

Examination into the soundness of the South Oxfordshire Local Plan 2034

GUIDANCE NOTE FROM THE INSPECTOR

The hearings on the above plan will commence at 10.00am on 14 July 2020 and will form part of my examination into the soundness of the Plan.

Introduction

1. I am the Planning Inspector appointed by the Secretary of State for Housing, Communities and Local Government to examine the soundness of the South Oxfordshire Local Plan 2034. I have prepared this guidance note. Its purpose is to explain the procedural and administrative matters relating to the Examination.
2. The Programme Officer (PO) for the Examination is **Ian Kemp**. He is acting as an independent officer for the Examination, under our direction. Ian will be responsible for organising the programme of hearings, maintaining the Examination library, recording and circulating all material received, and assisting me with procedural and administrative matters. He will also advise on any programming and procedural queries. Any matters that the Council or representors wish to raise with me should be addressed to the Programme Officer. He can be contacted by:

E-mail: ikemp@icloud.com

Post: PO Box 241, Droitwich, Worcestershire, WR9 1DW

Telephone: 07723 009 166

3. Information about the progress of the Examination and links to documents are provided on South Oxfordshire Council's website:

<http://www.southoxon.gov.uk/services-and-advice/planning-and-building/planning-policy/local-plan-2034/local-plan-2034-examinatio>

The Inspector's role

4. My task is to consider the soundness and legal compliance of the Plan, on the basis of the relevant legislation and the guidance in the National Planning Policy Framework (The NPPF). The latest version of the revised National Planning Policy Framework was published in February 2019.

Considering soundness involves examining the Plan to determine whether it is:

- (a) **positively prepared** – based on a strategy which seeks to meet objectively assessed development and infrastructure requirements;
- (b) **justified** – an appropriate strategy when considered against the reasonable alternatives, based on proportionate evidence;
- (c) **effective** – deliverable over its period and based on effective joint working;
- (d) **consistent with national policy** – enabling the delivery of sustainable development in accordance with the NPPF's policies.

5. Further details of the examination process are set out in Procedure Guide for Local Plan Examinations (updated July 2019). See **Annex A** for details of where to find this document and other useful publications and advice.

6. My starting point for the examination is that the Council have submitted what they consider to be a sound Plan, as the NPPF requires. Those seeking changes must demonstrate why the Plan is unsound by reference to one or more of the tests of soundness.

7. I will seek to address unresolved issues concerning the soundness or legal compliance of the Plan through the examination hearings, and through consideration of written submissions. It should be emphasised that my role is not to improve the Plan, but to determine whether or not it meets the soundness tests. It is possible that further work will need to be carried out by the Council. If that is the case, the timetable, when known, will be posted on the website.

8. After the hearings have closed, I will prepare a report for the Council with my conclusions. If I find the Plan is legally compliant and sound in all respects, my report will recommend its adoption. If I find that it is non-compliant or unsound in any respect, I will recommend modifications to make it compliant and sound. My report will deal with the main issues concerning the soundness of the Plan, taking into account all the representations received. However, it will not deal with each individual representation.

9. Consultation will take place on any main modifications required to make the Plan sound, and where appropriate, modifications may also need to be covered by a revised Sustainability Assessment. The Council may then formally adopt the Plan, incorporating the modifications which I recommend.

Number of representations

10. 17,135 valid representations were received on the Plan.

Progressing your representations

11. Representors may have already indicated whether their views should be dealt with in written form or whether they feel that they need to come and discuss them orally at a hearing session. **However, in order to participate in a particular hearing session you must inform the Programme Officer by 12 June 2020, citing which session(s) you wish to participate in.** In doing so it's important to understand that both methods will carry the same weight and I will have equal regard to views put at a hearing or in writing. Participation at a hearing session will only be useful and helpful to me if you need to participate in a discussion concerning the soundness or legal compliance of the Plan. The housing topics will be of a technical nature. In the interests of fairness to other participants, no additional request to appear at hearing sessions will be accepted after this date, unless there are special circumstances justifying it.

12. The right to participate in a hearing extends only to those who have proposed changes to the Plan in order to make it sound and legally-compliant. There is no need for those who have supported the Plan to take part in the hearings. The hearing sessions will be recorded and made available through the Council's website to enable people to follow the discussions. I may invite additional participants to participate in the hearings where I think they are needed to enable the soundness of the Plan to be determined.

13. Those who wish to proceed by written means can rely on what they have already submitted. The original representations should have included all the points and evidence necessary to substantiate them, so there will be no need to submit further material based on the original representations. However, an opportunity does exist to submit further written material. Any further written evidence ("hearing statements") should be limited to responding to the Matters, issues and questions that I have identified. They should not

merely repeat the representations or stray beyond the issues to which each original representation refers.

