

Gypsy and Traveller and Travelling Showpersons Development Plan Document 'Traveller DPD'

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) Traveller DPD we would encourage you to read the following guidance, as it explains about the type of representations which can be considered at this stage.

About this consultation

This consultation is on the Publication version of the Traveller DPD, this is the document that the Council 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 in due course.

Why we are consulting

Planning Regulations require that before submitting the DPD for examination, the local planning authority must make a copy of the document and other supporting papers available for inspection and invite representations for a period of not less than 6 weeks (15 January – 26 February 2018). 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 note.

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, we can not accept anonymous responses. By submitting a representation on the Plan you confirm that you agree to this and accept responsibility for your comments, all comments will be published on the Council's website and submitted to the Inspector.

What happens next

Once the consultation has closed, the Council will summarise the main issues raised and send these, the representations, supporting documents and the DPD for examination by an independent Planning Inspector appointed by the Government. 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 consultation 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 – May 2018
- Examination Hearings - June 2018
- Inspector's Report – October/November 2018
- Adoption and publication of Traveller DPD December 2018

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 Cooperate**
- 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 and procedural 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 have regard to the Council's Strategy?

The Council's Strategy can be found at:-

<http://www.winchester.gov.uk/about/strategies>

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;
- ***Consistent with national policy*** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.