

## Introduction

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Following the Site Specific Proposals consultation in the summer 2009, some representations were received which the Council would like to address by suggesting changes to the Draft Plan. These changes will then be assessed alongside the Draft Plan by the planning Inspector when the document is examined. These changes are referred to as 'Key Changes' and North Norfolk District Council is consulting on these changes before submission of the documents.

**The council is only seeking comments on the changes outlined in the 'Schedule of Key Changes'. This is not an opportunity to comment on the original Site Specific Proposals Draft Plan.**

The key changes are open for a 6 week period of public consultation from 5 January until 16 February 2010. Following the consultation, the representations received will be submitted to be considered by the Planning Inspector at examination. The Inspector will consider whether the changes are necessary and 'sound' as set out in The Planning and Compulsory Purchase Act 2004<sup>1</sup>.

It is important that representations are made through the [Consultation Portal](#)<sup>2</sup> or using the comments form<sup>3</sup> to ensure all essential information is provided. Contact details enable us to contact you should there be a problem with the representation.

Once you have made a representation it will be acknowledged and given a reference number. All representations will be made available for public viewing and your comments will be considered and be available to the Planning Inspector during examination.

## General Advice

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When the Site Specific Proposal Draft Plan and the schedule of requested changes are submitted for independent examination the appointed Inspector will assess the documents against a number of tests collectively called the 'Tests of Soundness'. These tests are designed to examine both the *process* of plan preparation to ensure that the plan has been prepared in accordance with national regulations (legal compliance tests), and to examine the overall *suitability* of the Plan by considering if it has been properly 'justified', whether it will be 'effective', and if it is 'consistent with national planning policy'.

This form asks you to consider how you think the requested Key Changes comply, or do not comply, with these tests. Hence, if your representations relate to the **way** the Key Change document has been prepared your comments would relate to a matter of **legal compliance**. Alternatively, if your comments relate to the **actual content** of the Key Change document it is likely you would be suggesting that the document is not **justified, effective or consistent with national policy**.

Where there are groups who share a common view on how they wish to see a change, it would be very helpful for that group to send a single representation which represents the view, rather than for a large number of individuals to send in separate representations which repeat the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised.

Further detailed guidance on the preparation, publication and examination of Development Plan Documents is provided in the Planning Policy Statement 12: Local Spatial Planning<sup>4</sup> and in The Plan Making Manual<sup>5</sup>.

## **Question ③ Guidance - Legal Compliance**

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

The document in question (i.e. the Site Specific Proposals Development Plan) should be within the current Local Development Scheme<sup>6</sup> (LDS) and the key stages should have been followed. The LDS is effectively a programme of work prepared by the Local Planning Authority (North Norfolk District Council) setting out the Local Development Documents it proposes to produce over a 3 year period. If the document is not in the current LDS it should not have been published for representations.

The process of community involvement for the policy document should be in general accordance with the Council's Statement of Community Involvement<sup>7</sup> (SCI). The SCI sets out the strategy for involving the community in the preparation and revision of Local Development Documents and the consideration of planning applications.

The document should comply with the Town and Country Planning (Local Development) (England Regulations) 2004 as amended<sup>8</sup>. On publication, North Norfolk District Council must publish the documents prescribed in the regulations, and make them available at their principal offices and on their website. The LPA must also place local advertisements and notify the DPD bodies (as set out in the Regulations) and any persons who have asked to be notified.

The LPA is required to provide a Sustainability Appraisal Report. This should identify the process by which the Sustainability Appraisal has been carried out, and the baseline information used to inform the process and the outcomes of that process. Sustainability Appraisal is a tool for appraising policies to ensure they reflect social, environmental, and economic factors. Where the Sustainability Appraisal is relevant to the Schedule of Key Changes, it is included within this document.

The document should have regard to national policy and conform generally to the Regional Spatial Strategy (RSS).

The document must have regard to any Sustainable Community Strategy for its area (i.e. county and district). This is usually prepared by the Local Strategic Partnership which is representative of a range of interests in the area. For this area it is 'The North Norfolk Community Partnership Sustainable Communities Strategy 2008-2011'.

If you consider that the proposed policy document fails to meet one or more of these requirements you should indicate that you consider the policy is 'unsound' because the process of preparation is not legally compliant.

## Question ④ Guidance - Soundness

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Soundness is explained fully in Planning Policy Statement 12: Local Spatial Planning in paragraphs 4.36 – 4.47, 4.51 and 5.52 and the boxed text. The three 'tests of soundness' are: justified, effective and consistent with national policy.

To be sound a key change should be:

### • **Justified**

This means that the change should be founded on a robust and credible evidence base involving:

- Participation of the local community and others having a stake in the area
- Research/fact finding: the change is backed up by facts

The change should be the most appropriate when considered against reasonable alternatives. These alternatives should be realistic and subject to a sustainability appraisal. The document should show how the change will ensure that the social, environmental, economic and resource use objectives of sustainability will be achieved.

### • **Effective**

This means the document should be deliverable, embracing:

- Infrastructure delivery planning (e.g. Water, Highways etc)
- Delivery partners who are signed up to it (e.g. land owners)
- Having no regulatory or national planning barriers to delivery
- Coherence with the strategies of neighbouring authorities

The effectiveness of the changes should be measurable and the mechanism for monitoring should be specified.

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 for policies to be flexible, the document should make clear that major changes may require a formal review including public consultation.

### • **Consistent with National Policy**

The document approach should be consistent with national planning policy. Where there is a departure, LPAs must provide clear and convincing reasoning to justify their approach. Conversely, you may feel the LPA should promote a policy which would depart from national and 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 local circumstances justify a different policy approach to that in national or regional policy and support your assertion with evidence.

## References

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1. View at [http://www.opsi.gov.uk/ACTS/acts2004/ukpga\\_20040005\\_en\\_1](http://www.opsi.gov.uk/ACTS/acts2004/ukpga_20040005_en_1)
2. Submit comments via the consultation portal via <http://www.northnorfolk.org/ldf/default.asp>
3. Further copies available from the contacts stated at the end of the form, photocopies may be taken.
4. View at <http://www.communities.gov.uk/publications/planningandbuilding/pps12lsp>
5. View at <http://www.pas.gov.uk/pas/core/page.do?pagelId=51391>
6. View LDS at <http://www.northnorfolk.org/ldf/1263.asp>
7. View SCI at <http://www.northnorfolk.org/ldf/1222.asp>
8. View 2004 regulations at <http://www.opsi.gov.uk/si/si2004/20042204.htm> and amending 2008 regulations at [http://www.opsi.gov.uk/si/si2008/pdf/uksi\\_20081371\\_en.pdf](http://www.opsi.gov.uk/si/si2008/pdf/uksi_20081371_en.pdf)

### Comments Forms should be returned to:

Planning Policy  
North Norfolk District Council  
Council Offices  
Holt Road  
Cromer  
NR27 9EN

Or emailed to: [planningpolicy@north-norfolk.gov.uk](mailto:planningpolicy@north-norfolk.gov.uk)

For further information please contact 01263 516318 or visit [www.northnorfolk.org/ldf](http://www.northnorfolk.org/ldf).

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