

WEST OXFORDSHIRE DISTRICT COUNCIL

Examination of Salt Cross Garden Village Area Action Plan (AAP)

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INSPECTOR'S GUIDANCE NOTE

Purpose

1. This Note is intended to assist those with an interest in the examination of the Salt Cross Garden Village Area Action Plan (AAP). It concerns procedural and other aspects of the examination process.

Introductions

2. I am Darren McCreery, the Inspector appointed by the Secretary of State under Section 20 of the Planning and Compulsory Purchase Act 2004 to carry out the independent examination of the AAP (the Examination).
3. Rosemary Morton is the Programme Officer. Her role is to act as an impartial officer of the Examination under my direction, liaising with all parties to ensure its smooth running and acting as the channel of communication between myself and the Council. Rosemary should be used as the first point of contact for those with queries about the Examination. Her contact details are set out at the top of this Guidance Note.
4. An Examination Library containing documents associated with the Examination is being maintained by the Programme Officer. The Examination Library is available via the Council's website¹.

Purpose, basis and scope of the Examination

Purpose

5. The purpose of the Examination is to determine whether the AAP meets the legal requirements under the Planning and Compulsory Purchase Act 2004 and associated regulations, whether the Duty to Co-operate has been complied with, and whether it is sound.
6. As set out in Paragraph 35 of the National Planning Policy Framework (The Framework), the AAP is sound if it is **positively prepared, justified, effective** and **consistent with national policy**. These 'tests of soundness' will be applied to non-strategic policies in the AAP in a proportionate way, taking into account the extent to which they are consistent with relevant strategic policies for the area.

¹ <https://www.westoxon.gov.uk/planning-and-building/planning-policy/salt-cross-garden-village/salt-cross-area-action-plan-examination/>

7. The Council should rely on evidence collected while preparing the AAP to demonstrate that it meets the requirements. Main Modifications (changes) can be made to the AAP if necessary for soundness or legal compliance.
8. The starting point for the Examination is that the Council has submitted what it considers to be a sound plan. Those seeking changes must therefore demonstrate why it is non-compliant or unsound by reference to one or more of the tests of soundness and show how suggested changes would address any failure.
9. Additional (Minor) Modifications can be made by the Council if the changes do not materially affect the policies in the AAP.

Basis and scope

10. The basis that will form the starting point for the Examination is the 'AAP – Pre-submission Draft' (August 2020) and the Additional Modifications contained in 'AAP - Schedule of Minor Modifications' (February 2021). Both documents were submitted for examination at the same time in February 2021. Any Main Modifications referred to during the Examination should be read as being made to the AAP at this starting point.
11. The intention of the AAP is to set out non-strategic policies relevant to an area identified for significant change. The AAP must be in accordance with the strategic plan for the area, which in this case is the West Oxfordshire Local Plan (2018). Policy OS2 of the Local Plan (2018) identifies the development of a self contained settlement based on 'garden village' principles to the north of Eynsham as part of the overall distribution of housing set out in Policy H1. Policy EW1 sets more detailed policy relating to the garden village that is to be followed by an Area Action Plan, which is the subject of the Examination.
12. Policies in the Local Plan (2018) therefore establish the principle of the garden village development and a level of detail. Accordance with these policies and others will focus the scope of the Examination. In particular, reviewing the housing requirement is not one of the explicit purposes of the Examination.
13. In addition to the Local Plan (2018), the AAP must also be consistent with the Eynsham Neighbourhood Plan (2020), unless it explicitly states that the intention is to supersede policies.

Examination process

14. Insofar as it relates, the Examination will follow the process set out in the Planning Inspectorate's Procedure Guide for Local Plan Examinations – 7th Edition (February 2021) (Procedure Guide). The other main sources of information about the process can be found in the legal provisions of the Planning and Compulsory Purchase Act 2004 and The Town and Country Planning (Local Development) Regulations 2012, along with national policy set out in the Framework and National Planning Guidance.