14. If any person or organisation wishes to submit a further written statement, an electronic copy should be supplied to the Programme Officer by **5pm on the 26 June 2020. A separate statement should be supplied for each matter addressed; please do not combine responses to more than one matter within a single statement.**

The hearing sessions

15. The hearing sessions for the examination will take place virtually using Microsoft Teams and will take the form of a series of discussions based on the matters, issues and questions that I have identified. I will lead the hearings and go through the identified issues and questions by means of a structured discussion. The hearings will not involve cross-examination, but those participating may, if they wish, be supported by professional experts. Barristers and solicitors, if participating, will be treated as part of the respective team.

16. The purpose of the hearings is to concentrate on the issues that I need to hear more about. The discussion will be structured around an agenda, which will be issued in its final form about two weeks before the hearing session. This may not be as extensive as the Matters and Issues accompanying this note since some of the issues will be capable of being dealt with in writing. The emphasis in the hearings will be on testing for soundness. They are not an opportunity simply to repeat a case already set out in written representations. I will set out the matters I want covered, and then invite individuals to make their contribution in response to the points I have raised. All participants will have an equal opportunity to contribute.

17. The aim of the hearings is to enable me to gain the information necessary to come to a firm conclusion and decision on the agenda items. There will be no formal presentation of evidence, as I will have read all the relevant representations and statements beforehand, and will expect all the other participants to have done so. No more evidence can be submitted once the hearing session has closed, except with my agreement.

18. The hearings will be inquisitorial rather than adversarial and will be short and focused with careful control over the discussion and the time taken. I will not permit repetition of points.

19. To ensure that the virtual hearings are effective, participating bodies must limit their numbers at each hearing by nominating one well-briefed spokesperson to speak for them. Exceptions to this will be made where barristers have been appointed or where two or three technical experts are necessary to help me gain the evidence I require. Where several different people or groups have submitted similar representations on the same matter, the Programme Officer will ask you to nominate a single spokesperson.

20. My report will be concise and will address the Plan's soundness, not the detail of individual representations and objections.

21. Further details on the access to and the form of virtual hearings is contained in Annex B.

The hearing timetable

22. The hearings are due to open at 10.00am on 14 July 2020 and will be conducted virtually via Microsoft Teams. A timetabled agenda will be produced in due course and will be published on the Council's website. Regular updates to the agenda will be available on the Council's website, or in paper form from the PO. Invitations will be sent out by email in advance.

23. The hearings sessions will normally start at 10.00am and 2.00pm each day, but these times may vary if longer or shorter sessions are necessary. A programme for the hearing sessions will be finalised ahead of the hearings. Participants should check the Council's website for confirmation of start times. Short breaks will be taken at convenient points in the mid-morning and mid-afternoon, and lunch will usually be taken at about 1.00pm. **It is the responsibility of individual participants to ensure that they are present at the correct time and are fully committed to attend the whole hearing session to which they have been invited; latecomers may not be admitted to the meeting.** The proceedings of each hearing session will be recorded and will be accessible from the Council's website very shortly after the close of each hearing. This will allow those who wish to follow the hearings but who are not invited as participants to follow the discussions.

Examination Library

24. Documents prepared by the Council are available to view on, or download from, the Council's website. As additional Examination Documents are produced, including participants' hearing statements, they will be added to the library. The library will therefore include all the documents that you are likely to need to refer to. If anyone is in any difficulty gaining access to documentation, please contact the Programme Officer.

Hearing statements

25. The following provisions should be carefully read and followed. Otherwise statements will be returned.

26. Short written statements may be produced by each representor. There should be **one separate statement for each Matter**. Each statement can cover any of the issues identified in the Inspectors' Matters and Issues but should not stray beyond those issues. Written statements for the hearings must be:

- clearly headed with the name of the representor;
- strictly limited to no more than 3,000 words per Matter (except for those produced by the Council), but additional relevant appendices may be attached;
- confined to the issues and questions that I have identified;
- no longer than is necessary to deal with their subject matter;
- clearly related to the original representation whilst avoiding unnecessary repetition.

27. Statements should be emailed to the PO to arrive by **5pm on 26 June 2020**. All participants should adhere to the timetable for submitting statements. Late submissions and additional material (other than that invited by us) are unlikely to be accepted on the day of the relevant session. If material is not received by the deadlines stated below, the PO will assume that you are relying only on the original representations.

28. Please email electronic versions of all statements and appendices to the Programme Officer [PO] in Word or PDF format.

29. Please only submit appendices to statements where they are essential. The statement should make it clear why they are relevant. Appendices should have a contents page and be paginated throughout. They do not need to contain extracts from any publication that is already before the examination, such as the Submission, Supporting and Examination Documents, provided the relevant parts of those documents are adequately cross-referenced. The 3,000-word limit does not include the text in appendices, but they should also respect the aim of succinctness.

30. The Council must produce statements dealing with all my issues and questions, even if they are not subject to representations. The Council's statements must explain why they consider the Plan to be sound or compliant in that particular aspect and, if appropriate, why the changes sought by other parties would make it less sound or even unsound. They may also include any responses they wish to make to the matters raised by the original representations. The Council have already produced extensive written responses to many of our initial questions and may be able to draw from these. Because of these additional requirements, the Council's statements are not subject to the 3,000-word limit, but they should still be succinct.

