



Planning Inspectorate

South Oxfordshire and Vale of White Horse Joint Local Plan 2041

Independent Examination

Inspectors: Caroline Mulloy BSc (Hons) DipTP MRTPI

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Programme Officer: Ian Kemp

EXAMINATION GUIDANCE NOTE 1 (ID03)

15 April 2025

Introductions

1. The Inspectors for the examination are Caroline Mulloy BSc (Hons) DipTP MRTPI and Rachael Bust BSc (Hons) MA MSc LLM PhD MIoL MCMi FGS MIEEnvSci MRTPI. They have been appointed by the Secretary of State to hold the examination into the soundness of the South Oxfordshire and Vale of White Horse Joint Local Plan 2041 (the Plan). This guidance note provides initial guidance on the procedural and administrative arrangements for the examination.
2. Ian Kemp has been appointed as the Programme Officer (PO), acting as an impartial officer for the purposes of the examination. He is not a Council Officer and works to the Inspectors' direction. His principal functions are to ensure the smooth running of the examination; to ensure that documents are received and published; to oversee the electronic examination library; and to assist the Inspectors with procedural matters.
3. He is the first point of contact and any procedural questions or other matters to be raised with the Inspectors should be made through him.
4. He can be contacted as follows:
Ian Kemp, Programme Officer
PO Box 241, Droitwich, Worcestershire, WR9 1DW
Email: ian@localplanservices.co.uk
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The scope and purpose of the examination

5. The purpose of the examination is to determine whether the Plan has satisfied the requirements of the Planning and Compulsory Purchase Act 2004 (as amended) and associated Regulations (as amended), whether the Councils have complied with the duty to co-operate, and whether the Plan is sound.
6. The National Planning Policy Framework sets out the criteria for determining soundness; namely that the Plan is positively prepared, justified, effective and consistent with national policy. The National Planning Policy Guidance also provides other helpful advice.
7. The Councils should rely on evidence collected while preparing the Plan to demonstrate its soundness. Those seeking changes must demonstrate why the Plan is not sound and why their suggested changes would make it sound.
8. The starting point is that the Councils have submitted a Plan which they consider to be sound, legally compliant and ready for examination.
9. Now that the Plan has been submitted for examination there are only two ways in which changes to it can be made:
 - (i) Main modifications (MMs) – these are any changes that are necessary to achieve a sound plan. They are changes which, either alone or in combination with others, would materially alter the Plan or its policies. They would then be subject to public consultation, and the Inspectors will consider any comments, before concluding on them. They may also need to be subject to a Sustainability Appraisal and a Habitat Regulations Assessment might also be required. The MMs are recommended by the Inspectors; and/or
 - (ii) Additional modifications (AMs) – these are changes which do not materially affect the policies in the Plan. They are made by the Councils when they adopt the Plan and are not a matter for the examination. They are sometimes referred to as ‘minor modifications.’
10. Under the provisions of section 20(7C) of the Planning and Compulsory Purchase Act 2004, the Councils must ask the Inspectors to recommend any MMs that are

considered necessary to make the Plan sound/legally compliant. The Councils have already made this request in their submission letter (LPA03).

11. Nevertheless, the Inspectors will also consider any changes that have subsequently been suggested by the Councils, along with those changes put forward by other parties seeking to amend the Plan.
12. The Councils have already suggested a number of modifications to the Plan (CSD01.1) which were submitted alongside the Plan; however, these have not been subject to consultation. These may be discussed, where appropriate at the hearing sessions. It is possible that further MMs may also be proposed and discussed during the hearings.
13. Following the close of the hearings the Inspectors will prepare a report to the Councils with their recommendations. This will deal with the broad issues concerning the soundness of the Plan, rather than specifically responding to individual representations.
14. There are three possible outcomes to the examination:
 - i) The Councils have complied with the duty to co-operate and the submitted Plan satisfies the legal requirements and is sound.
 - ii) The Councils have complied with the duty to co-operate but the submitted Plan does not satisfy legal requirements and/or is not sound but could be made sound by changes (MMs), if necessary following additional work.
 - iii) The Councils have not complied with one or more of the above requirements, the submitted Plan is not sound and could not be made sound by changes.

Representations made on the Plan

15. The Councils have prepared a Regulation 22 Consultation Statement with appendices (CSD10 and CSD10.1) which includes details of the consultation that has taken place on the Plan, and their summary of the main issues raised in the representations. The Councils have also prepared their response to the main issues raised in the representations (LPA11).

16. All representations are available to view on the examination website and will be considered by the Inspectors as part of their examination of the Plan. These are sometimes referred to as the responses to the 'Regulation 19' consultation, so named after the regulation relating to this stage. The Inspectors will not consider representations made on any earlier draft stages of the Plan, which are sometimes referred to as the Regulation 18 stage.

