

Winchester District Local Plan Part 1 – Joint Core Strategy Pre submission Guidance Notes

If you (or someone you know) would like the information contained in this document in an alternative format, please contact the Council's Customer Service team on telephone number: 01962 840 222.

Introduction

Before making your representation on the Winchester District Local Plan Part 1 – Joint Core Strategy we would encourage you to read the following guidance, as it explains where you can view the documents, how you can make representations, and the type of representations which can be considered at this stage.

What is this consultation and how can you comment?

This is the 'Pre Submission' version of the Local Plan Part 1 – Joint Core Strategy (Local Plan Part 1). Once the consultation has closed we will send all the representations received, along with a copy of the Local Plan Part 1, to the Planning Inspectorate¹ (this is called the 'Submission' stage). It will then be examined by a Planning Inspector who will consider whether it complies with legal requirements and is 'sound'². More information on what is meant by these terms is explained in this guidance note.

Importantly, you need to be aware that this consultation is more formal than in previous stages of the Joint Core Strategy preparation. Because of this, your representations **should:**

- Be submitted via our online consultation system or on the proper form and,
- Be submitted before the closing date. We will not be able to accept representations received after **Monday 12 March at 5pm precisely.**

The Council's online consultation system is our preferred method of receiving representations. This can be found at: www.winchester.gov.uk/jointcorestrategy

Advantages of using the online system

- It is quick and easy to use
- You can save time – view documents online
- You do not have to submit your representations all in one sitting, you can input them over several days if you wish
- Saves paper and cost of postage, and saves officer time at the Council in inputting and reviewing paper submissions

¹ This is an independent body that will examine/assess our Local Plan

² As set out in The Planning and Compulsory Purchase Act 2004 (as amended) This can be viewed online at: <http://www.legislation.gov.uk/ukpga/2004/5/contents>

You can find the representations form on our website at:-
www.winchester.gov.uk/jointcorestrategy.

Paper copies of the form are available from the following addresses:-

Winchester City Council
City Council Offices
Colebrook Street
Winchester,
SO23 9LJ

South Downs National Park offices
Rosemary's Parlour
North Street
Midhurst
GU29 9SB

In addition, copies of the Local Plan Part 1 are also available at local libraries. Completed forms can be emailed to:- ldf@winchester.gov.uk, or returned to Winchester City Council Offices, Colebrook Street at the address above.

Representations may be accompanied by a request to be notified (at an address specified in the representation) of any of the following:

- (a) that the Joint Core Strategy has been submitted for independent examination,
- (b) the publication of the recommendations of any person appointed to carry out an independent examination of the Joint Core Strategy and/or
- (c) the adoption by the Council and the National Park Authority of the Joint Core strategy.

Scope of representations made on the Proposed Submission Joint Core Strategy

Representations should fall under two main areas, **legal compliance** or **soundness** (soundness is broken down further into three areas, explained later on).
As a broad rule of thumb:

- If you are making representations on how we prepared or consulted on the Local Plan Part 1 (Core Strategy) then the issue will be one of **legal compliance**
- If it is the actual content of the strategy you wish to make a representation on or object to, then this relates to **soundness**.

Legal Compliance

The Inspector will first check that the Local Plan Part 1 meets the legal requirements under s20 (5) (a) of the 2004 Act before moving on to test for soundness.

If you think your representation is about legal compliance you need to consider answering the following questions:

1. Is the Local Plan Part 1 (Joint Core Strategy) consistent with the Council's production timetable known as the Local Development Scheme (LDS)?

The Council should have complied with the key stages set out in the LDS. If the Local Plan Part 1 (Joint Core Strategy) is not included in the current LDS it

should not have been published for consultation. You can find a copy of our LDS on our website at:-

www.winchester.gov.uk/EnvironmentAndPlanning/Planning/LocalDevelopmentFramework/LocalDevelopmentScheme/

2. How has the community been involved in the process and has the Council met its Statement of Community Involvement (SCI)?

The SCI sets out Winchester City Council's strategy for involving the community in the preparation of the Local Plan Part 1 (Joint Core Strategy). You can find this on our website by visiting:-

www.winchester.gov.uk/EnvironmentAndPlanning/Planning/LocalDevelopmentFramework/StatementofCommunityInvolvement

3. Does the Local Plan Part 1 (Joint Core Strategy) comply with the Town and Country Planning (Local Development) (England Regulations) 2004 as amended?

You can view the regulations by visiting:-

- 2004 Regulations:
<http://www.opsi.gov.uk/si/si2004/20042204.htm>
- 2008 amending Regulations:
http://www.opsi.gov.uk/si/si2008/pdf/uksi_20081371_en.pdf
- 2009 amending Regulations:
http://www.opsi.gov.uk/si/si2009/pdf/uksi_20090401_en.pdf

The Local Planning Authority must publish the documents prescribed in the regulations, and make them available at their principal offices and on their website. The Local Planning Authority must also place local advertisements and notify the 'Development Plan Document' (DPD) bodies (as set out in the regulations) and any persons who have requested to be notified.

4. Was a Sustainability Appraisal (SA) Report produced and how it has been carried out?

Sustainability Appraisal is a tool for appraising policies to ensure they reflect social, environmental and economic factors. The local planning authority is required to provide a Sustainability Appraisal Report. The Sustainability Appraisal Report should identify the process by which the Sustainability Appraisal has been carried out, the baseline information used to inform the process and the outcomes of that process.

