



## East Cambridgeshire Local Plan: Proposed Submission Version

### Guidance notes on completing the Representation Form (Form H)

**Please read these Guidance Notes before completing the Representation Form**

**Representations must be received by 11:59pm on 19 December 2017**

**Before you complete a representation form, STOP. You may find it easier to submit your representation online via**

[http://eastcambbs.objective.co.uk/portal/pslp/proposed\\_submission](http://eastcambbs.objective.co.uk/portal/pslp/proposed_submission)

#### **1. Introduction**

- 1.1 East Cambridgeshire District Council (ECDC) has published its Proposed Submission Local Plan. At this stage, we are seeking views ('representations') as to whether you consider the Local Plan to be legally compliant and sound, before we submit the document to the Secretary of State for Communities and Local Government.
- 1.2 It is not the task of ECDC to consider the representations you make. Instead, the Secretary of State will arrange for an independent Planning Inspector to examine the document. The Inspector will consider the representations that are received alongside the submitted Local Plan. The Inspector will determine whether or not the Local Plan is legally compliant and sound.

#### **2. Part A of the Representation Form**

- 2.1 You should complete, sign and date the front page of the form under the heading "Part A: YOUR DETAILS". Incomplete Part A or anonymous representations will not be accepted.
- 2.2 Enter your personal details in the first column of the front page. If you are using an agent (such as a planning or property consultant), or if you are an agent acting on behalf of a client, enter the agent details in the second column, and only complete the title, name and organisation of the person or body making the representation in the first column.
- 2.3 Where there are groups who share a common view on how they wish to see changes made, 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.
- 2.4 At the bottom of the front page, the form asks you whether or not you wish to be informed of future stages in the preparation of the Local Plan. We are legally required to make you aware that you have an option to be informed of these future stages, and hence why we are asking you these questions. Please tick as appropriate. Even if you do not tick these boxes, we may inform you anyway, either because we are legally obliged to do so or because we think it is important you are kept informed.

### 3. Part B of the Representation Form

- 3.1 In **Question 1** please identify the paragraph number, policy number, policies map or Sustainability Appraisal (SA) section that your representation is about. Please complete a separate form for each separate representation.
- 3.2 In **Question 2**, we are asking whether you think the Local Plan and SA are legally compliant. By this, we mean 'have we prepared the documents in line with the laws that exist for preparing such documents'? You are not obliged to answer this question, or you could tick 'Don't know' if you are not sure. If you don't answer this question, or tick 'yes' or 'don't know', then we will take this to mean you have no objection to either document on legal grounds.
- 3.3 Possible grounds of objection on legal grounds could be:
- Whether the Local Plan has been appropriately identified in a Local Development Scheme (LDS).
  - Whether the process of community involvement in preparing the Local Plan has been in general accordance with the Statement of Community Involvement (SCI).
  - Whether the Local Plan complies with the Town and County Planning (Local Planning) (England) Regulations 2012 as amended.
  - Whether an appropriate Sustainability Appraisal Report has been prepared.
  - Whether the Local Plan has met all other requirements as set out in various Acts and Regulations, both national and European.
- 3.4 In **Question 3** please say whether you consider the Local Plan to be 'sound' or not (by the way of four 'tests of soundness', which form parts 1-4 of Question 3), and whether it has been prepared in accordance with the Duty to Cooperate (the fifth part of Question 3).
- 3.5 The 'tests of soundness' are set out in the National Planning Policy Framework (NPPF)<sup>1</sup> (paragraph 182). This explains that "*The Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. A local planning authority should submit a plan for examination which it considers is 'sound', namely that it is:*
- **Positively Prepared** - *the plan should be 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.*
  - **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."*
- 3.6 The Duty to Cooperate was introduced via the Localism Act, and in simple terms places a legal duty on local planning authorities, county councils and public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local Plan preparation in the context of strategic cross boundary matters. The Duty to Cooperate is not a duty to agree. The Duty only applies to named specific bodies, so any objection you may have on the grounds of the Duty to Cooperate must be on the basis that ECDC has not appropriately engaged with one of those named bodies. You cannot object to the Local Plan on the basis of the Duty to Cooperate if you believe that ECDC has not engaged appropriately with someone who is not listed under the Duty.

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<sup>1</sup> View NPPF at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

ECDC has published a separate note on its website explaining more about the Duty to Cooperate, and how it believes it has complied with the Duty.

- 3.7 Answer **Question 4** if you have answered '**No**' to any parts of **Question 2 or 3**. Please provide details of why you have responded 'no'. You should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further submissions. 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.
- 3.8 If you are **supporting** the Local Plan, you can use the box at Question 4 to let us know why, if you wish to do so.
- 3.9 Please remember that your comments will be made public. You should ensure, therefore, that what you say is not, for example, offensive, discriminative or has the potential to incite racial hatred. Officers working on behalf of ECDC have the ability to refuse to accept such representations (they will be categorised as 'inadmissible') and have a duty to report any person to the police if the representation is of such a degree to warrant such action.
- 3.10 At **Question 5**, please set out clearly and as precisely as possible what change to the Local Plan, Policies Map or SA you consider necessary to make it legally compliant or sound.
- 3.11 **Question 6** relates to the 'hearing' stage of the examination of the Local Plan. By virtue of Section 20(6) of the Planning and Compulsory Purchase Act 2004 (as amended) "*any person who makes representations seeking to change a [Local Plan] must (if he so requests) be given the opportunity to appear before and be heard by the person carrying out the examination.*"
- 3.12 As such, Question 6 asks whether you wish to exercise your right under section 20(6) and appear in person at the 'hearing' part of the examination. The 'hearing' stage is a public meeting chaired by the Inspector, usually held over at least a week, with an agenda set by the Inspector in advance. If you do wish to attend and present your evidence, the Inspector will invite you to the relevant session dealing with the issues you raise (i.e. you will not be invited to all the 'hearing' sessions). At the applicable session you attend, it will highly likely be in the form of a 'round table' discussion i.e. it is unlikely to be just you in attendance at a particular session, but all those who have made similar comments, or comments on the same policy or issue. Before deciding whether or not you do wish to participate, you should note that both written representations and oral representations made at the 'hearing' are given equal weight.
- 3.13 You should answer 'No' if you are content for your written representation to be considered by the Inspector, without having to take part in the hearing sessions. Or answer 'Yes' if you would like to appear at the hearing sessions. Please note that the Inspector sets the time and date for the hearing sessions. He or she will not amend that timetable if you are unable to attend on the day when your issue is to be discussed. In such circumstances, the Inspector will, instead, revert back to your written representations.