

**Cherwell Local Plan 2011-2031 (Part 1)**  
**Partial Review – Oxford’s Unmet Housing Need**  
**Proposed Submission Plan**  
**July 2017**

**Guidance Notes for making Representations**

**Introduction**

These guidance notes have been designed to help anyone who wishes to make a formal representation on the Proposed Submission Documents for the Partial Review of the Cherwell Local Plan 2011-2031 (Part 1). Comments are invited on the documents from **Monday 17 July 2017 to 5pm on Tuesday 10 October 2017**.

Copies of the Representation Form can be downloaded at:  
[www.cherwell.gov.uk/planningpolicyconsultation](http://www.cherwell.gov.uk/planningpolicyconsultation)

This is an opportunity to make comments on the Partial Review of the Local Plan before it is submitted to the Secretary of State for examination by an independent Planning Inspector. All representations received will be submitted to the Planning Inspector with the Submission Local Plan.

The purpose of the examination is to consider whether the Local Plan is **legally and procedurally compliant** (e.g. whether it has been prepared in accordance with Government regulations) and is **sound**. Any representations received on the Local Plan should therefore address these matters. They are explained in more detail within this guidance, but, as a general rule:

- 1) If you are seeking to make representations on the way in which the Council has prepared the Local Plan, it is likely that your comments or objections will relate to a matter of **legal or procedural compliance**.
- 2) If it is the actual content of the Local Plan that you wish to make comment or object, it is likely that it will relate to **soundness**.

Your comments need to be made in writing (either by email or on paper) and received by Cherwell District Council by **5pm on Tuesday 10 October 2017**.

We cannot accept anonymous responses.

Respondents should also note that representations are not confidential and that they will be published on the Council’s website and made available for public inspection. They will also be sent to the Planning Inspector who is appointed to hold the Examination of the Plan when it is formally submitted to Government. For publication purposes, personal information, e.g. addresses, telephone numbers and email addresses, will be removed. Names and company information will, however, be shown.

**It is strongly recommended that you use the Representation Forms provided by the Council to make your representation to ensure that it relates to the issues of legal and procedural compliance or soundness.**

## How to Fill in the Representation Form

### Part A: Contact Information

You must complete all your contact details. This is used to identify who has made the comment(s), so it is important that you complete this fully.

The first column relates to representations from individuals. The second column should be completed if an agent is being used. The details of the individual or body being represented by the agent should be provided.

### Part B: The Representation

This is where you need to make your comments on legal and procedural compliance or soundness of the Local Plan. **It is important that you use a separate Part B sheet for each comment you want to make.** Please try to keep your comments clear and concise.

Please include your name/organisation at the top of each of the Part B forms that you use so that your comments are recorded correctly.

#### Question 1

Please state which Document your representation relates to. **If you wish to comment on more than one document and/or issue within a document, please complete a separate Part B sheet for each comment.**

#### Question 2

Please state which part of the document (Question 1) that your representation relates to. **If you wish to comment on more than one part of a document, please complete a separate Part B sheet for each comment.**

#### Question 3

Please select:

- whether you consider the Plan to be legally and procedurally compliant
- whether you consider the plan to be positively prepared
- whether you consider the plan to be justified
- whether you consider the plan to be effective
- whether you consider the plan to be consistent with national policy

These are matters that the Planning Inspector appointed to examine the Plan will consider in forming his/her recommendations.

Guidance on these matters is provided below.

- provide your comments and state whether they relate to legal / procedural compliance or soundness and your reasons for this.

## Guidance on Legal and Procedural Compliance and Duty to Cooperate

Once it has been submitted to Government, the appointed Planning Inspector will first check that the submitted Plan meets legal requirements - principally those of the Planning and Compulsory Purchase Act 2004 (the '2004 Act') and associated regulations. He/she will then consider the tests for soundness.

You should consider the following points before making a representation on legal and procedural compliance.

