

HOUSING & ECONOMIC DEVELOPMENT DPD SUBMISSION VERSION CONSULTATION ON MAIN MODIFICATIONS GUIDANCE NOTES TO COMMENTS FORM

Introduction

The Council is proposing Main Modifications to the Submission version of the Housing & Economic Development (HED) - Development Plan Document (DPD). The HED DPD was submitted to the Secretary of State for Examination by the Planning Inspectorate in August 2017 and an Examination in Public of the document commenced in November 2018.

The purpose of the Examination will be to consider whether the HED DPD complies with a set of legal requirements and is “sound” (see notes overleaf).

Please note that this consultation relates only to the Main Modifications as set out in the document called “Main Modifications: Additional Housing Allocations”. You do not need to restate any previous objections you may have made at previous consultation stages of the HED DPD as these have already been forwarded to the Inspector for his consideration as part of the Examination process, and all representations must relate only to the Main Modifications being proposed. Or the supporting documentation

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 published in the [Authority Monitoring Report \(AMR\)](#)

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 HED DPD.

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 2012](#)).

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 most recent version that accompanies the Main Modifications is also available for comment.

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 \(NPPF\)](#).

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 regarding the Main Modifications 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 Change is not appropriate and whether any further changes are required to rectify it to make it sound.

Representations should cover concisely all the information, evidence and supporting information necessary to support/justify your representation. 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.

Appearance at the Examination is at the Inspector’s discretion.