

## Guidance Notes for Proposed Submission Stage Representations

### 1 Introduction

- 1.1 The Southend Central Area Action Plan (SCAAP) is published in order for representations to be made prior to submission. The representations will be considered alongside the submission version of the SCAAP, which will be independently examined by a Planning Inspector. The Planning Inspector will consider whether the SCAAP complies with the legal requirements and is 'sound':
- If you are seeking to make representations on the **way** in which Southend Borough Council has prepared the published SCAAP, it is likely that your comment or objection will relate to a matter of legal **compliance**. (See section 2)
  - If it is the **actual content** on which you wish to make a comment and/or support or object, it is likely that it will relate to whether the SCAAP is **positively prepared, justified, effective or consistent with national policy, i.e. sound**. (See section 3)
- 1.2 Please note that all respondents must complete their personal details as it is not possible for representations to be considered anonymously by an independent Planning Inspector. The Council will publish the names of respondents to this consultation along with the representations they have made, but will not publish personal information such as telephone numbers, email addresses, or postal addresses. By submitting representations on the SCAAP you will be confirming that you agree to this.

### 2 Legal Compliance

- 2.1 The Inspector will first check that the SCAAP meets the legal requirements under section 20(5)(a) of the Compulsory Purchase Act 2004<sup>1</sup> before moving on to test it for soundness.
- 2.2 You should consider the following before making a representation on legal compliance:
- The SCAAP should be detailed within the current Local Development Scheme (LDS) and the key stages of preparation should have been followed. The LDS is effectively a programme of work or timetable prepared by the Council, setting out the Local Development Documents it proposes to produce over a 3 year period. It will set out the key stages in the production of any Development Plan Document<sup>2</sup> (DPD) which the Council, as Local Planning Authority, propose to bring forward for independent examination. If the SCAAP is not shown in the current LDS timetable it should not have been published for consultation. The

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<sup>1</sup> <http://www.legislation.gov.uk/ukpga/2004/5/contents>

<sup>2</sup> The Southend Central Area Action Plan is a 'Development Plan Document' as defined by The Planning and Compulsory Purchase Act 2004.

LDS is available on the Council's website and at the main Council offices (Civic Centre) in Southend.

- The process of community involvement for the SCAAP should be in general accordance with the Council's Statement of Community Involvement. The Statement of Community Involvement is a document which sets out the Council's strategy for engaging with the community, business and other interested parties in the preparation of planning policy documents and the consideration of planning applications.
- The SCAAP should comply with the Town and Country Planning (Local Planning) (England) Regulations 2012<sup>3</sup>. On publication, the Council must publish the documents prescribed in the Regulations, and make them available at their principal office (the Civic Centre) and on the Council website.
- The Council is required to make available a Sustainability Appraisal Report (SA) when they publish the SCAAP. Sustainability Appraisal is a tool for appraising policies to ensure they reflect social, environmental, and economic factors.
- The Localism Act and the National Planning Policy Framework (NPPF) place a duty on local planning authorities and other bodies to cooperate with each other to address strategic planning issues relevant to their areas. The duty requires ongoing constructive and active engagement on the preparation of DPDs, including the SCAAP, and other activities relating to the sustainable development and use of land, in particular in connection with strategic infrastructure.

### **3 Soundness**

#### **3.1 To be sound the SCAAP should be:**

- Positively prepared

The plan should be prepared based on a strategy which seeks to meet objectively assessed development needs as well as 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, based on proportionate evidence.

- Effective

The plan should be deliverable and based on effective joint working on cross-boundary strategic priorities. The SCAAP should also be flexible and able to be monitored.

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<sup>3</sup> <http://www.legislation.gov.uk/uksi/2012/767/contents/made>

- Consistent with national policy

The SCAAP should be consistent with national policy. Where there is a departure, Local Planning Authorities (LPAs) must provide clear and convincing reasoning to justify their approach. Conversely, you may feel the LPA should include a policy or policies which would depart from national or regional policy to some degree in order to meet a clearly identified and fully justified local need, but 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 which has been prescribed in national or regional policy, and support your assertion with evidence.

3.2 If you think the content of the SCAAP is not sound because it does not include a policy or proposal where it should do, you may wish to consider the following steps before making representations:

- Is your concern already covered specifically by any national planning policy? If so, it does not need to be repeated in local planning policy.
- Is your concern covered by any other policies in the SCAAP, or in any other DPD in the Local Policy Framework, particularly the adopted Core Strategy (2007) and Development Management Document (2015)? There is no need to repeat planning policy covered by other planning policy documents.
- Is your concern adequately covered by planning guidance as set out by a Supplementary Planning Document, particularly the Design and Townscape Guide (2009)? Or do you believe a planning policy is necessary?
- If the policy is not covered elsewhere, in what way is the DPD unsound without the policy?
- If the DPD is unsound without the policy, what should the policy say, and what evidence is there to support it?

## 4 General advice

4.1 If you wish to make a representation seeking a change to the SCAAP or part of the SCAAP you should make clear in what way the SCAAP or part of the SCAAP is not sound, having regard to the legal compliance check and the tests set out above. You should try to support your representation with evidence showing why the SCAAP should be changed.

4.2 It will be helpful if you also outline precisely how you think the SCAAP should be changed. Representations should cover succinctly 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 on the original representation made at publication stage. After this stage, further submissions will only be possible at the request of the Planning Inspector, based on the matters and issues he/she identifies for examination.

- 4.3 Where there are groups who share a common view on how they wish to see the SCAAP changed, 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 separate representations which repeat the same points. In such cases the group should indicate how many people it is representing, their names, and how the representation has been authorised or agreed.
- 4.4 Further guidance on the preparation, publication and examination of DPDs, including the SCAAP, is provided in the National Planning Policy Framework<sup>4</sup>.

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<sup>4</sup> View at <http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>