

Guidance Notes to accompany the Site Allocations and Development Management Pre Submission Plan Representation Form

Please read these guidance notes before completing the representation form.

Introduction

Braintree District Council has published its Site Allocations and Development Management Pre Submission Plan for consultation. This has been drafted and approved by the Council following earlier rounds of public consultation and incorporates a number of changes from the document which was subject to public consultation in January and February 2013.

The Site Allocations and Development Management Plan is published in order for representations to be made prior to submission. The representations will be considered alongside the published Plan when submitted, which will be examined by a Planning Inspector. The Planning and Compulsory Purchase Act 2004 (as amended) (PCPA) states that the purpose of the examination is to consider whether the Plan complies with the legal requirements, the duty to co-operate and is sound.

More details and further guidance on what is meant by the term 'soundness' can be found below and at; <http://www.planningportal.gov.uk>

The Site Allocations and Development Management Pre Submission Plan can be seen in full on the Council's website. A paper copy is available to view at the Council's main office at Causeway House in Braintree and at the libraries in Braintree and Witham. Copies of the document on CD are also held at the other libraries in the District and at Sudbury and Haverhill during normal opening hours. The supporting documents and evidence base prepared in support of this document are also available on the website and in hard copy at the Braintree District Council offices, during normal office opening hours.

If you would like some assistance in completing your representation or have any other questions about the Site Allocations and Development Management Pre Submission Plan please contact the Planning Policy Team by email planningpolicy@braintree.gov.uk or by phone on **01376 552525** 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 Site Allocations and Management Plan submission to

the Inspector. Representations which are published online will have address and contact details removed. To reduce the risk of identity fraud, please do not sign letters or forms with a signature. The Council reserves the right not to publish or take into account any representations which are openly offensive or defamatory.

Please supply an email address if you have one as it will allow us to contact you electronically. Everyone who submits a representation will be added to our consultation database (if not already included) in order that we may keep you updated on the progress of the plan. If you do not wish to be contacted please state this clearly on the form.

If an agent or consultant has been engaged to act on your behalf please fill in only your name then the agent's details in full. All correspondence will then be sent directly to the agent, unless otherwise specified clearly on the form. If you are a landowner with an agent acting on your behalf, please ensure that your agent knows the site name and reference number which your site has been given.

Part B – Your representation

Question 3

Please specify which part of the Site Allocations and Development Management Pre Submission Plan your comments relate to, by choosing one of the following;

Paragraph: - for a representation on wording or content of a paragraph in the Site Allocations and Development Management Pre Submission Plan.

Policy: - for a representation on the wording or inclusion or omission of a policy in the Site Allocations and Development Management Pre Submission Plan.

Other: - for example a map, site reference or the wording or content of plans, tables or appendices.

Question 4 (1)

Legal Compliance and Duty to Co-operate

If you are seeking to make representation on the way in which the Local Planning Authority has prepared the Site Allocations and Development Management Pre Submission Plan it is likely that your comments or objections will relate to a matter of legal compliance.

The Inspector will first check that the Plan meets the legal requirements under s20(5)(a) and the duty to co-operate under s20(5)(c) of the PCPA before moving on to test for soundness. You should consider the following before making a representation on legal compliance:

- The Plan in question should be included in the current Local Development Scheme (LDS) and the key stages should have been followed. If the Plan is not in the current

LDS it should not have been published for representations. The LDS is available on the BDC website and in hard copy at Causeway House, Braintree.

- The process of community involvement for the Plan in question should be in general accordance with the Statement of Community Involvement (SCI). The SCI sets out the LPA's strategy for involving the community in the preparation and revision of LDDs (including Plans) and the consideration of planning applications.
- The Plan should comply with the Town and County Planning (Local Planning) (England) Regulations 2012 (the Regulations). On publication, the LPA must publish the documents prescribed in the Regulations, and make them available at its principal offices and on its website. The LPA must also notify the Local Plan bodies (as set out in the Regulations) and any persons who have requested to be notified.
- The LPA is required to provide a Sustainability Appraisal Report when it publishes a Plan. 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 Plan must have regard to any Sustainable Community Strategy (SCS) for its area (i.e. county and district). The SCS is usually prepared by the Local Strategic Partnership which is representative of a range of interests in the LPA's area. The SCS is subject to consultation but not to an independent examination. You should consider the following before making a representation on compliance with the duty to co-operate:

- The duty to co-operate came into force on 15 November 2011 and any plan submitted for examination on or after this date will be examined for compliance. LPAs will be expected to provide evidence of how they have complied with any requirements arising from the duty.
- The PCPA establishes that non-compliance with the duty to cooperate cannot be rectified after the submission of the Plan. Therefore the Inspector has no power to recommend modifications in this regard. Where the duty has not been complied with, the Inspector has no choice but to recommend non-adoption of the Plan.

Question 4 (2)

Soundness

Soundness is explained in paragraph 182 of the National Planning Policy Framework (NPPF). The Inspector has to be satisfied that the Plan is positively prepared, justified, effective and consistent with national policy.

Positively prepared

This means that 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 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 NPPF.

If you think the content of the Plan 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 national planning policy? If so it does not need to be included?
- Is what you are concerned with covered by any other policies in the Plan on which you are seeking to make representations or in any other Plan?
- If the policy is not covered elsewhere, in what way is the Plan unsound without the policy?
- If the Plan is unsound without the policy, what should the policy say?

Questions 6 and 7

Using the spaces provided please give details of why you think the Site Allocations and Development Management Pre Submission Plan is not 'sound having regard to the legal compliance, duty to cooperate and the four requirements set out above. You should try to support your representation by evidence showing why the Plan should be modified.

It will be helpful if you also say precisely how you think the Plan should be modified. Representations should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, 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.

Where there are groups who share a common view on how they wish to see a Plan modified, 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.

Questions 8 and 9

All the formal representations received during this stage will be submitted to and considered by the appointed independent Planning Inspector at the public examination on the Plan. The process is likely to include some public hearings at which objectors may be invited to speak by the Inspector. If you would like to appear and speak at the hearings, please state this and explain in the space provided why you consider it is necessary that you participate.

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.

Please note in order for your representations to be accepted they must be received no later than **5pm on Friday, 28th March 2014**. Responses received after this time will not be accepted. They may be submitted in the following ways:

Directly via the Council's online consultation portal:

<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 by post to:

**Planning Policy
Braintree District Council
Causeway House
Braintree
CM7 9HB**