



Guidance for completing the Core Strategy Proposed Changes comment form (March 2013)

Introduction

The submitted Core Strategy Examination has been suspended until June 2013 for the Council to undertake further work to address matters of 'soundness' as set out in the Inspector's Preliminary Conclusions following the Hearings in 2012.

The Inspector has asked the Council to publish and consult on all proposed changes to the Core Strategy that was submitted for Examination which have not already been the subject of consultation, including those changes discussed at the Hearings and those suggested by the Council arising from the subsequent work undertaken since the Hearings. These proposed changes were agreed by the Council on 4th March 2013.

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

The comments will be considered by the Planning Inspector. 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 terms are explained below).

Your comments should be made on the representation form provided and sent in before 5pm on 8th May 2013.

We are only accepting comments that relate to the changes identified in the Schedule of Proposed Changes.

Filling in the Comment form

There are two parts to the Comments Form:

- **Part 1**. This form need only be completed once, but should accompany each submission of part 2 comment form(s).
- **Part 2**. This form should be used to make comments on a Core Strategy Proposed Change. Please use a different form for each Proposed Change you wish comment on.

Part 1: 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. **Part 1** will only need to be completed once.

If you are sending the form digitally, for example by email, you can sign it simply by typing in your name or leave it blank (assuming that you have typed your name in the boxes above). You do not need to insert a picture of your handwritten signature.

Part 2: Making comments on Proposed Changes

Part 2 is the form you will use to make comments on Proposed Changes. It is important that you use a separate sheet for each comment you want to make and keep your comments clear and concise

Question 1:

State your name or the Organisation you are representing.

Where you are part of an organisation or group with a common view, then it would be helpful if you could submit a single comment form outlining concerns. You could also include a petition of list of signatories (list this as an attachment. See question 3).

Question 2:

If you have previously responded to a Core Strategy consultation and you know your unique respondent number then please include here (not mandatory).

Question 3:

State if there are any attachments and list below. This may include a map, report or detailed statement (not mandatory).

Question 4:

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. This is your chance to explain why you would like to appear.

Question 5:

The change reference number is listed in the Schedule of Changes. The Schedule is available here: www.bathnes.gov.uk/corestrategy and also available at all libraries, main offices and Core Strategy changes events held throughout April 2013 across the district.

If you are making a comment about a proposed development location please specify the location under part (b).

Question 6:

Please state whether or not you support the change you have specified in question 5.

Question 7

Please state your comments. The box will expand when you type or attach a separate sheet if needed.

It is helpful, but not essential, to relate your comments back to the tests the inspector will be considering, as set out below:

7a. Is the Core Strategy Legally Compliant?

The Inspector will first check that the Core Strategy meets the legal requirements under s20(5)(a) of the 2004 Act¹. The main points are summarised below:

- The process of community involvement for the Core Strategy should be in general accordance with the Council's *Neighbourhood Planning Protocol*. This is a document which sets out the strategy for involving the community in the preparation and revision of Local Development Documents (such as the Core Strategy).

The Core Strategy should comply with the The Town and Country Planning (Local Planning) (England) Regulations 2012². The Council must:

- publish key documents on its website
- make them available at their principal offices and other places within the district the Council considers appropriate.
- notify the statutory consultees and any persons who have requested to be notified.

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 2012 Regulations at: http://www.legislation.gov.uk/uksi/2012/767/pdfs/uksi_20120767_en.pdf

- The Council is required to provide a *Sustainability Appraisal Report* when they publish the Core Strategy. 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.

7b. Is the Core Strategy Sound?

Soundness means that the Inspector has to be satisfied that the Core Strategy is positively prepared, justified, effective and consistent with national policy.

To be sound a Core Strategy should be:

- **Positively prepared**

This means 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 the reasonable alternatives, based on proportionate evidence;

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 Core Strategy 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**

The plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and

The Core Strategy 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 Core Strategy should make clear that major changes may require a formal review including public consultation.

- **Consistent with National Policy**

Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

The Core Strategy should be consistent with the National Planning Policy Framework (NPPF). Where there is a departure, Councils must provide clear and convincing reasoning to justify their approach. Conversely, you may feel the Council should include a policy or policies which would depart from the NPPF 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 the NPPF and support your assertion with evidence.

Comments on proposed and rejected development locations are welcome. For more information about rejected locations please see the Council Report of 4th March 2013 in particular Appendix 1.

7c. General advice and information

- Make clear why you feel the proposed 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.

Question 8

Please set out:

- the amendment(s) you consider are necessary to make the proposed change legally compliant or sound (please have regard to the tests of soundness outlined above in question 7);
- why your amendment will make the Core Strategy legally compliant or sound; and;
- your suggested revised wording of any proposed change to policy or supporting text.

Further assistance

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.

- the amendment(s) you consider are necessary to make the proposed change legally compliant or sound (please have regard to the tests of soundness in the guidance note);
- why your amendment will make the Core Strategy legally compliant or sound; and
- your suggested revised wording of any policy or supporting text.