported safeguarding of a road line for a future southern by-pass for Abingdon contained in the draft Vale of White Horse Local Plan.

Although a significant part of the land shown safeguarded for the future by-pass is within the Vale of White Horse District Council's ("VWHDC's") jurisdiction, the curious feature is that it extends over the River Thames to the east of their administrative area into South Oxfordshire District Council's ("SODC's") administrative area. The relevant provisions of the legislation governing the production of local plans is set out in part 2 of the Planning and Compulsory Purchase Act 2004.

Amongst these provisions, section 13(1) provides that the Local Planning Authority ("LPA") must keep under review certain matters which may be expected to affect the development of *their area* (my emphasis) or the planning of its development. Section 17(3) states that the LPA's local development documents (of which the Local Plan would be one, once adopted) must set out the LPA's policies relating to the development and use of land in *their area* (again, my emphasis). Section 1(1) of the Town and Country Planning Act 1990 provides that, in a non-metropolitan County (which Oxfordshire is), the Council of the District is the District Planning Authority (i.e. the LPA for district matters) for the District.

In view of the above, the purported designation of land in an area outside VWHDC's area will be ineffective to regulate development. Firstly, VWHDC cannot make policy in respect of land outside of its area. Secondly, it will not be responsible for determining planning applications in SODC's area. SODC will be bound to take into account their own Local Plan, which of course does not contain the safeguarding policy and therefore they would find it difficult to refuse planning applications based on VWHDC's "policy" even if they wanted to. The proposal for the by-pass could therefore be easily frustrated.

The proposed safeguarding within another authority's administrative area is therefore plainly wrong. Unfortunately, this has very significant implications for those who are affected by this purported safeguarding. As the Council themselves acknowledge, it is unlikely that the by-pass will be constructed, if at all, for a very long period. In addition to uncertainty, this will have a material blighting effect on land within the vicinity of, and within, the safeguarded area for a very lengthy period. Unless, therefore, the Council

**Eversheds LLP**  
One Wood Street  
London  
EC2V 7WS

Tel 0845 497 9797  
Fax 0845 497 4919  
Int +44 20 7919 4500  
DX 154280 Cheapside 8  
www.eversheds.com



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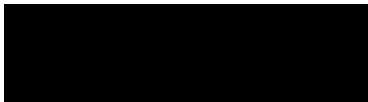
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decide to withdraw this safeguarding (and I am aware that there are significant policy reasons why it should not be safeguarded in view of the uncertainty and prematurity) you may wish to consider whether you should require the Council to acquire both your land and others that are affected because of the blighting affect.

I trust that the Council will soon realise that the steps they have taken are inappropriate in relation to SODC's area and withdraw the safeguarding at the first opportunity. However, if this is not the case then consideration can be given to further steps.

Kind regards.

Yours sincerely

A solid black rectangular box used to redact the signature of John Grimbley.

**John Grimbley**  
**Principal Associate**  
**For Eversheds LLP**