

**HOUSING AND ECONOMIC DEVELOPMENT – DEVELOPMENT PLAN
DOCUMENT: PUBLICATION VERSION (REGULATION 19) CONSULTATION
GUIDANCE NOTES TO COMMENTS FORM**

Introduction

This Housing and Economic Development Publication Version development plan document (HED DPD) has been published so that comments and representations can be made on it. Any such comments will be submitted with the document to the Secretary of State who will then appoint an independent Planning Inspector to examine the plan in an Examination in Public. The purpose of this examination will be to consider whether the HED DPD complies with a set of legal requirements and is “sound”.

Legal Compliance

The Inspector will consider whether the document meets the legal requirements under s20(5)(a) of the Planning and Compulsory Purchase Act 2004 before moving to the various tests of soundness.

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

The HED DPD should be within the [current Local Development Scheme \(LDS\)](#) and the key stages should have been followed. The LDS is the Council's programme of work setting out which DPDs it wishes to produce over a three year period. The Council keeps the LDS under review with updates regularly published. The process of involving the community in the development of the document should be in general conformity with the Council's [Statement of Community Involvement \(SCI\)](#). This sets out the Council's strategy for involving the community in the preparation and revision of Local Development Documents such as the Core Strategy and the HED DPD (The Local Plan).

The document should comply with the [Planning and Compulsory Purchase Act 2004](#) and the Town and Country Planning (Local Development)(England Regulations) 2004 (as amended, including the [amended Regulations of 2016](#) which came into force on 1st October 2016). On publication the Council must publish the documents set out in the regulations and make them available at its principal offices and on its website. It must also inform all those bodies required by regulation and any persons who have requested to be notified.

The Council is required to produce a Sustainability Appraisal (SA) report to accompany the HED DPD which will describe the process through which the SA has been carried out and the baseline information that has informed the process and its outcomes. SA is a tool for appraising policies to ensure that they best reflect social, environmental and economic factors.

The Council has a duty to co operate on planning matters that cross administrative boundaries and in preparing the HED DPD it needs to work collaboratively with other bodies to ensure that strategic priorities are clearly considered.

In addition the document must have regard to the National Planning Policy Framework (NPPF) and the [Planning Practice Guidance \(PPG\)](#).

Tests of Soundness

The current definitions of soundness are laid out in para 182 of the NPPF, which is set out in full below:

“The Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. A local planning authority should submit a plan for examination which it considers is “sound” – namely that it is:

- **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 proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.”

General Advice

If you wish to make a representation seeking a change to the HED DPD or a part of it you should make clear in what way it is not sound having regard to the legal compliance checks and the four soundness tests outlined above. You should try to support your representation with evidence showing why the document should be changed. It would also be helpful if you could also say precisely how you think the DPD should be changed. Representations should cover concisely all the information, evidence and supporting information necessary to support/justify your representation and the suggested change as there will not normally be a subsequent opportunity to make further submissions based on the original representations 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 at the Examination in Public of the document later this year.

The Inspector may choose to call people to present their views verbally in the Examination, though this is at the Inspector’s discretion. If you think that you would wish to participate in such a way then you should indicate this in Question 8 of the form.

Please note that the Inspector is not obliged to consider any previous representations that have been made about the HED DPD. You are urged, therefore, to re-submit on copies of the form, any previously submitted representations that, in your view, remain valid and that you wish the Inspector to consider.

END.