

## **Guidance Notes for Respondents**

### **Introduction**

1. These notes are intended to assist you to make representations on the Draft Placemaking Plan prior to its submission to the Secretary of State for Communities and Local Government. This is the final representations stage for the Draft Placemaking Plan before its submission for independent Examination by a Planning Inspector.

### **Format of the Draft Plan**

2. The Draft Placemaking Plan and the Core Strategy have been combined into one document for clarity but as the Core Strategy is already adopted, comments can only be made on the Placemaking Plan part. The difference between the Placemaking Plan text and the Core Strategy text is made clear in the amalgamated document. The Draft Plan has reproduced in six volumes:
  - Volume 1 - District-wide
  - Volume 2 - Bath
  - Volume 3 - Keynsham
  - Volume 4 - Somer Valley
  - Volume 5 - Rural Areas
  - Volume 6 - Appendices
3. During the Examination period, the Inspector will consider the representations received alongside the submitted Draft Placemaking Plan before deciding whether the Plan can be adopted by the Council. Representations may be to either support or object on the grounds explained below, and the Representation Form provides for support or objection to be expressed.
4. The purpose of the Examination, as detailed in the Planning and Compulsory Purchase Act 2004, is to determine whether the Local Plan is 'legally compliant' and 'sound'. Therefore if you are making a representation about:
  - how the Local Plan was prepared in relation to the 'Duty to Cooperate', or legal and procedural requirements, this would mean that your concern is whether the Local Plan is **legally compliant**; and,
  - if you don't think that the content of the document is 'positively prepared', 'justified', 'effective' and 'consistent with national policy', then the concern is with the '**soundness**' of the Local Plan.

### **Legal Compliance**

5. You should consider the following before making a representation on legal compliance:
  - Whether the Local Plan is in the current Local Development Scheme (LDS) and whether the key preparation stages been followed. If the Draft Placemaking Plan is not in the current LDS it should not have been published for representations.

- The process of community involvement for the Local Plan should be in general accordance with the Council's Statement of Community Involvement 'My Neighbourhood: The Neighbourhood Planning Protocol for Bath & North East Somerset'.
  - The Local Plan should comply with the Town and Country Planning (Local Planning) (England) Regulations) 2012.
  - Sustainability Appraisal is a tool for appraising policies to ensure they reflect social, environmental, and economic factors. The Council is required to provide a Sustainability Appraisal Report and Habitat Regulation Assessment Report when the Draft Placemaking Plan is published. Do you consider that this is deficient and the Sustainability Appraisal or Habitat Regulation Assessment Report has not been undertaken effectively?
  - The Local Plan must have regard to the Sustainable Community Strategy (SCS)
  - All Councils preparing new Local Plans are required to comply with the Duty to Co-operate (DtC) to ensure effective planning for strategic matters. The aim of the DtC is to engage constructively, actively and on an on-going basis to maximise the effectiveness of Local Plan preparation relating to strategic cross boundary matters.
6. If you consider that the Draft Placemaking Plan is not legally compliant, your representation should make clear the precise reasons why in relation to the legal and procedural requirements set out above.

### **Soundness**

7. It is anticipated that the majority of representations will relate to the 'soundness' of the Draft Placemaking Plan. The Council considers that the Draft Placemaking Plan it intends to submit for Examination is sound. The Inspector has to be satisfied that the Local Plan is positively prepared, justified, effective and consistent with national policy.

8. To be sound a Local Plan should be:

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 - This means that the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;

Effective - This means that the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and

Consistent with national policy - This means that the plan should enable the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework.

9. If you wish to make a representation seeking a change to the Draft Placemaking Plan you should make clear in what way it is not sound having regard to the four tests set out above. You should try to support your representation by evidence showing why the Plan should be changed. It will be helpful if you also say precisely how you think it should be changed.
10. Representations should cover succinctly all the information, evidence and supporting information necessary to support/ justify the representation and the suggested change.

11. After this stage, further submissions will be only be possible at the request of the Inspector, based on the matters and issues he/she identifies for Examination.
12. **In circumstances where there are individuals/ groups/ organisations who share a similar view as to how the plan should change, it would be helpful if individuals/ groups/ organisations make a single representation. It would also be useful if the group/ organisation state how many people the submission is representing and how the representation was authorised.**
13. If you think the content of the Draft Placemaking Plan is not sound because it does not include a policy where it should do, you should consider the following steps before making representations:
  - Is the issue with which you are concerned already covered specifically by any national planning policy? If so it does not need to be included.
  - Is what you are concerned with already covered by any other policies in the Draft Placemaking Plan or is it dealt with in another Plan, for example the Core Strategy?
  - If the policy is not covered elsewhere, in what way is the Draft Placemaking Plan unsound without the policy?
  - If the Draft Placemaking Plan is unsound without the policy, what should the policy say?

### **The Examination**

14. You should also use the Representation Form to let the Council know if you want to speak to the Inspector at the Examination.
15. The majority of representations will be considered by way of written representations. Written representations are an efficient way for the majority of representations to be dealt with and they carry equal weight to those heard in person by the Inspector. The nature of the Examination will depend in part on the extent to which those submitting representations feel that it is necessary to explain their representation to the Inspector in person.
16. If no-one uses their right to speak to the Inspector, the Inspector may choose to carry out the whole Examination using written representations.