

South Worcestershire Development Plan Draft Submission Document

Pre-Submission Technical Consultation on Legal Compliance and Soundness - Guidance Notes to accompany prescribed representation form

1 Introduction

- 1.1 The pre-submission draft SWDP is published in order for representations to be made prior to submission. The representations will be considered alongside the published draft SWDP when it is submitted for examination by a Planning Inspector. The Planning and Compulsory Purchase Act states that the purpose of the examination is to consider whether the plan complies with the **legal requirements** and is “**sound**”.
- 1.2 If you wish to make a comment seeking to change the South Worcestershire Development Plan, you should make clear in what way you consider it is not legally compliant or sound. You should try to support your comment by providing evidence and supporting information showing why it should be changed. It will be helpful if you also say precisely how you think it should be changed.

2 Legal compliance

- 2.1 The inspector will first check that the SWDP meets the legal requirements under current legislation **before** moving on to a test for soundness. You should consider the following before making a representation on legal compliance:
- The SWDP should exist within the Local Development Scheme (timetable for preparation) and the key stages should have been followed.
 - The process for community involvement should be in general conformity with each Authority’s Statement of Community Involvement (SCI).
 - The SWDP should comply with relevant Acts and Regulations: in particular the Town and County Planning (Local Planning) (England) Regulations 2012;
 - On publication, the documents prescribed by regulations should also be published and made available at the principal offices of the authority and via the website. Whilst the requirement to advertise the local plan was recently rescinded, the South Worcestershire Councils will place a formal notice in the local papers. Organisations prescribed as statutory consultees and previous consultees will be officially notified of the consultation.
 - The South Worcestershire Councils are required to provide a Sustainability Appraisal and Habitats Regulations Assessment when the SWDP is published. This requirement will be covered by the Integrated Assessment, which also incorporates Equalities requirements and Health Impact Assessments.

- The SWDP should have regard to national policy and be in general conformity with the West Midlands Regional Spatial Strategy (until this is revoked).
- meet legal requirements under the Duty to Co-operate (introduced via the Localism Act 2011).

3 Soundness

3.1 The SWDP will be examined by an independent inspector, whose role is to assess whether the plan has been prepared in accordance with the Duty to Co-operate, consider whether it has met legal and procedural requirements and whether it is sound. **Soundness** is explained in the National Planning Policy Framework. A local planning authority should submit a plan for examination that it considers is “sound”. For a plan to be sound it must be:

- **Positively prepared** – the plan should be prepared and based on a strategy that 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 a proportionate, robust and credible evidence base;
- **Effective** – the plan should be deliverable over its identified time period and based on effective joint working with partners on cross-boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework.

4 General Advice

4.1 If you wish to make a representation seeking a change to the SWDP, you should make clear in what way the SWDP is not legally compliant or is not sound, having regard to the legal compliance issues and / or four soundness tests set out above. You should try to support your representation by evidence showing why and how the SWDP should be changed. Representations should succinctly cover all the information, evidence and supporting material necessary to support / justify your representation and suggested change, as there will not normally be a subsequent opportunity to make further submissions based on the original representations made at publication. After this stage, further submissions will only be 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 the SWDP changed, it would be very helpful for that group to send a single representation that covers their view, rather than for a large number of individuals to send in separate representations that repeat the same points. In such cases, the group should indicate how many people it is representing and how their representation has been authorised.

4.3 For further information on the plan-making process and tests of soundness, please see the National Planning Policy Framework (General background - paragraphs 150 – 181; tests of soundness - paragraph 182) which can be found via the following link:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf