

Proposed Submission Site Allocations Plan

Guidance Notes on making Representations



What is the Proposed Submission Stage?

The Proposed Submission Site Allocations Plan ("the Plan") is published in order for representations to be made prior to its submission to the Secretary of State for examination, in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

This stage of the process is not public participation or consultation as such. It is the opportunity for those who are dissatisfied (or satisfied) with the Plan to make formal representations. These will be considered alongside the Plan when it is examined by an Inspector appointed by the Secretary of State.

These guidance notes have been designed to help anyone who wishes to make a formal representation(s) on the Plan.

Making Representations

Representations must be submitted to Stratford-on-Avon District Council during the formal consultation period between Thursday 8 August and 5.00pm on Friday 20 September 2019.

The Council will not accept representations received after the deadline.

The Council cannot accept anonymous representations.

It is strongly recommended by the Planning Inspectorate that you use the Representation Form provided by the Council to help ensure that your representations relate to the issues of legal compliance or soundness, and to assist the procedures relating to the examination process. **This will assist the Inspector to consider your representation(s).**

You are requested to submit your representations electronically.

Do it online - use our INTERACTIVE DOCUMENT which allows you to click on specific sections and comment online or use the online Representation Form at www.stratford.gov.uk/siteallocations

Do it by email - download and fill in a Representation Form and email it to policy.consultation@stratford-dc.gov.uk

- Representation Form - pdf to download
- Representation Form - Word version (Save this RTF document as Word.doc to reduce memory size)

Respondents should note that representations are not confidential and that they will be published on the Council's website and made available for public inspection. Personal information, e.g. addresses, telephone numbers and email addresses, on representations from individuals will be redacted.

Where there are large numbers of people who share a common position on how they wish to see the Plan changed, it would be very helpful to all parties, including the Inspector, if that group submitted a single representation which sets out its views, rather than for a large number of individuals to send in separate representations which make the same points. In such cases

the group should indicate how many people it represents and how the representation has been authorised.

What should representations relate to?

The purpose of the examination is to consider whether the Plan is legally compliant, satisfies the Duty to Co-operate and meets the tests of soundness.

Representations received on the Plan must address these matters. They are explained in more detail below, but as a general rule:

1. If the representation relates to the way in which the Council has prepared the Plan, it is likely to relate to a matter of legal compliance or the Duty to Co-operate.
2. If the representation relates to the contents of the Plan, it is likely to relate to its soundness.

Representations should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and any suggested modification to the Plan. Further submissions will only be accepted at the request of the Inspector.

Please note that any representations submitted on previous draft versions of the Plan or related documents cannot be considered as part of the current process.

How to fill in the Representation Form

Please use black font or pen throughout.

There are two parts to the Representation Form:

Part A: Contact Information

You should provide all your contact details in full, including that of any Agent you are using to represent you. This is used to identify who made the representation(s) and so that you can be contacted subsequently, as necessary.

The first column relates to the individual or organisation making the representation. The second column should be completed if an Agent is being used.

Please complete this Part using block capitals.

The Council cannot accept anonymous representations.

You should also tick whether you would like to be notified of subsequent stages of the Site Allocations Plan.

Part B: Your Representation

This is where you need to make your comments on the legal compliance or soundness of the Site Allocations Plan.

It is important that you use a separate Part B form for each representation made.

Please include your name and organisation (if applicable) at the top of each Part B form that you use. If you use additional sheets, please ensure that your name and organisation are included and it is clear to which question each sheet relates.

You are advised to keep your comments clear and concise for the benefit of the Inspector.

There are 11 questions in Part B. Subject to the nature of your representation you may not need to answer every question.

In all cases please ensure you sign the declaration at the end of the Representation Form.

Question 1

Please state which part of the Site Allocations Plan your representation relates to.

Questions 2 to 8

Please state whether each representation relates to legal compliance, the Duty to Co-operate, or soundness and your reasons for this.

(i) Legal Compliance

The Inspector will first check that the Plan meets the legal requirements under the Planning and Compulsory Purchase Act 2004, as amended by the Localism Act 2011, regarding the Duty to Co-operate, before moving on to consider the tests of soundness.

