

EXAMINATION GUIDANCE NOTE FROM THE INSPECTOR

UPDATED FOR STAGES 2 and 3

Purpose of the Guidance Note

1. This note provides guidance to participants involved in the Examination of the West Oxfordshire Local Plan 2031.

Background

2. The Examination commenced in July 2015 following the submission of the West Oxfordshire Local Plan 2031 (doc CD1) which had been the subject of public consultation between March and May 2015. Simon Emerson BSc DipTP MRTPI was appointed by the Secretary of State for Communities and Local Government to undertake the Examination and initial hearing sessions (Stage 1 of the Examination) were held in November 2015. Following the hearings Mr Emerson published Preliminary Findings (Docs IN 015 and IN 016) and, as a result, the Council requested that the Examination be suspended to enable it to carry out further work on the plan.
3. In the light of the further work undertaken, in November 2016 the Council published for consultation Schedules of Proposed Main and Additional Modifications to the plan (Docs CD6 and CD7), accompanied by a version of the originally submitted plan showing, in track change form, the proposed main and additional modifications (Doc CD5).
4. Whilst the Examination was suspended Mr Emerson retired from employment with the Planning Inspectorate and I, **Malcolm Rivett BA (Hons) MSc MRTPI**, have been appointed to conduct the remainder of the Examination.
5. The originally submitted plan (doc CD1) remains the document which is formally the subject of the Examination. However, to avoid unnecessary confusion, and bearing in mind that the modifications it contains have been the subject of full consultation, sustainability appraisal and Habitats Regulations Assessment screening, for practical purposes the 'starting point' document for the remainder of the Examination will be the:

West Oxfordshire Local Plan 2031, Submission Draft including Proposed Modifications (November 2016) (Doc CD5)

Nonetheless, I will have regard to the representations and other evidence submitted in relation to the originally submitted plan document insofar as they remain relevant and this will necessitate some discussion again of matters previously discussed at the November 2015 hearings. Paragraph 18, below, details the possible outcomes for the remainder of the Examination.

6. My task is to consider the legal compliance and soundness of this plan. The National Planning Policy Framework (DCLG, March 2012) sets out the criteria for determining soundness; namely that the plan is Positively Prepared; Justified,

Effective and Consistent with National Policy.

7. The following explains how the remainder of the Examination will be conducted, the list of Matters and Questions for Stage 2 of the Examination, the draft programme for the Stage 2 hearing sessions, the form the hearing sessions will take and the requirements concerning the submission of further written evidence - ie hearing statements. All participants should familiarise themselves with the contents of the note, in particular those who wish to submit hearing statements and/or take part in the hearing sessions for either Stage 2 or Stage 3.
8. The remainder of the Examination will take place in two stages. Stage 2 will consider the following matters:
 - Legal Compliance
 - The settlement hierarchy and spatial strategy
 - Providing New Homes
 - Sustainable Economic Growth
 - Transport and Movement and Supporting Infrastructure
 - Environmental and Heritage Assets
 - The housing site selection process and preliminary questions concerning five year housing land supply

These matters primarily relate to sections 1- 8 of the plan.

9. If following the Stage 2 hearing sessions I conclude that it is appropriate to do so, Stage 3 hearing sessions will be held to consider the remaining aspects of the plan, in particular:
 - The Strategy at the Local Level (including the five sub-areas)
 - 5 Year Housing Land Supply
10. The Duty to Co-operate applies in the preparation of a Local Plan until the point of its submission for Examination, which in this case was in July 2015. In his Preliminary Findings (paragraph 8.3) Mr Emerson concluded that the Council has fulfilled the duty and, based on all that I have read, I see no reason to disagree. Consequently, I do not propose to further consider the Duty to Co-operate in the remainder of the Examination. However, strategic and cross-boundary issues of relevance to the duty will have an important bearing on my consideration of the soundness of the plan.

