

Eden Local Plan 2014-2032 Representation Form Guidance Note



Proposed Further Main Modifications Consultation

Notes to accompany the representation form for the above consultation

A brief series of Further Main Modifications to the Eden Local Plan have been published for consultation. These are changes that are necessary to make the Plan sound.

The need for these further modifications to the Local Plan has arisen following the public consultation that took place between July and August 2017 on the proposed Main Modifications to the Eden Local Plan. In order to address some of the comments made during that consultation, a small number of changes have been made to the Plan. As the changes cover soundness issues, a further period of consultation is necessary. This is intended to represent the final public consultation prior to adoption of the Plan.

In addition to the Proposed Further Main Modifications, the Council has updated its Sustainability Appraisal.

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 a Proposed Main Modification to the Local Plan you should make it clear in what way the modification is not sound, having regard to the four tests set out above. You should try to support your representation by evidence showing why the

Proposed Main Modification should be changed. It will be helpful if you also say precisely how you think it 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

Following the consultation, representations relating to the Further Main Modifications and/or Sustainability Appraisal will be passed on to the Planning Inspector for his consideration. Further hearings will only take place in exceptional circumstances. However you can use the response form to indicate whether you would like to take part in a hearing session if necessary.

It is anticipated that the Inspector will finalise his report in early 2018. This would allow the Council to consider his report and, subject to his recommendations, move towards legally adopting the Local Plan late winter/early spring 2018.