Representations proposing alternative site allocations (omission sites)

17. Sites that have been put forward for inclusion in the Plan by objectors, but which have not been selected for allocation are referred to informally as 'omission sites.' Representors should be aware that it is not part of the Inspectors' role to examine the soundness of omission sites, and subject to the legal right to be heard, such sites will not normally be discussed in detail at the hearing sessions.
18. Should the situation arise that any additional sites for development are needed, the Inspectors will look to the Councils in the first instance to decide which alternative or additional sites should be considered for inclusion. These sites would be subject to consultation and sustainability appraisal if required. The Inspectors would consider consultation responses before concluding on whether they should be included within the Plan.

Preliminary Matters and Initial Questions (IQs) to the Councils

19. Following an initial assessment of the Plan, evidence and representations, the Inspectors posed some Initial Questions (IQs) to the Councils which are available on the examination website (ID01). The aim of IQs is to seek early clarification and therefore help the Inspectors to focus the examination. The Councils' responses can be found on the examination website (LPA02, LPA02.1, LPA02.2, LPA02.3 and LPA02.4).

Matters, Issues and Questions (MIQs)

20. Based on the preliminary reading of the Plan, evidence and Councils' responses to the Inspectors' Initial Questions, a series of Matters, Issues and Questions (MIQs) have also been issued, and these can be found on the examination website (ID02).

The MIQs are a series of grouped questions on specific topics, intended to give an ordered structure to the examination.

Hearing sessions and programme

21. The hearing sessions will allow the MIQs to be explored further with the Councils and other participants, taking into account relevant representations made and any additional statements which the Inspectors request.
22. The Inspectors will lead the discussion asking questions of the Councils and allowing other participants to contribute. Those participants indicating a desire to speak will be given full opportunity to do so.
23. The hearings will be 'in person' sessions, to be held at **The Bee House, 140 Eastern Avenue, Park Drive, Milton, Abingdon, OX14 4SB**. The Councils are also intending the sessions to be 'live streamed' to enable interested persons to observe remotely if they wish.
24. The hearing sessions will be conducted on a phased programme. The first phase will commence on **Tuesday 3 June 2025**. Please note that all of the hearing sessions will commence at 9.30 am, including the first day.
25. The first phase will address the legal and procedural compliance matters, including the duty to cooperate, and some other strategic matters and policies. The first phase is programmed for 3 - 5 June 2025. Following phase 1 consideration will be given to how the examination should progress with further hearing sessions and additional MIQs.
26. A draft hearings programme (ID04) has been produced and published on the examination website. This sets out the proposed times and dates for sessions in the first phase only. The programme may be subject to change nearer the time and participants should ensure that they check for any updates. It will be for the individual participants to check the progress of the hearings and to ensure they are present at the right time.

Participation in the hearings

27. The participants for each session will be those who made relevant and valid representations, including those who have proposed changes (and objection) to the South Oxfordshire and Vale of White Horse Joint Local Plan 2041 Regulation 19 published October 2024 and have subsequently confirmed to the PO that they wish to speak.
28. Whether representors rely on written comments or wish to participate in the hearings, both methods carry the same weight, and the Inspectors will have equal regard to views put orally or in writing.
29. Only those parties seeking specific changes to the Plan to make it sound and legally compliant are entitled to participate in the hearing sessions of the examination. Participation is limited to those policies or matters which were the subject of the original representation. There is no need for those supporting or merely making comments on the Plan to attend.
30. Representors will be informed at least six weeks in advance of the date of the opening hearing session. Anyone wishing to take part in a hearing session should confirm their participation with the PO by **12 noon on Tuesday 6 May 2025**. Please indicate which hearing session(s) and matters you wish to participate in based on your previous representations and the MIQs.
31. Thereafter, those who wish to take part will be contacted again by the PO. If you do not contact the PO by this date, it will be assumed that you do not wish to speak at the hearings. The Inspectors will only be hearing from those parties who have made such arrangements.

Hearing statements

32. The Councils should produce an individual hearing statement for each matter and respond to each of the specific issues and questions set out in the MIQs. They should include specific reference to supporting evidence where appropriate, but it is not helpful to just refer to a source of information in general terms. The Councils are also asked to address key points raised in relevant representations when answering the questions.

33. Other participants may, if they wish, submit an additional written statement in advance of the hearings to address the questions the Inspectors have raised, and the subject matter directly relates to the issues raised in original representations. An individual statement should be submitted for each matter being addressed. Representors should not seek to repeat comments already submitted or introduce new areas of objection to the Plan at this stage. They should explain which particular part of the Plan is unsound; explain why it is unsound; and say how the Plan can be made sound, explaining the precise change/wording that is being sought.
34. The submission of further written material is not a requirement, and respondents may rely on their original representations to the submitted Plan.
35. All statements should be succinct, concentrating on responding to the particular questions raised, and be limited to not more than 3,000 words on any one of the main matters. It should be made clear who is submitting the statement, including the respondent reference number, and to which matter it relates. As the Councils will be required to respond to every question, it may be justified to go over the word limit in some cases, but they should endeavour to be succinct in their responses.
36. There is no need to include extracts from the Plan or the other examination documents or those in the public domain such as the National Planning Policy Framework, clear cross referencing will suffice.
37. Where several people or organisations wish to speak on the same issue, representors should consider producing a single joint statement. In preparing statements everyone should be aware of the Councils' updated list of evidence documents in the examination library on the examination webpage.
38. All participants preparing statements should provide 2 paper copies of each statement and an electronic version (in either MS Word or PDF format) to the PO.
39. Electronic statements should be received by the PO by **12 noon on Tuesday 13 May 2025**. The hard copies of the electronic statement can be sent to the PO for receipt by **5pm on Friday 16 May 2025**. Statements must be submitted by these strict deadlines to enable the Inspectors and others involved to fully digest them and prepare for the hearing sessions. Statements received after these deadlines will not be accepted.

