

**Cherwell Local Plan Examination - Pre-Hearing Meeting**  
**The Willows Cricket Club, Bodicote, Banbury**  
**25<sup>th</sup> March 2014**

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**1. Inspectors Opening Announcements**

The Inspector opened the meeting at 1:30pm.

**2. Introductions**

The Inspector introduced himself and Ian Kemp the Programme Officer and then asked members of the District Council's team to introduce themselves. Craig Howell Williams QC introduced himself together with Adrian Colwell, Head of Strategic Planning and Economy at Cherwell District Council and South Northants Council, David Peckford, Principal Planning Officer at Cherwell District Council and Melissa Murphy, Counsel.

**3. Purpose of the Meeting**

The Inspector set out the procedural arrangements and his role in the examination. The Inspector asked whether there were any representatives from the Press present – there was no response. The Inspector then set out that there would be two breaks in the meeting for questions and any questions should only be asked at these points. The Inspector also explained that any discussion on recently raised matters with reference to the forthcoming Oxfordshire Strategic Housing Market Area (SHMA) document and the Duty to Co-operate would be dealt with separately at the end of the meeting.

**4. Scope of the Examination**

The Inspector discussed his role in the examination and outlined that he would be examining the Local Plan against the tests of duty to-co-operate, legal compliance and soundness. The Inspector explained that his focus is on the plan as a whole and not the individual representations made, only the broader issues raised.

The Inspector then went onto explain that the District Council have, in their view, submitted a sound Local Plan and one which can be justified through its evidence base. If the District Council wishes to make any further changes to the Local Plan they should detail these in a rolling schedule of changes. If any changes were significant or 'Main' they will require further consultation. Changes of minor significance or 'Additional' changes (typographical, factual updating or for clarity etc.) are a matter for the District Council and will not be covered in the Inspector's Report, neither will they require further consultation. However most Councils consult on all changes proposed for completeness but that will be a matter for the Council in due course. If any changes are fundamental (for example the inclusion or deletion of a strategic site) the Council will need to fully justify their reasons for this and carry out statutory consultation.

The Inspector then explained that the hearings will be akin to an Examination in Public where invited Participants will contribute to a debate led by the Inspector, focussing on the issues identified in the Programme. After the hearings have concluded the Inspector will submit a report to the District Council containing his conclusions and recommendations. The Inspector outlined that these recommendations are not legally binding but the Council should move to formal adoption as soon as possible. Central to the Inspector's considerations of soundness is the National Planning Policy Framework (the NPPF), the tests of soundness themselves and associated criteria can be found in paragraph 182 of this document. There is also helpful advice on DCLG and the District Council's websites. The Inspector outlined that people should contact Ian Kemp or the Council if they were unable to locate information of interest.

## **5. The Programme Officer**

The Inspector explained the role of the Programme Officer, Ian Kemp. During the hearings Ian will be based at the District Council Offices and in order to contact him people will need to either contact him by email ([ikemp@icloud.com](mailto:ikemp@icloud.com)) or on his mobile (07723 009166). Ian will help ensure the smooth running of the examination and will assist the Inspector upon administrative and procedural matters. All queries should be directed to Ian in the first instance, if necessary he will consult the Inspector for guidance if required but carries the Inspector's authority to act on his behalf in accordance with the procedures.

## **6. Inspector's Procedural Questions for the Council**

The Inspector asked the District Council the following formal questions:

i) Has the Local Plan is prepared in accordance with the statutory procedures?

David Peckford confirmed that Officers considered that the Local Plan had been prepared in accordance with the statutory requirements, as set out in the Topic Paper.

ii) Has the Duty to Co-operate requirement has been met?

David Peckford confirmed that in their view the Local Plan has been prepared in line with the requirement.

iii) Has the Local Plan been prepared in conformity with the Local Development Scheme?

Yes, the Local Plan has been prepared in general conformity with the various iterations of the Local Development Scheme which will be subject to further review. The Inspector noted that a further update to the envisaged timings would be required at some point.

iv) Has the Local Plan been prepared in accordance with the Statement of Community of Involvement?

Yes

v) Is the Local Plan supported by a Sustainability Appraisal, Strategic Environmental Assessment, and Habitat Regulations Assessment, also known as an Appropriate Assessment?

David Peckford confirmed that the Local Plan is supported by these documents.

vi) Are there any procedural shortcomings?

The Council did not believe so.

The Inspector asked the District Council whether they wish him to make formal recommendations on the Plan, should they be needed. The Council confirmed that they would welcome the Inspector's recommendations.

## **7. Procedures Prior to the Hearings**

The Inspector confirmed that he intends to write a short report and will afford written submissions the same weight as oral contributions at the hearings.

