

Wiltshire and Swindon Waste Site Allocations Development Plan Document (DPD)

Publication Stage Representation Form and Notes

General notes to Accompany Representation Form for Development Plan Documents

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 examined by a Planning Inspector. The Planning and Compulsory Purchase Act 2004¹ (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 Local Planning Authority (LPA)² has prepared the published DPD it is likely that your comments or objections will relate to a matter of **legal compliance**.
 - 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 **justified, effective or consistent with national policy**.

2. Legal Compliance

- 2.1. The Inspector will first check that the DPD meets the legal requirements under s.20(5)(a) of the 2004 Act 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 LPA, setting out the Local Development Documents it proposes to produce over a three 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 should be on the LPA's website and available at their main offices.
 - The process of community involvement for the DPD in question should be in general accordance with the LPA's Statement of Community Involvement (where one exists). The Statement of Community Involvement (SCI) is a document which sets out a LPA's strategy for involving the community in the preparation and revision of Local Development Documents (including DPDs) and the consideration of planning applications.
 - The DPD should comply with the Town and County Planning (Local Development) (England Regulations) 2004 as amended³. On publication, the LPA must publish the documents prescribed in the regulations, and make them available at their principal offices and their website. The LPA must also place local advertisements and notify the DPD 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 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. 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 where appropriate, conform generally to the draft Regional Strategy for the south west (RS). The RS currently sets out the region's

¹ View at http://www.opsi.gov.uk/ACTS/acts2004/ukpga_20040005_en_1

² The term LPA is used generically in this form to refer to Wiltshire Council and Swindon Borough Council. Therefore references to the LDS and SCI reflect the work of both councils.

³ View at <http://www.opsi.gov.uk/si/si2004/20042204.htm> (2004 regulations) and http://www.opsi.gov.uk/si/si2008/pdf/uksi_20081371_en.pdf (2008 amending regulations)

policies in relation to the development and use of land and forms part of the development plan for LPAs.

- The DPD must have regard to any Sustainable Community Strategy (SCS) for its area (i.e. county and borough). 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.

3. Soundness

3.1. To be sound a DPD should be:

- **Justified**

3.2. 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

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

- **Effective**

3.4. 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

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

3.6. The DPD should indicate who is to be responsible for making sure that the policies and/or proposals happen and when they will happen.

3.7. 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 and/or proposals are flexible, the DPD should make clear that major changes may require a formal review including public consultation.

3.8. 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**

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

3.10. If you think the content of a DPD is not sound because it does not include proposals to adequately mitigate potential impacts associated with each site option; or does not accord with the local policy framework (including where appropriate, the draft Regional Strategy for the south west) 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 draft RS for the south west? If so it does not need to be included.

- Is what you are concerned with covered by any other policies and/or proposals in the DPD on which you are seeking to make representations; or in any other DPD in the LPA's Local Development Framework (LDF). There is no need for repetition between documents in the LDF.
- If the policy and/or proposal is not covered elsewhere, in what way is the DPD unsound without the policy and/or proposal (i.e. the adequacy of proposed mitigation measures for each site)?
- If the DPD is unsound without the policy and/or proposal, what should the policy and/or proposal 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 three tests set out above. You should try to support your representation by 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 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 be only 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 and how the representation has been authorised.
- 4.3. Further detailed guidance on the preparation, publication and examination of DPDs is provided in *Planning Policy Statement 12: Local Spatial Planning*⁴ and in *The Plan Making Manual*⁵.

⁴ View at <http://www.communities.gov.uk/publications/planningandbuilding/pps12lsp>

⁵ View at <http://www.pas.gov.uk/pas/core/page.do?pageld=51391>