

Explanatory Notes

The notes below will help explain the technical details of making a representation to the Cotswold District Local Plan Main Modifications Consultation. **Please read them before making your representation.**

If you have any further questions, please contact the Forward planning team by email Local.Plan@cotswold.gov.uk or phone (01285) 623000.

1. Introduction

The Local Plan has undergone an Examination in Public process that has identified aspects of the Local Plan where a Main Modification is required to address concerns identified by the Inspector or other representors. The Council has proposed some changes, many of which are to improve the clarity of the document or update factual information.

A schedule of Main Modifications to the Local Plan, together with Sustainability Appraisal and Habitat Regulations Notes, will be published for public consultation between 19th February and 4th April 2018. We must receive your representation within this time. It will then be given to the Planning Inspector who will consider them.

At this stage, comments can only be made on the Main Modifications. This is not an opportunity to make or re-state previous comments on any other aspects of the Plan.

It is important to understand that the purpose of the examination is for the Planning Inspector to decide whether the Local Plan complies with the legal requirements and is 'sound'.

2. Legal Compliance

The Planning Inspector will first check that the Local Plan meets the legal requirements under s20(5)(a) and the duty to co-operate under s20(5)(c) of the 2004 Act before moving on to test for soundness.

You should consider the following before making a representation on legal compliance: *see next page*

¹ View the 2004 Act at:

http://www.legislation.gov.uk/ukpga/2004/5/pdfs/ukpga_20040005_en.pdf

View the amending 2008 Act at:

http://www.opsi.gov.uk/acts/acts2008/pdf/ukpga_20080029_en.pdf

View the amending 2011 Act at:

http://www.legislation.gov.uk/ukpga/2011/20/pdfs/ukpga_20110020_en.pdf

- The Local Plan 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 Cotswold District Council, 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 Local Plan that Cotswold District Council proposes to bring forward for independent examination. If the Local Plan is not in the current LDS it should not have been published for representations. The LDS should be on Cotswold District Council's website and available at their main offices.
- The process of community involvement for the Local Plan should be in general accordance with Cotswold District Council's Statement of Community Involvement. The Statement of Community Involvement (SCI) is a document, which sets out Cotswold District Council's strategy for involving the community in the preparation and revision of Local Development Documents (including Local Plans) and the consideration of planning applications.
- The Local Plan should comply with the Town and County Planning (Local Development) (England) Regulations 2012. Cotswold District Council must publish the documents prescribed in the Regulations, and make them available at their principal offices and their website. Cotswold District Council must also place local advertisements, notify organisations as set out in the Regulations and any persons who have requested to be notified.
- The Local Plan should have regard to national policy² and guidance³. The National Planning Policy Framework sets out national planning policies and how they should be applied.
- Cotswold District Council is required to provide a Sustainability Appraisal Report when they publish a Local 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.

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

- The Duty to Cooperate is a legal test that requires cooperation between local planning authorities and other public bodies to maximise the effectiveness of policies for strategic matters in Local Plans. Cotswold District Council will be expected to provide evidence of how they have complied with any requirements arising from the duty.

² View the National Planning Policy Framework at <http://planningguidance.communities.gov.uk/wp-content/themes/planning-guidance/assets/NPPF.pdf>

³ View Planning Practice Guidance at <http://planningguidance.communities.gov.uk/blog/guidance/>

- The 2004 Act establishes that non-compliance with the duty to co-operate cannot be rectified after the submission of the Local 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 Local Plan.

3. Soundness

Soundness is explained fully in the National Planning Policy Framework (NPPF) at paragraph 182. The Planning Inspector has to be satisfied that as a DPD, the Local Plan is positively prepared, justified, effective and consistent with national policy. To be sound a DPD should be:

- 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 the 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; and
- Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

At this stage, comments can only be made on the Main Modifications. This is not an opportunity to make or re-state previous comments on any other aspects of the Plan.

4. General advice

- If you wish to make a representation seeking a change to the Modifications, you should make clear in what way it is not legally compliant and/or fails to meet the four tests of soundness set out above.
- Representations should cover succinctly all the information, evidence and supporting information necessary to support or justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further submissions. Further submissions will be only at the request of the Inspector.
- You should try to support your representation by evidence showing why the Modification should be changed. The Council's evidence base to support the plan is available to view online at <http://www.cotswold.gov.uk/residents/planning-building/planning-policy/emerging-local-plan/local-plan-examination/local-plan-core-documents/>
- It will be helpful if you also say precisely how you think the Modification should be changed.

- Where there are groups who share a common view on how they wish to see the Modification 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.

5. Any Questions?

You can contact the Forward Planning team by email:
Local.plan@cotswold.gov.uk or by phone 01285 623000

Consultation ends on Wednesday 4th April 2018 by 5pm.