Schedule of Proposed Main Modifications (2017) Consultation Guidance Notes

Guidance on making representations

The publication of the *Schedule of Proposed Main Modifications to the Pre-Submission Draft Local Plan* (2017) document is a formal stage in the Examination process. Representations should relate specifically to the legal compliance and soundness of the proposed main modification and received by the Council within the consultation period.

The consultation will take place between

Wednesday 20 September and Tuesday 31 October 2017

All representations made previously have been taken into account by the Inspector and should not be repeated. This includes representations made at:

- The Pre-Submission Draft consultation stage (29 February to 13 April 2016);
- The Further Modification consultation stage (3 October to 28 October 2016); and,
- During the examination hearing sessions (24 April to 5 May 2017).

Only representations considered 'duly made' will be forwarded to the Inspector for consideration.

DULY MADE

Representations will only be considered duly made where they:

- **refer to a change as shown in the *Schedule of Proposed Main Modifications to the Pre-Submission Draft Local Plan* (2017);**
- **relate to the legal compliance and soundness of the proposed main modification;**
- **do not repeat previous representations;**
- **do not raise new issues or seek additional changes to the Local Plan;**
- **refer to the updated Sustainability Appraisal Report or Habitats Regulations Assessment; and,**
- **are received within the consultation period.**

Representations on the absence of any modifications will not be considered.

Grounds for objection or support

In commenting on a proposed Main Modification you are asked to make representations on whether the Plan is (a) legally compliant and (b) sound. An explanation of these terms is set out below:

(a) Legal Compliance

Legal compliance is judged against the requirements of Section 19 and 20 of the Planning and Compulsory Purchase Act 2004 (as amended), including compliance with the Councils:

- Local Development Scheme;
- Statement of Community Involvement; and,
- The Town and Country Planning (Local Planning) (England) Regulations (2012)[1]

In addition, the Planning and Compulsory Purchase Act 2011 requires a Sustainability Appraisal and a Strategic Environmental Assessment (SA) to be carried out for all local plans. The objective of the SA is to promote sustainable development through the integration of social, environmental and economic considerations. European legislation and government regulations mean that a Habitats Regulations Assessment (HRA) needs to be carried out, in order to protect the integrity of internationally important nature conservation sites. The HRA assesses the likely impacts of the policies of the Local Plan and possible 'in combination' effects with other policies and proposals.

Under Section 110 of the Localism Act 2011 the Council also has a Duty to Cooperate with other local planning authorities and other prescribed bodies in order to address strategic planning issues relevant to their areas. This is a legal requirement that had to be met at the point that the Plan was first submitted for examination in December 2016.

(b) 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** – 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.

[1] View at http://www.legislation.gov.uk/uksi/2012/767/contents/made

General advice

Only representations received during the consultation period and made in relation to a proposed Main Modification set in the *Schedule of Proposed Modifications to the Pre-Submission Draft Local Plan* (2017) will be accepted (considered duly made). You should set out which modification you are commenting, on clearly referencing the modification number and description, for example: MM 36, Page 111, Section 12, Policy Office development.

The page, section, paragraph, image, table and policy numbers referred to in the Schedule are those that appear in the *Pre-Submission Draft Local Plan* (2016).

If you wish to make a representation seeking a change to a proposed Main Modification you should make it clear in what way the Main Modification is not sound having regard to the legal compliance and/or four soundness requirements set out above. You should try to support your representation with evidence showing why it should be amended. It will be helpful if you also say precisely how you think it should be changed. Representations should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change. There will not normally be a subsequent opportunity to make further submissions based

You should not repeat representations submitted during earlier consultations, these have already been considered by the Planning Inspector during the examination process, and will not be considered duly made.

Where there are groups who share a common view on how they wish to see a change, it would be very helpful for that group to send a single representation which represents their view, rather than for a large number of individuals sending in separate representations which repeat the same points. In such cases the spokesperson should indicate how many people they are representing and how the representation has been authorised by the group.

Further information

The Council has also published a track changes version of the submission Local Plan, this document sets out the changes proposed by the Main Modifications using the convention ~~strike through~~ for deleted text and underlined red for new text. The *Track Changes Local Plan* (2017) has been published for information only, along with an updated version of the Policies Maps, and **does not** form part of the consultation.

In addition to the proposed Main Modifications the Council has identified further amendments it considers necessary to improve the clarity of the Plan. These amendments are known as 'Additional Modifications', and are set out in the track changes Plan, they include the correction of typos, updates to factual information. These Additional Modifications are not considered to affect the soundness of the Plan and **do not** form part of this consultation. Any representations made about the Additional Modifications will not be sent to the Inspector for consideration.

Further information relating to the preparation of the Local Plan and the examination can be found on the Council's website at: http://www.nelincs.gov.uk/planning-and-development/planning-policy/the-local-plan/the-new-local-plan/. You can also contact a member of the Spatial Planning Team by email, post or telephone at the following address:

Email:	newlocalplan@nelincs.gov.uk
Post:	Local Plan, ENGIE, Origin Two, 2 Origin Way, Grimsby, DN37 9TZ
Telephone:	01472 324272