



# Statement of Representation Procedure

## Forest Heath District Council Core Strategy (Proposed Submission Document)

### Guidance notes on how to make effective representations

#### 1. Introduction

The Forest Heath District Council Core Strategy (Proposed Submission) Development Plan Document (DPD) is being published so that representations can be made prior to its submission to the Secretary of State in August 2009. The representations will be considered alongside the submitted document, which will be examined by a Planning Inspector. The Planning and Compulsory Purchase Act 2004 (the 2004 Act) states that the purpose of the examination is to consider whether the DPD complies with the legal requirements and is 'sound'.

- If you are seeking to make representations on the **way** in which the LPA has prepared the published DPD your comments or objections should relate to a matter of **legal compliance**.
- If it is the actual content on which you wish to comment or object your representation should relate to whether the DPD is **justified, effective or consistent with national policy, i.e. sound**.

#### 2. Legal Compliance

The Inspector will first check that the DPD meets the legal requirements under Section 20(5)(a) of the 2004 Act before moving on to test for soundness.

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 Forest Heath District Council setting out the Local Development Documents the Council proposes to produce over a three year period. It will set out the key stages in the production of any DPD which the Council proposes to bring forward for independent examination. The LDS is available on the Council's website and at the main offices. Please note, the timetable for the production of the Core Strategy has been amended following recent amendments to the 2004 Act and has been agreed by the Government Office for the East of England (GO-EAST) as interim guidance.
- The process of community involvement for the DPD in question should be in general accordance with the Forest Heath Statement of Community Involvement (SCI). The SCI is a document which sets out the Council's strategy for involving the community in the preparation and revision of Local Development Documents (including DPDs) and the consideration of planning applications. The draft SCI is available on the Council's website; without an adopted SCI the Core Strategy has been consulted in accordance with the draft *and the* minimum requirements in accordance with the Planning and Compulsory Purchase Act 2004.
- On publication of the Proposed Submission Document, the Council must publish the documents prescribed in the regulations, and make them available at their principal offices in Mildenhall and on their website. The Council must also place local advertisements and

notify the DPD bodies (set out in the regulations) and any persons who have requested to be notified.

- The Council is required to provide a Sustainability Appraisal Report when they publish a DPD. 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. The Sustainability Appraisal is a tool for appraising policies to ensure they reflect social, environmental and economic factors.
- The DPD should have regard to national policy and conform generally to the Regional Spatial Strategy (RSS) The East of England Plan. The RSS sets out the region's policies in relation to the development and use of land and forms part of the development plan for Forest Heath.
- The DPD must have regard to any Sustainable Community Strategy (SCS) for its area (the West Suffolk Local Strategic Partnership Community Strategy 2006 - 2016). The SCS is prepared by the West Suffolk Local Strategic Partnership which is representative of a range of interests in the Council Area. The SCS is subject to consultation but not an independent examination.

### 3. Soundness

To be sound a DPD should be:

- ***Justified***

This means that the DPD should be founded on a robust and credible evidence base involving:

- Evidence of participation of the local community and others having a stake in the area
- Research / fact finding: the choices made in the plan are backed up by facts

The DPD should also provide the most appropriate strategy when considered against reasonable alternatives. These alternatives should be realistic and the subject of a sustainability appraisal. The DPD should show how the policies and proposals help to ensure that the social, environmental, economic and resource objectives of sustainability will be achieved.

- ***Effective***

This means the DPD should be deliverable, embracing:

- Sound infrastructure delivery planning
- Having no regulatory or national planning barriers to delivery
- Delivery partners who are signed up to it
- Coherence with the strategies of neighbouring authorities

The DPD should also be flexible and able to be monitored.

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

Any measures which the LPA has included to make sure that targets are met should be clearly linked to an Annual Monitoring Report. This report must be produced each year by all local authorities and will show whether the DPD needs amendment.

- ***Consistent with national policy***

The DPD should be consistent with national policy. Where there is a departure, the Council 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.

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 or in the Regional Spatial Strategy (The East of England Plan)? 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 will it be covered by any other DPD to be prepared as part of the Local Development Framework (LDF). There is no need for repetition between documents in the LDF.
- 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**

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 three 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 say precisely how you think the DPD should be changed. Representations should succinctly cover 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 be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

Where there are a number of individual groups who share a common view on how they wish to see a DPD changed, it would be very helpful for them to work together and to send a single representation which represents the agreed 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.

Further detailed guidance on the preparation, publication and examination of DPDs is provided in *Planning Policy Statement 12: Local Spatial Planning* (available via [www.communities.gov.uk](http://www.communities.gov.uk)).