**Please return completed forms no later than 5pm on Wednesday 13 April 2016, via:**

* **Email to:** [newlocalplan@nelincs.gov.uk](mailto:newlocalplan@nelincs.gov.uk); or,
* **Post to:** Local Plan, Planning, Origin Two, 2 Origin Way, Grimsby, DN37 9TZ.

**Late representations will not be accepted.**

This form has four parts:

* Part A: Personal Details
* Part B: Your representations (questions about the whole Plan)
* Part C: Participation at the oral part of the examination
* Part D: Notification request

We recommend that you read the ‘Guidance notes’ before filling in the form, as this will explain the process and terms used.

|  |
| --- |
| **We cannot accept anonymous representations. Therefore please fill in Part A and sign the Data Protection Act section at the end of the form, before returning it to us.** |

# Part A: Personal Details

\*If an agent is appointed, please complete only the Name and Organisation boxes for the client in ‘Your Details’, but complete the full contact details of the agent.

|  | **Your Details** |  | **Agent’s Details\***  (if applicable) |
| --- | --- | --- | --- |
| Name (including title): |  |  |  |
|  |  |  |  |
| Organisation (where relevant): |  |  |  |
|  |  |  |  |
| Address: |  |  |  |
|  |  |  |  |
| Post Code: |  |  |  |
|  |  |  |  |
| Telephone number: |  |  |  |
|  |  |  |  |
| Email address: |  |  |  |

# PART B: Your representations

Please use a separate sheet for each representation.

## B1. To which part of the Local Plan does this representation relate?

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Paragraph: |  | Policy: |  | Policies Map: |  |

## B2. Do you consider the Local Plan is?

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Legally compliant? | Yes |  | No |  |
| Please select one answer |
|  |  |  |  |  |
| Sound? | Yes |  | No |  |
| Please select one answer |
|  |  |  |  |  |
| Complies with the Duty to co-operate? | Yes |  | No |  |
| Please select one answer |

## B3. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate?

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

|  |
| --- |
|  |
| Please be as precise as possible. |

## B4. Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test you have identified at B3 above where this relates to soundness?

You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text.

|  |
| --- |
| **Please note:** that any non-compliance with the duty to co-operate is incapable of modification at examination. |
|  |
| Please be as precise as possible. |

|  |
| --- |
| **Please note:** Your representation should succinctly cover all the information, evidence and supporting information necessary to support/justify your representation and any suggested changes. There is not normally another opportunity to make further representations.  **After this stage, further submissions will only be at the invitation of the Inspector, based on the matters they identify during the examination.** |

# PART C: Participation at the oral part of the examination

## C1. If your representation is seeking modification, do you consider it necessary to participate at the oral part of the examination?

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **No** |  |  |  | **Yes** |  |  |
| I do not wish to participate at the oral examination | I wish to participate at the oral examination |

## C1. If you to participate at the oral part of the examination, please outline why you consider this to be necessary.

|  |
| --- |
|  |
| Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination. |

# PART D: Notification request

You can request to be notified at an address or email address of any future stages relating to the Local Plan.

## D1. Would you like to be notified of future stages?

|  |  |  |  |
| --- | --- | --- | --- |
| Yes |  | No |  |

## D2. How would you like to be notified?

|  |  |  |
| --- | --- | --- |
| By post to my address: |  |  |
|  |  |  |
| By post to my agent’s address: |  |  |
|  |  |  |
| By email to my email address: |  |  |
|  |  |  |
| By email to my agent’s address: |  |  |
| Please select one answer. | | |

## D3. Which stages would you like to be notified about?

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| The submission of the Local Plan to the Secretary of State: | | | | |  | | |  | |
|  | | | | |  | | |  | |
| The publication of the recommendations of any person appointed to carry out an independent examination of the Local Plan: | | | | |  | | |  | |
|  | | | | |  | | |  | |
| The adoption of the Local Plan: | | | | |  | | |  | |
| Please select one answer. | | | | | | | | | |
|  | | | | | | | | | |
| Data Protection Act 1988 and Freedom of Information Act 2000 Representations cannot be treated in confidence. The Town and Country Planning (Local Planning) (England) Regulations 2012, requires copies of all representations to be made publically available. The Council will also publish names and associated representations on its website but will not publish personal information such as telephone numbers, or email addresses. By submitting a representation on Local Plan Part B you confirm that you agree to this and accept responsibility for your comments. | | | | | | | | | |
| Signature: |  |  |  | Date: | |  |  | |  |
| Please sign and date your representations. | | | | | | | | | |

