

## 1. What is this Representation Period about?

The Chichester Local Plan: Key Policies Pre-submission 2014-2029 has been published prior to its submission to the Secretary of State. This is to allow for representations on the Plan's soundness and legal compliance to be made. These representations will be considered by an independent Planning Inspector at a future public examination hearing.

**You are strongly advised to read these Guidance Notes before completing the Representation Form.**

**All representations should be received no later than 5pm on Monday 6 January 2014.**

### 1.1 What is the Local Plan about?

The Chichester Local Plan: Key Policies provides the policy framework and long-term strategy to manage development; protect the environment; deliver infrastructure; and promote sustainable communities within Chichester District, excluding the area within the South Downs National Park. The plan period extends to 2029.

### 1.2 What has happened previously?

The Chichester Local Plan: Key Policies Pre-submission is the end product of all the evidence gathering and consultation exercises from 2009-2013. These include the Focus on Strategic Growth Options consultation; two consultations on the draft Local Plan: Key Policies Preferred Approach in spring and summer 2013; and production of a large number of evidence base studies.

### 1.3 How has the Plan changed as a result of the public consultation?

A consultation statement has been produced that explains the changes that have been made as a result of the comments received during the consultation. This is available, along with other background information, at [www.chichester.gov.uk/newlocalplan](http://www.chichester.gov.uk/newlocalplan).

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## 2. Introduction

The Planning and Compulsory Purchase Act 2004 states that the purpose of the examination is to consider whether the Plan complies with legal requirements and is 'sound'.

**Legal compliance:** If you are seeking to make representations on the way in which the Council has prepared the Plan, your comments or objections should relate to a matter of **legal compliance**.

**Soundness:** If it is the actual content on which you wish to comment, your representation should relate to whether you think the Plan is sound. In order to be sound, the Plan must be:

1. Positively prepared
2. Justified
3. Effective
4. Consistent with national policy

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## 3. Legal Compliance

The Planning Inspector will first check that the Plan meets the legal requirements of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) and the Town and Country Planning (Local Planning) (England) Regulations 2012, before moving on to consider the tests of soundness.

If you are seeking to make representations on the way in which the Council has prepared the Plan, it is likely that your comments or objections will relate to a matter of legal compliance.

The Planning and Compulsory Purchase Act 2004 can be viewed at

[www.legislation.gov.uk/ukpga/2004/5/contents](http://www.legislation.gov.uk/ukpga/2004/5/contents)

The Town and Country Planning (Local Planning) (England) Regulations 2012 can be viewed at [www.legislation.gov.uk/uksi/2012/767/introduction/made](http://www.legislation.gov.uk/uksi/2012/767/introduction/made)

You should consider the following before making a representation on legal compliance:

### 3.1 Local Development Scheme

Preparation of the Local Plan should be in accordance with the current Local Development Scheme (LDS). This is available at: [www.chichester.gov.uk/index.cfm?articleid=5088](http://www.chichester.gov.uk/index.cfm?articleid=5088)

### 3.2 Statement of Community Involvement

The process for public engagement for the Local Plan should be in general accordance with the Statement of Community Involvement (SCI) which is available at: [www.chichester.gov.uk/newlocalplan](http://www.chichester.gov.uk/newlocalplan)

### 3.3 Town and Country Planning (Local Planning) (England) Regulations 2012

The Local Plan should comply with the Town and Country Planning (Local Planning) (England) Regulations 2012. This includes public participation in the preparation of the Local Plan (Regulation 18) and publication of the Local Plan: Key Policies Pre-submission (Regulation 19).

### 3.4 Sustainability Appraisal

The Council is required to publish a Sustainability Appraisal report when publishing the Local Plan. This should identify the process by which the Sustainability Appraisal has been carried out, the baseline information used to inform the process, and the outcomes of that process. The Sustainability Appraisal is available at:

[www.chichester.gov.uk/newlocalplan](http://www.chichester.gov.uk/newlocalplan)

### 3.5 National Planning Policy

The Local Plan should have regard to national planning policy. The National Planning Policy Framework (NPPF) is available at: [www.gov.uk/government/publications/national-planning-policy-framework-2](http://www.gov.uk/government/publications/national-planning-policy-framework-2)

### 3.6 Sustainable Community Strategy

The Local Plan should have regard to any sustainable community strategy for its area. The Chichester Sustainable Community Strategy is available at: [www.chichester.gov.uk/index.cfm?articleid=3798](http://www.chichester.gov.uk/index.cfm?articleid=3798)

### 3.7 Duty to Co-operate

The Council is expected to have followed the 'Duty to Co-operate' requirements set out in Section 110 of the Localism Act 2011 (available at [www.legislation.gov.uk/ukpga/2011/20/contents](http://www.legislation.gov.uk/ukpga/2011/20/contents))

## 4. Soundness

If it is the actual content of the Plan on which you wish to comment on or object to, it is likely that your comments or objections will relate to the Plan's soundness.

