



LOCAL PLAN – PARTIAL REVIEW

Response Form Guidance Notes

November 2019

RESPONSE FORM GUIDANCE NOTES

1 Introduction

- 1.1 Before making your representation on the Local Plan Partial Review Publication consultation we would encourage you to read the following guidance, as it explains how you can make comments, and the type of comments which can be considered at this stage.

2 About this consultation

- 2.1 The plan has been published by the Local Planning Authority [LPA] in order for representations to be made on it before it is submitted for examination by a Planning Inspector. The Planning and Compulsory Purchase Act 2004, as amended, [PCPA] states that the purpose of the examination is to consider whether the plan complies with the relevant legal requirements, including the duty to co-operate, and is sound. The Inspector will consider all representations on the plan that are made within the period set by the LPA.
- 2.2 To ensure an effective and fair examination, it is important that the Inspector and all other participants in the examination process are able to know who has made representations on the plan. The LPA will therefore ensure that the names and addresses of those making representations can be made available and taken into account by the Inspector.
- 2.3 This is not an opportunity to suggest any other changes to the adopted Local Plan. Further changes to this will be made through the [Substantive Local Plan Review](#) which is being undertaken in parallel to the Partial Review but over a longer period.

3 Why we are consulting

- 3.1 Regulations require that before submitting a Plan for examination, the local planning authority must make a copy of the Plan and other supporting documents available for inspection and invite representations for a period of not less than 6 weeks.
- 3.2 Representations made at this stage must relate to the Plan's "soundness", compliance with legal requirements, and the Duty to Cooperate. These terms are explained more fully later in this guidance note.
- 3.3 The consultation also covers the following documents which have been prepared to support the Partial Review:
- [Sustainability Appraisal](#) (incorporating Equality Impact Assessment and Health Impact Assessment) including
 - [Appendix A – Review of Relevant Plans, Policies and Programmes](#)
 - [Appendix B – Baseline Data](#)
 - [Appendix C – Assessment Tables](#)

- [Habitats Regulations Assessment](#)

4 How you can comment

4.1 The consultation period runs from 20 November 2019 to the end of 8 January 2020.

Your representations should:

- Be submitted using our online response form or MS Word version of the form (both available at www.nwleics.gov.uk/localplanmysay);
- Be submitted electronically or in paper form;
- Be submitted before the closing date.

4.2 We will not be able to accept representations received after 8 January 2020.

5 Confidentiality

5.1 Please note: Representations cannot be treated in confidence. The Town and Country Planning (Local Planning) (England) Regulations 2012 as amended, requires copies of all representations to be made publically available. The Council will also publish names and associated representations on its website but will not publish personal information such as telephone numbers, or email addresses. By submitting a representation on the Plan you confirm that you agree to this and accept responsibility for your comments.

6 Scope of representations made on the Publication Plan

6.1 Representations should relate to legal compliance, Duty to Cooperate or soundness (soundness is broken down further into four areas, explained later on).

6.2 As a guide:

- If you are making representations on how we prepared or consulted on the Plan then the issue will be one of legal compliance
- If you want to comment on how the Council has worked with other public bodies in developing the policies, then your comments should be made under Duty to Cooperate
- If it is the policy or supporting text you wish to make a representation on or object to, then this relates to soundness.

Legal compliance

6.3 Before making a comment on the legal compliance of the Local Plan, you should consider the following:

- **Local Development Scheme (LDS):** The Plan should be within the current LDS and the key stages should have been followed. The LDS is a programme of work prepared by the Council, setting out the development plan documents it proposes to produce over a three year period. The LDS can be viewed and downloaded from the Council's website at www.nwleics.gov.uk/local_development_scheme.

- **Statement of Community Involvement (SCI):** The process of community involvement for the Plan should be in general accordance with the Council's SCI. The statement sets out the Council's intentions towards working with people when carrying out its planning functions. The SCI can be viewed and downloaded www.nwleics.gov.uk/statement_of_community_involvement_consultation.

