

West Berkshire Council

West Berkshire Local Plan Review 2022-2039 Proposed Submission (Jan 2023)

Guidance Note for Making Representations

1. Purpose of the consultation:

The Proposed Submission West Berkshire Local Plan Review (LPR) has been published by West Berkshire Council in order for representations to be made on it before it is submitted for examination by a Planning Inspector. The purpose of the examination is to consider whether the LPR complies with the relevant legal requirements, including the duty to co-operate, and is sound.

The consultation will take place between **Friday 20 January 2023 and 4:30pm Friday 3 March 2023.**

2. The Proposed Submission Documents

The Proposed Submission LPR and links to all the supporting information and evidence base can be viewed online at the Council's website: <https://www.westberks.gov.uk/lpr-proposed-submission-consultation>

A paper copy of the Proposed Submission documents is available for inspection at the West Berkshire Council offices, Market Street, Newbury, RG14 5LD (8:30am – 5:00pm Monday to Thursday and 8:30am – 4:30pm on Fridays)

3. How to respond

Responses to the consultation can be made:

- **Online** using the Council's Local Plan Consultation Portal: <http://consult.westberks.gov.uk/kse>. This is the easiest and most efficient way to submit your representations. You will need to be registered; please click on the 'Login/Register' button to log in or register your details. Additional guidance will be available on the Consultation Portal.
- **By email or post:** Representations can be submitted by completing the representation form available to download from <https://www.westberks.gov.uk/lpr-proposed-submission-consultation>. Please complete a separate representation for each part of the LPR on which you wish to comment. Representations should be sent to planningpolicy@westberks.gov.uk or the Planning Policy Team, Development and Regulation, West Berkshire Council, Market Street, Newbury, RG14 5LD.

Each representation, including any comments on the supporting information or evidence base, should relate to an individual policy or section of the LPR.

Part A of the representation form 'Your Details' must be completed for the representation to be registered.

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

It should be noted that representations made to the LPR Regulation 18 consultation have already been taken into account in the production of the Proposed Submission LPR and a summary of the comments made will be submitted to the Inspector.

The consultation period starts on **20 January 2023** and in accordance with government regulations, closes at 4:30pm on **3 March 2023**. The Council is unable to accept responses made after this period. Only representations received within this period have a statutory right to be considered by the Inspector at the subsequent examination.

Matters to be considered before making representations

4. Legal Compliance and Soundness

In commenting on the Proposed Submission LPR, you are asked to make representations on whether the Plan is (a) **legally compliant** and (b) **sound**. Following the submission of the LPR, an Inspector will undertake an examination to consider whether it meets these tests.

(a) Legal compliance:

Legal compliance is judged against the requirements of Sections 19 and 20 of the Planning and Compulsory Purchase Act 2004 (as amended)¹, including compliance with the Council's Local Development Scheme², Statement of Community Involvement³ and the Town and Country Planning (Local Planning) (England) Regulations) 2012⁴.

In addition, the Planning and Compulsory Purchase Act 2004 requires a Sustainability Appraisal (SA) and a Strategic Environmental Assessment (SEA) to be carried out, this can be done in a single appraisal process. The objective of the SA is to promote sustainable development through the integration of social, environmental and economic considerations in the preparation of the LPR.

European legislation and government regulations mean that a Habitats Regulations Assessment (HRA) needs to be carried out for the LPR, in order to protect the integrity of internationally important nature conservation sites. The HRA assesses the likely impacts of the policies of the LPR and possible 'in combination' effects with other policies and proposals.

Under Section 33A of the Planning and Compulsory Purchase Act the Council also has a Duty to Cooperate with other local planning authorities and other prescribed bodies when preparing the LPR in order to address strategic planning issues relevant to their areas. Failure to satisfy this Duty will mean that plans cannot be adopted as an Inspector cannot remedy this through the examination process. The examination also assesses how effective cooperation has been as one of the tests of soundness.

All supporting documents can be viewed at <https://westberks.gov.uk/local-plan-evidence>.

(b) Soundness:

¹ Planning and Compulsory Purchase Act 2014 (as amended): <http://www.legislation.gov.uk/ukpga/2004/5/contents>

² Local Development Framework: www.westberks.gov.uk/lds

³ West Berkshire Council Statement of Community Involvement (2014): <https://westberks.gov.uk/statement-community-involvement>

⁴ Town and Country Planning (Local Planning) (England) Regulations) 2012: <http://www.legislation.gov.uk/uksi/2012/767/introduction/made>

The soundness of the LPR should be assessed against the following criteria from paragraph 35 of the National Planning Policy Framework⁵:

(a) 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 areas is accommodated where it is practical to do so and is consistent with achieving sustainability development.

(b) Justified: an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;

(c) 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

(d) Consistent with national policy: enabling the delivery of sustainable development in accordance with the policies in this Framework.

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?

5. General Advice

If you wish to make a representation seeking a modification to the LPR 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 in section 4(b) above. Your representation should be supported by evidence wherever possible. It will be helpful if you also say precisely how you think the LPR 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 identifies.

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.

6. Confidentiality

⁵ National Planning Policy Framework (NPPF): <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

All submitted representations will be made publically available, including on the Council's website, with the person/organisation making the representation being identified. A copy of all submitted representations will also be made available to the Planning Inspectorate and the person appointed by the Secretary of State to conduct the examination.

To ensure 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 LPR. The Council therefore cannot accept anonymous representations – you must provide us with your name and contact details. Address details will not be made publically available. All personal data will be handled in line with the Council's Privacy Policy on the Development Plan. You can view the Council's privacy notices at <http://info.westberks.gov.uk/privacynotices>.

The Council will also need to make sure that the names and full addresses of those making representations can be made available and taken into account by the Inspector. By submitting a representation, you confirm that you agree to this and accept responsibility for your comments. The Planning Inspectorate's privacy statement for local plan examinations is available at <https://www.gov.uk/guidance/local-plans#plans-privacy-statement>

7. What happens next?

Following the end of the consultation period, the Council will summarise the main issues raised and submit the LPR, accompanying evidence and all submitted representations to the Secretary of State, who will appoint an Inspector to undertake an independent examination. The Inspector will assess whether the LPR meets the relevant legal requirements, complies with the Duty to Cooperate, and is sound. This submission is anticipated to take place in March 2023 with the examination hearings anticipated to take place later in 2023. Anyone stating in their response that they wish to participate in the examination will be notified of the arrangements. Participation at the examination is at the Inspector's invitation only.

The representation form also allows you to indicate if you wish to be kept informed of the submission of the LPR for independent examination, the publication of the Inspector's recommendations and/or the adoption of the LPR.

8. Contact information

If you require any further information on any aspect of the LPR, or wish to submit comments by email or post, please use the following contact details:

Telephone: 01635 519 111
Email: planningpolicy@westberks.gov.uk

Post: Planning Policy Team
Development and Regulation
West Berkshire Council
Council Offices
Market Street
Newbury
RG14 5LD

Website: <https://westberks.gov.uk/planning-policy>