

**Additional Statement Relating to the Objection to the identification of No.103 to 109A on the Horsell Inset of the Submission Proposals Map without a corresponding proposal in the submitted Core Strategy.**

1. The purpose of this additional statement is to comment on the Council's response to this objection.
2. The Council has already proposed a modification in respect of a separate objection to correctly title the Proposal Map as the 'Submission Proposals Map'. This is to comply with the requirements of Regulation 30 of the T&CP Regulations 2004/2204.
3. In respect of the identification of the above site the Council has stated: *"The 103 to 109A High Street, Horsell allocation has been included on the Proposals Map as it is an extant scheme from Policy MV11 of the WBC 1999 Local Plan. Information regarding these schemes has been outlined within Policy CS18 paragraph 5.171 and within the current IDP to support the Core Strategy"*
4. Whilst the Council says that information about the scheme is 'outlined' within two parts of the Core Strategy it has identified, this is factually incorrect. Neither reference identifies any specific site which could enable the allocation that has been shown to comply with the requirements of Regulation 30.
5. What the references actually say is that the Proposals Map, and a yet to be produced Site Allocations DPD, will identify extant transport proposals currently within the saved Local Plan 1999.
6. The Council cannot lawfully identify an allocation on a Submission Proposals Map unless it is reflecting what has been identified within its companion DPD.
7. What the Council appear to be saying is that the allocation is identified on this Submission Proposals Map in anticipation of a future DPD. Plainly this does not comply with Regulation 30.
8. The Council also make reference to the Infrastructure Delivery Plan. However this is not a DPD and Regulation 30 does not enable the Submission Proposal Maps to reflect matters within that document.
9. The purpose of Regulation 30 is to ensure that proposals/allocations in a DPD are clearly identified in terms of location and area and are subject to consultation and sustainability appraisal. As it stands the rights of the public are being clearly

prejudiced in this case because the nature of what is proposed is not identified in the submitted DPD as required.

10. A Submission Proposals Map is an integral part of the DPD at the submission stage and if it is flawed legally it must follow that the DPD it accompanies must also be considered unlawful.
11. The first test of soundness relates to procedural matters *including “whether the relevant Regulation have been followed”*. In this case they have not, and without the matter being remedied, the Inspector must find the DPD unsound. This is a matter the Inspector must expressly deal with in his report as it goes to the heart of the legal soundness of the DPD. There is no discretion to overlook any statutory requirements.
12. The only action for the Council to take to avoid the risk of the DPD being found unsound on this point is to agree for the allocation to be treated as deleted from the Submission Proposals Map and for this to be set out as an ‘additional modification’. The Council can safely do that as it will not materially alter the policies of the plan.
13. The Inspector is invited to request the Council to identify any other allocations or notations on the Submitted Proposals Map which do not relate to site specific policies or proposals with the submitted Core Strategy. If there are any they would also be unlawful and should be deleted by way of an ‘additional modifications’.
14. In view of the risk of unsoundness, and the relative ease with which this issue can be resolved, it is suggested that it may be helpful for the Inspector to ask the Council to deal with this matter in advance of the examination. To otherwise leave discussion of a legal flaw to the DPD as a whole to the last day of the examination could risk a lot of abortive time for all those involved in the examination and also unnecessary public expense.