

Rugby Borough Council
Local Plan Post Hearings Main Modifications Consultation

Consultation Guidance Notes

INTRODUCTION

A Schedule of Main Modifications to the Local Plan is being published in order for representations to be made. The Main Modifications to the plan are a combination of those put forward in the letter to Rugby Borough Council from the Inspector, received on the 16 May 2018, and those proposed by Rugby Borough Council. All representations relating to the Main Modifications will be taken into account by the Inspector as part of the examination process. The Planning and Compulsory Purchase Act 2004 (as amended) (PCPA) states that the purpose of the examination is to consider whether the Local Plan complies with the legal requirements, the duty to co-operate and is 'sound'.

This note provides guidance and recommendations about drafting a response to the Main Modifications, outlining the matters that may wish to be considered and addressed as part of that response. It is important to note that at this stage consultation is on the Main Modifications to the Plan and not the Plan as a whole, which has previously been consulted on. All representations made during the previous consultation event are with the Inspector.

The Duty to Co-operate requires that a local planning authority engages constructively, actively, and on an ongoing basis with relevant or prescribed bodies in order to maximise the effectiveness of development plan preparation and strategic matters. The PCPA establishes that non-compliance with the Duty to Co-operate cannot be rectified after the submission of the Plan. As the Plan has already been submitted and there was an opportunity to provide comments on this aspect in the Pre-Submission Regulation 19 consultation, representations on the Duty to Cooperate are not being sought in this consultation.

If you are seeking to make representations on the **way** in which Rugby Borough Council has prepared the submitted Main Modifications 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 it is likely it will relate to whether the Main Modifications are **justified, effective or consistent with national policy** and therefore **sound**.

LEGAL COMPLIANCE

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

- The plan in question should be included in 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 LPA, setting out the Local Development Documents (LDDs) 18 it proposes to produce. It will set out the key stages in the production of any plans which the LPA proposes to bring forward for independent examination. If the plan is not in the current LDS it should not have been published for representations. The LDS should be on the LPA's website and available at its main offices.
- The process of community involvement for this consultation should be in general accordance with the Council's Statement of Community Involvement. The Statement of

Community Involvement (SCI) is a document which sets out a Council's strategy for involving the community in the preparation and revision of Local Development Documents (including DPDs) and the consideration of planning applications.

- This Main Modifications consultation should comply with the Town and County Planning (Local Planning) (England) Regulations 2012. On Publication, the Council must publish the documents prescribed in the regulations, and make them available at their principal offices and their website. The Council must also place local advertisements and notify the consultation bodies (as set out in the regulations) and any persons who have requested to be notified.
- The Council is required to provide a Sustainability Appraisal Report when it publishes the Plan and update this when it published the Main Modifications. This should identify the process by which the Sustainability Appraisal has been carried out, and the baseline information used to inform the process and the outcomes of that process. Sustainability Appraisal is a tool for appraising policies to ensure they reflect social, environmental, and economic factors.

SOUNDNESS

Soundness is explained in paragraph 182 of the National Planning Policy Framework (NPPF). The Inspector has to be satisfied that the Plan including the Main Modifications are positively prepared, justified, effective and consistent with national policy.

Positively prepared

This means that the Main Modifications 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

This means that the Main Modifications should be founded on a robust and credible evidence base. The Main Modifications should also provide the most appropriate strategy when considered against reasonable alternatives. These alternatives should be realistic and subject to sustainability appraisal. The Main Modifications should show how the policies and proposals help to ensure that the social, environmental, economic and resource use objectives of sustainability will be achieved.

Effective

This means the Plan including the Main Modifications should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities. The Plan including the Main Modifications should also be flexible and able to be monitored with clear indication about who is to be responsible for making sure that the policies and proposals happen and when they will happen.

The Main Modifications should be flexible to deal with changing circumstances, which may involve minor changes to respond to the outcome of the monitoring process or more

significant changes to respond to problems such as lack of funding for major infrastructure proposals.

Consistent with National Policy

The Main Modifications should enable the delivery of sustainable development in accordance with the policies in the NPPF.

3.2. If you think the content of the Main Modifications is not sound because it does not include a policy where it should do, you should go through the following steps before making representations:

- Is the issue with which you are concerned already covered specifically by national planning policy (or the London Plan)? If so it does not need to be included?
- Is what you are concerned with covered by any other policies in the plan on which you are seeking to make representations or in any other plan?
- 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 should the policy say?

General Advice

If you wish to make a representation seeking a change to the Main Modifications you should make clear in what way it is inadequate having regard to legal compliance and the four requirements of soundness set out above. You should try to support your representation by evidence showing why the Main Modifications should be changed.

It will be helpful if you also say precisely how you think the Main Modifications should be changed. Representations should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change.

Where there are groups who share a common view on a Main Modification, it would be very helpful for that group to send a single representation which represents the view, rather than for a large number of individuals to send 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.

Please note that any representations received in response to this consultation will be passed on to the Planning Inspector and must be made available for public inspection and therefore your name and your representation will be viewable on our website and in hard copy form once the consultation has closed. This means we cannot treat any representations as confidential and as such you must provide a name and address along with your representation. If you do not provide your name and address then your representation will be considered anonymous and will not be accepted. Your address and email address will not be published. We also reserve the right to withhold from publication any comments or parts of comments not considered suitable for public view for reasons including offensive or personal content.

Next steps: Examination of the Plan

The Inspector will consider all of the representations made in response to this consultation. He will write up his report on the examination. Unless specifically requested by the Inspector, no further correspondence or representations should be submitted during this stage of the examination. The final report will be submitted to the LPA. Where this report concludes that the Plan including the Main Modifications is compliant with the TCPA the report will be taken to full Council who will decide on whether to adopt the Plan as Rugby Borough Council policy.

Guidance on the examination process is available at: <https://www.gov.uk/guidance/local-plans>