31. Hearing statements will be posted on the Examination website, 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.

Statements of Common Ground

32. **The Council and participants are strongly encouraged jointly to produce Statements of Common Ground, to assist with the understanding of relevant matters, clarify where there is agreement, and to identify or resolve areas of dispute.** These will enable the hearing to concentrate on the key issues that need further testing to establish whether the plan is sound. They could, for example, include agreed wording of a suggested change to a policy, agreed factual information, or clearly-identified points of disagreement. **Statements of Common Ground should be submitted in time to feed into the relevant hearing statement by the 26 June 2020.** Exceptionally, I may accept a Statement of Common Ground beyond this date should it help to clarify a particular matter.

Site visits

33. Where necessary, I will visit sites and areas referred to in the representations and statements. These visits will generally take place unaccompanied by any other parties, unless I need to arrange access to private land. I have already undertaken a number of site visits.

Closing the examination

34. The examination will remain open until my report is submitted to the Council. However, no further representation or evidence will be accepted after the hearings sessions have closed, unless I specifically request it. Any late unsolicited material will be returned.

Finally

35. I emphasise:

- I will have equal regard to representations made in writing and those made orally at the hearings;

- any further statements must focus on my Matters, issues and questions and there must be separate statements for each Matter;
- be aware of the need for succinctness, respecting the letter and spirit of the 3,000 word limit, and the other requirements; and
- you must meet the deadline of **26 June 2020** for the submission of statements.

Jonathan Bore

Inspector
26 May 2020

ANNEX A

Sources of relevant documents and advice

A. The Council's website

All documents and information for the Local Plan examination are available on the Council's website at:

<http://www.southoxon.gov.uk/services-and-advice/planning-and-building/planning-policy/local-plan-2034/local-plan-2034-examinatio>

Please contact the Programme Officer if you have any difficulty accessing or locating documentation.

B. Relevant legislation

These documents can be searched for and found at: <http://www.legislation.gov.uk>:

- *Planning and Compulsory Purchase Act 2004*
- *Planning Act 2008*
- *Local Democracy, Economic Development and Construction Act 2009*
- *Localism Act 2011*
- *The Town and Country Planning (Local Development) (England) Regulations 2012*
- *The Environmental Assessment of Plans and Programmes Regulations 2004*

C. Guidance from the Planning Inspectorate

Procedure Guide for Local Plan Examinations (July 2019). See:

<https://www.gov.uk/government/publications/examining-local-plans-procedural-practice>

ANNEX B

Virtual Hearings and the Use of Microsoft Teams

Covid-19 restrictions mean that the traditional format of physical hearing sessions is not possible. The hearings will therefore take place virtually and be held as a series of online discussions through Microsoft Teams.¹

The Hearings will be recorded and made available through the Examination website to enable interested parties to observe the discussions.

Representors registered to participate in the hearings (see paragraph 11 above) will need to sign up and access Microsoft Teams; this is free of charge. The software can be downloaded here:

<https://www.microsoft.com/en-gb/microsoft-365/microsoft-teams/group-chat-software>

Following consideration of requests to take part in a hearing session, a list of participants will be created for each individual hearing. Participants will receive an invitation from the Programme Officer to participate in the session shortly beforehand. The invitation will include a link to the meeting which participants will need to use in order to gain access to the hearing. For those participants who do not have internet access or who are unable to use on-screen facilities the invitation will include a phone-in link.

In the first instance it is important to note that sessions will be limited to a **maximum of 20 participants per session**. Each participating body may have one representative except in the circumstances described in paragraph 19 of the main part of this note. When requesting participation, it is **important to inform the Programme Officer of the name and contact email address for each representative**.

Please note that it is not possible to disguise people's email addresses in issuing an invitation to a hearing session; this will be provided on a group invitation basis. If you do not consent to your email address being visible to other participants then you are encouraged to create a separate email address which can be used for this purpose. The Programme Officer will require details of the name(s) of your representative(s) and the email address(es) they will be using at the time that participation is requested. Please note that access to the meeting on the day will only be granted to those listed as pre-arranged participants.

Detailed guidance on the practicalities of using Microsoft Teams for Virtual Hearings and advice on etiquette for these meetings will be provided to participants once they have been identified.

In addition to the detailed guidance, a Frequently Asked Questions document will be compiled and placed online with the aim of covering any technical questions you may have.

If you have any questions regarding the practicalities or technical nature of using this medium, please advise the Programme Officer by **Friday 9 June 2020**. This is **an opportunity to raise any queries you might have about how the sessions will be conducted but please note that the Programme Officer will not discuss the appropriateness of virtual hearing sessions**.

¹ The use of virtual hearings in this examination should not be seen as a temporary or emergency arrangement. The format is likely to be available as one medium for hearings in the future.