

Local Plan Part 2 – Publication (Pre-Submission) Comment Form 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 Publication (Pre-Submission) Local Plan Part 2 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.

About this consultation

This consultation is on the Publication version of the Winchester District Local Plan Part 2: Development Management and Site Allocations (the Plan). This is the document that the local authority considers ready for examination and this is your opportunity to comment on the Plan's "soundness", legal compliance and compliance with the Duty to Cooperate before it is submitted to an independent Inspector to be examined.

The strategic planning framework and development requirements are set out in the Winchester District Local Plan Part 1 – Joint Core Strategy (LPP1). The Plan will complement the LPP1 by allocating sites for development and providing detailed development management policies to replace the remaining policies saved from the Local Plan Review 2006. The Plan will form part of the Development Plan for the part of the District outside the South Downs National Park.

Why we are consulting

Regulations require that before submitting a Plan for examination, the local planning authority must make a copy of the Plan and other supporting documents available for inspection and invite representations for a period of not less than 6 weeks.

Representations made at this stage must relate to the Plan's "soundness", compliance with legal requirements, and the Duty to Cooperate.

These terms are explained more fully later in this guidance note. The Plan is accompanied by a number of documents that demonstrate soundness, legal compliance, and compliance with the Duty to Cooperate.

How you can comment

The consultation period runs from **6 November to 12 noon on 21 December 2015**.

Your representations **should**:

- Be submitted preferably using 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 12 noon on 21 December 2015.**

The on-line form includes extracts from the Plan and maps to assist you in responding. You can also upload documents to this form if you wish to send in further evidence (you

can upload one document per question, but you do not need to repeat or upload published documents such as the NPPF).

This form is available on the following web page:-

<http://www.winchester.gov.uk/planning-policy/local-plan-part-2>

The Plan can be downloaded from the above address and paper copies of the Plan are available to view at main libraries. You can also download a paper version of the comment form from the above web page. If you are unable to fill in the on-line or paper form, you can send in your response via email or post to the following address:-

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

Email: LPP2@winchester.gov.uk

For any enquiries, please phone our customer service centre and ask for Strategic Planning: **01962 840 222**

Confidentiality

Please note: Representations cannot be treated in confidence. The Town and Country Planning (Local Planning) (England) Regulations 2012, requires copies of all representations to be made publically available. The Council will also publish names and associated representations on its website but will not publish personal information such as telephone numbers, or email addresses. By submitting a representation on the Plan you confirm that you agree to this and accept responsibility for your comments.

What happens next

Once the consultation has closed, the Council will summarise the main issues raised and submit the Plan for examination by an independent Planning Inspector appointed by the Government. The Council will also send all the representations it has received during the consultation to the Inspector, together with a number of supporting documents. We can not accept anonymous responses and all comments will be published on the Council's website and submitted to the Inspector.

The examination Inspector will assess whether the Plan meets the relevant legal requirements, complies with the Duty to Cooperate, and is sound. The examination will include public hearing sessions where interested parties may be invited by the Inspector to discuss the Plan. The Comment Forms ask whether you would like to participate in these, if invited.

After the hearings, the Inspector will produce a report setting out their findings and recommendations. The Council may publish modifications to the Plan before this and there will be consultations on these.

If the Inspector finds the Plan to be sound and legally compliant, with or without modifications, the Council can proceed to adopt the Plan.

The expected programme for the key stages is;

- Submission of the Plan to the Secretary of State for examination – March 2016
- Examination Hearings - June - July 2016
- Inspector's Report – November 2016
- Adoption and publication of Local Plan Part 2 – December 2016

Scope of representations made on the Publication Plan

Representations should relate to **legal compliance**, **Duty to Cooperate** or **soundness** (soundness is broken down further into four areas, explained later on).

As a guide:

- If you are making representations on how we prepared or consulted on the Plan then the issue will be one of **legal compliance**
- If you want to comment on how the Council has worked with other public bodies in developing the policies, then your comments should be made under **Duty to Co-operate**
- If it is the policies or supporting text you wish to make a representation on or object to, then this relates to **soundness**.

Legal Compliance

The Inspector will first check that the Plan meets all the necessary legal requirements and compliance with the Duty to Cooperate before considering the tests of soundness.

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

1. Is the Plan 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. You can find a copy of the LDS on our website at:-

<http://www.winchester.gov.uk/n/planning-policy/core-strategy-timetable-lds/>

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 planning policies. You can find this on our website by visiting:-

<http://www.winchester.gov.uk/planning-policy/statement-community-involvement/>

3. Does the Plan comply with the relevant regulations such as the Town and Country Planning (Local Planning) (England) Regulations 2012)?

You can view Town and Country Planning Regulations 2012 by visiting:-

<http://www.legislation.gov.uk/ukxi/2012/767/contents/made>

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 carry out a Sustainability Appraisal alongside the development of the Plan. 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 the process.

You can view the Sustainability Appraisal documents on our website at:-

<http://www.winchester.gov.uk/planning-policy/sustainability-appraisals/sa-hra-lpp2-publication/>

5. Does the Plan reflect the Community Strategy?

The Plan must have regard to the Community Strategy. The Community Strategy is subject to consultation but not to an independent examination. The Community Strategy can be found at:-

<http://www.winchester.gov.uk/about/council-structure/community-strategy/adoption-winchester-district-community-strategy-po/>

Duty to cooperate

The duty to cooperate is a legal test that requires cooperation (not agreement) between public bodies (set out in S33A Planning and Compulsory Purchase Act 2004 (local development)) with the aim of delivering effective, strategic policies to deliver growth. If the duty has not been complied with, the Inspector will not be able to recommend that the Plan is adopted and the examination will not proceed any further.

We have produced a Duty to Cooperate Statement which demonstrates how Winchester City Council had complied with the duty. This can be viewed on the following webpage:-

<http://www.winchester.gov.uk/planning-policy/local-plan-part-2/lpp2-pre-submission-plan/>

Soundness

There are four areas to consider when looking at whether or not the Plan is sound. To be sound the Plan should be:

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

Soundness is explained fully in paragraph 182 of the National Planning Policy Framework.

“Examining Local Plans

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.”

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 the background papers along with any associated studies that we have used to guide us in our decision-making by visiting the following webpage:-

<http://www.winchester.gov.uk/planning-policy/local-plan-part-2/>

General Advice

The Council considers that the Plan satisfies all the above tests of soundness and is the most appropriate strategy for the future development of Winchester District. If you wish to make a representation, you should make clear in what way the Plan is not sound (stating which of the four tests of soundness you consider the Plan does not meet), and/or whether you consider the Plan is legally compliant and meets the requirements of the duty to cooperate.

You should try to support your representation by evidence showing why the Plan should be changed. It would be helpful if you also say precisely how you think the 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

The comment form asks you to indicate whether or not you would like to participate at the hearing sessions of the examination. Please remember it is the Inspector that decides who can speak at the examination. You may feel that your written submission is enough, as all the representations will be submitted to, and examined by the Inspector and carry equal weight.

Further Information

Further guidance on the preparation, publication and examination of Local Plans can be found in the National Planning Policy Framework and in Planning Practice Guidance which can be viewed on the following webpage: <http://planningguidance.planningportal.gov.uk/>