Dates for Hearing Sessions

11. The Stage 2 hearing sessions will commence on:

Tuesday 9 May 2017 at: 10:00

**Venue: Committee Rooms 1 and 2
Woodgreen
Council Offices
New Yatt Road
Witney
OX28 1NB**

12. The hearing sessions will continue until Friday 19 May 2017. There will be a morning and afternoon session on each day. A draft programme indicating the matters to be discussed at each hearing session is attached to this note although you should be aware that it may change. Details concerning the finalised programme are set out in paragraph 31 below.
13. Unless otherwise notified in due course the Stage 3 hearing sessions will be held between 11 and 21 July 2017.

The Programme Officer

14. The Programme Officer (the PO) for the Examination is Rosemary Morton, who works independently of the Council under my direction in connection with the Examination. Rosemary can be contacted as follows:

Rosemary Morton
c/o Planning Policy Team
West Oxfordshire District Council
Elmfield
New Yatt Road
Witney
OX28 1PB

Tel: 01628 672181

Email: programme.officer@westoxon.gov.uk

Helen Argo, who can be contacted at the same addresses and telephone 01285 623101, is acting as Programme Officer until 7 April 2017 whilst Rosemary is on holiday.

15. The main tasks of the PO are to act as a channel of communication between all parties and myself; to liaise with the parties to ensure the smooth running of the Examination; to ensure that all documents received are recorded and distributed; and to keep the Examination Library. Copies of the Examination documents are on the Council's web site (see below). Any participant who does not have access to the internet should contact Rosemary in order that alternative arrangements can be put in place.
16. Any procedural questions or other matters that you wish to raise with me prior to the hearing sessions should also be made through Rosemary and please let her know if you have any specific needs in relation to attendance/participation at the hearing sessions.

The Remainder of the Examination

17. I aim to work collaboratively with the Council and the Examination participants in a proactive, pragmatic and solution-orientated manner to deliver a positive social, economic and environmental outcome for the District. However, this does not necessarily mean that the plan will be found to be sound.
18. In terms of the remainder of the Examination there are essentially three possible outcomes:

- That I find that the originally submitted plan (Doc CD1), but subject to the modifications set out in Doc CD5, is sound/legally compliant and that no further modifications to it are therefore necessary;
 - That I find that the plan (Doc CD1), but subject to the modifications set out in Doc CD5, is unsound/not legally compliant in one or more respects but that subject to further modification it could be made sound/legally compliant. As a matter of principle this would not preclude modifications which would alter parts of the plan (Doc CD5) back to that originally submitted (Doc CD1);
 - That I find that the plan (Doc CD1), but subject to the modifications set out in Doc CD5, is unsound/not legally compliant and that, in practice, further modifications could not make the plan sound/legally compliant. In such an event I am likely to recommend that the Council withdraws the plan.
19. In my deliberations I shall have regard to Mr Emerson's Preliminary Findings insofar as they remain relevant in the light of the modifications which have been proposed to the plan. Any further modifications which I consider are likely to be necessary to the soundness/legal compliance of the plan will need to be the subject of formal consultation and potentially considered as part of a revised Sustainability Appraisal and Habitats Regulations Assessment. Should this be necessary more information will be provided at the time. My ultimate report on the plan will deal with broad issues relating to soundness and not with each individual representation.

Progressing your representations on the plan

20. **It is important that I stress that written representations carry the same weight as those made orally at hearings sessions.** Consequently, participation at a hearing session is only necessary if, in the light of the list of Matters and Questions for the Examination, you have points to contribute to the debate.
21. Accompanying this note is a list of *Matters and Questions* for Stage 2 of the Examination. In terms of Stage 2 I have identified six Matters on which the legal compliance and soundness of the plan depends and for each Matter there are a number of specific questions. These questions will form the basis of the discussion at the hearing sessions and should also be the basis on which written hearing statements, to be submitted in advance of the hearings, are prepared.
22. The hearings are open to all to observe, but only those who have previously made representations relevant to the matters being considered, and who register a request to participate (see paragraph 23 below) will be allowed to speak. **If your representation primarily concerns one or more of the specific housing allocation sites (included in section 9 – Strategy at the Local Level – of the plan) it will be most appropriate for you to take part in Stage 3 of the Examination.** If you are in doubt as to which stage of the Examination your representation relates to please contact the PO to discuss the matter.
23. Notwithstanding any indications you may have previously made, anyone who believes it is necessary for them, and who wishes, to participate in a Stage 2 hearing session should register their interest in doing so with the PO by **17:00 on Wednesday 12 April 2017.**

