



## GUIDANCE NOTES ACCOMPANYING THE SUBMISSION RESPONSE FORM & STATEMENT OF REPRESENTATION PROCEDURE

### PRE-SUBMISSION CORE STRATEGY AND DEVELOPMENT MANAGEMENT POLICIES DEVELOPMENT PLAN DOCUMENT DECEMBER 2011 - SUBMISSION CONSULTATION DOCUMENT

#### INTRODUCTION

The Pre-submission Core Strategy and Development Management Policies Development Plan Document December 2011 is published under Regulation 27 of the Town and Country Planning (Local Development) (England) Regulations in order for representations to be made prior to submission. The representations will be considered by the Planning Inspector. The Planning and Compulsory Purchase Act 2004 (as amended) (the 2004 Act)<sup>1</sup> states that the purpose of the examination is to consider whether the Development Plan Document (DPD) complies with the legal requirements and is 'sound'. The six weeks publication period is the opportunity for those dissatisfied (or satisfied) with the development plan document to make formal representations to the inspector about its soundness.

- 1 If you are seeking to make representations on the **way** in which Suffolk Coastal District has prepared the submitted Core Strategy it is likely that your comments or objections will relate to a matter of **legal compliance**.
- 2 If it is the **actual content** on which you wish to comment or object it is likely it will relate to a matter of whether the document is considered **sound**. Soundness relates to whether the DPD is **justified, effective or consistent with national policy**.

#### Legal Compliance

The Inspector will first check that the Core Strategy meets the legal requirements under s20(5)(a) of the 2004 Act before moving on to test for soundness.

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

- The Core Strategy should be within 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 Council setting out the Local Development Documents it proposes to produce over a 3 year period. It will set out the key stages in the production of any Development Plan Documents (DPDs) which the Council propose to bring forward for independent examination. If the Core Strategy is not in the current LDS it should not have been submitted for examination. The Suffolk Coastal LDS can be on the Council's website<sup>2</sup> and available at its main offices.

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<sup>1</sup> View the 2004 Act at <http://www.legislation.gov.uk/ukpga/2004/5/contents>

<sup>2</sup> View the LDS at <http://www.suffolkcoastal.gov.uk/yourdistrict/planning/review/lds>

- The process of community involvement for the Core Strategy should be in general accordance with the Council's Statement of Community Involvement<sup>3</sup> (SCI). The SCI is a document which sets out a Council's strategy for involving the community in the preparation and revision of Local Development Documents (including DPDs) and the consideration of planning applications.
- The Core Strategy should comply with the Town and County Planning (Local Development) (England Regulations) 2004<sup>4</sup> and amended in 2008<sup>5</sup> and 2009<sup>6</sup>. On submission, the Council must publish the documents prescribed in the regulations, and make them available at their principal offices and on their website. The Council must also place local advertisements and notify the DPD bodies (as set out in the Regulations) and any persons who have requested to be notified.
- The Council is required to submit a Sustainability Appraisal Report<sup>7</sup> when they submit the Core Strategy for examination. 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. A Sustainability Appraisal is a tool for appraising policies to ensure they reflect social, environmental, and economic factors.
- The Council is also required to submit an Appropriate Assessment<sup>8</sup> when they submit the Core Strategy for examination. An Appropriate Assessment is required to assess the implications of the plan upon the conservation objectives of European site(s). The regulations require it to be undertaken in consultation with the appropriate Nature Conservation Bodies. The plan making authority must consider the conclusions of the assessment and give effect to the land use plan only after it has ascertained it will not adversely affect the integrity of the European site(s).
- The Core Strategy should have regard to national policy and conform generally to the Regional Spatial Strategy (RSS). The RSS sets out the region's policies in relation to the development and use of land and forms part of the development plan for Local Authorities.
- The Core Strategy must have regard to the Sustainable Community Strategy<sup>9</sup> (SCS). The SCS is prepared by the Local Strategic Partnership which is representative of a range of interests in the Suffolk Coastal District. The SCS is subject to consultation but not to an independent examination.

### **Soundness**

Soundness is explained fully in the government's Planning Policy Statement 12: Local Spatial Planning in paragraphs 4.36 – 4.47, 4.51 and 4.52 and the boxed text<sup>10</sup>. The Inspector has to be satisfied that the document is justified, effective and consistent with national policy. To be sound a DPD should be:

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<sup>3</sup> View the Statement of Community Involvement on the Suffolk Coastal Website [www.suffolkcoastal.gov.uk](http://www.suffolkcoastal.gov.uk)

<sup>4</sup> View the 2004 Regulations at <http://www.legislation.gov.uk/ukpga/2004/5/contents>

<sup>5</sup> View the 2008 Amendment Regulations at <http://www.legislation.gov.uk/uksi/2008/1371/contents/made>

