



Guidance Notes to accompany the Draft Core Strategy Representation Form

Please read these guidance notes before completing the representation form.

Introduction

Braintree District Council has published its Draft Core Strategy consultation document. This is the final stage of public consultation where we are seeking your views on the 'soundness' of the document. The document will then be submitted, along with all the representations made at this stage, to the Government who will appoint an independent planning inspector to conduct a public hearing on the soundness of the document.

Soundness is explained in Planning Policy Statement 12: Local Spatial Planning in paragraphs 4.36 – 4.47, 4.51 and 5.52 and in the boxed text. This document can be found at www.communities.gov.uk and by searching for PPS12.

Further details can also be found on the planning inspectorate website; http://www.planning-inspectorate.gov.uk/pins/appeals/local_dev/ldf_testing_soundness_feb10.pdf

If you would like some assistance in completing your representation or have any other questions about the Core Strategy please contact the Planning Policy Team by email planningpolicy@braintree.gov.uk or by phone on 01376 551414 and ask for Planning Policy.

Part A – Personal Details

Please note that all respondents must complete their personal details as it is not possible for representations to be considered anonymously. Respondents should also note that representations are not confidential and that they will be published on the District Council's website and included as part of the Core Strategy submission to the Inspector.

Part B – Your representation

Please specify which part of the Core Strategy that your comments relate to, by choosing one of the following;

Paragraph: - for a representation on wording or content of a paragraph in the Core Strategy

Policy: - for a representation on the wording or inclusion or omission of a policy in the Core Strategy.

Other: - for a representation on the wording or content of plans, tables or appendixes.

Legal compliance

If you are seeking to make representations on the way in which the Local Planning Authority has prepared the pre submission Core Strategy it is likely that your comments or objections will relate to a matter of legal compliance.

The inspector will first check that the Core Strategy meets the legal requirements set out under s20(5)(a) of the 2004 Planning and Compulsory Purchase Act. These requirements include;

- The Core Strategy should be within the current Local Development Scheme (LDS) and the key stages should have been followed. If the Core Strategy is not in the current LDS it should not have been published for representations. The LDS should be on the LPA's website and available at their main office.
- The process of community involvement should be in general accordance with the Statement of Community Involvement.
- The Core Strategy should comply with the Town and County Planning (Local Development) (England Regulations) 2004 (as amended). On publication, the Local Planning Authority (LPA) must publish the documents prescribed in the regulations, and make them available at their principle offices and their website. The LPA must also place local advertisements and notify the bodies as set out in the regulations and any persons who have requested to be notified.
- A Sustainability Appraisal Report should be provided. 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.
- The document should have regard to national policy and conform generally to the Regional Spatial Strategy (RSS). The RSS sets out the region's policies in relation to the development plan for LPAs.
- The document must have regard to the Sustainable Community Strategy for its area.

Soundness

If it is the actual content of the Core Strategy which you wish to comment or object to, it is likely that this will relate to the soundness of the strategy and whether the document is justified, effective or consistent with national policy.

Justified

This means that the document should be founded on a robust and credible evidence base involving;

- Evidence of participation of the local community and others having a stake in the area
- Research/fact finding: the choices made in the plan are backed by facts
- The Core Strategy should also provide the most appropriate strategy when considered against reasonable alternatives. These alternatives should be realistic and subject to 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
- The document should also be flexible and able to be monitored

The document should indicate who is to be 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 that policies are flexible, the document should make clear that major changes may require formal review including public consultation.

Any measures which the LPA has included to make sure that targets are met should be clearly linked to an Annual Monitoring Report.

Consistent with national policy

The DPD should be consistent with national policy. Where there is a departure, LPA's 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 and support your assertion with evidence.

- If you think the content of a 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 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 representations or in any other document in the LPA's 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 document unsound without the policy?
- If the document is unsound without the policy, what should the policy say?

Proposed changes and participation in the oral hearing

If you wish to make a representation seeking a change to a document or part of a document you should make clear in what way the document or part of the document is not sound having regard to the legal compliance check and three tests set out above. You should try to support your representation by evidence showing why the document should be changed. It will 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 representations and the suggested 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 for examination.

Part C – Monitoring Form

Please complete the monitoring form and return it with your representation. This allows us to monitor which groups are participating in the Local Development Framework process and which may need further support. The data will be detached from your representation and separated from any other information that could link it to you.

Sending your Responses

Please note in order for your representations to be accepted they must be received no later than Thursday 24th June 2010. They may be submitted in the following ways:

Directly via the Council's online consultation website <http://braintree-consult.limehouse.co.uk/portal>

Via a representation form which can be downloaded from the website and returned via email to planningpolicy@braintree.gov.uk

or via post to

Planning Policy
Braintree District Council
Causeway House
Braintree
CM7 9HB

If you require these guidance notes or any of the Core Strategy consultation documents in an alternative format or language please contact us.