The Inspector said that during the hearings he might ask questions that are not specifically listed in the issues. The Inspector added that it would be helpful if participants at the hearings submit written statements focussing on the issues and questions the Inspector had identified in the Programme. However, providing further written statements is not a requirement and not doing so does not prevent people from attending. If there are any written statements that the Inspector feels have little relevance to the Examination then he reserves the right to not accept them.

The Inspector outlined that should anyone currently listed on the Programme no longer wish to participate in the Examination, then please let Ian Kemp know as soon as possible. The Inspector also has the prerogative of inviting people if he feels their contribution would be helpful.

The Inspector explained that the deadline for submitting **electronic statements is being brought forward to Wednesday 21<sup>st</sup> of May**. The deadline for the receipt of hard copies (**three requested**) remains **Tuesday 27<sup>th</sup> May**. Statements from the District Council are required by **Wednesday 28<sup>th</sup> May**.

The Inspector requested that statements should be succinct, it was not necessary for them to quote directly from any document already contained within the Examination Library, an appropriate reference number would be sufficient. It was also important to keep within the word limit

The Inspector added that it was the quality of reasoning and not the weight of document or appendices that mattered. Conclusions should address the following points:

- What particular part of the Local Plan is unsound?
- What soundness tests does it fail?
- Why does it fail?
- How could the Local Plan be made sound?
- What is the precise change that is sought?

The Inspector explained that the District Council should also provide a brief response to any points raised.

For written submissions, 3 paper and 1 electronic copy must be submitted to the Programme Officer by the deadlines. The Inspector has found in previous examinations that 3,000 words per matter or issue is unfair to some people and has made it 3,000 per question. Written statements should be on A4 paper, have two holes punched through on the left and should be unbound. No photographs should be included as they can be manipulated and open to interpretation. The Inspector confirmed that he will undertake site visits and see the issues for himself.

At the hearing sessions the Inspector will not accept any further written submissions, except in circumstances where he has specifically requested information.

## **8. Questions from Attendees on Matters before the Hearing Sessions**

### **Colin Cockshaw (Baecon)**

Q. How should statements be presented where overlapping issues are concerned?

A. We would expect a separate statement for each issue being addressed. Where multiple issues are of relevance representors should do their best to focus on answering the individual questions posed under each matter. If necessary cross-reference can be made to other statements of relevance. Individual statements are requested for purposes of distribution, website presentation and they assist in focussing the necessary discussion at individual hearing sessions.

### **Tim Hibbert (Wendlebury PC)**

Q. Can more than one person speak for an organisation during the hearings?

A. Yes, the seat is afforded to the organisation, the occupier of which will be a matter for the participant. Whilst only one seat at the table will be available per representor the speakers can be changed or 'hot seated' at any time to suit, providing notification is provided to the Inspector at the time for purposes of

his note. The only caveat to this would be that individual speakers must relay the submitted position of the organisation or individual; it is not appropriate for multiple occupiers to deviate from the formal position of the organisation invited to participate.

## **9. Examination Arrangements**

The Inspector outlined that apart from the first day on Tuesday 3<sup>rd</sup> June, which is set to start at 9:45am; all other days are due to commence at 9:30am. It is the Inspector's intention that none of the Hearing sessions will continue past 6pm. There will be a break mid morning and mid afternoon and an hour for lunch but exact timings may need to be flexible depending upon progress.

The Hearings will take place in the form of round table discussions led by the Inspector. The sessions are designed to be informal with no cross examination.

There will be 1 space around the table per representor but the District Council have two.

The Inspector highlighted that if attendees at the Hearings wish to make a point then they should stand the 'Toblerone' style nameplate on its upright so the Inspector is aware that participants wish to raise a point. The Inspector also explained that where an agent is representing more than one client, than only one seat at the table could be allocated. This is due to the numbers of participants involved and the necessity to keep sessions manageable in order to hold constructive discussions.

## **10. Site Visits**

If required, accompanied site visits will take place. The Inspector will have undertaken tours of the area before the Hearings commence on the 3<sup>rd</sup> June. If anyone wishes to request an accompanied site visit they should notify Ian Kemp. However it is important to stress that any accompanied site visits are purely 'factual' in nature and attendees cannot raise issues relating to their submissions during any such visits, all evidence should be discussed at the Examination Hearings.

## **11. Examination Close**

On the completion of the Hearings the Inspector will start to write his report. The Examination remains 'open' at this stage and will remain so until the Inspector submits his report.

## **12. Report Submission**

It is the Inspector's intention to send a report to the District Council by October 2014. However, this will be reviewable depending upon progress.

### **13. Examination Programme**

The Inspector outlined that both he and the Programme Officer have done their best to identify who wishes to attend the Hearings based upon original indications at the representations stage. Anyone who is not currently listed but wishes to participate in the discussions should advise Ian Kemp as soon as practical and certainly no later than **Friday 16<sup>th</sup> May** the Programme will then be finalised ahead of the hearings. The Inspector made it clear that he would not be able to agree to all requests due to the limited number of places available at most sessions.

