

# GUIDE TO MAKING REPRESENTATIONS ON DEVELOPMENT PLAN DOCUMENTS

## Introduction

This guide explains how to make your representations on Pre-Submission development plan documents (DPDs) and how to answer the formal questions set out by the Planning Inspectorate.

Pre-Submission development plan documents are published for consultation to give people the final opportunity to make representations on the DPD prior to it being submitted by the Council to the Secretary of State for examination.

To make sure your representation is considered when the document is **submitted for examination**, you must make the representation during the advertised consultation period. You should also identify if you want to speak at the hearing sessions.

## Consultation period

The consultation period for the Pre- Submission Publication Torquay Harbour Area Action Plan (THAAP) is Monday 8<sup>th</sup> Nov to Friday 17<sup>th</sup> December 2010. During this time the THAAP and supporting documents and comment forms will be available on the Council's Limehouse web site. They will also be available at the Council office at Roebuck House in Torquay, all libraries and all Connections offices. The authority will also give notice that it has published the document by placing an advert in the local newspaper.

## Making your representation

At this stage (Pre-Submission publication) representations should be based on whether or not you believe the DPD is in compliance with the **legal requirements** and whether or not it is **sound**. This guide provides a basic explanation of what the legal requirements and soundness are. It also provides links to where you can find more information.

Once you have made your representations they will be considered alongside the DPD by a Planning Inspector when Torbay Council formally submit the DPD. The Planning and Compulsory Purchase Act 2004 (as amended) states that the purpose of the examination is to consider whether the DPD complies with the legal requirements and is 'sound'.

**While this guide is to help you answer these questions in relation to legal compliance and soundness, representations will be accepted on other matters.**

This is why the final question box (Q8) on the form is for general representations. It will however help the inspector in the examination process if your representation seeking a change to the document focuses on legal compliance or soundness. Ideally, your representations should aim to show why the document is not legally compliant or unsound and what changes you think are needed to make it compliant or sound.

In making your representations the Council would urge you to use its online consultation portal <http://torbay-consult.limehouse.co.uk/portal/planning> Here you can view the Torquay Harbour Area Action Plan and supporting documents and, once registered, make comments at different points in the document while you are reading it. You can also sign up to be notified by email when any further LDF documents are available for consultation.

**A separate representation** form should be used for each representation you wish to make. However, to avoid having to duplicate your personal information, you can fill this out once and then only fill out those sections on the front page marked with a \* for any additional form. These should then be securely attached to your first form.

## What is Legal Compliance and Soundness?

The two key issues of legal compliance and soundness are explained in more detail below. Guidance is also provided on where you can find out more information.

### Is it Legally Compliant?

#### (This will help you answer Q1)

The full explanation of Legally Compliance is explained in Planning Policy Statement 12 (PPS12) in paragraph 4.50 (available from <http://www.communities.gov.uk>).

In order to comply with legislation, the Development Plan should:

- Have been prepared in accordance with the Council's Local Development Scheme.  
*This is the work programme for the Local Development Framework, which sets out the timeframes for Local Development Document production and the scope of the document (Available from the Councils website).*
- Be in compliance with the Councils Statement of Community Involvement (SCI).  
*The SCI sets out how the Council consults on Development Plan Documents (Available from the Council's website).*
- Have been subject to Sustainability Appraisal (SA).  
*The SA appraises the economic, environmental and social effects of the plan to ensure it is sustainable (Available from the Council's website).*
- Conform generally to the Regional Spatial Strategy (RSS).  
*(Due to the abolition of the RSS element of the Spatial Planning system, this is no longer applicable).*
- Have regard to any Sustainable Community Strategy.  
*For Torbay this is the Torbay Community Plan 2007+ 'Turning the Tide for Torbay' (This can be viewed on the Council's website).*
- Meet the procedural requirements involving publicity and availability of the development plan document and related documents.  
*This means it should comply with the Town and County Planning (Local Development) (England Regulations) 2004 (as amended) (available from <http://www.legislation.gov.uk/ukxi/2004/2204/contents/made>)*
- If the DPD is not a core strategy, is it in conformity with the core strategy.  
*The Core Strategy is the central document of the LDF, all other documents should conform with the Vision, Objectives and Policies.*

### Is it Sound?

#### (This will help you answer Q2 and Q3)

The full explanation of soundness is explained in Planning Policy Statement 12 (PPS12) in paragraphs 4.36 – 4.47, 4.51 and 4.52 and the boxed text (available from <http://www.communities.gov.uk>).

There is no legal definition of 'sound' but in this context, to be sound, a development plan document should be **justified, effective and consistent with National Policy**. Basically, to be sound the DPD should meet the following requirements

1. 'Justified' - this means that the document must be:
  - Founded on a robust and credible evidence base.

*With evidence of participation of the local community and others who have a stake in the area and that the choices made in the plan are backed up by facts.*

- The most appropriate strategy when considered against the reasonable alternatives  
*These alternatives should be realistic and have been the subject of sustainability appraisal*

2. 'Effective' – this means that the document must be:

- Deliverable  
*It should show how the vision, objectives and strategy for the area will be delivered and by whom, and when; be based on sound infrastructure delivery planning; ensure that there are no regulatory or national policy barriers to the delivery of the strategy; ensure that partners who are essential to the delivery of the plan are signed up to it; and be coherent with the core strategies prepared by neighbouring authorities, where cross boundary issues are relevant.*
- Flexible  
*A strategy is unlikely to be effective if it cannot deal with changing circumstances. Core strategies should look over a long time frame – 15 years usually but more if necessary and be able to cope with changes of circumstance.*
- Able to be monitored  
*The DPD must have clear arrangements for monitoring and reporting results to the public and civic leaders. Monitoring is essential for an effective strategy and will provide the basis on which the contingency plans within the strategy would be triggered. The delivery strategy should contain clear targets or measurable outcomes to assist this process*

3. Consistent with National Policy

*National planning policy is set out in a series of Planning Policy Statements. The DPD should be consistent with national policy. This means that the choices made regarding, for example, where growth should take place should follow national policy. Policies should follow but not duplicate national policy.*

#### **Why or why is it not legally compliant or sound? (Q4)**

Once you have decided whether or not you believe the Document meets the requirements for Legally Compliant and or Soundness, the next step is to set out why or why not you believe that to be the case. Question 4 provides space for your answer.

#### **What changes would make the THAAP legally compliant or sound? (Q5)**

Question 5 provides the opportunity for you to set out what changes (such as revised wording) you think could be made to overcome your concerns. You should use this space to set out any change you would like to make which would help overcome your concern over the soundness or legal compliance issue your representation relates to.

#### **Participation at oral part of the examination (Q6 and Q7)**

If you believe the THAAP is not legally compliant or sound, there is the opportunity to participate at the oral part of the examination. If you want to use this right, you should consider how going to a hearing session, rather than setting out your case in writing, will help the Inspector decide whether the document is sound. Written representations are treated with equal importance to appearances at the hearing sessions. Question 7

provides you with the opportunity to set out why you consider it necessary to attend the examination. This will help the inspector decide whether it is necessary to hold an oral part of the examination or whether to deal with the representations received without holding a public examination. In this instance the examination is dealt with based on the detail set out in the representations received and the Council's responses to them.

**For further information about the Torquay Harbour Area Action Plan or if you have any questions about completing the Comments Form, please contact:**

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Torbay Council,  
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