- The Local Plan should be within the current **Local Development Scheme** (LDS) and the key stages should have been followed. The LDS is effectively a programme of work prepared by the Council setting out the documents it proposes to produce over a set period. It sets out the key stages in the production of any documents the Council proposes to bring forward for independent examination. The LDS is available for inspection at the Council's offices at Bodicote House, Bodicote, OX15 4AA. It can also be viewed on the Council's website at: [www.cherwell.gov.uk/planningpolicyconsultation](http://www.cherwell.gov.uk/planningpolicyconsultation)

The process of community involvement for the Local Plan should be in general accordance with the Council's **Statement of Community Involvement** (SCI). The SCI is a document that sets out the Council's strategy for involving the community in the preparation and revision of documents for the Local Plan and the consideration of planning applications. The SCI is available for inspection at the Council's offices at Bodicote House, Bodicote, Banbury, OX15 4AA. It can also be viewed on the Council's website at:

[www.cherwell.gov.uk/planningpolicyconsultation](http://www.cherwell.gov.uk/planningpolicyconsultation)

- The Local Plan should comply with the Town and Country Planning (Local Planning) (England) Regulations 2012. On publication of the Proposed Submission Local Plan, the Council must publish the documents prescribed in the regulations, and make them available at its principal offices and on-line. The Council must notify consultation bodies (as set out in the regulations) and publish a statement making clear that the documents are available for inspection and of the places and times where and when they are available.
- The Council is required to prepare a Sustainability Appraisal when it prepares a 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 the process. A Sustainability Appraisal is a tool for appraising the sustainability of reasonable alternatives for the preparation of the Plan and the environmental, social and economic effects of the Plan's proposals. The Sustainability Appraisal is one of the Proposed Submission Documents made available for inspection. It is available for inspection at specific locations and on the Council's website at [www.cherwell.gov.uk/planningpolicyconsultation](http://www.cherwell.gov.uk/planningpolicyconsultation)
- The Council is required to fulfil the Duty to Cooperate in preparing the Local Plan as required by the Planning and Compulsory Purchase Act (inserted by Section 19 of the Localism Act 2011) and Regulation 4 of the Town and Country Planning (Local Planning) (England) Regulations 2012. This Duty requires local planning authorities to engage constructively,

actively and on an on-going basis with other local planning authorities and other prescribed bodies when it prepares local plans.

#### Guidance on the 'Tests' of Soundness

Soundness is explained fully in the National Planning Policy Framework (paragraph 182). The NPPF is available from the Government's website at:

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

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

To be 'sound', a Local Plan should be:

#### **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 the reasonable alternatives and be based on proportionate evidence.

#### **Effective**

The plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities.

#### **Consistent with national policy**

The plan should enable the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework (NPPF).

#### Question 4

Having regard to the above guidance, please state:

- the reasons you consider the Plan to be legally and/or procedurally flawed
- the reasons you consider the plan to be unsound

Or

- the reasons you support the plan and why you consider it either to be legally and/or procedurally compliant
- the reasons you support the plan and why you consider it to be 'sound'

Please try to be specific by cross referring to procedural requirements or one of the four 'tests' of soundness.

#### Question 5

If you consider the Plan to be legally or procedurally flawed or unsound, please explain what changes you think are required to make the Plan sound.

If you have particular wording in mind please be specific and provide text that you suggest should be inserted into the Plan.

If you think the Plan is not sound because it does not include a policy, please consider the following before making your comment:

- Is the issue with which you are concerned already covered specifically by any national planning policy? If so, it does not need to be included.
- Is the issue with which you are concerned already covered by any other policies in the proposed Plan or in the adopted Cherwell Local Plan 2011-2031. The adopted Local Plan is available on-line at [www.cherwell.gov.uk/planningpolicyconsultation](http://www.cherwell.gov.uk/planningpolicyconsultation) . If so there is no need for repetition
- If the policy is not covered elsewhere, in what way is the proposed Plan unsound without the policy?
- If the Local Plan is unsound without the policy, what should the policy say?

