

## GUIDANCE NOTES ON COMPLETING PART B OF THE REPRESENTATION FORM



Northampton Borough Council has published the Northampton Borough Local Plan (Part 2) Submission Draft for consultation before it is submitted for examination<sup>1</sup> by an independent Planning Inspector. Any comments received will be considered by the Northampton Borough Council and the Inspector.

In these notes we explain the criteria that the inspector will use and that you should also use when commenting on the plan.

The planning inspector will consider whether the document:

- complies with the Legal Requirements;
- is Sound; and
- complies with the Duty to Co-operate.

### LEGAL REQUIREMENTS

- To comply with the legal requirements, the Proposed Draft Submission must:
- be identified in the Local Development Scheme<sup>2</sup>;
- have involved the community as set out in the Council's Statement of Community Involvement<sup>3</sup>;
- be published in line with the procedure for publishing a policy document, as set out in the regulations<sup>4</sup>;
- have involved the production of a Sustainability Appraisal Report<sup>5</sup>.

### Sound

To be sound<sup>6</sup> the Proposed Submission Draft must be:

#### **a. positively prepared**

i.e. 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 sustainable development;

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<sup>1</sup> In accordance with the Planning and Compulsory Purchase Act 2004 (as amended).

<sup>2</sup> A programme of work, setting out the documents the Council proposes to produce.

<sup>3</sup> A document that sets out a strategy for involving the community in preparing policy documents.

<sup>4</sup> This includes publication of appropriate supporting documents by making them available at the Council's offices at The Guildhall, Northampton and publication on the Council's website. In addition the Council must notify particular organisations and any persons who have requested to be notified

<sup>5</sup> A tool for appraising policies to ensure they reflect social, environmental and economic factors.

<sup>6</sup> Soundness is explained fully in the NPPF at paragraph 35

**b.justified**

i.e. it is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;

**c.effective**

i.e. the Plan should be deliverable over its 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**

i.e. enabling the delivery of sustainable development in accordance with the policies of the NPPF.

**DUTY TO CO-OPERATE**

The Inspector will check that the Proposed Submission Draft meets the duty to co-operate as set out in the Act<sup>7</sup>. The Act states that non-compliance with the duty to co-operate 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 has no choice but to recommend non-adoption of the Plan.

**GENERAL ADVICE**

If you are seeking a change to the document, please check that you have:

- made it clear in what way the document is unsound in regard to the legal requirements and tests of soundness set out above;
- stated precisely how you think the document should be changed;
- supported your comment with evidence showing why the document should be changed; and
- provided all the evidence and supporting information necessary to support or justify your comment and the suggested change, as there will not normally be a later opportunity to comment further.

If you are part of a group who share a common view on how the document should be changed, it would be very helpful for that group to send a single response that represents the view, rather than for many individuals to send in separate comments that repeat the same points. In such cases the group should state how many people it represents and how it has been authorised to do so.

Further detailed guidance on the preparation, publication and examination of Local Plans is provided in in the National Planning Policy Framework and National Planning Policy Guidance.

**USEFUL LINKS**

The Planning and Compulsory Purchase Act 2004:

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

The Town and Country Planning (Local Planning) (England) Regulations 2012:

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

Local Development Scheme; Statement of Community Involvement; Sustainability Appraisal; Annual Monitoring Report:

[https://www.northampton.gov.uk/info/200205/planning\\_for\\_the\\_future/1746/](https://www.northampton.gov.uk/info/200205/planning_for_the_future/1746/)

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<sup>7</sup> As set out at Section 20(5)(c) and Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended)

National Planning Policy Framework:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf) (see particularly section on Plan Making: paragraphs 150-182)

**CONTACT**

If you would like further advice, please contact the Planning Policy team at:  
planningpolicy@northampton.gov.uk.