

Eden Local Plan 2014-2032 Representation Form Guidance Note

Interim Consultation prior to the Major Modifications stage

Notes to accompany the representation form for the above consultation

This consultation stage follows hearings undertaken as part of the examination of the Local Plan. The Council has made changes to certain aspects of the plan and wishes to consult on these changes. The Inspector will consider the comments received and may decide to conduct further hearings on the changes. Representations may be to either support or object on the grounds explained below.

The purpose of the examination, as detailed in the Planning and Compulsory Purchase Act 2004, is to determine whether the Local Plan is 'legally compliant' and 'sound'.

Therefore if you are making a representation about:

- How the plan was prepared in relation to the 'Duty to Cooperate', or legal and procedural requirements, this would mean your concern is whether the Local Plan is legally compliant; and
- If you don't think that the content of the document is 'positively prepared', 'justified', 'effective' or 'consistent with national policy', then the concern is with the soundness of the Local Plan.

The Council considers that the proposed changes to the Local Plan make the plan sound and legally compliant.

Is the Local Plan legally compliant? - Things to Consider

- The Local Plan should comply with the Town and Country Planning (Local Planning) (England) Regulations 2012. These are explained in the Consultation Statement published as part of the Post-Submission Documents, and available on the consultation webpage.
- Is the Local Plan in the current Local Development Scheme (LDS) and have the key stages been followed? If the Local Plan is not in the current LDS it should not have been published for representations.
- The process for community involvement for the Local Plan should be in general accordance with the Council's Statement of Community Involvement.
- Sustainability Appraisal is a tool for appraising policies to ensure they reflect social, environmental, and economic factors. The Council provided a Sustainability Appraisal Report when the Local Plan was published as part of the submission draft. Do you consider that the policies and proposals contained within the proposed changes to the Local Plan are appropriately supported by the SA?

- The Duty to Cooperate is a requirement introduced by the Localism Act (2011). Its purpose is to ensure that Local Plans consider issues that cross boundaries of an individual local authority to affect others, and to consider issues that are of concern to agencies who have a wider geographical responsibility. The Council prepared a Statement as part of the submission draft to explain how it considers that these strategic issues have been addressed, the involvement of neighbouring local authorities and relevant agencies, and how the duty has been fulfilled.

All of the documents referred to above are available to view on the Council's website.

If you consider the plan is not legally compliant, your representation should make clear the precise reasons why in relation to the legal and procedural requirements set out above.

Is the Local Plan sound? - Things to Consider

The inspector has to be satisfied that the Local Plan is 'sound'.

Paragraph 182 of the National Planning Policy Framework identifies that for a Local Plan to be considered sound it should be:

- **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** - This means that the Local Plan should be the most appropriate strategy, when considered against the reasonable alternatives, based upon proportionate evidence.
- **Effective** - This means that the plan should be deliverable over its period and based on the effective joint working on cross-boundary strategic priorities; and
- **Consistent with National Policy** - This means that the plan should enable the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework.

If you wish to make representation seeking a change to the proposed changes to the Local Plan you should make it clear in what way they are not sound having regard to the four tests set out above. You should try to support your representation by evidence showing why the proposed changes should be changed. It will be helpful if you also say precisely how you think they should be changed. Representations should cover succinctly all the information, evidence and supporting information necessary to support/justify 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 this stage.

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.

The Examination

The majority of representations will be considered by way of written representations. This is an efficient way for representations to be dealt with and they carry equal weight to those heard in person by the Inspector. The Inspector may carry out further hearing sessions in the form of a round-table discussion. You should use the Representation Form to identify whether you wish to participate in the hearing sessions at the examination. The Inspector will determine the content of the hearing sessions and who will be heard. This will allow people to have more concentrated discussions of the issues involved. Where there are strongly opposed views on matters within the proposed changes to the Local Plan, the evidence may need to be tested more formally, with the relevant people being supported with their cases by legal representation.