
Independent Examination of the South Oxfordshire And Vale of White Horse Joint Local Plan 2041

Matter 1 – Legal and Procedural Requirements

Independent Examination of the South Oxfordshire And Vale of White Horse Joint Local Plan 2041

Matter 1 – Legal and Procedural Requirements



Contents

1.	Introduction	1
2.	Matter 1 – Legal and Procedural Requirements	2

1. Introduction

- 1.1. This examination hearing statement has been prepared by Savills on behalf of Bolney Court Inc.
- 1.2. Bolney Court Inc. own land to the east of Reading Road and south of Bolney Lane, Lower Shiplake which is in South Oxfordshire District (“the Site”).
- 1.3. The Site partly adjoins the current built-up area of Lower Shiplake. The gross site area is approximately 4.95 hectares and it is currently mainly used for grazing.
- 1.4. A response was provided to the Regulation 19 Pre-Submission Consultation on the South Oxfordshire and Vale of White Horse Joint Local Plan 2041 (“the Plan”) on behalf of Bolney Court Inc.
- 1.5. The response on behalf of Bolney Court Inc. is contained within published consultation responses within the examination library, under reference: 921088025.
- 1.6. This examination hearing statement responds only to the Inspectors’ Matters, Issues and Questions for the Examination (examination document reference: ID02) considered relevant by Bolney Court Inc.
- 1.7. In this response just the relevant questions set by the Inspectors are reproduced in bold text and the response on behalf of Bolney Court Inc. is in unbold text.
- 1.8. There are 48 no. questions set out by the Inspectors under Matter 1 Legal and Procedural Requirements.
- 1.9. We acknowledge the statement in the Examination Guidance Note 1 (reference: ID03) 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.
- 1.10. We consider the Plan as submitted is not sound as per the tests under the National Planning Policy Framework (“the Framework”). This examination hearing statement builds upon our submission at the Regulation 19 consultation stage, at which point we had identified our concerns about the lack of soundness of the Plan. Changes were not made to the Plan prior to submission of the Plan for examination to address these concerns.

2. Matter 1 – Legal and Procedural Requirements

Issue – Whether the Councils have complied with the relevant legal and procedural requirements

Plan Preparation

Q1.1 Has the Plan been prepared in accordance with the published Local Development Scheme, as required by section 19(1) of the 2004 Act?

- 2.1. The South Oxfordshire and Vale of White Horse District Council Local Development Scheme (LDS), August 2024 is in the examination library under reference: OCD01.
- 2.2. The programme for the Local Plan Review includes submission of the Joint Local Plan 2041 (Regulation 22) in December 2024, followed by steps in the examination programme to adoption in December 2025. The timings are subject to progression of the examination process and it is stated in the LDS that subsequent changes may be made to the published dates through to adoption.

Consultation

Q1.2 Is there any substantive evidence that the public consultation that has been carried out during the preparation of the Plan has failed to comply with the Councils' Statement of Community Involvement (OCD02), as required by section 19(3) of the 2004 Act and other statutory consultation requirements? The Plan has been prepared as per the programme for the Local Plan Review but this has been updated to reflect changes to the timetable prior to publication in August 2024.

- 2.3. There is a section in the SCI on consultation on planning policy documents entitled 'How We Will Consult', but there is no description of when consultation will take place.
- 2.4. We consider this is an omission from the SCI which means that it is not possible to hold to account the timing of consultation on planning policy documents for example the consultation on the Sustainability Appraisal Technical Addendum. This consultation took place 6 December 2024 to 17 January 2025.
- 2.5. The Councils published the Plan for a six-week period under Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012 between 1 October and 12 November 2024.
- 2.6. The Councils submitted the Joint Local Plan 2041 and associated documents to the Secretary of State on 9 December 2024 for independent examination.
- 2.7. Therefore consultation on the Sustainability Appraisal Technical Addendum took place after consultation under Regulation 19 and the majority of the consultation period took place after the formal submission of the Plan.
- 2.8. We do not have a response to provide to Q1.3 to Q1.6.

Strategic Priorities

Q1.7 Does the Plan contain appropriate policies to address the identified strategic priorities?

- 2.9. The Plan does not contain appropriate policies to address the identified strategic priorities.
- 2.10. Paragraph 17 of the Framework states that development plans must include policies to address each local planning authority's priorities for the development and land use in its area. These strategic policies can be produced in different ways, depending on the issues and opportunities facing each area.
- 2.11. Paragraph 20 of the Framework states that the strategic policies should set out an overall strategy for the pattern, scale and design quality of places and make sufficient provision for development types listed under a) to d).
- 2.12. We consider the Plan does not make sufficient provision for housing and employment development and therefore it does not contain appropriate policies to address the identified strategic priorities in terms of scale.

Strategic Policies

Q1.8 Does the Plan clearly identify the strategic policies, as per paragraph 21 of the NPPF?

- 2.13. The Plan contains high level strategic policies for each of the largest settlements in the districts feature in chapter 5.
- 2.14. It is not explicit in the Plan which other policies are strategic policies for the purpose of paragraph 21 of the Framework for example proposed growth targets in chapter 6 and chapter 7.

Q1.9 Is this a sufficiently clear, robust and reasonable approach?

- 2.15. We consider the approach is not sufficiently clear, robust and reasonable and therefore we suggest this should be addressed through a modification to the Plan.

Q1.10 In order to meet this requirement, the Plan must be adopted by 31 March 2026. Given the timescale for the Examination of the Plan is this realistic? Or should the Plan period be extended to 31 March 2042 to ensure a 15-year period from adoption?

- 2.16. We consider the Plan should be extended by at least one year to cover the period to 2042. There can not be any certainty about adoption of the Plan by 31 March 2026 and even if it were adopted by then, this would only provide for the minimum 15-year period.
- 2.17. A strict application of paragraph 22 could result in the view that the minimum period would have been satisfied but nonetheless we consider in order to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure, this Plan should go beyond the minimum.

Climate Change

- 2.18. We do not have a response to provide to Q1.11.

Neighbourhood Plans

- 2.19. We do not have a response to provide to Q1.12 to Q1.14.

Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA) (CSD03)

- 2.20. Our overarching response to Q1.15 to Q1.33 is to express concerns about the timing of consultation on the Sustainability Appraisal Technical Addendum. This consultation took place 6 December 2024 to 17 January 2025 and therefore post-dates submission of the Plan for examination, which the SA purports to support.

Habitats Regulations Assessment (HRA) (CSD04) and Appropriate Assessment (CSD04.1)

- 2.21. We do not have a response to provide to Q1.34 to Q1.43.

Equalities

- 2.22. We do not have a response to provide to Q1.44.

Appendices

- 2.23. We do not have a response to provide to Q1.45 to Q1.47.

Supplementary Planning Documents

- 2.24. We do not have a response to make to Q1.48.

David Bainbridge
Director

[REDACTED]
[REDACTED]

Jo Unsworth
Associate Director

[REDACTED]
[REDACTED]