Proposed Submission
Affordable Housing Delivery Local Plan
Guidance Note for Respondents

Invitation to make representation under Regulation 19 of the Town & Country Planning (Local Planning) (England) Regulations 2012

Guidance note to accompany the Representation Form for the above invitation to make representations

Before making your representation on our proposed Affordable Housing Delivery Local Plan, we would encourage you to read the following guidance, as it will explain where you can view the documents, how you can make representations and the type of comments which can be considered.

If you, or somebody you know, would like the information contained in this document in large print, Braille, audio tape/ CD or in another language please contact Wealden District Council on 01323 443322 or info@wealden.gov.uk.

The period for making representations runs from **Monday 1st December 2014 to 5 p.m. on Monday 12th January 2015**, after which representations will not be accepted.

Introduction

Wealden District Council's Proposed Submission Affordable Housing Delivery Local Plan is published under Regulation 19[1] so that representations can be made prior to its submission to the Secretary of State earlier this year. All representations received will be considered alongside the submitted document, which will be examined by an independent Planning Inspector.

Representations can be made in writing, using the representation forms provided by the Council, or via our online consultation system.

Purpose of Examination

The Planning Inspector is required[2], at examination, to consider whether the Affordable Housing Delivery Local Plan complies with certain legal requirements and is 'sound'. Those who wish to make a representation are asked to clarify whether the issue raised relates to either legal compliance or soundness.

- If you are seeking to make representations on the **way** in which Wealden District Council has prepared the Affordable Housing Delivery Local 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 the soundness of the Affordable Housing Delivery Local Plan in terms of it being **justified, effective or consistent with national policy**.

[1] The Town and Country Planning (Local Development) (England) Regulations 2012
[2] Under the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011

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Legal Compliance

If you are making a representation about how the Local Plan was prepared in relation to the 'Duty to Cooperate', or legal and procedural requirements, this would mean that your concern is whether the Local Plan is legally compliant. You should consider the following before making a representation on legal compliance:

- The Affordable Housing Delivery 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 Wealden District Council setting out the Development Documents the Council proposes to produce up until 2030. It sets out the key stages in the production of any Local Plan which the Council proposes to bring forward for independent examination. The LDS is available on the Council's website.

- The process of community involvement carried out in preparation of the Affordable Housing Delivery Local Plan should be in general accordance with Wealden District Council's Statement of Community Involvement (SCI) which is available on the website. The SCI is a document which sets out how the Council will involve the community in the preparation and revision of Local Plans and in the consideration of planning applications.

- The Affordable Housing Delivery Local Plan should comply with the Regulations (i.e. the Town and Country Planning (Local Development) (England) Regulations 2012) see http://www.legislation.gov.uk/uksi/2012/767/contents/made.

- On publication of the Regulation 19 Document (the Proposed Submission Affordable Housing Delivery), the Council must then publish the documents prescribed in the Regulations, and make them available at their principal offices and on their website. The Council must also notify all of the various Consultation bodies (these are 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 Affordable Housing Delivery Local Plan. The Sustainability Appraisal is a tool for appraising policies to ensure they reflect social, environmental and economic factors and objectives. This should identify the process by which the Sustainability Appraisal of the Affordable Housing Delivery Local Plan has been carried out, the baseline information used to inform the process and the outcomes of that process.

- The Affordable Housing Delivery Local Plan must also have regard to the Sustainable Community Strategy (SCS) for Wealden District. The SCS was prepared by the Local Strategic Partnership which is representative of a range of interests in Wealden. The Affordable Housing Delivery Local Plan is a key delivery mechanism for the vision and principles in the SCS and these principles have informed the preparation of the Affordable Housing Delivery Local Plan. The SCS can be viewed at http://www.wealdencommunitystrategy.co.uk/.

- The Duty to Cooperate is a requirement introduced by the Localism Act in November 2011. Its purpose is to ensure that Local Plans consider issues that cross the boundaries of an individual authority to affect others, and to consider issues that are of

concern to agencies who have wider geographical responsibility. A statement has been prepared to explain how the Council considers that these strategic issues have been addressed, the involvement of neighbor local authorities and relevant agencies, and how the new duty has been fulfilled.

If you consider that the Affordable Housing Delivery Local Plan is not legally compliant, your representation should make clear the precise reasons why in relation to the legal and procedural requirements set out above.

Soundness

The Council considers that the Local Plan it intends to submit for examination is sound. The Inspector has to be satisfied that the Local Plan is positively prepared, justified, effective and consistent with national policy. If you do not think that the content of the Affordable Housing Delivery Local Plan is 'positively prepared', 'justified', 'effective' and 'consistent with national policy', then the concern is with the 'soundness' of the Local Plan.

1) Positively prepared

This means that the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighboring authorities where it is reasonable to do so and consistent with achieving sustainable development

2) Justified

To be justified the Affordable Housing Delivery Local Plan should be founded on a robust and credible evidence base involving:

- Evidence of participation of the local community and others having a stake in the area; and
- Research/ fact finding: to show that the choices made in the plan are backed up by facts.