<sup>6</sup> View the 2009 Amendment Regulations at <http://www.legislation.gov.uk/uksi/2009/401/contents/made>

<sup>7</sup> View the Sustainability Appraisal on the Suffolk Coastal Website [www.suffolkcoastal.gov.uk](http://www.suffolkcoastal.gov.uk)

<sup>8</sup> View the Appropriate Assessment on the Suffolk Coastal Website [www.suffolkcoastal.gov.uk](http://www.suffolkcoastal.gov.uk)

<sup>9</sup> View the SCS on the Suffolk Coastal Website [www.suffolkcoastal.gov.uk](http://www.suffolkcoastal.gov.uk)

<sup>10</sup> View PPS12 at

<http://www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicystatement/pps12/>

**Justified** - This means that the Core Strategy 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.
- Research/fact finding: the choices made in the plan are backed up by facts.

The Core Strategy should also provide the most appropriate strategy when considered against reasonable alternatives. These alternatives should be realistic and subject to sustainability appraisal. The Core Strategy 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 Core Strategy 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 Core Strategy should also be flexible and able to be monitored. The Core Strategy 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 Core Strategy should make clear that major changes may require a formal review including public consultation. Any measures which the Council 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 Core Strategy needs amendment.

**Consistent with National Policy** - The Core Strategy should be consistent with national policy. Where there is a departure, the Council must provide clear and convincing reasoning to justify its approach. Conversely, you may feel the Council should include a policy or policies which would depart from national or regional 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 representation(s) what the local circumstances are justifying a different policy approach to that in national or regional policy, and support your assertion with evidence.

If you think the content of a Core Strategy is not sound because it does not include a policy where it should do, you should go through the following steps before making representations:

1. Is the issue with which you are concerned already covered specifically by any national planning policy or in the Regional Spatial Strategy? If so it does not need to be included.
2. Is what you are concerned with covered by any other policies in the Core Strategy on which you are seeking to make representations or in any other DPD in the Council's Local Development Framework (LDF)? There is no need for repetition between documents in the LDF.
3. If the policy is not covered elsewhere, in what way is the Core Strategy unsound without the policy?
4. If the Core Strategy is unsound without the policy, what should the policy say?

## **General Advice**

If you wish to make a representation seeking a change to the Core Strategy or part of the Core Strategy you should make clear in what way it is not sound having regard to the legal compliance check and three tests set out above. You should try to support your representation by evidence showing why the Core Strategy should be changed. It will be helpful if you also say precisely which part(s) your comments relate to and how you think the Core Strategy should be changed. Representations should cover 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. 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 who share a common view on how they wish to see the Core Strategy changed, it would be very helpful for that group to send a single representation which encompasses this view, rather than for a large number of individuals to send in separate representations which repeat the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised.

Further detailed guidance on the preparation, publication and examination of DPDs is provided in Planning Policy Statement 12: Local Spatial Planning<sup>11</sup> and in The Plan Making Manual<sup>12</sup>.

## **Examination in Public**

Following the period of 6 week publication, the Planning Inspector will identify issues for debate within the representations that have been made. The Inspector will decide how best to proceed with this debate, known as an 'Examination in Public' (EiP). The EiP could take the form of round table discussions and hearings, with formal hearings being used when the Inspector considers there is a need for evidence to be subject to a formal cross examination. Those people that have indicated a wish to attend the EiP will be invited by the Planning Inspector to the appropriate sessions relating to the representation(s) they have made.

The Programme Officer is a person appointed outside of the Planning Department and is responsible for managing the day to day arrangements of the examination process including recording all documents submitted, arranging for the inspection of sites by the Inspector and dealing with correspondence on his/her behalf to those who have made representations. It will be the Programme Officer who will be the main point of contact during the EiP and will manage the EiP library where the public can view the documents which form the evidence base of the Core Strategy.

After the EiP has taken place the Inspector will consider all of the written representations and evidence put forward as part of the examination and will write a final report. This will determine whether the Core Strategy has been found to be 'sound' and 'legally compliant' and will include recommendations. These are binding and the Core Strategy will be amended accordingly before it is formally adopted.

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<sup>11</sup> View PPS12 at <http://www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicystatements/pps12/>

<sup>12</sup> View the Plan Making Manual at <http://www.pas.gov.uk/pas/core/page.do?pageId=109798>

### **Other issues**

All the documents are also available to view on the Council's website ([www.suffolkcoastal.gov.uk](http://www.suffolkcoastal.gov.uk)) and during normal office hours at the **Planning Helpdesk, Council Offices, Melton Hill, Woodbridge, IP12 1AU**. (Open Mon, Tues & Thurs 8:45am-5:15pm, Wed 9:30am -5:15pm and Fri 8:45am-4:45pm).

