

Guidance Notes for Proposed Submission Stage Representations

1. Introduction

1.1 The Development Plan Document (DPD) is published in order for representations to be made prior to submission. The representations will be considered alongside the submitted DPD, which will be independently examined by a Planning Inspector. The Planning Inspector will consider whether the DPD complies with the legal requirements and is 'sound':

- If you are seeking to make representations on the **way** in which Southend Borough Council has prepared the published the DPD it is likely that your comments or objections will relate to a matter of legal **compliance**. (See section 2)
- If it is the **actual content** on which you wish to comment or object it is likely it will relate to whether the DPD is **positively prepared, justified, effective or consistent with national policy, i.e. sound**. (See section 3)

1.2 Please note that all respondents must complete their personal details as it is not possible for representations to be considered anonymously. The Council will publish the names of respondents to this consultation along with the representations they have made, but will not publish personal information such as telephone numbers, email addresses, or postal addresses. By submitting representations on the DPD you confirm that you agree to this.

2. Legal Compliance

2.1 The Inspector will first check that the DPD meets the legal requirements under section 20(5)(a) of the Compulsory Purchase Act 2004¹ before moving on to test for soundness.

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

- The DPD in question should be within the current Local Development Scheme (LDS) and the key stages should have been followed. The LDS is effectively a programme of work prepared by the Council, setting out the Local Development Documents it proposes to produce over a 3 year period. It will set out the key stages in the production of any DPDs which the LPA propose to bring forward for independent examination. If the DPD is not in the current LDS it should not have been published for representations. The LDS is available on the Council's website and available at the main Council offices (Civic Centre) in Southend.
- The process of community involvement for the DPD should be in general accordance with the Council's Statement of Community Involvement. The

¹ <http://www.legislation.gov.uk/ukpga/2004/5/contents>

Statement of Community Involvement is a document which sets out the Council's strategy for involving the community in the preparation of planning policy documents and the consideration of planning applications.

- The DPD should comply with the Town and Country Planning (Local Planning) (England) Regulations 2012². On publication, the Council must publish the documents prescribed in the regulations, and make them available at their principal offices and their website.
- The Council is required to provide a Sustainability Appraisal Report (SA) when they publish a DPD. Sustainability Appraisal is a tool for appraising policies to ensure they reflect social, environmental, and economic factors.
- The Localism Act and the National Planning Policy Framework (NPPF) place a duty on local planning authorities and other bodies to cooperate with each other to address strategic issues relevant to their areas. The duty requires ongoing constructive and active engagement on the preparation of DPDs and other activities relating to the sustainable development and use of land, in particular in connection with strategic infrastructure.

3. Soundness

3.1 To be sound a DPD should be:

- **Positively prepared**
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.
- **Effective**
The plan should be deliverable and based on effective joint working on cross-boundary strategic priorities. The DPD should also be flexible and able to be monitored.
- **Consistent with national policy**
The DPD should be consistent with national policy. Where there is a departure, Local Planning Authorities (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 or regional policy to some degree in order to meet a clearly identified and fully justified local need, but they have not done so. 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 or regional policy and support your assertion with evidence.

² <http://www.legislation.gov.uk/uksi/2012/767/contents/made>

If you think the content of a DPD is not sound because it does not include a policy where it should do, you should go through 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 covered by any other policies in the DPD on which you are seeking to make representations, or in any other DPD in the Local Policy Framework, particularly the adopted Core Strategy (2007)? There is no need for repetition between documents.
- Is what you are concerned with adequately covered by planning guidance as set out by a Supplementary Planning Document, particularly the Design and Townscape Guide (2009)? Or do you believe a planning policy is necessary?
- If the policy is not covered elsewhere, in what way is the DPD unsound without the policy?
- If the DPD is unsound without the policy, what should the policy say?

4. General advice

4.1 If you wish to make a representation seeking a change to a DPD or part of a DPD you should make clear in what way the DPD or part of the DPD is not sound having regard to the legal compliance check and the tests set out above. You should try to support your representation with evidence showing why the DPD should be changed. It will be helpful if you also outline precisely how you think the DPD should be changed. Representations 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 based on the original representation made at publication. After this stage, further submissions will only be possible at the request of the Inspector, based on the matters and issues he/she identifies for examination.

4.2 Where there are groups who share a common view on how they wish to see a DPD changed, 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, their names, and how the representation has been authorised.

4.3 Further guidance on the preparation, publication and examination of DPDs is provided in the National Planning Policy Framework³.

³ View at <http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>