

North Norfolk Local Plan Proposed Submission Version (Regulation 19 Publication Stage)



Representations Form Guidance Note January 2022

This Guidance Note has been prepared to assist you in responding to the **Proposed Submission Version Local Plan**.

- The note is based upon the model Guidance Note prepared by the Planning Inspectorate around Local Plans and examination: [Model representation letter for local plans - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/model-representation-letter-for-local-plans)
- All representations must be received by **Monday 7 March 2022**. Only representations received within the consultation period have a statutory right to be considered by the Inspector at the future Local Plan Examination.
- Please read our [Data Protection & Privacy](#) before submitting a response.
- The Local Plan, all supporting documents, and further help can be found at: www.north-norfolk.gov.uk/localplanconsultation

Introduction

Before a Council can adopt a Local Plan it must first publish a final draft version and invite representations (comments) on it. The Plan must then be submitted to the Secretary of State with supporting documents and all representations received on the final draft.

The Secretary of State will appoint an independent Planning Inspector to conduct an Examination in Public¹. The Inspector's role is to consider whether the Plan is '**sound**' and '**legally compliant**' (including the [Duty to Cooperate](#)). In doing this they will consider any representations received on the final draft and hold a public hearing where the main matters and issues raised in the representations can be discussed in person.

Following the examination the Inspector will publish a report setting out whether the Plan is **Sound** or **Unsound**. If found to be sound, the Council can adopt the Plan. Once adopted the Plan will replace the existing suite of documents that make up the current North Norfolk Development Plan.

The scope of the examination is set by The *Planning and Compulsory Purchase Act 2004 (PCPA)* which states that the purpose of the examination is to consider whether the Plan complies with the relevant **legal requirements, including the Duty to Cooperate, and is sound**. The Planning Inspector will consider all representations made within the Consultation period which runs until midnight **on Monday 7 March 2022**.

¹ See: <https://www.gov.uk/guidance/plan-making#plan-examinations>

Soundness

The tests of soundness are set out in paragraph 35 of the [National Planning Policy Framework](#) (NPPF). Plans are sound if they are:

- a. **Positively prepared** - providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs²¹; 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 sustainable 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 the Framework and other statements of national planning policy, where relevant.

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:

1. Is the issue with which you are concerned already covered specifically by national planning policy?
2. Is the issue with which you are concerned already covered by another policy in this Plan?
3. If the policy is not covered elsewhere, in what way is the Plan unsound without the policy?
4. If the Plan is unsound without the policy, what should the policy say?

Legal Compliance & Duty to Cooperate

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

- a. The Plan should be included in the current Local Development Scheme (LDS) and the key stages should have been followed. The LDS is a programme of work prepared by the Local Planning Authority for the Preparation of the Local Development Plan and other key documents. The current LDS was adopted in March 2020 and a further updated scheme timeline published in December 2021 is available at: www.north-norfolk.gov.uk/lds
- b. The process of community involvement for the Plan in question should be in general accordance with the Council's Statement of Community Involvement (SCI). The SCI sets out the Council's strategy for involving the community in the preparation and revision of plans and the consideration of planning applications. The Council's SCI can be found at: www.north-norfolk.gov.uk/sci
- c. The Council 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,

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 Sustainability Appraisal can be viewed at: www.norfolk.gov.uk/localplanconsultation. The Plan should also comply with all other relevant requirements of the PCPA and the *Town and Country Planning (Local Planning) (England) Regulations 2012*, as amended.

The following matters should be considered before making a representation on compliance with the Duty to Cooperate:

- Section 33A of the Planning & Compulsory Purchase Act requires the Council to engage constructively, actively, and on an ongoing basis with neighbouring authorities and certain other bodies over strategic matters during the preparation of the Plan.
- The Council is expected to provide evidence of how they have complied with the Duty. Non-compliance with the Duty to Cooperate cannot be rectified after the submission of the Plan. Therefore, the Inspector has no power to recommend modifications in this regard.
- Where the Duty has not been complied with, the Inspector cannot recommend adoption of the Plan.
- The Council is a member of the Norfolk Strategic Planning Member Forum which oversees the production of the Norfolk Strategic Planning Framework document on behalf of all local planning authorities in Norfolk and provides the structure for working together and addressing strategic and cross boundary matters through the Duty to Cooperate.

More information and a copy of the Norfolk Strategic Framework document can be obtained at: www.norfolk.gov.uk/nsf

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 tests 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 he or she identifies.

Group Submissions

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(s), 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, 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.

Data Protection & Privacy

Personal data processed by the Council through the submission of representations is necessary to perform a task in the public interest and has a clear basis in law.

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 Plan. Therefore, any representations you submit will be treated as public.

We cannot accept anonymous representations; you must provide us with your name and contact details. The Council will publish names, organisations and the content of representations on its website. Other personal information including email and property address details will not be published or made available for public inspection. However, all representations including all submitted personal information will be provided to the Local Plan Examination Programme Officer (potentially an external contractor), the Planning Inspectorate, and the person appointed by the Secretary of State to conduct the examination.

Representations are submitted on the basis that you consent to the use of your data including for the purpose of keeping you informed of Local Plan progress. Your contact details will be held on the Local Plan Consultation Database. Relevant notifications will be sent to you at appropriate stages. Following completion of the Local Plan process, we will invite you to remain or to remove your details from the Database.

The Planning Inspectorate have published a Privacy Statement on how they manage personal information which can be accessed through the published procedural guide for Local Plan examinations, available at:

<https://www.gov.uk/government/publications/examining-local-plans-procedural-practice>

For more information on how North Norfolk District Council processes your data please see our [Data Protection](#) and [Privacy Policies](#).