

Guidance Notes for Respondents

NB you need only refer to these notes if you are commenting on the Main Modifications.

Introduction

1. The Draft Placemaking Plan was submitted to the Secretary of State to be examined by an independent Planning Inspector in April 2016. The Examination hearings took place in September/October 2016. The Inspector has now written to the Council to confirm that the Examination can proceed to the consultation on the Main Modifications.
2. The Inspector is inviting comments on the Main Modifications to the Submitted Placemaking Plan. Main Modifications are those which the Inspector considers are necessary to make the plan sound/and or legally compliant.
3. For the purposes of the consultation, the Main Modifications are listed in a schedule in plan order and available on the Council's website www.bathnes.uk/placemakingplan and at all libraries in the District and the main Council offices (One Stop Shop, Lewis House, Bath; The Hollies Midsomer Norton and Civic Centre One Stop Shop, Keynsham) during normal opening hours.
4. 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.
5. 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

6. To be legally compliant the Local Plan should meet the legal requirements under Section 20(5) (a) of the 2004 Act (as amended by the Localism Act 2011) and the Town and Country Planning (Local Planning) (England) Regulations 2012.
7. If you consider that a Main Modification is not legally compliant, your representation should make clear the precise reasons why you consider this to be the case.

Soundness

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 a Main Modification 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 Main Modification 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 only be possible at the request of the Inspector.
- 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 Main Modification 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 Submitted Placemaking Plan unsound without the policy?
 - If the Submitted Placemaking Plan is unsound without the policy, what should the policy say?

The Examination

14. A Plan is still at Examination until the Inspector issues her final recommendations. Therefore consultation on the Main Modifications still forms part of the Examination.
15. It is expected that issues raised during the consultation on the Main Modifications will be considered through the written representations process and further hearing sessions will only be scheduled exceptionally. However, respondents should indicate on the representation form whether they would wish to be heard should the Inspector decide that further hearing is necessary.