### **Questions 6 and 7 - The Examination**

Please indicate whether you wish to participate in the independent Examination. The Examination will include a series of Hearing sessions on matters which will be identified by the Inspector. The hearings will be chaired by the Inspector and will focus on the legal compliance and soundness of the Local Plan. All representations will be considered by the Inspector.

There is a right to appear and be heard during the Examination but that right is limited to those persons defined in section 20 (6) of the 2004 Act i.e. any person(s) that has/have made representations seeking a change to the plan. However, the Inspector is not precluded from inviting anyone to appear and be heard at a hearing session(s) where he or she thinks that person is needed to enable the soundness of the plan to be determined.

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 consultation stage.

### **General Advice**

- Representations are only valid if your name and address (or email address) are supplied. If agents are completing forms on behalf of clients, agents should state the full name or organisation that they are representing.
- It would be helpful if representations are clearly presented and concise, making cross-reference to paragraphs/policies/plans/tables in the proposed Plan where relevant
- It should be noted that after this stage of consultation, further submissions will only be accepted at the request of the Inspector.

### **Group Representations**

Where there are groups that share a common view on how they wish to see the Plan changed, it would be preferable for that group to send a single representation which represents that view,

rather than a large number of individuals sending in separate representations which repeat the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised. Supporting names, addresses and signatures can be provided.

### **What Happens Next?**

At the end of the consultation, the Council will consider the representations received and decide whether or not any changes are required to the Plan. If significant changes are not required, the Council may decide that the Plan should be submitted to the Secretary of State for Communities and Local Government for independent Examination.

A Planning Inspector will be appointed by the Secretary of State and he/she will identify the issues for debate. The Inspector will chair hearings on these issues.

An independent programme officer will be appointed and will be responsible for managing the arrangements of the Examination process, including all documents, organising the Inspector's site inspections and dealing with all correspondence. The Programme Officer reports to the Planning Inspector and will be the main point of contact during the EIP. The Council does not administer the Examination.

The right to appear and be heard during the Examination applies to those seeking a change to the plan at this 'Regulation 19' stage – the publication of the proposed Plan. It does not apply to those who have made a representation at a previous stage of Plan preparation.

### **Further Help**

If you require further assistance please contact the Planning Policy Team on 01295 227985.

We are holding a series of exhibitions during the consultation period, details of which are available on-line at [www.cherwell.gov.uk/planningpolicyconsultation](http://www.cherwell.gov.uk/planningpolicyconsultation)

### **Submitting Representations**

The Proposed Submission Documents available on-line at [www.cherwell.gov.uk/planningpolicyconsultation](http://www.cherwell.gov.uk/planningpolicyconsultation) or at the locations specified in the separate Statement of Representations Procedure. Any person may request a paper copy of a particular document but the Council may make a reasonable charge.

Representations should be emailed to [planningpolicyconsultation@cherwell-dc.gov.uk](mailto:planningpolicyconsultation@cherwell-dc.gov.uk)

Or posted to:

**Planning Policy Consultation**

**Planning Policy Team**

**Strategic Planning and the Economy**

**Cherwell District Council**

**Bodicote House**

**Bodicote**

**Banbury, OX15 4AA**

Please note that all representations will be made publicly available. Personal details (signatures, personal addresses and personal telephone numbers) will be hidden. We cannot accept anonymous responses.

You should receive a written acknowledgement. Email acknowledgements will be sent automatically by return.

Acknowledgements by post can be expected within five working days of your response being received.

If you do not receive a written acknowledgement, please contact the Planning Policy team on 01295 227985 to ensure that your comments have been received.

Representations may be accompanied by a request to be notified when:

- The document has been submitted for independent examination
- The Planning Inspector publishes his/her recommendations
- The document is adopted