

GORING NEIGHBOURHOOD PLAN (2018 - 2033)

Guidance and Directions

Timothy Jones, Barrister, FCI Arb,

Independent Examiner,

No 5 Chambers

27th June 2018.

Guidance and Directions

1. South Oxfordshire District Council (“SODC”), with the agreement of Goring-on-Thames Parish Council (“GPC”), has appointed me to examine the submission draft Goring Neighbourhood Plan 2011-2017 (“the NDP”). I am wholly independent of both councils and to the best of knowledge and belief of all others involved with the NDP, being a planning barrister based in Birmingham. I have no interest in any land in Oxfordshire or Berkshire.

2. The principal purpose of the examination is to consider whether the NDP meets the basic conditions. These are:

- (1) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the NDP;
- (2) the making of the NDP contributes to the achievement of sustainable development;
- (3) the making of the NDP is in general conformity with the strategic policies contained in the development plan for the area of SODC (or any part of that area);
- (4) the making of the NDP does not breach, and is otherwise compatible with, EU obligations; and
- (5) The making of the NDP is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (either alone or in combination with other plans or projects).

3. I am also required to consider: whether the NDP is compatible with Convention rights as defined in the Human Rights Act 1998; whether the NDP complies with the provisions made by or under sections 38A and 38B of the Planning and Compulsory Act 2004; and (in certain circumstances) whether the area for any referendum should extend beyond the neighbourhood area to which the NDP relates.

4. The normal rule for neighbourhood planning representations is that they are conducted by written representations with any site visit being unaccompanied. A public hearing should be held when the examiner (a) considers that a key issue should be examined in more depth or (b) to ensure a person has a fair chance to put a case. It is up to the examiner to decide who is invited to speak and what issues a hearing will cover.

5. An accompanied site visit may be required where it is necessary to access land that is not publicly accessible. During an accompanied site visit an examiner should be accompanied by at least one person from each side of any difference in respect of the land being visited or viewed. No evidence is given and no submissions are made on a site visit. The place to give evidence was in the consultation response and to the extent allowed by me, at the public hearing.

6. In order to facilitate this process I am issuing the following directions.
7. The point of contact for all communications with me is Mr Sam Townley, Neighbourhood Planning Enquiries Officer, South Oxfordshire and Vale of White Horse District Councils, 135 Eastern Avenue, Milton Park, Oxfordshire OX14 4SB (email Sam.Townley@southandvale.gov.uk)(“the contact officer”). No communication should be sent directly to me. All communications should be in writing, not by telephone or other oral communication. These will be publicly available documents.
8. I have determined that a public hearing is not required for most of the NDP, but is required for the following issues only:
 - (1) Whether the number of dwellings (94) in policy 01 [NDP page 35] is appropriate ;
 - (2) Whether the allocation of the sites specified in policy 01 is appropriate;
 - (3) How many dwellings are likely to be delivered on the sites specified in policy 01 on or before 31st March 2033; and
 - (4) Whether any other site considered in the NDP process should be allocated for housing.
9. The absence of an issue in the preceding paragraph does not mean that I do not consider it to be important. Rather, it means that I am satisfied that I can deal with it on the basis of the documentation that I already have and of my unaccompanied site visit.
10. The public hearing will take place on Wednesday 11th July 2018 at Goring Village Hall, High Street, Goring-on-Thames, Oxfordshire, RG8 9AG, starting promptly at 10.00 am. One day will be allowed for this and for any accompanied site visits.
11. These Guidance and Directions are to be:
 - (1) Posted promptly on appropriate locations on websites of SODC and GPC, on GPC notice boards, in Goring Village Hall and in such other web and physical locations as SODC and GPC consider will bring them to the attention of the public – if there is a lack of space on any of these, the notice in the appendix to these directions may be used; and
 - (2) Sent promptly to all who have made representations under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012.
12. A representative of SODC and a representative of GPC will be permitted to speak at the public hearing.
13. If any other persons wish to speak on the matters specified in paragraph 8 above, they should notify the contact officer no later than 5.00 pm on Thursday 5th July 2018, saying why they wish to speak and how their contribution may help me carry out my tasks. The identification of specific persons in the previous paragraph does not mean that I have a

predisposition not to permit others to speak provided they notify me by the time specified. Applications to speak must be made by the persons concerned or by someone who has express authorisation to make the application on their behalf. It does not help the examination to have several people saying the same thing, nor does it help to have something that has been provided to me in writing repeated.

14. If any person has any special requirements in terms of access, language or otherwise they should inform the contact officer no later than 5.00 pm on Thursday 5th July 2018.

15. If anybody considers that an accompanied site visit is appropriate, they should notify me, c/o the contact officer, in writing no later than 5.00 pm on Thursday 5th July 2018, stating the exact location or locations at which an accompanied site visit is sought, the reasons why this is sought and who they wish to be present. I shall not enter private land (other than on a public right of way or where members of the general public are otherwise permitted to enter) without the consent of the landowner. During any accompanied site visit I should be accompanied by at least one person from each side of any difference as to the future use of the land being visited or viewed.

16. If anybody wishes to propose locations for an unaccompanied site visit, this should be done so as to be received no later than 5.00 pm on Thursday 5th July 2018.

17. No further evidence or arguments will be admitted without my express permission. Participants and those applying to be a participant may draw my attention to any document that has been created as a result the NDP process or that has been referred to in the NDP process. In the case of a document more than two pages long, the relevant part of the document should be identified by reference to the page, paragraph or both concerned.

18. If any person is proposing any modifications (whether as their primary case or as an alternative submission), it would help if they sent the precise modification sought, including in the case where additional text is proposed exactly where this is to be inserted, to the contact officer, no later than no later than 5.00 pm on Thursday 5th July 2018.

Timothy Jones, Barrister, FCI Arb,

Independent Examiner

27th June 2018

GORING NEIGHBOURHOOD PLAN (2018 - 2033)

As part of his examination into the Goring Neighbourhood Plan the examiner appointed by South Oxfordshire District Council, with the agreement of Goring-on-Thames Parish Council, Timothy Jones, will hold a hearing on Wednesday 11th July 2018 at Goring Village Hall, High Street, Goring-on-Thames, Oxfordshire, RG8 9AG, starting promptly at 10.00 am.

The hearing will be open to the public; but it is a formal statutory procedure, not a public meeting. It is not to consider the whole of Neighbourhood Plan, but the following issues only:

- (1) Whether the number of dwellings (94) in policy 01 [NDP page 35] is appropriate;
- (2) Whether the allocation of the sites specified in policy 01 is appropriate;
- (3) How many dwellings are likely to be delivered on the sites specified in policy 01 on or before 31st March 2033; and
- (4) Whether any other site considered in the NDP process should be allocated for housing.

Any communications in respect of the hearing must be made in writing to the contact officer, Mr Sam Townley, Neighbourhood Planning Enquiries Officer, South Oxfordshire and Vale of White Horse District Councils, 135 Eastern Avenue, Milton Park, Oxfordshire OX14 4SB (email: Sam.Townley@southandvale.gov.uk).

The following must be made in writing to the contact officer, to be received no later than 5.00 pm on Thursday 5th July 2018:

- Any request to speak on the matters specified – this should explain why they wish to speak and how their contribution may help the examiner carry out his tasks. It should not contain new evidence that has not been submitted previously.
- Any request arising from special requirements in terms of access, language or otherwise.
- Any request for an accompanied site visit and any proposed locations for an unaccompanied site visit.