

WEST OXFORDSHIRE LOCAL PLAN EXAMINATION

SUSPENSION REQUEST - INSPECTOR'S RESPONSE

1. I refer to the Council's letter of 18 January 2016 (WOLP39) requesting a formal suspension of the Examination to enable the Council to undertake further work and consult on proposed changes in response to my *Preliminary Findings*. The draft work programme in that letter indicates that the Examination would not resume until December 2016. I consider that the timetable is realistic given the scope of the work involved.
2. The work programme would require a suspension of 11 months, which is longer than the 6 months recommended as the maximum normally acceptable in *Examining Local Plans - Procedural Practice* (Planning Inspectorate, paragraph 8.16, December 2013, 3rd edition). But in all the circumstances, I consider that the period for suspension is acceptable. Seeking to resume the Examination within a 6 month period would result in considerable uncertainty and difficulties as it would coincide with decisions on the apportionment of the unmet needs of Oxford to surrounding districts.
3. I consider that 2-3 weeks is likely to be required from the end of the public consultation period for the Council to properly collate the new representations (grouping together representations on each change) and to produce a summary of the main issues, as done previously.
4. The Council will need to be alert to the consequences of any changes made to legislation, national planning policy or guidance during the suspension. The soundness of the Plan will need to be determined in the light of legislation, policy and guidance at the time the final recommendations are made.
5. The Council's letter of 18 January 2016 refers to the Council commissioning a partial update of the Oxfordshire SHMA. My conclusions on what further work is required in relation to the objective assessment of housing need remain as set out in my *Preliminary Findings*. My agreement to the proposed suspension is not to be taken as limiting those conclusions or endorsing any particular approach. The Council will need to be mindful of my concern about the lack of joint working on this topic.
6. Given all the above, I suspend the Examination until December 2016. The Council should inform the Planning Inspectorate's Plans Team of any significant changes to the timetable and keep the Team informed of the dates of the consultation on changes and the date by which all the documentation will be ready for the Examination to resume. The dates for further hearings will be fixed once the Examination resumes.
7. I set out in the attached Annex some practical points to bear in mind when conducting the consultation on changes.

Simon Emerson

Inspector 25 January 2015

Annex

Practical matters in relation to the consultation on possible changes.

Organising schedules of changes

1. All changes published for consultation should be expressed as changes to the submitted Plan. Some of the changes previously published by the Council may be superseded in whole or in part by new changes proposed. The former should simply be removed from the schedules altogether and any remaining elements integrated with the new changes. At the end of the suspension period there should be 2 schedules of possible changes. Firstly, those changes potentially needed to make the Plan sound, on which consultation must have taken place and which might become the Inspector's Main Modifications. Secondly, those additional, essentially minor changes which would not affect how a policy is applied or interpreted and with which the Inspector does not need to be concerned. The latter are those changes which the Council is free to make at adoption. Both schedules should set out changes in sequential plan order.
2. Consultation should take place on all those changes which are potentially necessary to make the Plan sound and which might need to be made Main Modifications recommended by the Inspector. An Inspector can normally recommend a change only if it has been the subject of public consultation, but not all the changes which have been published by the Council have to be recommended if the Inspector finally concludes that they are not all required for soundness. In short, the published changes can be cut down, but it is normally difficult to materially add to them (without further consultation).
3. Where there are a mix of potential Main Modification changes and minor change to the same paragraph or section of a policy, it is best to put them together as one potential Main Modification, otherwise the new text may not make much sense.
4. If there are a number of significant changes to text or a policy the Council should consider whether it is preferable to delete the whole paragraph or policy and substitute new text rather than make numerous small changes which are difficult to follow. This is sometimes preferable to enable a change of approach to be succinctly and clearly explained rather than trying to adapt the original text.
5. To avoid unnecessary changes and potential confusion at this stage, existing policies should not be re-numbered, even if some existing policies are deleted or new policies inserted. The text and policies of the Plan can be sequentially numbered by the Council at adoption.

The Council's published schedules

6. At submission, the Council included a *Proposed Schedule of Minor Modifications* July 2015 (SD1). Nearly all the changes to the text are minor because they are either factual updates, clarification or corrections of matters on which any reference in the plan makes no difference. On the basis of the above principles, the Council will need to

judge what needs to be moved to the potential Main Modifications schedule (where the change remains relevant).

7. After the hearings the Council published *Post Submission – Schedule of Further Minor Modifications* (WOLP38). I referred to some of these possible changes in my *Preliminary Findings Part 2 Note*. Many of the changes in this schedule are not minor because they involve changes to the wording of policies which would affect how they apply. Some of the change to the text also affect how a policy is to be interpreted. All such changes would need to be in the potential Main Modifications schedule.

New Representations

8. Representations can be made and should be accepted by the Council only where they relate to the published changes. Consultation is not a fresh opportunity to comment generally on the submitted Plan. However, I anticipate that the published changes will be supported by various new evidence documents. Representations related to the changes should be accepted on all such new evidence so that further comments do not have to be invited once the Examination has resumed.

9. The consultation form should solicit from representors whether they wish to be heard on their new representations so as to speed up the process of preparing the programme for further hearings. Parties should not assume that there will be a further opportunity for the submission of pre-hearing statements for all subsequent hearings. Much depends, however, on the clarity of the Council's supporting evidence and the further issues that eventually need to be explored.

10. Where new evidence documents are published, the Council should make clear which previous documents are consequently superseded in whole or in part. If any existing documents are updated, the new document should highlight the changes that have been made.

11. To enable the new representations to be quickly assimilated, the Council should group relevant extracts from the representations by change number so that all the reps relating to a particular change are in one place. It would also be helpful if the Council would prepare a summary of the main points raised on each change, giving all the rep numbers relating to that change and provide a succinct response. It is particularly important for the Council to respond immediately to concerns raised by statutory bodies.

12. It is helpful if an individual change does not cover more than one subject matter since the representations made on each change will be the basis for drawing up the lists of those who should attend the further hearings on different issues. As you will be aware from the previous hearings, issues will most likely be addressed thematically. Normally however change to a policy or a part of a policy dealing with a similar subject should be put in one change, otherwise the number of changes becomes difficult to handle.

Simon Emerson January 2016