

South Wilts Core Strategy (Revised) - Hearings Programme August 2011

Statement of behalf of Harnham Neighbourhood Association: Ref 1357

ISSUE 1: Conformity and Weight to be afforded to RSS

The original DPD was drawn up in conformity with the growth targets in the RSS.

However, our previous representations demonstrated that this DPD is unsound, specifically in respect of the Netherhampton Road Strategic Site, which is not deliverable.

Our stance has been vindicated by the focussed changes to the DPD which involve the complete removal of this Strategic Site. In our view, this renders the revised DPD sound (or at the very least, less unsound).

We envisage two scenarios:

- i) If the Inspector is able to accept the Council's case that the 'Cala' judgement is *obiter dictum* (i.e. does not bear directly on the case and is not binding) then he has the freedom to determine the soundness of the revised DPD on its substantive merits, and can proceed to finalise his report accordingly.
- ii) However, if the Inspector is unable accept that the judgement is *obiter dictum*, then the phrase "*it would be unlawful ... to have regard to the proposal to abolish regional strategies*" could not be more specific. The Review document title page states that the changes are "as a result of the review into the implications of the potential abolition of the South West Regional Spatial Strategy". Therefore, in accordance with the judgement, these changes are incapable of lawful regard.

In neither scenario is the degree of conformity with the RSS relevant. The Inspector is either bound by the judgement, or he is not.

In the case of the second scenario, we ask the Inspector to consider the following:

- The DPD was originally a 20-year plan, now a 15 year plan, having been 5 years in preparation. It is finally sound in substance, or can be made so.
- The Localism Bill is due to be enacted this year. At that point the 'Cala' judgement will lapse.
- It is absolutely perverse that a 15/20 year plan, sound in substance, be found unsound on the basis of a transitory legal judgement, which will expire within a year.

A formula needs to be found, whereby the Inspector can complete his consideration of the substance of the revised DPD, and publish his findings accordingly.

We appreciate that, in this scenario, for so long as the judgement is in force, the revised DPD cannot be found to be sound; but it can be found sound, subject to Regional Strategies being abolished. We see no difference in principle to such a provision and any other provisions that the Inspector might make in his report. In this way, the work of 5 years in developing this DPD is preserved, to become effective on abolition of Regional Strategies, in all likelihood within the year.

The alternative is to start the process all over again. This would not only leave South Wiltshire in limbo for a further indeterminate period, but would also constitute a gross waste of public funds.

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