15. The intention is for the Examination to proceed through the following stages, which are outlined in more detail in the Procedure Guide:
 - Preparation of **statements** and other information in advance of Hearing sessions – addressed later in this guidance note.
 - **Hearing** sessions – addressed later in this guidance note.
 - Inspector **reporting** and **Main Modifications**.
 - **Quality assurance, fact checking** and delivery of **final report** to the Council.
16. The timing and nature of the process is subject to variation depending on how the Examination proceeds.
17. After the Hearing sessions have closed, I will prepare a report for the Council with my conclusions and recommendations. This will include any Main Modifications that are necessary for legal compliance or soundness.
18. I will take account of any Main Modifications suggested by the Council or others during the examination. However, it should be emphasised if the AAP is already sound it is not my role to improve it with the aim of making it 'more sound'.
19. Any Main Modifications that I recommend would be subject to public consultation and sustainability appraisal by the Council.
20. When reporting I will have regard to all the evidence and points made during the course of the Examination. However, I am not required to report on every issue that has been raised.
21. The potential outcomes of my reporting are:
 - Adoption of the AAP is recommended as the Council have complied with the relevant legal requirements and the AAP is sound.
 - It is recommended that the AAP is not adopted as it does not comply with one or more of the requirements relating to legal compliance or soundness. If this is the case the Council has asked me to recommend Main Modifications to address matters of legal compliance and/or soundness. It is important to stress that I would not be able to rectify non-compliance with the Duty to Co-operate.

Matters, Issues and Questions

22. Based on my initial assessment of the AAP I have identified a number of matters, issues, and questions which I consider need to be explored during the Examination. These are set out in the Matters, Issues and Questions document circulated at the same time as this guidance note.

Submission of statements and further material

23. The Council should produce an individual written statement for each of the matters identified in the Matters, Issues and Questions document. All questions should be addressed using the numbering system in the document. Specific references, such as paragraph numbers, to parts of supporting evidence is essential. Drawing my attention to large sections of reports should be avoided. Responses must be specific, answer the questions, and draw on key points raised in relevant representations. Single word responses to questions such as 'yes' or 'no' are unlikely to be sufficient.
24. Other participants in the Examination may, if they wish, submit written statements addressing the matters, issues and questions in the document which are relevant to their particular interest. There is, however, no need to repeat points already made in representations. Such statements should be succinct and concentrate on responding to the particular questions raised. Repeating large extracts from the AAP, national policy or guidance, or other documents already in the examination library is not necessary. Clear cross referencing will suffice.
25. All statements should be sent to the Programme Officer. For both the Council and others, the deadline for receipt of written statements is **12:00 midday on Friday 4 June 2021**. Statements should be submitted electronically, there is no need to provide paper copies. The name of the respondent should be included in the electronic filename.
26. Other than the statements referred to above **no further information or documentation should be submitted to the Examination unless it is specifically asked for**. Requests from the Council to produce additional Topic Papers or technical notes which would assist the Examination will be considered on a case by case basis. There is no scope to produce rebuttal statements. Under no circumstances should additional unsolicited written statements or notes be presented at the Hearing sessions.

Hearing sessions and dates

27. An Indicative Running Order for Hearing Sessions has been made available at the same time as this guidance note. The Hearing sessions will be based on the matters, issues and questions that I have identified, following agendas that I will circulate to participants in advance. I will lead the discussion at the sessions, asking questions of the Council and allowing other participants to contribute at the appropriate time. The format of the Hearing sessions is inquisitorial and will not normally involve cross-examination of participants.
28. There will be no formal presentation of evidence, as it can be assumed that I and other participants have read the relevant representations and statements.
29. In light of the ongoing public health situation and to provide certainty that the Hearings sessions will take place, it has been agreed between the Planning Inspectorate and the Council that the sessions will be in a virtual format. Separate guidance notes on participation in virtual hearings will

be published in advance of the sessions.

30. Other Interested Parties will be able to participate (speak) at specific Hearing sessions if they sought a change to the AAP in response to the Council's publication stage consultation. All those who would like to speak at the Hearing sessions should confirm this in writing with the Programme Officer, stating which session or sessions they would like to speak at (referring to the Matter number). **Requests should be received no later than 12:00 midday on Friday 14 May 2021.**
31. Requests should be made even by those who have said that they wish to be involved in the Hearings in previous representations. If you do not submit a request by this date it will be assumed that you do not wish to speak at the Hearings. A finalised timetable and list of participants will be confirmed in advance of the Hearing sessions. Only those who have made a request in advance via the Programme Officer will be able to speak.
32. I would stress that written representations and points made orally at Hearing sessions carry equal weight. For those who do not wish to participate in the Hearing sessions, they will still be open for the public to observe.

Closing the examination

33. The examination will remain open until my report is submitted to the Council. However, no further representations or evidence will be accepted after the Hearing sessions have closed, unless I specifically request it. Any late or unsolicited material will be returned.
34. Any other procedural questions or other matters that you wish to raise with me prior to the hearing should be directed through the Programme Officer.

D.R. McCreery

INSPECTOR