



**Vale of White Horse Local Plan Part One:
Strategic Sites and Policies**
Publication Stage Representation Form

Ref:

(For official
use only)

Name of the Local Plan to which this representation relates:

Vale of White Horse Local Plan

Response form for the Vale of White Horse strategic planning policy document, the Local Plan Part one. Please return to Planning Policy, Vale of White Horse District Council, Benson Lane, Crowmarsh, Wallingford, OX10 8ED or email planning.policy@whitehorsedc.gov.uk no later than Friday 19 December 2014 by 4.30 pm precisely.

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

First Name

Last Name

Job Title

(where relevant)

Organisation

(where relevant)

Address Line 1

Line 2

Line 3

Line 4

Post Code

Telephone Number

E-mail Address

(where relevant)

2. Agent's Details (if applicable)

Mr

Steven

Sensecall

Partner

Kemp & Kemp LLP

1-3 Ock Street

Abingdon-on-Thames

Oxfordshire

OX14 5AL

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

4.40 - 4.48

Policy

CP7

Proposals Map

4. Do you consider the Local Plan is :

4.(1) Legally compliant

Yes

☐

No

√

4.(2) Sound (Positively Prepared, Effective and Justified)

Yes

☐

No

√

4 (3) Complies with the Duty to co-operate

Yes

N/A

No

Please mark as appropriate.

5. 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.

Lands Improvement Holdings Limited (LIH) accepts the principle of providing supporting infrastructure and services in relation to new development. LIH also welcomes the acknowledgement in the second paragraph of Policy CP7 that “infrastructure requirements could render ... development unviable ...”

This is a change from previous drafts, which stated that major development proposals should be supported by independent viability assessments. LIH questioned whether that approach was lawful.

In previous submissions, LIH also raised concerns about the suggestion that, as a last resort, the Council would refuse planning permission if a major development would be unsustainable without the inclusion of unfunded infrastructure requirements (criterion iii). LIH's view is that, particularly insofar as strategic allocations are concerned, it is incumbent on the Council to work closely with land owners and developers at the plan-making stage to ensure that the policy requirements and the requirements of the Infrastructure Delivery Plan (IDP) in relation to such sites are:

- (a) Consistent with the requirements of the three legal tests set out in Regulation 122 of the CIL Regulations and at paragraph 204 in the MPPF; and
- (b) Are capable of being borne by the development without having an adverse effect on its liability.

As drafted, there is also potential inconsistency between the first paragraph in Policy CP7 and the CIL provisions in the last four paragraphs of the policy. If CIL is adopted, developers who may be bringing forward other sites in Science Vale (LIH acknowledges and welcomes the Council's decision to propose a 'nil CIL rate' in respect of Crab Hill) may not be in a position to ensure the "timely delivery" of "necessary" on-site and off-site infrastructure requirements arising from the proposal. It will depend on how/when pooled contributions are collected and who / which body is ultimately responsible for the delivery of that infrastructure.

6. 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 at 5 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.

DELETE criterion iii

AMEND the first paragraph of Policy CP7 to read:

*All new development will be required to provide for the necessary on-site and, where appropriate, off-site infrastructure requirements arising from the proposal. Infrastructure requirements will be delivered directly by the developer and / or through an appropriate financial contribution prior to, or in conjunction with, new development. In ensuring the timely delivery of infrastructure requirements, development proposals ~~must~~ **should** demonstrate that full regard has been paid to the Infrastructure Delivery Plan and all other relevant policies of this plan. **The Council acknowledges however that it needs to work with land owners and developers to ensure that the pooled contributions are collected in a timely manner and that there is clarity as to who is ultimately responsible for the delivery of the necessary infrastructure.***

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:

LIH wishes to appear at the Examination to confirm its support for the Council's spatial strategy and to provide the evidence that, insofar as the land at Crab Hill is concerned, the strategy is sound and the site is available and deliverable.

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.

Signature:

Date:

18.12.2014