The Stage 2 hearing sessions and hearing statements

24. Each Matter will be the subject of separate discussion, although the discussion on some Matters may take place over several hearing sessions. The hearings will take the form of a roundtable discussion which I shall lead. They will not involve the formal presentation of cases by participants or cross-examination. I shall take account of all written representations already submitted and it is not the purpose of the hearings for these to be repeated. The list of Matters and Questions will form the agenda for each session.
25. The hearings will be inquisitorial, rather than adversarial. I shall endeavour to progress them in an effective and efficient manner. As part of that process, it is my aim to minimise the amount of material necessary to come to informed conclusions on the issues of soundness. In that way I will conduct a short, focussed series of hearings and, in turn, produce a short, focussed report.
26. The Council is required to produce a hearing statement for each of the six Matters in which it should seek to answer all of the individual questions set out in the list of *Matters and Questions*. Other representors may also submit hearing statements on the Questions of relevance to their original representation, although it is not a requirement.
27. Hearing statements should be a **maximum** of 3000 words for each Matter and I anticipate that many will not need to be as long as this, particularly those addressing only a small number of questions. The word limit does not include Appendices but these should only be included where directly relevant and necessary and should also be as succinct as possible. The word limit does not apply to the Council because it is required to answer every question although I would encourage it be as concise as possible, providing references to specific sections of the already submitted evidence wherever relevant. Statements should be simply stapled rather than bound.
28. In preparing statements you should:
 1. **only** answer the specific questions of relevance to your original representation, whilst clearly identifying the number(s) of the question(s) you are seeking to answer;
 2. Have regard to the evidence submitted by the Council available on the Examination Website; and
 3. If you so wish, refer to any implications you believe there are for the plan as a result of the recently published Housing White Paper (*Fixing Our Broken Housing Market, DCLG, February 2017*)

In turn, in answering each question the Council should have regard to the representations made on the plan of relevance to that question.

29. Three paper copies **and** an electronic version of each hearing statement should be submitted to the PO by **17:00 on Wednesday 19 April 2017**. Unless there are exceptional circumstances it is unlikely that late submissions will be accepted. Aside from these hearing statements no other written evidence will be accepted unless I specifically request it. Hearing statements will be posted on the Examination webpage, so that they are available to all participants and anyone

else who wishes to read them. Because they will be available in this way, they will not be circulated directly to participants. However, anyone who is unable to access them on the webpage may request copies from the PO.

30. Matters and Questions for Stage 3 of the Examination and the deadline for the submission of any related statements will be announced in due course.

The hearings programme

31. An initial programme for the Stage 2 hearings is attached. A final version of the programme will be published on the Examination web site around two weeks prior to the start of the hearings. It will be for individual participants to check the progress of the hearings, either on the web site or with the PO, and to ensure that they are present at the right time.
32. The hearings sessions will normally run between 10:00 and 13:00 and 14:00 and 17:00 each day. A short break will usually be taken mid-morning and mid-afternoon.

The Examination Library

33. The documents of relevance to the Examination are available on the Examination web site:

<http://www.westoxon.gov.uk/localplan2031>

34. If you have difficulties accessing the website please contact the PO. It is not necessary to attach extracts of these documents to hearing statements as they are already Examination documents.

Site visits

35. Insofar as I consider it necessary to my assessment of the soundness of the plan I shall visit sites and areas referred to in the representations before, during, or after the hearings. I will do these on an unaccompanied basis unless I find that I need to go onto private land.

Finally ...

36. I emphasise:
- I shall have equal regard to views put orally or in writing;
 - the need for succinctness; please respect the letter and spirit of the 3,000 word limit in hearing statements with only limited and directly relevant appendices;
 - that you must meet the **12 April 2017** deadline to advise the PO of the your wish to participate in a Stage 2 hearing session
 - that you must meet the **19 April 2017** deadline for the submission of Stage 2 hearing statement(s).
 - that your hearing statement(s) should focus on answering the questions I have posed in the *Matters and Questions*.

Malcolm Rivett

INSPECTOR

March 2017