

## Representation Form Guidance Notes 2016

### Warwick District Local Plan 2011 – 2029 Proposed Modifications to the Submission Plan

#### 1. Introduction

- 1.1 At the meeting of the Council on the 24 February 2016 it was agreed to undertake consultation on modifications to the submitted local plan in order to rectify the issues of unsoundness identified in the Inspector's initial findings. The Proposed Modifications provide for increased new housing in order to meet an identified unmet need in Coventry.
- 1.2 These guidance notes have been prepared to help those seeking to make a representation on the Proposed Modification to the Submission Warwick Local Plan and the accompanying addendum 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 Representation Form.
- 1.3 The Modifications are now available for public comment before they are formally submitted to the Inspector and the Examination in Public of the Local Plan will recommence. All representations received within the six week period together with the Proposed Modifications and all supporting documents will be submitted to the Inspector for consideration. Representations at this stage must only relate to the main modifications proposed. The Inspector will consider all representations received and evidence.
- 1.4 The Planning and Compulsory Purchase Act 2004 (as amended) 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".

1.5 Representations on the proposed modifications 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 Representations must be made in writing. The methods you can use to do this are set out on the Council's website here:

[http://www.warwickdc.gov.uk/info/20410/new\\_local\\_plan/1066/proposed\\_modifications - feb 2016](http://www.warwickdc.gov.uk/info/20410/new_local_plan/1066/proposed_modifications_-_feb_2016)

2.2 You must complete Part A of the form (or register your details if responding online) because it is not possible to consider representation on an anonymous basis. You must also highlight to which part (or parts) of the document(s) 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 On the Duty to Cooperate the Inspector in his letter of the 1 June 2015, "was satisfied that the Council has engaged constructively, actively and on an ongoing basis in terms of overall housing provision and indeed other strategic matters. I conclude therefore that the Council has complied with the duty to co-operate."

3.2 When the Proposed Modifications are submitted to the Inspector he will first check that the modifications have been prepared in accordance with legal requirements under the Planning and Compulsory purchase Act 2004 as amended by the Localism Act 2011. He will then move on to testing for soundness.

3.3 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)<sup>1</sup> 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

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<sup>1</sup> LDDs are defined in regulation 5 – see link below

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)<sup>2</sup>. 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 general consultation 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. An addendum SA of the Proposed Modifications has been produced and is available on the website.
- 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.

#### **4. Soundness**

4.1 Soundness is explained in paragraph 182 of the National Planning Policy Framework (NPPF)<sup>3</sup>. The Inspector has to be satisfied that the Plan is positively prepared, justified, effective and consistent with national policy.

##### **Positively prepared**

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<sup>2</sup> View at <http://www.legislation.gov.uk/uksi/2012/767/contents/made>

<sup>3</sup> View at <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

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 Proposed Modifications 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 change to the Proposed Modification you should make clear in what way the Modification is not sound having regard to the legal compliance, and the four requirements of soundness set out above. You should try to support your representation by evidence showing why the Proposed Modifications should be changed. It will be helpful if you could also say precisely

how you think the Modification should be changed. Representations should succinctly cover all the information, evidence and supporting information necessary to support/justify the representation and the suggested changes, as there will not normally be a subsequent opportunity to make further submissions based on the original representation made. 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 Modifications changed, 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.
- 5.3 It is important to note that written and oral representations made at the Examination hearings carry the same weight. Only where a change is sought to the plan is there a right to be heard at the hearing sessions. However, the Inspector can invite anyone to be heard if he considers that there is a need for it in order to help in determining the soundness of the plan and Modifications proposed.

## **6. Further help or assistance**

- 6.1 The Modifications and all supporting documents including the Sustainability Appraisal update addendum can be viewed online at [www.warwickdc.gov.uk/newlocalplan](http://www.warwickdc.gov.uk/newlocalplan)
- 6.2 Please note that all comments received in response to the consultation will be made publicly available and will be published on the Council's website
- 6.3 We realise this stage is technical in nature and differs from previous preparation stages of the Local Plan. Please contact us via email at [newlocalplan@warwickdc.gov.uk](mailto:newlocalplan@warwickdc.gov.uk) or call 01926 456504 or 456330 or 456331 if you require further assistance in making representation on the Local Plan.
- 6.4 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](mailto: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 representations in respect of this consultation must be received at the Council's offices (Riverside House), or completed online, no later than 4:45pm on 22 April 2016.**

**Representations received after the above date will not be considered.**