

Representation Form Guidance Notes 2014

Warwick District Local Plan 2011 – 2029 - Focused Consultation

1. Introduction

- 1.1 These guidance notes have been prepared to help those seeking to make a representation in light of the "Focused Consultation" of the Warwick District Local Plan and its accompanying Sustainability Appraisal (SA). These notes apply to representations made electronically, using the Council's consultation system, as well as those made on paper using the Local Plan Representation Form.
- 1.2 The Local Plan (the Plan) is published in order that representations may be made prior to its submission to the Secretary of State. Once the Plan is submitted, the Secretary of State will appoint an independent Inspector to formally examine the Plan along with any representations made. The Planning and Compulsory Purchase Act 2004 (as amended) (PCPA) states that the purpose of this formal examination is to consider whether the Plan complies with two requirements:
 - the legal requirements including the duty to co-operate; and
 - the tests of "soundness".
- 1.3 Representations may only be made on the basis that any of the above requirements have not been met. Sections 3-4 below explain these requirements in more detail.

2. Making Representations

- 2.1 You must complete Part A of the form (or register your details if responding online) because it is not possible to consider representations on an anonymous basis. You must also highlight to which part (or parts) of the document your representation relates. Please let us know on the form if you wish to participate in the examination.

3. Legal Compliance and

Duty to Co-operate

- 3.1 The Inspector will first check that the Plan meets the legal requirements under s20(5)(a) and the duty to co-operate under s20(5)(c) of the PCPA before moving on to testing for soundness.

- 3.2 You should consider the following before making a representation on legal compliance:
 - The Plan in question should be included in the current Local Development Scheme (LDS) and the key stages should have been followed. The LDS is effectively a programme of work prepared by the Local Planning Authority (LPA -Warwick District Council), setting out the Local Development Documents (LDDs) it proposes to produce. It will set out the key stages in the production of any Plans which the LPA proposes to bring forward for independent examination. If the Plan is not in the current LDS it should not have been published for representations. The LDS should be on the LPA's website and available at its main offices.
 - The process of community involvement for the Plan in question should be in general accordance with the LPA's Statement of Community Involvement (SCI) (where one exists). The SCI sets out the LPA's strategy for involving the community in the preparation and revision of LDDs (including Plans) and the consideration of planning applications.
 - The Plan should comply with the Town and County Planning (Local Planning) (England) Regulations 2012 (the Regulations) . On publication, the LPA must publish the documents prescribed in the Regulations, and make them available at its principal offices and on its website. The LPA must also notify the Local Plan bodies (as set out in the Regulations) and any persons who have requested to be notified.
 - The LPA is required to provide a Sustainability Appraisal Report when it publishes a Plan. This should identify the process by which the Sustainability Appraisal has been carried out, and the baseline information used to inform the process and the outcomes of that process. Sustainability Appraisal is a tool for appraising policies to ensure they reflect social, environmental and economic factors.
 - The Plan must have regard to any Sustainable Community Strategy (SCS) for its area (i.e. county and district). The SCS is usually prepared by the Local Strategic Partnership which is representative of a range of interests in the LPA's area. The SCS is subject to consultation but not to an independent examination.

¹ View at <http://www.legislation.gov.uk/ukpga/2004/5/contents>

² LDDs are defined in regulation 5 - see link below

³ View at <http://www.legislation.gov.uk/uksi/2012/767/contents/made>

- 3.3 You should consider the following before making a representation on compliance with the duty to co-operate:
- The duty to co-operate came into force on 15 November 2011 and any plan submitted for examination on or after this date will be examined for compliance. LPAs will be expected to provide evidence of how they have complied with any requirements arising from the duty.
 - The PCPA establishes that non-compliance with the duty to co-operate cannot be rectified after the submission of the Plan. Therefore the Inspector has no power to recommend modifications in this regard. Where the duty has not been complied with, the Inspector has no choice but to recommend non-adoption of the Plan.

4. Soundness

- 4.1 Soundness is explained in paragraph 182 of the National Planning Policy Framework (NPPF). The Inspector has to be satisfied that the Plan is positively prepared, justified, effective and consistent with national policy.

Positively prepared

This means that the Plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

Justified

The Plan should be the most appropriate strategy when considered against reasonable alternatives, based on proportionate evidence.

Effective

The Plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

Consistent with national policy

The Plan should enable the delivery of sustainable development in accordance with the policies in the NPPF.

- 4.2 If you think the content of the Plan is not sound because it does not include a policy where it should do, you should go through the following steps before making representations:
- Is the issue with which you are concerned already covered specifically by national planning policy? If so it does not need to be included.
 - Is what you are concerned with covered by any other policies in the Plan on which you are seeking to make representations or in any other Plan?
 - If the policy is not covered elsewhere, in what way is the Plan unsound without the policy?
 - If the Plan is unsound without the policy, what should the policy say?

5. General advice

- 5.1 If you wish to make a representation seeking a modification to the Plan or part of the Plan you should make clear in what way the Plan or part of the Plan is not sound having regard to the legal compliance, duty to cooperate and the four requirements set out above. You should try to support your representation by evidence showing why the Plan should be modified. It will be helpful if you also say precisely how you think the Plan should be modified. Representations should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further submissions based on the original representation made at publication. After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.
- 5.2 Where there are groups who share a common view on how they wish to see the Plan modified, it would be very helpful for that group to send a single representation which represents the view, rather than for a large number of individuals to send in separate representations which repeat the same points. In such cases the group should indicate how many people it is representing, names and addresses and how the representation has been authorised.

6. Further help or assistance

- 6.1 We realise this stage is technical in nature and differs from previous and more informal preparation stages of the Local Plan. Please contact us via email at newlocalplan@warwickdc.gov.uk or call 01926 456504 or 456330 or 456331 if you require further assistance in making representations on the Local Plan.
- 6.2 If you would like independent advice on how to make a representation on the document, please contact Planning Aid on (0330) 123 9244 or email advice@planningaid.rtpi.org.uk. Planning Aid is an independent charity that provides advice to members of the public about planning matters.

Please Note: All representation in respect of this consultation must be received at the Council's offices (Riverside House), or completed online, no later than 4:45pm on 12 December 2014. Representations received after the above date will not be considered.