

Wycombe District Local Plan – Publication

Guidance Notes on Legal Compliance and the Test of Soundness

October 2017

We have produced this Guidance Note to help you complete our Response Form for the Local Plan to ensure that your comments can be considered as fully as possible during the plan-making process.

Please contact us if you need any further advice or have any questions. Our contact details are at the end of this document.

Responses made to this consultation will be treated as a formal representation and considered by an independent Planning Inspector.

For this consultation we are asking you to consider three questions:

Is the Local Plan Legally Compliant? If your response is about the way in which we prepared the Local Plan, then these are likely to relate to whether or not it is **legally compliant**.

Is the Local Plan Sound? If your response is about the content of the Local Plan and the strategy it proposes, then these are likely to relate to whether or not it is **sound**.

Does the Local Plan meet the duty to cooperate? If your response is about how we have worked with other local authorities, or other relevant bodies in developing the strategy the Local Plan proposes, then these are likely to relate to whether we have met the **duty to cooperate**.

Completing the Response Form

Please refer to the Wycombe District Local Plan Response Form which sets out how we will use the information you provide.

There are two parts to the Response Form.

Part A: Your Contact Details

Please complete this section so that:

- we can contact you, if necessary, to clarify the response you have made to ensure that we have understood, recorded and considered your comments appropriately
- the independent Planning Inspector can contact you as part of the examination process to, if necessary, to clarify the responses you have made, invite you to make further comments or to invite you to participate in the examination
- we can notify you about the progress of the Local Plan following this consultation

Please note your comments will be made public but your personal details will not be shared.

The Agent's contact details are only need to be completed if someone is sending us responses on your behalf. This could be someone you have paid to make responses (such as a Planning Consultant) or a family member or friend. While we will deal with your agent on a day to day basis the responses are classed as your own.

If you are responding online you (or your agent) will need to provide an email address along with a postal address.

Part B: Making Your Representation

You can submit comments on any part of the following:

- The Wycombe District Local Plan
- The Proposed Changes to the Policies Map document

If you use the online response form you can submit comments on more than one part of the Local Plan using just one form – www.wycombe.gov.uk/wdlppublicationversion

Is the Plan Legally Compliant?

This section of the response form focusses on the first test that we need to meet before we are able to adopt our Local Plan.

Select YES if you think that the plan is **legally compliant**. A plan is considered **legal** when it complies with the legal requirements under section 20(5) (a) of the Planning and Compulsory Purchase Act 2004.

Select NO if you think that the Local Plan **is not legally compliant**. If you think that we have not met the legal requirement in the preparation of the Plan, please use the response form to tell us what we have not done or what we have done incorrectly.

Some of the issues to consider for Legal Compliance include:

- **National Policy and Legislation:** Do the plan comply with national policy and legislation issued by the Secretary of State?
- **Sustainability Appraisal:** Whether a Sustainability Appraisal assessing social, environmental and economic factors has been undertaken and made public? The Sustainability Appraisal is a tool for appraising policies to ensure they reflect social, environmental, and economic factors.
- **Duty to Cooperate** – has the plan been prepared in cooperation with the other local authorities and prescribed bodies? (see further detail below)
- **Local Development Scheme:** Whether the Local Plan has been prepared in-line with our [Local Development Scheme](#)?

The Local Development Scheme is effectively a programme of work prepared by the Council, setting out the documents to be produced. It sets out the key stages in the production of any documents the Council propose to bring forward for independent examination.

- **Consultation:** have the appropriate bodies been consulted and have we consulted in accordance with our [Statement of Community Involvement](#)?
- The Local Plan should comply with the Town and County Planning (Local Planning) (England) Regulations 2012. On submission of the Local Plan, the Council must publish the documents prescribed in the regulations, and make them available at their principal offices and on their website. Have the appropriate notifications have been made.

Please tell us:

- why you consider the Local Plan is or is not legally compliant.
- what changes you think are needed to make the Local Plan legally compliant. Please state why this change will make the Local Plan legally compliant. It would also be helpful if you could suggest revised wording for any policy or supporting text. Please be as precise as possible.

Is the Plan Sound?

This section gives you the opportunity to comment on the second test that we need to meet to be able to adopt our Local Plan.

To meet the Tests of Soundness, the independent Planning Inspector is required to consider if our Local Plan has been **positively prepared, justified and effective** and is **consistent with national policy**.

You may wish to consider the following before making a representation on the Soundness of our plan:

Positively Prepared: This means that we have objectively assessed the need for homes, jobs, services and infrastructure and these have been delivered sustainably. If you think that our assessments are not objective or do not take sufficient account of unmet needs in neighbouring authorities then your comments relate to whether our Local Plan has been positively prepared or not.

Justified: This means that the Plan is based upon a robust and credible evidence base. If you think that the evidence doesn't support the choice made in our Local Plan or there are realistic alternatives then your comments relate to whether it is justified.

Effective: This means that the Plan will deliver what it sets out to. If you think that what we are proposing in the Local Plan will not happen because for example the required infrastructure cannot be provided, the groups who will deliver elements of it haven't signed up to it or our Local Plan does not join up with the strategies of our neighbouring authorities, then your comments relate to whether our Local Plan is effective or not.

Consistent with national policy: Do you consider that our Local Plan accords with the National Planning Policy Framework and other policies or includes clear and convincing reasons for doing something different? Alternatively, you may think that the Local Plan should depart from national policy due to an identified and justified local need.

For each of these tests of soundness, the response form gives you an opportunity to:

- give details of why you consider the Plan to be either sound or unsound.
- explain what change you think should be made to the Plan to make it sound. It is helpful if you can include why this change will make the Plan sound as well as suggesting any revised wording of the policy or text.

Does the Plan meet the Duty to Cooperate?

This section gives you the opportunity to comment on the third test that we need to meet to be able to adopt our Local Plan.

We have a duty to work with other Local Authorities, and other bodies to address strategic issues in the preparation of the Local Plan. This duty was created by the Localism Act (2011) and is set out in paragraphs 178-181 of the National Planning Policy Framework.

Further information about the Duty to Co-operate can be found in the National Planning Practice Guidance (<http://planningguidance.planningportal.gov.uk/>)

Hearing Sessions

As part of the examination the independent Planning Inspector holds hearing sessions into various matters that he or she has identified. Anyone who has made representations to this Publication version of the Plan and who is seeking a change to the Plan has the right to appear and be heard by the Inspector at the hearing, however the Inspector determines how and when this happens. You should make it clear in your representation whether you wish to participate (speak) at the examination hearing. This is different to observing the examination which anyone is welcome to do without prior notification. Your written representations have equal weight with the comments made in person at the hearing sessions.

For more information on the hearing sessions procedure, see the below guidance:

[https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/531005/Procedural Practice in the Examination of Local Plans - final.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/531005/Procedural_Practice_in_the_Examination_of_Local_Plans_-_final.pdf)

Receiving information about the progress of the Local Plan.

Please let us know if you wish to be kept informed of key stages in the preparation of the Local Plan following the end of this consultation. The next stages are:

- The submission of the Wycombe District Local Plan for independent examination
- The publication of the recommendations of any person appointed to carry out an independent examination of the Wycombe District Local Plan
- The adoption of the Wycombe District Local Plan

How to Respond

We need to receive all responses by us by **11:59pm on Monday 27 November 2017**

Comments received after the closing date will **not** be recorded and will **not** be considered by the Council. This deadline is fixed by law, it ensures that all who wish to take part in this consultation have the same timescale within which to respond.

Completed forms can be returned by email to newlocalplan@wycombe.gov.uk or posted to:

Wycombe District Council

Policy Team

Queen Victoria Road

High Wycombe

Bucks

HP11 1BB

Alternatively, you can submit your comments online at

www.wycombe.gov.uk/wdlppublicationversion

All of the documents relating to this consultation can be found on our website at

<https://www.wycombe.gov.uk/pages/Planning-and-building-control/New-local-plan/New-local-plan-publication-version-supporting-evidence.aspx>

Paper copies of the consultation documents, response form and guidance note are available from the reception at Wycombe District Council.

Copies of the Local Plan and response forms are also available in libraries around the District.