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

- The Plan 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) setting out the Development Plan documents it proposes to produce over a given period. It sets out the key stages in the production of any Plan 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 to be made. The LDS should be on the LPA's website and available to view at their main offices.
- The process of community involvement in the preparation of the Plan should be in general accordance with the LPA's Statement of Community Involvement (SCI). The SCI is a document which sets out the Council's strategy for involving the community in the preparation of a Plan.
- The Plan should comply with the relevant Acts and Regulations; in particular the Town and Country Planning (Local Planning) (England) Regulations 2012.
- On publication, the Council must publish the documents prescribed in the Regulations, and make them available at their principal offices and on their website. The Council will also place local advertisements and notify the specific consultation bodies (as identified in the Regulations) and previous consultees.
- The Council is required to produce a Sustainability Appraisal Report and Habitats Regulations Assessment when they publish a Plan. This should identify the process by which the Sustainability Appraisal and Habitats Regulations Assessment have 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. A Habitats Regulations Assessment is a tool for appraising the likely effects of a plan on European (Natura 2000) Sites.
- The Plan should have regard to national policy specifically the National Planning Policy Framework (NPPF).

(ii) Duty to Co-operate

The Plan should meet the legal requirements under the Duty to Co-operate introduced by the Localism Act 2011. Local authorities have a duty to co-operate on planning issues that cross administrative boundaries, particularly those of a strategic nature such as the provision of homes, jobs, retail and commercial development, infrastructure, health, leisure and community facilities.

It should be noted that any non-compliance with the Duty to Co-operate is incapable of being resolved through modification at the Examination.

(iii) Soundness

Matters relating to 'soundness' are set out in the National Planning Policy Framework (see paragraph 35). The Inspector has to be satisfied that the Plan is positively prepared, justified, effective and consistent with national policy.

If you wish to comment on more than one of the four matters of soundness in relation to a specific aspect of the Plan, please complete a separate Part B sheet for each one.

You should consider the following points before making a representation on the tests of soundness.

Positively prepared – 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 the reasonable alternatives, based on a proportionate, robust and credible evidence base involving:

- evidence of participation of the local community and others having a stake in the area
- research, i.e. the choices made in the Plan are backed up by facts

Reasonable alternatives should be realistic and subject to sustainability appraisal. The Plan 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 – the Plan should be deliverable over its identified time period and based on effective joint working on cross-boundary strategic priorities. The Plan 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; and
- compatible, where relevant, with the strategies of neighbouring authorities.

The Plan should also 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 Plan should make clear that major changes may require a formal review.

Any implementation targets and delivery measures that are included in Plan should be clearly linked to an Authority Monitoring Report. This report must be produced each year by all local authorities and will show whether the Plan needs amendment.

Consistent with national policy – where there is a departure from national policy, the Council must provide clear and convincing reasoning to justify their approach. Conversely, you may feel the Council 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 it has 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.

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 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 Plan on which you are seeking to make representations?
- 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?

If you wish to make a representation seeking a modification to the Plan you should make it clear why you think it is unsound, having regard to the four tests set out above. You should support your representation by evidence showing why the Plan should be modified, including your suggested wording to modify the Plan in order to make it sound.

Question 9

If you support a policy or other aspects of the Plan, you should express your support so that the Inspector has the full picture of opinion. You should state why this particular aspect of the Plan is sound.

Question 10

This provides you with the opportunity to comment on the Sustainability Appraisal, evidence base documents, or other matters that are relevant to the Site Allocations Plan.

Question 11

Please indicate whether you wish to participate in the Examination. The Examination may involve a series of Hearing sessions on matters which will be identified by the Inspector. The Hearings will be chaired by the Inspector and will focus on the legal compliance and soundness of the Plan.

Please note that the Inspector will decide who should be invited to speak at the Hearing sessions, not the Council, and the Inspector will decide the topics to be covered in each Hearing session, based on the issues raised by the written representations at this formal consultation stage. All representations will be considered fully by the Inspector regardless of whether or not they are heard at an Examination Hearing.

Further Information

Further guidance on the preparation, publication and examination of Development Plans is provided in the National Planning Policy Framework (NPPF), which can be found at: <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Alternatively, you can contact Stratford-on-Avon District Council Planning Policy Team by email at planning.policy@stratford-dc.gov.uk or by phone on 01789 260334.