40. All hearing statements will be posted on the examination webpage, so that they are available to all participants and anyone who wishes to read them. They will not be circulated directly to participants. Anyone who is unable to access them on the website should contact the PO. Aside from these hearing statements no other written evidence will be accepted, unless the Inspectors specifically request it.

Hearing sessions format

41. Hearing sessions will start at 9.30am (including the first day). There will be at least one short break mid-morning and mid-afternoon, with a lunch break at about 1.00 pm. Afternoon sessions will begin at 2.00pm.

42. If any participant has any specific needs or requirements to enable attendance at or participation in the hearing sessions, please contact the PO as soon as possible.

43. The hearings will focus on the MIQs arising from the tests of soundness and the representations made about soundness. It may be that some of the points are addressed by the Councils' responses to the Inspectors' Initial Questions and the MIQs. Should this be so, it may not be necessary to cover all the MIQs in the hearings which instead will focus on any outstanding matters and those the subject of representations. Agendas will be circulated before the hearings.

44. Each hearing session will consider a specific topic based on the MIQs. Hearing sessions will generally take the form of structured round table sessions, providing a setting for dealing with issues by way of a discussion led by the Inspectors. The Inspectors will run the hearings as efficiently as possible, keeping a tight rein on the discussions and time taken. Repetition will be discouraged. Participants may bring with them professional advocates and witnesses, although there will be no formal presentation of evidence or cross-examination.

45. Comments should focus on those aspects of the Plan that parties are seeking to change, it is for the Councils to explain why it considers the Plan to be sound as submitted. The hearings will be conducted on the basis that everyone taking part has read the relevant documents. The hearing sessions should not be used to introduce new evidence or arguments.

46. Where several representors or organisations wishing to take part in the hearings have similar points, it will help if they can arrange to be represented by one or two spokespersons. Please contact the PO to discuss this.

47. The issues considered in local plan examinations can be controversial, sometimes leading to strong and conflicting views. At all times during the examination, participants and observers are expected to act in a courteous, respectful and helpful manner towards each other. The Inspectors will ensure that all participants are given a fair opportunity to express their views. Inappropriate material submitted during the examination will not be accepted. Threatening or aggressive behaviour of any kind will not be tolerated.

The examination webpages and library

48. The examination has a dedicated webpage <https://www.southandvale.gov.uk/joint-local-plan-2041-examination/>

49. All the material produced for the examination, including the submission documents, the Councils' evidence and documents relating to the hearings will appear on the examination webpage. Participants are encouraged to make use of the examination webpage and keep up to date with documents posted there. If anyone does not have access to the internet and require access to documents or other information, please contact the PO.

50. Further general guidance about Local Plans can be found at:
<https://www.gov.uk/guidance/local-plans>

Site visits

51. The Inspectors will view any relevant locations from public roads and footpaths before, during or after the hearing sessions. This will be done unaccompanied, unless it is considered that an accompanied visit with parties is necessary (for example where the land concerned cannot be seen from the public road). In such cases, the PO will liaise with the relevant parties to make arrangements.

After the hearings

52. During the hearings the Inspectors will let the Councils know about any changes to the Plan (MMs) that may be necessary. They may also write to the Councils after the hearings have ended. However, once all stages of the hearing sessions are completed, the Inspectors can receive no further information from any party, unless it is a matter on which further comments have been requested.
53. The Councils will then draft the MMs and agree them with the Inspectors, before making them available for public consultation. The Inspectors will consider any representations about them before reaching their final conclusions.
54. The Inspectors will then prepare their report for the Councils setting out their conclusions and recommendations on any MMs that are needed. The report will deal with the main issues of soundness and any procedural and legal issues. The Inspectors will consider all the points made during the course of the examination. However, the Inspectors will not be reporting on every issue, question or representation. The report will not deal with omission sites.

Close of the examination

55. The examination will close when the Inspectors' Report is submitted to the Councils. Once the report has been issued, the Councils must then decide whether to formally adopt the Plan. However, the Plan can only be adopted if it includes any changes that have been recommended by the Inspectors to make it sound.
56. Any queries regarding the examination should be addressed to the PO.

Caroline Mulloy and Rachael Bust

INSPECTORS