Similarly if you are listed as a participant and do not intend to participate it is important you advise Ian Kemp urgently. Space is limited and should you not attend as identified you may be denying a place to someone else. It is impolite just not to turn up due to the necessary preparation required.

### **14. Questions from Attendees about the Hearing Sessions**

Tim Waring (QUOD for Albion Land)

Q. Will the Programme be refined to provide a clearer indication as to when individual sites may be discussed.

A. Currently the intention is to consider housing and employment sites under separate sessions. It may well be that as time moves on and further information becomes available either through firmer understanding of likely participants and or consideration of the written statements that the sessions will be refined further to provide greater clarity.

### **15. Any other Business?**

Under this item the Inspector discussed two letters which have been received (published on the Examination website) from Oxford City Council and from Savills on issues related to publication of the SHMA Key Findings, Economic evidence, the Duty to Cooperate and resulting requests for an Exploratory Meeting. The Inspector also asked whether a representative from Aylesbury Vale District Council was present but there was no one.

The Inspector asked representatives from Oxford City Council (David Edwards) and Savills (David Jackson) to introduce the context for requesting an Exploratory Meeting. Cherwell District Council (Craig Howell Williams QC) was asked to respond. Contributions were also made by Richard Cutler (Bloombridge) who supported the Council's position, Andrew Hornsby-Smith (of Kidlington Parish Council) regarding local housing need at Kidlington, Graham Handley (Development Watch, Deddington).

The Inspector asked if the Council had a best estimate for the timing of publication of the final SHMA.

Adrian Colwell for the District Council confirmed that West Oxfordshire District Council as the commissioning authority is leading the process. The aim is to conclude dialogue with the consultants by the end of March/early April 2014.

The Inspector asked for confirmation that the SHMA would be published in time for considering in preparing the Hearings Statements.

Adrian Colwell confirmed that this would be the case.

#### The Inspector's Observations

- To conclude this discussion, the Inspector made the following points:
- In a recent High Court decision on a challenge to the Winchester Local Plan, Mr Justice Sales confirmed that the duty to co-operate is not a duty to agree. For Oxford City Council and Cherwell District Council, this is may be an example where the two authorities may need to agree to disagree, for now at least.
- An Exploratory Meeting would be tantamount to the Inspector considering the SHMA findings in advance of the Councils considering the findings themselves. The outcome of the SHMA is to be considered by all Oxfordshire Local Authorities. It is not the Inspector's role to advise on the planning considerations of the whole of Oxfordshire. His role is to consider the soundness of the Cherwell Local Plan.
- The final SHMA report will be published in time for everyone to consider its content in their statements, which District Council will respond to. The Inspector will consider all written statements before the Hearing sessions.
- At the current time the Inspector's preliminary decision is not to hold an Exploratory Meeting but the final decision is reserved pending further consideration of the comments made at the meeting. *This has now taken place, the Inspector's considered response can be found at Appendix 1.*

John Fleming of Gladman Developments asked whether a consultation upon the findings of the SHMA would be appropriate prior to the hearings?

The Inspector did not deem a specific consultation ahead of the hearings appropriate. Representors are able to deal with the findings of the SHMA within their statements if necessary. Further discussions would take place during the hearings and should the housing figures require amendment, this would require a further statutory consultation. However, this would be after the Hearing sessions.

#### **16. Inspector's Closing**

The Inspector thanked everyone who attended the Pre-hearing meeting for coming along and closed the pre-hearing meeting at approximately **3pm**.

**28<sup>th</sup> March 2014**

## **Appendix 1 – Inspector’s Note No. 1**

At the Pre Hearing Meeting on 25 March 2014 (and in correspondence beforehand) requests were made that an Exploratory Meeting (EM) should be convened before the proposed start of the examination hearings on 3 June 2014.

This would principally be to consider the implications for the new housing numbers (and distribution) in the Cherwell Local Plan of the imminent publication of a new countywide Strategic Housing Market Assessment (SHMA) report for Oxfordshire.

Having carefully considered the matter and the reasons given for the requests, I have decided that an EM is not required in this instance. Instead, respondents who wish to do so will have the opportunity to refer to the new SHMA in their further written statements (to be submitted to the P.O. electronically by 21 May 2014) in relation to the issues that I have identified for discussion on Days 1 and 2 of the hearings.

Depending on the outcome(s) of those discussions on days 1 and 2, I shall consider the position in respect of a possible suspension of any further hearing sessions to a later date, if required in all the relevant circumstances.

A copy of this note is being circulated to all respondents and placed on the examination website for information.

Nigel Payne, Inspector

28.03.2014