The Affordable Housing Delivery Local Plan should also provide the most appropriate strategy when considered against reasonable alternatives. These alternatives should be realistic and the subject of sustainability appraisal. The Local Plan should show how the policies and proposals help to ensure that the social, environmental, economic and resource objectives of sustainability will be achieved.

3) Effective

To be effective the Affordable Housing Delivery Local Plan should be deliverable, embracing:

- Sound infrastructure delivery planning;
- Having no regulatory or national planning barriers to delivery;
- Delivery partners who are signed up to it; and
- Coherence with the strategies of neighbouring authorities.

The Affordable Housing Delivery Local Plan should also be flexible and able to be monitored. The Local Plan should indicate who is to be responsible for making sure that the policies and proposals will happen and when they will happen.

The plan should be flexible enough 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. Although it is important that policies are flexible, the Affordable Housing Delivery Local Plan should make clear that major changes may require a formal review of the Affordable Housing Delivery Local Plan or parts of it including through public consultation.

Any measures which the Council has included to make sure that targets are met should be clearly linked to their Annual Monitoring Report. This report must be produced each year by all Local Authorities and will help to identify whether the Local Plan needs amendment.

4) Consistent with national policy

The Affordable Housing Delivery Local Plan should be consistent with the National Planning Policy Framework (NPPF). Where there is a departure, the Council must provide clear and convincing reasoning to justify the approach. Conversely, you may feel the Council should include a policy or policies, which would depart from the NPPF to some degree, in order to meet a clearly identified and fully justified local need, but where they have not done so. In this instance it will be important for you to say in your representations what the local circumstances are, that justify a different policy approach to that set down in the NPPF and support your assertion with evidence.

Making your representation

If you think the content of the Affordable Housing Delivery Local Plan is not sound because it does not include a policy where it should do, you should consider the following questions before making representations:

- 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 what you are concerned with covered by any other policies in the Affordable Housing Delivery Local Plan or by the already adopted Core Strategy Local Plan, or will it be covered by any other Local Plan to be prepared later by the Council. There is no need for repetition between documents;
- If the policy is not covered elsewhere, in what way is the Local Plan unsound without the policy?
- If the Local Plan is unsound without the policy, what do you consider the policy should say?

If you wish to make a representation seeking a change to the Affordable Housing Delivery Local Plan or part of the Affordable Housing Delivery Local Plan you should make clear in what way the Affordable Housing Delivery Local Plan or part of the Affordable Housing Delivery Local Plan is not sound having regard to the legal compliance check and three tests set out and explained above. You should try to support your representation with evidence showing why the Affordable Housing Delivery Local Plan should be changed. It will be helpful if you also say precisely how you think the Affordable Housing Delivery Local Plan should be changed. Representations should succinctly cover all the information, evidence and supporting information necessary to support/

justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further submissions based upon the original representation made at publication. After this stage, further submissions will only be sought at the request of the Inspector, based on the matters and issues that 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 Affordable Housing Delivery Local 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.

Where there are a number of individual groups who share a common view on how they wish to see a Local Plan changed, it would be very helpful for them to work together and to send a single representation which represents the agreed 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. A single point of contact should also be included in the representation.

Further detailed guidance on the preparation, publication and examination of Local Plans is provided online in the CLG Plan Making Manual at: http://www.pas.gov.uk/40-clg-plan-making-manual.

Confidentiality and the Data Protection Act 1998 and Freedom of Information Act 2000

Representations cannot be treated in confidence. Regulations 22 and 35 of the Town and Country Planning (Local Development) (England) Regulations 2012 require copies of representations to be made publicly available. The Council will also provide names and associated representations on its website but will not publish personal information such as telephone numbers, e-mails or private addresses. By submitting a representation on the Proposed Submission Affordable Housing Delivery Local Plan or any associated documents you confirm that you agree to this and accept responsibility for your comments.

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: for example, 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 in Question 4 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 Affordable Housing Delivery Local Plan sound and legally compliant.
8. Please remember to sign and date the form.

Please return completed forms to:

Planning Policy, Wealden District Council, Vicarage Lane, Hailsham, BN27 2AX. Or by email to ldf@wealden.gov.uk

Guidance on completing the online representation form

You can make your representations online at http://wealden.objective.co.uk/portal/. To make representations in this way you will need to register your details and/or log in[3]. You will then be able to make comments on each paragraph, policy and the vision contained within the document.

Further assistance

Should you require any further information or assistance, please contact the Planning Policy Team by telephone on 01892 602007 or by e-mail at ldf@wealden.gov.uk.

[3] If you have been involved in the consultation and preparation of our Core Strategy Local Plan, adopted February 2013 or Strategic Sites Local Plan consultation, you will already be registered on our Objective database, enabling you to respond online without registering again. If you have forgotten your password or username, please contact the Planning Policy team for assistance.