# Guidance notes

## Introduction

The Local Plan (Plan) is published in order for representations to be made prior to submission. The representations will be considered alongside the published Plan when submitted, which will be examined by a Planning Inspector. The Planning and Compulsory Purchase Act 2004[[1]](#footnote-1) (as amended) (PCPA) states that the purpose of the examination is to consider whether the Plan complies with the legal requirements, the duty to co-operate and is sound.

## Legal Compliance and Duty to Co-operate

The Inspector will first check that the Plan meets the legal requirements under s20(5)(a) and the duty to co-operate under s20(5)(c) of the PCPA before moving on to test for soundness.

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

* The Plan in question should be included in 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 Local Planning Authority (LPA), setting out the Local Development Documents (LDDs)[[2]](#footnote-2) it proposes to produce. It will set out the key stages in the production of any Plans which the LPA proposes to bring forward for independent examination. If the Plan is not in the current LDS it should not have been published for representations. The LDS should be on the LPA’s website and available at its main offices.
* The process of community involvement for the Plan in question should be in general accordance with the LPA’s Statement of Community Involvement (SCI) (where one exists). The SCI sets out the LPA’s strategy for involving the community in the preparation and revision of LDDs (including Plans) and the consideration of planning applications.
* The Plan should comply with the Town and County Planning (Local Planning) (England) Regulations 2012 (the Regulations)[[3]](#footnote-3). On publication, the LPA must publish the documents prescribed in the Regulations, and make them available at its principal offices and on its website. The LPA must also notify the Local Plan bodies (as set out in the Regulations) and any persons who have requested to be notified.
* The LPA is required to provide a Sustainability Appraisal Report when it publishes a Plan. 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. Sustainability Appraisal is a tool for appraising policies to ensure they reflect social, environmental, and economic factors.
* In London, the Plan should be in general conformity with the London Plan (the Spatial Development Strategy).
* The Plan must have regard to any Sustainable Community Strategy (SCS) for its area (i.e. county and district). The SCS is usually prepared by the Local Strategic Partnership which is representative of a range of interests in the LPA’s area. The SCS is subject to consultation but not to an independent examination.

You should consider the following before making a representation on compliance with the duty to co-operate:

* The duty to co-operate came into force on 15 November 2011 and any plan submitted for examination on or after this date will be examined for compliance. LPAs will be expected to provide evidence of how they have complied with any requirements arising from the duty.
* The PCPA establishes that non-compliance with the duty to cooperate cannot be rectified after the submission of the Plan. Therefore the Inspector has no power to recommend modifications in this regard. Where the duty has not been complied with, the Inspector has no choice but to recommend non-adoption of the Plan.

### Soundness

Soundness is explained in paragraph 182 of the National Planning Policy Framework (NPPF). The Inspector has to be satisfied that the Plan is positively prepared, justified, effective and consistent with national policy.

### 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

The Plan should be the most appropriate strategy when considered against 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.

If you think the content of the Plan 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 national planning policy (or the SDS in London)? If so it does not need to be included?
* Is what you are concerned with covered by any other policies in the Plan on which you are seeking to make representations or in any other Plan?
* If the policy is not covered elsewhere, in what way is the Plan unsound without the policy?
* If the Plan is unsound without the policy, what should the policy say?

## General advice

If you wish to make a representation seeking a modification to a Plan or part of a Plan you should make clear in what way the Plan or part of the Plan is not sound having regard to the legal compliance, duty to cooperate and the four requirements set out above. You should try to support your representation by evidence showing why the Plan should be modified. It will be helpful if you also say precisely how you think the Plan should be modified. Representations should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, 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 groups who share a common view on how they wish to see a Plan modified, 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.

1. View at <http://www.legislation.gov.uk/ukpga/2004/5/contents> [↑](#footnote-ref-1)
2. LDDs are defined in regulation 5 – see link below. [↑](#footnote-ref-2)
3. View at <http://www.legislation.gov.uk/uksi/2012/767/contents/made> [↑](#footnote-ref-3)