
Bath and North East Somerset

Guidance for completing the Core Strategy representation form

1 Introduction

This guidance is designed to help you comment on the proposed changes to Bath and North East Somerset's submitted Core Strategy. The representation form can be found on our website at www.bathnes.gov.uk/corestrategy or at main Council offices and libraries.

The Core Strategy Proposed changes and potential changes arising from the National Planning Policy Framework (NPPF) are published so that comments or 'representations' can be made and considered through the examination process. The representations will be considered by the Planning Inspector alongside comments received at the publication Core Strategy stage (consultation held December 2010 - February 2011). The purpose of the examination is to consider whether the Core Strategy is legally compliant (has been prepared in accordance with regulations) and is 'sound' (these are explained below).

Your comments should be made on the representation form provided and sent in before the closing date. We will not be able to accept comments received after **midnight on Friday 21st October 2011**.

We are only accepting comments that relate to the changes identified in our schedules of proposed changes and potential changes arising from the National Planning Policy Framework (NPPF).

Filling in the Representation form

Part A: Contact information

You must complete all your contact details in the first part of the form. We use this to identify who has made the comment(s), so it is important you complete this fully. If you have a representation number from the previous Draft Core Strategy consultation please include this. **Part A** will only need to be completed once. **Parts B and C** are the sections where you will actually be making comments. It is important that you use a separate sheet for each comment you want to make and keep your comments clear and concise.

Part B: Making a comment on the Significant Proposed Changes

If you would like to make more than one comment, you will need to use a separate sheet each time. Please include your name/organisation at the top of each 'Part B' form that you use.

Question 3

Please state which Significant Proposed Change (PC or FPC) your representation relates to in the space provided.

Questions 4 - 7

This should be used for comments on the Significant Proposed Changes. You will need to identify whether your comments relate to legal compliance or soundness, and your reasons for this. There is also space for you to propose alternative wording to the Proposed Change in light of your comments. More information on soundness and legal compliance is found at sections 2 and 3 of this guidance note.

Question 8

This asks whether you wish to be heard by the Inspector at the Examination and why. Please note that the Inspector will decide who will be invited to appear at the Examination sessions.

Part C: Making a comment on the National Planning Policy Framework (NPPF)

If you would like to make more than one comment, you will need to use a separate sheet each time. Please include your name/organisation at the top of each 'Part C' form that you use.

Question 9

Please provide the number of the potential change to the Core Strategy in light of the National Planning Policy Framework (NPPF).

Question 10

Please give details of why you consider the potential change to the Core Strategy based on the National Planning Policy Framework would not be legally compliant or would be unsound. You can also suggest any changes to the potential change accordingly.

Question 11

This should be used for any elements of the National Planning Policy Framework that *you* have identified that affect the soundness of the Core Strategy that have not been reflected by the Council's potential changes and propose your changes accordingly.

Question 12

This asks whether you wish to be heard by the Inspector at the Examination and why. Please note that the Inspector will decide who will be invited to appear at the Examination sessions.

2 Legal Compliance

- 2.1 The Inspector will first check that the DPD meets the legal requirements under s20(5)(a) of the 2004 Act¹ before moving on to test for soundness.

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

- The Core Strategy should be within the Council's programme of work or 'Local Development Scheme' (LDS) and the key stages should have been followed. If the DPD is not in the current LDS it should not have been published for representations. The LDS should be on the Local Planning Authority's (LPA) website www.bathnes.gov.uk and available at their main offices (The Guildhall, Bath; The Hollies, Midsomer Norton; and Riverside, Keynsham).
- The process of community involvement for the Core Strategy should be in general accordance with the LPA's Statement of Community Involvement. The Statement of Community Involvement (SCI) is a document which sets out a LPA's strategy for involving the community in the preparation and revision of Local Development Documents (including DPDs) and the consideration of planning applications.
- The Core Strategy should comply with the Town and County Planning (Local Development) (England Regulations) 2004 (as amended)². On publication, the LPA must publish the documents prescribed in the regulations, and make them available at their principal offices and 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 requested to be notified.
- The LPA is required to provide a Sustainability Appraisal Report when they publish a DPD. This should identify the process by which the Sustainability

¹ View the 2004 Act at: http://www.opsi.gov.uk/acts/acts2004/ukpga_20040005_en_1

View the amending 2008 Act at: http://www.opsi.gov.uk/acts/acts2008/pdf/ukpga_20080029_en.pdf

² View the 2004 Regulations at: <http://www.opsi.gov.uk/si/si2004/20042204.htm>

View the 2008 amending Regulations at: http://www.opsi.gov.uk/si/si2008/pdf/uksi_20081371_en.pdf

View the 2009 amending Regulations at: http://www.opsi.gov.uk/si/si2009/pdf/uksi_20090401_en.pdf

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 Core Strategy must have regard to the Sustainable Community Strategy (SCS) for the area. The SCS is usually prepared by the Local Strategic Partnership which is representative of a range of interests in the LPA's area.

3 Soundness

3.1 Soundness means that the Inspector has to be satisfied that the Core Strategy is justified, effective and consistent with national policy. To be sound a DPD should be:

- **Justified**

This means that the DPD should be based on a robust and credible evidence base involving:

- Research/fact finding: the choices made in the plan are backed up by facts.
- Evidence of participation of the local community and others having a stake in the area; and

The DPD should also provide the most appropriate strategy when considered against reasonable alternatives. These alternatives should be realistic and subject to sustainability appraisal. The DPD 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 DPD 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; and
- Coherence with the strategies of neighbouring authorities.

The DPD should also be flexible and able to be monitored.

The DPD 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 DPD 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 an 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 DPD 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 policy to some degree in order to meet a clearly identified and fully justified local need. In this instance it will be important for you to say in your representations what the local circumstances are that justify a different policy approach to that in national policy and support your assertion with evidence.

3.2 Representations supporting the soundness of the Changes to the Core Strategy

It is important that if you support a change that you express your support so that the Inspector has the full picture in considering the Core Strategy.

4 General advice and information

- Make clear why you feel the changes to the strategy do/do not meet the legal compliance check and/or the three tests of soundness.
- Ensure you are clear and to the point
- Ensure that you back up your points with clear evidence to justify your comments.
- Note that after this stage, further submissions will be only at the request of the inspector.

Group responses

Where you are part of a group with a common view, then it would be helpful if the group could submit a single representation outlining their concerns, rather than submitting a large number of individual comments repeating the same points. The group should also make clear how many people it is representing and how it has been authorised.

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- 4.1 Further detailed guidance on the preparation, publication and examination of DPDs is provided in PPS12³ and in The Plan Making Manual⁴.

5. Further assistance

- 5.1 If you require assistance with completing the representation form or with any aspect of this guidance note please do not hesitate to contact the planning policy team on 01225 477548 or planning_policy@bathnes.gov.uk and we will make arrangements to assist you.

³ View Planning Policy Statement 12 at:
<http://www.communities.gov.uk/publications/planningandbuilding/pps12lsp>

⁴ View the Plan Making Manual at: <http://www.pas.gov.uk/pas/core/page.do?pageId=51391>