

Publication Stage Comments Form

Guidance Notes



Introduction

The **Site Specific Proposals Draft Plan (incorporating Proposals Map Amendments)** is published in order for representations to be made to inform amendments prior to submission and for consideration during examination by a Planning Inspector. The purpose of the examination and this consultation is to consider whether the document complies with legal requirements and is 'sound' as set out in The Planning and Compulsory Purchase Act 2004¹.

If you are seeking to make representations on the **way** in which NNDC has prepared the document it is likely that your comments or objections will relate to a matter of **legal compliance**.

If it is the **actual content** on which you wish to comment or object it is likely it will relate to whether the document is **justified, effective or consistent with national policy**.

It is important that representations are made through the [Consultation Portal](#)² or using the comments³ form 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

If you wish to make a representation seeking a change in the consultation document you should make clear in what way it is not sound having regard to the legal compliance check and three tests set out below. You should try to support your representation by showing evidence why the document should be changed. It would be helpful if you also say precisely how you think the document should be changed. Representations should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the subsequent change, as there will not normally be a subsequent opportunity to make further submissions based on the original representation made at publication. After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies in the examination.

Where there are groups who share a common view on how they wish to see a document 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 Planning⁴ and in The Plan Making Manual⁵.

Question ③ Guidance - Legal Compliance

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

The document in question should be within the current Local Development Scheme⁶ (LDS) and the key stages should have been followed. The LDS is effectively a programme of work prepared by the Local Planning Authority (LPA in this case is 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 document should be in general accordance with the Statement of Community Involvement⁷ (SCI) completed by the council. 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 amended⁸. On publication, the LPA 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 for this document. 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.

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'.

During the examination the Inspector will first check that the Development Plan Document meets the legal requirements under s20(5)(a) of the 2004 Act before moving on to test for soundness.

Question ④ Guidance - Soundness

To be sound the document should be:

• **Justified**

This means that the document 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 choices made in the plan are backed up by facts

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

• **Effective**

This means the document 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

It should also be flexible and able to be monitored.

The document should indicate who is to be responsible for making sure that policies and proposals happen and when they should 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 for policies to be flexible, the document should make clear that major changes may require a formal review including public consultation.

Any measures which the LPA has included to make sure that targets are met should be clearly linked to the Annual Monitoring Report. This report must be produced each year by all local authorities and will show whether the DPD needs amendment.

• **Consistent with National Policy**

The document should be consistent with national policy. Where there is a departure, LPAs 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 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.

If you think the content of the document 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 document on which you are seeking to make a representation or in the 'Core Strategy'? There is no need for repetition between documents in the LDF.
- If the policy is not covered elsewhere, in what way is the document unsound without the policy?
- If the document is unsound without the policy, what should the policy say?

References

1. View at 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

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

For further information please contact 01263 516318 or visit www.northnorfolk.org/ldf.

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