

South Gloucestershire Local Development Framework Core Strategy DPD Examination

Inspector: Paul Crysell BSc MSc MRTPI

Via Email

Mr P Conroy
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1 February 2012

Dear Mr Conroy,

Localism Act 2011

You will be aware that section 112 of the Localism Act has amended sections 20 – 23 of the Planning and Compulsory Purchase Act 2004 with effect from 15 January 2012. The amended provisions affect any plan that has not been adopted by this date and will therefore apply to the South Gloucestershire Core Strategy Development Plan Document.

The effect of this in relation to your Examination is that where your Plan needs modifications to make it sound, I will not be able to recommend these 'main modifications' unless you make a specific request under new section 20(7C) of the 2004 Act. In order for me to make modifications to the Plan you will need to notify me formally whether you are requesting modifications under section 20(7C). In the absence of a request, you will appreciate there is the likelihood that my report will be confined to identifying any soundness or legal compliance failures and, if necessary, recommending non-adoption of the Plan.

As considerable work has already been undertaken on proposed modifications, I hope I will be able to proceed and ensure that you have a Plan capable of adoption, particularly given the effort the Council has put into the process to date. I would appreciate an indication of your preferred approach in due course.

You should also be aware that main modifications made in relation to soundness will in almost all cases need to be the subject of further consultation and/or sustainability appraisal by the Council and that I shall have to take into account the representations received on these. Where further consultation is necessary it is recommended that a minimum period of 6 weeks is allowed for this.

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The change to the process also affects the schedule of minor and/or technical changes you may wish to make to the Plan. Under amended section 23(3)(b) of the 2004 Act these are now known as 'additional modifications' and can be made by the Council on adoption without the need to be examined. I will not endorse these changes or refer to them in my report.

In respect of the South Gloucestershire Core Strategy I consider it would be helpful to clarify what I consider comprises the submitted plan. This is the Plan as submitted on 31 March 2011 which includes the Pre-Submission Publication Draft together with changes made in December 2010 and incorporated into the Proposed Changes version of the Core Strategy. There are also the further modifications you are in the process of completing following the concerns I raised after the exploratory meeting I held in June 2011.

The final composite text will therefore be the starting point for recommending any main modifications in my report. I will of course take into account any representations made within the specified consultation periods for the changes which have or are being made to the Plan.

In respect of the modifications you have put forward to date and those that you are in the process of making I would appreciate your thoughts on which changes you consider are potentially 'main modifications' and which you regard as 'additional modifications'. It would be extremely helpful if you could provide listings of these before I hold a Pre-Hearing Meeting.

A further change introduced by the Localism Act is the 'duty to cooperate' which has been inserted under sections 33A and 20(5)(c) of the 2004 Act. This requirement does not apply to your Plan because it was submitted for examination prior to 15 November 2011 when the provision came into force. The legislation cannot have retrospective effect in imposing an obligation that did not exist prior to submission.

Yours sincerely,

P R Cysell

INSPECTOR