

Comment

Consultee	Mr Jeremy Flawn (875603)
Email Address	
Address	Brunel House Volunteer Way Unknown SN7 7YR
Event Name	Vale of White Horse Local Plan 2031 Part One - Publication
Comment by	Mr Jeremy Flawn
Comment ID	LPPub3173
Response Date	21/01/15 15:30
Consultation Point	Core Policy 39: The Historic Environment (View)
Status	Processed
Submission Type	Email
Version	0.6

Q1 Do you consider the Local Plan is Legally Compliant? Yes

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? Yes

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.

As currently drafted, Core Policy 39 fails to refer to the statutory duty to protect certain heritage assets (eg S.66 of the Planning (Listed Buildings & Conservation Areas) Act 1990), as recently brought to the fore again through the Barnwell Manor Court of Appeal judgement.

Consequently the Plan is inconsistent with national policy and it is thus unsound.

Q5 Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test you have identified above where this relates to soundness. (NB Please note that any non-compliance with the duty to co-operate 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.

By making the following changes, the Plan will reflect the statutory duty.

The changes proposed are as follows:

Revise Core Policy 39 to refer to the statutory duty under S.66 of the Act as well as to national guidance.

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:

Bluestone Planning wishes to be given the opportunity to appear at the oral part of the examination in public to debate these representations with the Local Planning Authority in front of the Inspector, should the opportunity arise.