



Allerdale Local Plan (Part 2)

Pre-Submission Consultation October 2018

Making Representations: Guidance Note

Introduction

This Guidance Note explains how to make representations on Allerdale Local Plan (Part 2) Pre-Submission Draft and sets out how to answer the formal questions set by the Planning Inspectorate.

Pre-Submission development plan documents (DPDs) are published for consultation to give people the final opportunity to make representations prior to it being submitted by the Council to the Secretary of State for examination. A planning inspector is appointed to consider all representations alongside the published DPD at the examination. The Planning and Compulsory Purchase Act 2004 states that the purpose of the examination is to consider whether the DPD complies with the legal requirements and is considered to be 'sound'.

- If you are seeking to make representations on the way in which the Council has prepared the published DPD it is likely that your comments of support or objection will relate to a matter of legal compliance.
- If it is the actual content on which you wish to support, or object to, it is likely that this will relate to the soundness of the DPD and whether it is positively prepared, justified, effective or consistent with national policy.

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Consultation period

The consultation period for the Allerdale Local Plan Pre-Submission Draft is from Friday 5th October until 4pm on Friday 16th November 2018. During this time the Local Plan and supporting documents, together comment forms, will be available on the Council's website. They will also be available at the Council offices and all libraries throughout the Plan Area. The Council will also give notice that it has published the Plan by placing an advert in the local newspapers.

Making your representation

At this stage (Pre-Submission) representations should be based on whether or not you believe the Plan is in compliance with the **legal requirements** and whether or not it is **sound**. This guide provides a basic explanation of the legal requirements and the test of soundness in order to help your representation.

If you wish to make a representation seeking a change to the Plan, you should make it clear what is not sound, having regard to the legal compliance check and the four tests set out below. Wherever possible you should try to support your representation with evidence showing why the Plan should be changed. It will be helpful if you also say precisely how you think the text, strategy or policies should be changed.

Representations should succinctly cover all the information, evidence and supporting information necessary to support the representation and the suggested change, 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. Where there are groups of people who share a common view on how they wish to see the Local Plan changed, it would be very helpful if the group sent a single representation appending the names and addresses of those represented.

Legal Compliance

You should consider the following before making a representation on legal compliance:

- The DPD should be within the current Local Development Scheme ("LDS") and the key stages should have been followed. The LDS is a programme of work prepared by the local planning authority, setting out the local plan documents it proposes to produce over a three year period. It sets out the key stages in the production of any DPDs that the local planning authority proposes to bring forward for independent examination. If the DPD is not in the current LDS it should not have been published for representations. The LDS should be on the local planning authority's website and available at their main offices.
- The process of community involvement for the DPD in question should be in general accordance with the Statement of Community Involvement ("SCI"). The SCI is a document which sets out the strategy for involving the community in the preparation and revision of local plan documents and the consideration of planning applications.
- The DPD should comply with The Town and Country Planning (Local Planning) (England) Regulations 2012. On publication, the local planning authority must 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

place local advertisements and notify the 'statutory bodies' (as set out in the regulations) and any persons who have requested to be notified.

- The local planning authority is required to provide a Sustainability Appraisal Report when they publish a DPD. 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 DPD should be consistent with the policy and principles set out in the National Planning Policy Framework (NPPF).
- The DPD must have regard to the sustainable community strategy for the area. In Allerdale this is the Future Generations: A Strategy for Sustainable Communities in West Cumbria 2007-2027.

Soundness

To be sound a DPD should be:

Positively Prepared

The plan should be 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

This means that the DPD should be founded on a robust and credible evidence base involving: evidence of participation of the local community and others having a stake in the area and research.

The choices made in the plan are backed up by facts. The DPD should also provide the most appropriate strategy when considered against reasonable alternatives. These alternatives should be realistic and subject to sustainability appraisal. The DPD should show how the policies and proposals help to ensure that the social, environmental, economic and resource use objectives of sustainability will be achieved.

Effective

This means the DPD should be deliverable, embracing:

- Sound infrastructure delivery planning.
- Having no regulatory or national planning barriers to delivery.
- Delivery partners who are signed up to it.
- Coherence with the strategies of neighbouring Authorities.

The DPD should also be flexible and able to be monitored. The DPD should indicate who is to be responsible for making sure that the policies and proposals happen and when they will happen.

The plan should be flexible to deal with changing circumstances, which may involve minor changes to respond to the outcome of the monitoring process or more significant changes to respond to problems such as lack of funding for major infrastructure proposals. Although it is important that policies are flexible, the DPD should make clear that major changes may require a formal review including public consultation.

Any measures which the local planning authority has included to make sure that targets are met should be clearly linked to an annual monitoring report. This report must be produced each year by all local authorities and will show whether the DPD needs to be amended.

Consistent with national policy

The DPD should be consistent with national policy. Where there is a difference, local planning authorities must provide clear and convincing reasoning to justify their approach.

Conversely, you may feel the local planning authority should include a policy or policies which would depart from national policy to some degree in order to meet a clearly identified and fully justified local need, but they have not done so. In this instance it will be important for you to say in your representations what the local circumstances are, that justify a different policy approach to that in national policy, and support your assertion with evidence.

Other reasons - absent policy

If you think the content of a DPD 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 any 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 DPD on which you are seeking to make representations? There is no need for repetition.
- If the policy is not covered elsewhere, in what way is the DPD unsound without the policy?
- If the DPD is unsound without the policy, what should the policy say?

Further advice and guidance can be obtained by contacting the planning policy department directly or by visiting the Allerdale Borough Council website:

Telephone: 01900 878703

Website: www.allerdale.gov.uk/siteallocations

Address: Planning Policy, Strategy, Policy and Performance, Allerdale Borough Council, Allerdale House, Workington, Cumbria, CA14 3YJ