- **Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended):** The Regulations require that the local planning authority should publish the documents prescribed in the Regulations, and make them available at their principal offices and on their website. The Local Planning Authority must also consult general and specific consultation bodies and any persons who have requested to be notified. You can view the Regulations at www.legislation.gov.uk/uksi/2012/767/contents/made.

- **Sustainability Appraisal:** The purpose of sustainability appraisal is to promote sustainable development by appraising the extent to which the policies and proposals in the emerging Local Plan would achieve environmental, social and economic objectives. The Council 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, the baseline information used to inform the process and the outcomes of that process. A Sustainability Appraisal Report (incorporating Equality Impact Assessment and Health Impact Assessment) is available to view and download from the Council's website at www.nwleics.gov.uk/local_plan_partial_review.

- **Habitats Regulations Assessment:** A Habitats Regulations Assessment (HRA) refers to the several distinct stages of Assessment which must be undertaken in accordance with the [Conservation of Habitats and Species Regulations 2017](#) (as amended) and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended) to determine if a plan or project may affect the protected features of a habitats site before deciding whether to undertake, permit or authorise it. European Sites and European Offshore Marine Sites identified under these regulations are referred to as 'habitats sites' in the National Planning Policy Framework. A Habitats Regulations Assessment report is available to view and download from the Council's website at www.nwleics.gov.uk/local_plan_partial_review.

- The plan should comply with **all other relevant requirements** of the Planning and Compulsory Purchase Act and the Town and Country Planning (Local Planning) (England) Regulations 2012, as amended [the Regulations].

Duty to cooperate

- 6.4 You should consider the following before making a representation on compliance with the duty to co-operate:
- Section 33A of the Planning and Compulsory Purchase Act requires the Local Planning Authority to engage constructively, actively and on an ongoing basis with neighbouring authorities and certain other bodies over strategic matters during the preparation of the plan. The LPA will be expected to provide evidence of how they have complied with the duty.
 - 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 cannot recommend adoption of the plan.
- 6.5 Information on how we have worked with other public bodies, particularly the other local authorities of Leicester and Leicestershire, can be found in the Statement of Consultation on the Council's website at www.nwleics.gov.uk/local_plan_partial_review.

Soundness

- 6.5 There are four areas to consider when looking at whether or not the Plan is sound. To be sound the Plan should be:
1. Positively Prepared;
 2. Justified;
 3. Effective; and
 4. Consistent with national policy
- 6.6 Soundness is explained in paragraph 35 of the National Planning Policy Framework (NPPF). The Planning Inspector conducting the Examination in Public has to be satisfied that the Local Plan is 'sound' – namely that it is:

Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;

Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence.

Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and

Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework (NPPF).

6.7 If you think the content of the plan is not sound because it does not include a policy on a particular issue, 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?
- Is the issue with which you are concerned already covered by another policy in this 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?

7 General Advice

7.1 If you wish to make a representation seeking a modification to a plan or part of a plan you should set out clearly in what way you consider the plan or part of the plan is legally non-compliant or unsound, having regard as appropriate to the soundness criteria in paragraph 6.6 above. Your representation should be supported by evidence wherever possible. It will be helpful if you also say precisely how you think the plan should be modified.

7.2 You should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification. You should not assume that you will have a further opportunity to make submissions. Any further submissions after the plan has been submitted for examination may only be made if invited by the Inspector, based on the matters and issues he or she identifies.

7.3 Where groups or individuals share a common view on the plan, it would be very helpful if they would make a single representation which represents that view, rather a large number of separate representations repeating the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised.

7.4 Please consider carefully how you would like your representation to be dealt with in the examination: whether you are content to rely on your written representation, or whether you wish to take part in hearing session(s). Only representors who are seeking a change to the plan have a right to be heard at the hearing session(s), if they so request. In considering this, please note that written and oral representations carry the same weight and will be given equal consideration in the examination process.