

I've already given my reactions to the response to Q5 in an earlier communication. This e-mail responds to the material in the OPDC's second response to my Q2.

I understand the distinction which the OPDC wishes to make between the policies map which is to show exact boundaries and the figures within the body of the submitted Local Plan which show indicative boundaries. (In some cases the figures also show designations which have exact boundaries but that doesn't alter the distinction). The changes which the OPDC is suggesting would align with the distinction it wishes to make and so have the merit of introducing consistency.

But, I'm not sure that the response answers the fundamental issue which underlies (but which I did not make specific) my original question, which is my concern that the plan may not be complying with Regulation 9 (1(c)), which the OPDC helpfully sets out in its response because although some of the figures are on an Ordnance Survey base, others (those illustrating the Places sections) are not.

I'm not sure that the relevant case law helps us at all because in that case it appears that there was a Proposals Map (as it was termed under previous legislation) showing a designation illustrating a defunct policy and also a Key Diagram showing an indicative Green wedge, accurately drawn on the Key Diagram and with sufficient precision for the site in dispute in that case to be shown as lying outside it (see paragraph 48 of the judgment) and therefore not in conflict with policy; a matter which the minister apparently ignored and instead based his decision on immaterial considerations.

I am not sure what points the OPDC wishes me to draw from a lengthy judgment but it is clear from what I read (Judgment paragraphs 45-49) that the court took the (indicative) Key Diagram to be a part of the policies map for the purposes of Regulation 9. The lesson I draw from the judgment is that it illustrates what difficulties people get in to when they do not recognise the relationship between a map or diagram and a site and that, to be sound and effective a plan must contain a device or devices in the form of maps and diagrams which allow potential developers and development managers to apply policies to a specific site correctly and accurately.

Part of my job is to make sure that the Plan complies with the regulations. So; there must be a policies map (which can be in various sections or parts and can have inserts, which may be physically separate) which illustrates geographically the application of the policies in the plan. The geographical illustrations of the policies in the plan can be indicative or diagrammatic (as in a Key Diagram) or they can be precisely delineated. But; they must be reproduced from, or be based on, an Ordnance Survey map. Most of the map-like figures in the plan as submitted (other than those in chapter 4) are clearly on an Ordnance Survey base. But, as my original question indicated, I have some doubts (i) about the consistency of what is shown between the various diagrams in the plan and (ii) the effectiveness of requiring users of the plan to refer to several maps and diagrams to get a complete picture of how the policies in the plan would apply to

a particular site. It may be that further consideration and discussion would clarify the situation and point to a way forward.

Paul Clark
Inspector