You can find copies of our Sustainability Appraisal from each of the Local Plan Part 1 (Joint Core Strategy) stages along with the most up-to-date version of the Pre-Submission Local Plan on our website at:-

www.winchester.gov.uk/EnvironmentAndPlanning/Planning/LocalDevelopmentFramework/SustainabilityAppraisals/

5. Does the Local Plan Part 1 (Joint Core Strategy) conform with national and regional policy?

The Local Plan Part 1 (Joint Core Strategy) must have regard to the national policy and conform generally to the Regional Spatial Strategy (RSS) for the South East (The South East Plan), for so long as it remains in force. The RSS sets out the regional policies in relation to the development and use of land and forms part of the 'Development Plan' for the District.

The Government has signalled its intention to revoke regional strategies as part of the Localism Act, however the RSS still remains part of the Development Plan at this time. When the South East Plan is revoked it will no longer form part of the Development Plan and the Local Plan Part 1 will not need to comply with it.

6. Does the Local Plan Part 1 (Joint Core Strategy) reflect the Community Strategy?

The Local Plan must have regard to the Community Strategy for Winchester City Council. The Community Strategy was prepared by the Winchester District Strategic Partnership. The Community Strategy is subject to consultation but not to an independent examination. The Community Strategy can be found at:- www.wdsp.co.uk/community-strategy/

Soundness

Soundness is explained fully in Planning Policy Statement 12: Local Spatial Planning (paragraphs 4.36 – 4.47, 4.51 and 5.52 and the boxed text³). There are three areas to consider when looking at whether or not our Proposed Submission Local Plan is sound. To be sound the Local Plan should be:

1. Justified;
2. Effective; and
3. Consistent with national policy

1. Justified

Our Local Plan Part 1 must be set on a robust and credible evidence base. This includes:

- Proof of involving the local community and key stakeholders
- Making sure the choices made in the Local Plan Part 1 (Joint Core Strategy) are backed up by solid facts and research.

The Local Plan Part 1 should provide the most appropriate strategy when considered against reasonable alternatives. These alternatives should be realistic and have undergone a sustainability appraisal process.

³ View at

<http://www.communities.gov.uk/publications/planningandbuilding/pps12lsp>

We have also produced a number of evidence studies as background papers on the different policy areas, which should help you understand the reasons for our choices, along with the Sustainability Appraisal report. You can find out about all these background papers along with any associated studies that we have used to guide us in our decision making by visiting our evidence base page on our website at:

www.winchester.gov.uk/EnvironmentAndPlanning/Planning/LocalDevelopmentFramework/EvidenceBase/

2. Effective

This means the Local Plan Part 1 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 Local Plan Part 1 should also be flexible and able to be monitored.

The Local Plan Part 1 should indicate who is 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 policies are flexible, the Local Plan Part 1 should make clear that major changes may require a formal review including public consultation.

Any measures which the Local Planning Authority 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 Local Plan Part 1 needs amending.

3. Consistent with national policy

The Local Plan Part 1 should be consistent with national policy. Where there is a departure, the Local Planning Authority must provide clear and convincing reasoning to justify their approach. Conversely, you may feel the LPA 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 they have not done so. In this instance it will be important for you to say in your representations what the local circumstances are that justify a different policy approach to that in national or regional policy and support your assertion with evidence.

If you think the content of the Local Plan Part 1 is not sound because it does not include a policy where it should do, you should go through the following steps before making representations:

- 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.
- Is what you are concerned with covered by any other policies in the Local Plan Part 1 on which you are seeking to make representations or in any other Development Plan Document in the Local Development Framework (LDF). There is no need for repetition between documents in the LDF.
- If the policy is not covered elsewhere, in what way is the Local Plan Part 1 unsound without the policy?
- If the Local Plan is unsound without the policy, what should the policy say?

General Advice

The Council considers that the Local Plan Part 1 Pre-Submission version satisfies all the above tests of soundness and is the most appropriate strategy for the future development of Winchester District. However, if you consider the Local Plan Part 1 is unsound against one or more of the three tests of soundness (justified, effective, or consistent with national policy), you should identify which test(s) under Question 5.

If you wish to make a representation, you should make clear in what way the Local Plan Part 1 is not sound having regard to the legal compliance check and three tests of soundness set out above. You should try to support your representation by evidence showing why the Local Plan Part 1 should be changed. It will be helpful if you also say precisely how you think the Local Plan 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. 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.

Group Response

The Planning Inspectorate normally ask that where you are a group with a common view, then it would be helpful if the group could submit a single representation outlining its concerns, rather than for a large number of individuals to send in separate representations which repeat the same points. The group should also make it clear how many people it is representing and how it has been authorised.

Appearing at the examination

Section 8 on the form asks you to indicate whether or not you would like to participate at the hearing part of the examination. Please remember it is the Inspector that decides who is heard at the examination. You may feel that your written submission(s) is (are) enough. This is also perfectly fine, as all the representations will be submitted to and examined by the Inspector.

Confidentiality

Representations cannot be treated in confidence. Regulation 30 of the Town and Country Planning (Local Development) (England) Regulations 2004, as amended,

requires copies of the representations to be made publically available. The Council will also provide names and display representations on its website, but will not publish personal information such as telephone numbers, emails, or private addresses. By submitting representations on the Pre-Submission Local Plan Part 1, you confirm that you agree to this and accept responsibility for your representations.

Further detailed guidance on the preparation, publication and examination of The Local Plan Part 1 is provided in Planning Policy Statement 12: Local Spatial Planning which can be found at: - www.communities.gov.uk and in The Communities and Local Government Plan Making Manual which can be found at: - www.pas.gov.uk/pas/core/page.do?pageld=109798