# Ashfield Local Plan (2023-2040) Regulation 19 Pre-Submission Draft

## Guidance Note for Completing the Local Plan Representation Form

This note explains how to provide comments on the Ashfield Local Plan (2023-2040) Regulation 19 Pre-Submission Draft document, which for ease of reference is identified as the “Local Plan” in this guidance and the Representation Form.

The Council previously held a consultation in late 2021 which provided an opportunity for general comments to the draft Local Plan. These comments have been considered and have influenced the current Local Plan Regulation 19 Pre-Submission Draft which is the focus of this consultation.

The current consultation will be held over an eight-week period, commencing Friday 1st December 2023 until 5.00pm Monday 29th January 2024, providing an opportunity for any person or group to submit a representation on the Local Plan.

Responses submitted at this stage of the process will be considered during the Examination in Public by an independent Planning Inspector appointed by the Secretary of State. Statements of Representation must focus on issues which underpin the Examination, i.e., whether the plan is:

* **legally compliant;**
* **sound**; and
* that the **duty to cooperate** has been met.

For example:

* If your response relates to the way the Local Plan has been prepared, it is likely to relate to whether it is **legal**.
* If your response relates to the content of the Local Plan and the strategy it adopts, it is likely to relate to whether it is **sound**.
* If your response relates to the way in which Ashfield District Council has worked with other authorities, it is likely to relate to the **duty to co-operate**.

This guidance is designed to be read when completing the Representation Form to ensure that responses are made in a way which means they are considered correctly by the Inspector at Examination.

### Deadline

All completed Representation Forms must be received by Ashfield District Council by **5.00pm on Monday 29th January 2024.**Any responses received after this deadline will not be considered. Comments received either anonymously or not made in writing will not be accepted. Comments received during previous consultations have been summarised in the Local Plan Statement of Consultation document which will be submitted to the Planning Inspector.

### Completing the Response Form

Your response should cover succinctly all the information and evidence to support/justify your representation and any suggested changes. There will not normally be a subsequent opportunity to make further representations based on submissions made at the Regulation 19 stage. After this stage, further submissions will only be at the request of the Inspector, based on the matters and issues they identify for Examination.

### Group responses

* If you are part of a group with a common view, you should submit a single representation outlining the groups concerns, rather than submitting a large number of individual comments repeating the same points.
* Make clear how many people your group is representing and how it has been authorised.

## Part A - Personal/Agent Details

### Personal details and Agent’s details

Please complete all your contact details unless you are using an agent to represent you. This is used to identify who has made the comment(s), so it is important you complete this fully.

If you are using an agent please:

1. complete the Title, Name and Organisation of the Personal details, and
2. complete the agent’s details in full.

### Request for Further Notification

Please tick the relevant boxes if you wish to be kept informed of the progress of the Local Plan.

## Part B- The Representations

### Question 1:

Please state which Paragraph number or Policy number your representation relates to. If your representation relates to the Policies Map or to some other aspect of the Local Plan please tick the relevant box.

### Question 2:

In relation to the part of the Local Plan identified in Question 1, please set out whether you consider the specified section to be legally compliant by ticking the relevant box.

If you consider the Local Plan it is not legally compliant please set out why (in Question 5) with any alternative suggested changes to make it legally compliant (in Question 6).

Legal Compliance

When the Local Plan is submitted, the Inspector will check that it meets the legal requirements required under various statutes including the Planning and Compulsory Purchase Act 2004, (as amended), The Localism Act 2011 (as amended) and the Town & Country Planning (Local Planning) (England) Regulations 2012 (as amended) and the Environmental Assessment of Plans and Programmes Regulation 2004.

Consideration by the Inspector will include:

Has the Local Plan been prepared in accordance with the Local Development Scheme. (The LDS is available on the Council’s website).

Is the Local Plan in compliance with the Statement of Community Involvement?

(The SCI is available or on the Council’s website)

Has the Local Plan been subject to Sustainability Appraisal (SA)?

Does the Local Plan comply with the Acts and Regulations outlined above?

### Question 3:

In relation to the parts of the Local Plan selected in Question 1, please set out whether you consider that part of the Local Plan to be sound by ticking the relevant box.

If you consider the Local Plan it is not sound please set out why (in Question 5) with any alternative suggested changes to make it sound (in Question 6).

Soundness

Soundness means that the inspector has to be satisfied that the Local Plan is positively prepared, justified, effective and consistent with national policy.

Paragraph 35 of National Planning Policy Framework 2023 requires a Local Plan to examined for “Soundness””. Plans are “sound” if they are:

**Positively prepared** – the Plan should provide a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;

**Justified** – the Plan should have an 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 matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and

**Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in accordance with the policies in the Framework and other statements of National Planning Policy, where relevant.

### Question 4:

In relation to the parts of the Local Plan selected in Question 1, please set out whether you consider that part of the Local Plan to meet the duty to co-operate by ticking the relevant box.

If you consider that the Local Plan does not comply with the duty to co-operate, please set out why (in Question 5) with any alternative suggested changes to make it comply (in Question 6).

**Please Note:**

Representations made in relation to compliance with the duty to co-operate should be made only by the relevant persons. These are surrounding Local Planning Authorities, County Councils, and the prescribed bodies (as defined in the Town and Country Planning (Local Planning) (England) Regulations 2012) including the Environment Agency, Historic England, Natural England, the Civil Aviation Authority, the Integrated Care Board, the National Health Service Commissioning Board, The Office of Rail Regulation (Office of Rail and Road) the Highway Authority. The Council should also have regard to the Local Enterprise Partnership and Local Nature Partnerships.

Duty to Cooperate

A Local Plan is considered to have the ‘duty to cooperate’ when the Inspector is satisfied that the Council has worked collaboratively with other local planning authorities, the County Council, and other prescribed bodies on matters of cross-boundary strategic priority. The requirements of the duty-to-cooperate are set out in Section 110 of the Localism Act 2011. In preparing the DPD, the Council is required to cooperate on strategic matters by:

Engaging constructively, actively and on an on-going basis with other local planning authorities, the County Council, and prescribed bodies.

Having regard to the activities of other local planning authorities, the County Council, and prescribed bodies.

Issues relating to strategic matters are defined as:

Sustainable development or use of land that has or would have a significant impact on at least two planning areas, including that in connection with infrastructure that is strategic and has or would have a significant impact on at least two planning areas.

Sustainable development or use of land in a two-tier area if the development or use is a county matter or would have significant impact on a county matter.

### Questions5 and 6:

Complete questions as appropriate to justify your response and add suggested changes.

### Question 7:

Please state whether you wish to present your representation in person to the Planning Inspector during the Examination and why. The Examination will involve a series of Hearing sessions chaired by the Inspector part way through the Examination period and it is here that individuals will be invited to verbally contribute to the discussion and debate on the legal compliance and soundness of the Local Plan.

It is likely that the majority of representations will be considered using the written representations submitted at this Pre-submission stage, which carry equal weight to those heard in person by the Inspector.

It is the Inspector will decide who will be invited to speak at the Hearing sessions, not the Council, and the Inspector will decide the topics to be covered in each Hearing session, based on the issues raised by the written representations at this Pre-submission stage.

**If you need any assistance in completing the Representation Form or further information/ advice please contact the Forward Planning Team on: 01623 457302 or email** **localplan@ashfield.gov.uk**