The Core Strategy document will also be made available to view at each of the local libraries. Please note, these are not formal deposit points, but the document will be left in these locations for the convenience of local residents.

Copies of the documents can be purchased by telephoning the Planning Policy Team 01394 444761 or emailing [development.policy@suffolkcoastal.gov.uk](mailto:development.policy@suffolkcoastal.gov.uk) (£12 + p&p for the Core Strategy and £10 + p&p for both of the other two documents).

It is recommended that those wishing to make representations use the online consultation system (<http://suffolkcoastal.jdi-consult.net/ldf/>). Alternatively comments should be made on the enclosed 'Representation Form'. If you require additional copies of this form it can be photocopied, downloaded from the website, or collected from the planning helpdesk, or obtained from the Planning Policy Team (Contact details above).

Respondents are asked to include a brief summary of each main point they wish to make (up to 100 words per point).

Written and/or electronic representations (other than those submitted through the online consultation system) should be emailed to [development.policy@suffolkcoastal.gov.uk](mailto:development.policy@suffolkcoastal.gov.uk) or posted to **Development & Policy, Suffolk Coastal District Council, Melton Hill, Woodbridge, Suffolk, IP12 1AU**.

Please note all representations submitted whether electronically or in paper form, will be made public through the online consultation system<sup>13</sup>.

If you wish to submit documentation in support of your representation, the Council would appreciate receiving it in electronic format which should be emailed to [development.policy@suffolkcoastal.gov.uk](mailto:development.policy@suffolkcoastal.gov.uk).

Representations may be accompanied by a request to be notified when the document has been submitted for Independent Examination, notified of the publication of the recommendations of the Planning Inspector appointed to undertake the Independent Examination, and/or when the document is adopted.

Any queries, please contact the planning policy team on (01394) 444761 or via email [development.policy@suffolkcoastal.gov.uk](mailto:development.policy@suffolkcoastal.gov.uk)

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<sup>13</sup> Access the Online Consultation System via <http://suffolkcoastal.jdi-consult.net/ldf/>



**Development Plan Document (DPD)**  
Publication Stage Representation Form

**Ref:**  
  
(For official use only)

This representation form relates to the  
**“Pre-submission Core Strategy & Development Management Policies Development Plan Document December 2011”**

All comments must be received by **5:15 PM** on **Wednesday 7<sup>th</sup> March 2012**

Please read the attached guidance notes prior to completing this form

This form has two parts –  
Part A – Personal Details  
Part B – Your Representation (s). Please fill in a separate sheet for each representation you wish to make.

**Part A**

1. Personal Details		2. Agents Details (if applicable)	
Title	<input type="text"/>		<input type="text"/>
First Name	<input type="text"/>		<input type="text"/>
Last Name	<input type="text"/>		<input type="text"/>
Job Title (where relevant)	<input type="text"/>		<input type="text"/>
Organisation (where relevant)	<input type="text"/>		<input type="text"/>
Address Line 1	<input type="text"/>		<input type="text"/>
Line 2	<input type="text"/>		<input type="text"/>
Line 3	<input type="text"/>		<input type="text"/>
Line 4	<input type="text"/>		<input type="text"/>
Post code	<input type="text"/>		<input type="text"/>
Telephone number	<input type="text"/>		<input type="text"/>
Email address (where relevant)	<input type="text"/>		<input type="text"/>

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**Part B** - Please fill in a separate sheet for each representation you wish to make.

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Name or Organisation:

**3. To which part of the DPD does this representation relate?**

Paragraph

Policy

**4. Do you consider the DPD is:**

4. (1) Legally Compliant

Yes

No

4. (2) Sound\*

Yes

No

**\*The considerations in relation to the DPD being 'Sound' are explained in Planning Policy Statement 12 in paragraphs 4.36 – 4.47, 4.51 and 5.52 and the boxed text.**

*If you have entered **No** to 4. (2), please continue to Q5. In all other circumstances, please go to Q6.*

**5. Do you consider the DPD is *unsound* because it is not:**

(1) Justified

(2) Effective

(3) Consistent with national policy

**6. Please give details of why you consider the DPD is not legally compliant or is unsound.**

**Please be as precise as possible.**

**If you wish to support the legal compliance or soundness of the DPD, please also use this box to set out your comments.**

*(Continue on a separate sheet/expand box if necessary)*

7. Please set out what change(s) you consider necessary to make the DPD legally compliant or sound, having regard to the test you have identified at 5 above where this relates to soundness. You will need to say why this change will make the DPD legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(Continue on a separate sheet/expand box if necessary)

**Please note** your representation 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 representations based upon the original representation at publication 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.**

8. If your representation is seeking a change, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

9. If you wish to attend the examination, please outline why you consider this to be necessary:

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to attend the Examination.

Signature:

Date: