



Lewes District Local Plan Part 2 – Pre-Submission Document Guidance Notes for making representations

Introduction

These guidance notes have been produced to assist anyone who wishes to make a formal representation on the Lewes District Local Plan Part 2 prior to its submission to the Government for independent examination. They provide a detailed explanation of legal compliance and soundness against which the Local Plan Part 2 will be examined. Further details on making a representation are included in the *Statement of Representations Procedure*, available on the Council website.

Representations must be made between Monday 24 September and midnight on Monday 5 November 2018.

All representations will be considered alongside the submitted Lewes District Local Plan Part 2 (the Plan), which will be examined by an independent Planning Inspector. At public examination, the Planning Inspector will consider whether the Plan complies with legal requirements, the duty to co-operate, and is 'sound'.

Making Representations

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

If it is the actual **content** on which you wish to comment or object to, it is likely it will relate to whether the Plan is 'sound' in terms of being **positively prepared, justified, effective or consistent with national policy**.

Legal Compliance

The Inspector will firstly check that the Plan meets the legal requirements and the duty to co-operate under section 20(5) of the Planning and Compulsory Purchase Act 2004, before moving on to test whether the Plan is 'sound'. You should consider the following before making a representation on legal compliance:

- The Plan should be included within the current Local Development Scheme (LDS) and the key stages should have been followed. The LDS is effectively a programme of work which identifies planning policy documents that Council proposes to produce. It sets out the key stages in the production of any plans which the Council proposes to bring forward for independent examination. The LDS is available on the Council website at: <https://www.lewes-eastbourne.gov.uk/planning-policy/local-development-scheme/>
- The process of consultation undertaken during the preparation of the Plan should be in general accord with the Statement of Community Involvement (SCI). The SCI sets out how the Council will involve the community in the preparation and revision of Local Plans

and the consideration of planning applications. The SCI is available on the Council website at: <https://www.lewes-eastbourne.gov.uk/planning-policy/statement-of-community-involvement/>

- On publication of the Pre-Submission Plan, the Council must publish the documents prescribed in the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and make them available at its main offices and on its website. The Council must also notify various consultees (as set out in the Regulations) and any persons who have requested to be notified.
- The Council is also required to provide a Sustainability Appraisal Report when it publishes the Plan. The Sustainability Appraisal is a tool for appraising policies to ensure they reflect social, environmental, and economic factors. 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 the main Council offices (Southover House), local libraries and the Council website at <https://www.lewes-eastbourne.gov.uk/planning-policy/lewes-local-plan-part-2-site-allocations-and-development-management-policies/>

Soundness

The Council considers that the Plan it intends to submit for examination is 'sound', i.e. it is positively prepared, justified, effective and consistent with national policy. These terms are explained below:

Positively prepared – the Plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

Justified – the Plan should be the most appropriate strategy when considered against reasonable alternatives, and should be based on robust but proportionate evidence.

Effective – the Plan should be deliverable over the plan period and based on effective joint working on cross-boundary strategic matters

Consistent with national policy – the Plan should enable the delivery of sustainable development in accordance with the National Planning Policy Framework (NPPF).

N.B. A revised NPPF was issued in July 2018 but, under the transitional arrangements, it is anticipated that the Plan will be examined in the context of the previous NPPF issued in 2012

If you think the Plan is not 'sound' because it does not include a policy where you think it should, you should consider the following questions when making representations:

- Is the issue which concerns you already covered specifically by national planning policy? If so, it does not need to be included.
- Is what concerns you covered by other policies in the Plan or in the Local Plan Part 1 (Joint Core Strategy)? There is no need for repetition between documents.

- If the policy is not covered elsewhere, in what way is the Plan unsound without the policy?
- If the Plan is unsound without the policy, what do you consider that the policy should say?

General advice

If you wish to make a representation seeking a modification to the Plan, you should make it clear in what way the Plan is not sound having regard to legal compliance, duty to co-operate and the four tests set out and explained above. You should try to support your representation by submitting evidence showing why the Plan should be modified. It will be helpful if you also say precisely how you think the Plan should be modified.

Representations should cover succinctly all the evidence and supporting information necessary to justify the representation and suggested modification, as there will not normally be a subsequent opportunity to make further submissions based on the original representation made at publication. After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

Careful consideration should be given by those making a representation in deciding how the representation should be dealt with, i.e. by written representation or by exercising the right to be heard. Only where a change is sought to the Plan is there a right for the representation to be heard at the hearing session. However, appearance at the hearing session will be at the discretion of the Planning Inspector. It is important to note that written and oral representations carry exactly the same weight and will be given equal consideration in the examination process. You can tell us if and why you consider it necessary to participate at the hearing session.

Please be aware that representations cannot be treated as confidential. As well as being sent to the Secretary of State, copies of representations must be publicly available. The Council will provide names and associated representations on its website but will not publish personal information such as telephone numbers, e-mails or private addresses. Further information is contained within the Council's Privacy Notice available at:

<https://www.lewes-eastbourne.gov.uk/resources/assets/inline/full/0/272748.pdf>

Submitting representations

Representations can be made on-line via the Council's consultation portal at <https://www.lewes-eastbourne.gov.uk/consultations/consultation-on-lewes-district-local-plan-part-2/>

Alternatively, a representation form can be downloaded via website at <https://www.lewes-eastbourne.gov.uk/planning-policy/lewes-local-plan-part-2-site-allocations-and-development-management-policies/> This can be completed and sent by:

Email – ldf@lewes.gov.uk

Post – Planning Policy Team
Lewes District Council
Southover House
Southover Road
Lewes BN7 1AB

Guidance on completing the written representation form

1. It is important that a separate form is used for each representation you wish to make.
2. Each form should be completed fully, with your name and address on each.
3. Please use BLOCK CAPITALS and BLACK INK when completing the form.
4. You may submit the form yourself or on behalf of an organisation or company. Alternatively you may ask someone to do it for you if you need help, or you can appoint an agent. If an agent is appointed their full details should also be given and all future correspondence will be sent to this agent.
5. It is important that you clearly state which section of the document you are referring to, i.e. paragraph, section or policy number.
6. Your objection should be clearly based on the tests of soundness as explained in detail in this guide. Please clearly indicate which test of soundness you think is not being met.
7. If you are objecting, you should clearly state what changes you think should be made to make the Plan sound and legally compliant.
8. Please remember to sign and date the form.

For further information or assistance, please contact the Planning Policy Team on 01273 471600 or email ldf@lewes.gov.uk