West Northamptonshire Council

Guidance Note to accompany West Northamptonshire Council's consultation on Regulation 19 Pre-Submission West Northamptonshire Local Plan - 2043

Introduction

The plan has been published by the Local Planning Authority (LPA) in order for representations to be made on it before it is submitted for examination by a Planning Inspector. The Planning and Compulsory Purchase Act 2004, as amended (PCPA) states that purpose of the examination is to consider whether the plan complies with the relevant legal requirements and is sound. The Inspector will consider all representations on the plan that are made within the period set by the LPA.

This consultation provides an opportunity to comment on whether you consider the Local Plan is legally compliant and sound. It also provides the opportunity to propose modifications considered necessary in order for the plan to be made sound.

To ensure it is an effective and fair examination, it is important that the Inspector and all other participants in the examination process are able to know who has made representations on the plan. Anonymous representations will not be accepted, your full name and address must be provided. All representations will be made publicly available and shared with the Planning Inspectorate and to the person appointed by the Secretary of State to conduct the examination of the Local Plan.

Legal Compliance

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

- The plan should be included in the LPA's current Local Development Scheme (LDS) and the key stages set out in the LDS should have been followed. The LDS is effectively a programme of work prepared by the LPA, setting out the plans 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 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 the plan in question should be in general accordance with the LPA's Statement of Community Involvement (SCI). The SCI sets out the LPA's strategy for involving the community in the preparation and revision of plans and the consideration of planning applications.

- The LPA is required to provide a Sustainability Appraisal (SA) report when it publishes a plan. This should identify the process by which SA has been carried out, and the baseline information used to inform the process and the outcomes of that process. SA is a tool for assessing the extent to which the plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives.

- The plan should comply with all other relevant requirements of the Planning, and Compulsory Purchase Act (PCPA 2004), and the Town and Country Planning (Local Planning) (England) Regulations 2012, as amended (the Regulations).

Soundness

The tests of soundness are set out in paragraph 36 of the National Planning Policy Framework (2024). Plans are sound if they are:

- **Positively prepared** – providing a strategy which, as a minimum seeks to meet the area's objectively assessed needs, and is informed by agreements with other authorities, so that unmet need from neighbouring authorities is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- **Effective** - deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- **Consistent** with national policy – enabling the delivery of sustainable development in accordance with the policies in the NPPF.

If you think the content of the plan is not sound because it does not include a policy on a particular issue, 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?
- Is the issue with which you are concerned already covered by another policy in this 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 and why?

General advice

If you wish to make a representation seeking a modification to the Plan or part of the Plan you should set out clearly in what way you consider the Plan, or part of the Plan is legally non-compliant or unsound, having regard as appropriate to the soundness criteria above. Your representation should be supported by evidence wherever possible. It will be helpful if you also say precisely how you think the plan should be modified.

You should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification. You should not assume that you will have a further opportunity to make submissions. Any further submissions after the plan has been submitted for examination may only be made if invited by the Inspector, based on the matters and issues they identify.

Where groups or individuals share a common view on the Plan, it would be very helpful if they would make a single representation which represents that view, rather a large number of separate representations repeating the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised.

Please consider carefully how you would like your representation to be dealt with in the examination: whether you are content to rely on your written representation, or whether you wish to take part in hearing session(s). Only representors who are seeking a change to the Plan have a right to be heard at the hearing session(s), if they so request. In considering this, please note that written and oral representations carry the same weight and will be given equal consideration in the examination process.