To be sound, the Plan should be:

### 4.1 Positively prepared

This means the Plan should be based on a strategy which seeks to meet objectively assessed needs

### 4.2 Justified

This means that the Plan should be based 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 back up by facts.

The evidence to support the Local Plan is available online at:

[www.chichester.gov.uk/studies](http://www.chichester.gov.uk/studies)

The Local Plan should also provide the most appropriate strategy when considered against reasonable alternatives, based on proportionate evidence. The Plan should show how the policies and proposals help to ensure that the social, environmental and economic impacts are balanced and sustainability objectives will be achieved.

### 4.3 Effective

This means the Plan should be deliverable over the plan period and should embrace elements such as:

- No regulatory or national barriers to delivery;
- Delivery partners who are signed up to the Plan;
- Coherence with neighbouring authorities' strategies; and
- Based on effective working with other authorities and public bodies to plan for issues with cross boundary impacts<sup>(1)</sup>

The Plan should be flexible to deal with changing circumstances, which may involve minor changes in response to monitoring outcomes or more significant changes in response to problems such as sites not coming forward as planned.

Policies contained in the Local Plan will be monitored in the Chichester Authority's Monitoring Report.

### 4.4 Consistent with national policy

As well as being a matter of legal compliance, the Plan's consistency with national policy is also a matter of soundness. Where there is a departure from national policy, the Council must justify this approach.

If you feel the Council should depart from national policy in order to meet a clearly identified and fully justified local need, then please explain why and support this with evidence.

If you think the Plan is not sound because it has omitted an essential policy, you should consider the following questions before making representations:

<sup>1</sup> For further information see paragraph 178 of the National Planning Policy Framework

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1. Is the issue already covered by any national planning policy? If so, it does not need to be included, as national planning policy should not be repeated.
2. Is the issue covered by any other policies in the Plan? If so, there is no need to repeat existing policies.
3. If the policy is not covered elsewhere, why is the Plan unsound without the policy?
4. If the Plan is unsound without the policy, what should the policy say?

## 5. General Advice

If you wish to make a representation seeking a change to the Plan or part of the document, you should explain why the document is not sound with regards to the legal compliance check and the four tests of 'soundness' as set out above (see questions 3 and 4 of the Representation Form).

You should try to support your representation with evidence showing why the Plan should be changed. It will be helpful if you could say how you think the Plan should be changed. Representations should include all the information, evidence and supporting information necessary to justify the representation and any suggested changes.

There will not normally be a subsequent opportunity to make further submissions based on the original representations at this stage. After this stage, further submissions will only be at the request of the Planning Inspector, based on the matters and issues identified for examination.

If you are part of a group that shares a common view, it would be helpful for that group to send a single representation rather than multiple copies stating the same point.

Please indicate how many people are represented and how it has been authorised (e.g. by means of a list with contact details for each person or by a committee vote).

Please be aware that your representation cannot be treated as confidential. As well as being sent to the Secretary of State, copies of all representations will be made available on the Council's website. Therefore, anyone will be able to view all representations made, attributable to your name and organisation (if applicable). Your contact details will be removed from copies of representations published electronically. If your representation is anonymous it cannot be taken into consideration.

## 6. What happens after you have made your representation?

After 6 January 2014, the Council will summarise the main issues and submit that summary to the Secretary of State alongside the Plan and supporting evidence. If any representations include matters which suggest changes to the Plan, the Council will consider the appropriate way to proceed before the Plan is submitted.

The Plan is expected to be heard at a public examination during the summer 2014 in accordance with the Local Development Scheme. If the Inspector considers that substantive issues are raised, you may be invited to attend the hearing. If the document is found 'sound' by the Inspector, it is anticipated that the Council will adopt the Local Plan in October 2014.