

## **Wyre Forest District Council Guidance Notes for Making Representations on DPDs**

These guidance notes have been produced to help those people making formal representations on the Site Allocations and Policies DPD and the Kidderminster Central Area Action Plan DPD.

These documents are the subject of a consultation with stakeholders and other interested parties prior to their submission to the Secretary of State. The consultation period will run from Monday 23<sup>rd</sup> July to Friday 14<sup>th</sup> September 2012. All representations received within those dates will be submitted to the Secretary of State together with the 2 DPDs. A Planning Inspector will then carry out a public examination to consider whether the documents comply with the legal requirements and are 'sound' before the DPDs can be adopted by the District Council.

The Inspector will assess whether the DPDs have been prepared in accordance with the Duty to Cooperate, legal and procedural requirements and whether the documents are 'sound'. Any representations submitted should only relate to these issues. If you are making representations on the way in which the Council has prepared the DPDs your comments are likely to relate to matters of legal compliance. However, if you are commenting on the actual content of the documents, then your representations are likely to relate to whether the DPDs are justified, effective or consistent with national policy ie. their soundness.

Please note that all respondents must complete their personal details as no anonymous representations can be taken into account. Also, it should be noted that all representations are published on the District Council's website and will be available for public inspection at the libraries and Hubs.

### **Duty to Cooperate**

The Localism Act (2011) and the National Planning Policy Framework (NPPF) (2012) place a duty on local planning authorities and other public bodies to cooperate to address strategic issues affecting their area. There should be on-going engagement on the preparation of DPDs and other activities relating to sustainable development.

### **Legal Compliance**

The Documents should meet the legal requirements set out at section 20(5) (a) of the 2004 Planning and Compulsory Purchase Act. The DPDs should be within the current Local Development Scheme (LDS) (updated February 2012) and the key stages should have been followed. The LDS is effectively a timetable setting out the programme of work for the production of the DPDs. The LDS is available on the Council's website.

The process of community involvement in the production of the DPDs should be in accordance with the Council's Statement of Community Involvement (SCI). This is a document which sets out the Council's strategy for involving the community in the preparation of Local Development Documents and the consideration of planning applications.

The documents should comply with the Town and Country Planning (Local Planning) (England) Regulations 2012. On publication, the Council must publish the documents prescribed in the regulations and make them available on their website and at the main offices. The Council must also

place advertisements in the local press and notify statutory bodies and anyone else who has requested to be notified.

The Council is required to publish a Sustainability Appraisal Report when they publish a DPD. This should identify the processes carried out as well as the baseline information used to inform the process and its outcomes. Sustainability Appraisal is a tool for appraising policies to ensure they reflect economic, social and environmental factors.

The DPDs should also be in conformity with the NPPF and have regard to the Sustainable Community Strategy for the area.

### **Soundness**

A local planning authority should only submit a DPD for examination if it considers it to be 'sound':-

- **It should be positively prepared** – the plan should be based on strategy that seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements for neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development
- **It should be justified** – the plan should be the most appropriate strategy when considered against reasonable alternatives. The 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. The plan should be based on a robust evidence base with evidence of participation by the local community and other interested parties. Choices made in the plan should be backed up by facts.
- **It should be effective**- the plan should be deliverable over its timeframe and based on effective joint-working on cross-boundary strategic priorities such as sound infrastructure delivery planning, having no regulatory or national planning barriers to delivery, delivery partners who are signed up for it and coherence with the strategies of neighbouring authorities. DPDs should also be flexible and able to be monitored. The DPD should indicate who is responsible for implementing the policies and an approximate timetable. The plan should be flexible to deal with changing circumstances. However, a major change may require a formal review and public consultation. Implementation of the DPD will be monitored via the Annual Monitoring Report.
- **It should be consistent with National Policy**- the plan should enable the delivery of sustainable development in line with the NPPF. It should be consistent with national policy. Where there is a departure from national policy, the local planning authority must provide clear justification. If, however, you feel that a new policy is needed which would be a departure from national policy, then you must justify the different policy approach. If you think a DPD is not sound because it does not include a policy where you think it should, then you must check the following:
  - a. Is the issue covered already in national planning policy?
  - b. Is it covered by other policies in this DPD or another DPD?
  - c. If the policy is not covered elsewhere, in what way is the DPD unsound without it?
  - d. If the DPD is unsound without it, what should the policy say?

### **General advice**

- No anonymous representations can be accepted – both name and address must be provided
- Agents should state full name of organisation they are representing
- Please state which DPD you are commenting on , together with policy or paragraph number
- Any objection to the soundness of a DPD must be backed up with reasons and a statement of what will make it sound
- Please use a separate form for each comment you wish to make. Further response forms can be obtained from the website
- Representations can only relate to the Site Allocations and Policies DPD or the Kidderminster Central Area Action Plan DPD

**Representations must be received by 5.30 pm on Friday 14<sup>th</sup> September 2012**