



Northampton Central Area Action Plan

Pre-Submission Development Plan Document

Representation Form and Guidance Notes for Respondents

Publication Period:

Thursday 4 November – Thursday 16 December 2010

Office Use Only
Date received:
Rep ID:
Consultee ID:
Agent ID:

Northampton Central Area Action Plan Pre-Submission (November 2010) Representation Form

Please read the 'Guidance note for Respondents' (at the end of this form) before completing this form.

Please return to Northampton Borough Council by **Thursday 16 December 2010**. This form can be completed online using our web based consultation portal at <http://consult.northampton.gov.uk> where you can also print or save a copy for your own records.

Alternatively, you can send completed forms to:

- **Email:** planningpolicy@northampton.gov.uk
- **Fax:** 01604 837 527
- **By post** using our freepost address, to Northampton Central Area Action Plan, **Planning Policy**, Northampton Borough Council, FREEPOST MID17237, Northampton, NN1 1WJ

Please do not send duplicates. Note that all comments will be made available for the public to read and therefore cannot be treated as confidential. Type or print clearly in blue or black ink. Use a separate form for each representation. If you use additional sheets, please mark them clearly with your name and organisation.

	Personal Details	Agent's Details (if applicable)
Title		
First name		
Last name		
Job title (where relevant)		
Organisation (where relevant)		
Address		
Post code		
Telephone Number		
E mail		

Name of Organisation:

Representation Details

1. To which part of the Action Plan does this representation relate? For example Policy 1 or Para. number. Please use a separate form for each section you wish to comment on.

Policy		Paragraph		Proposals Map	
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2. Do you consider the Action Plan is.....? Please mark one answer only for each question.

	Yes	No
(a) Legally compliant	<input type="checkbox"/>	<input type="checkbox"/>
(b) Sound	<input type="checkbox"/>	<input type="checkbox"/>

If you have entered 'No' to Q2(b), please continue to **Q3**.
In all other circumstances, go to Q4

3. Do you consider the Action Plan is unsound because it is NOT (please mark all you think apply)

(a) Not justified		(b) Not effective		(c) Consistent with national policy	
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4. Please give details of why you consider the Action Plan is not legally compliant or is unsound. Please be as precise as possible. **If you wish to support the legal compliance or soundness of the Action Plan, please also use this box to set out your comments.**

Continue on a separate sheet / expand box if necessary. Mark any additional pages with your name and address

Name of Organisation:

5. Please set out what change(s) you consider necessary to make the Action Plan legally compliant or sound, having regard to the test you have identified in Q3 where your comment relates to soundness. You will need to say why this change will make the Action Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Continue on a separate sheet / expand box if necessary. Mark any additional pages with your name and address

6. If your representation is seeking a change, do you consider it necessary to participate at the oral part of the examination? (Tick one)

(a) No , I do not wish to participate at the oral examination	<input type="checkbox"/>
(b) Yes , I wish to participate at the oral examination	<input type="checkbox"/>

7. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary. Please note the Inspector will determine the most appropriate procedure to hear those who have indicated that they wish to participate at the oral part of the examination?

8. Do you wish to be notified of any of the following? Please mark all that apply.

(a) when the Action Plan DPD has been submitted	<input type="checkbox"/>
(b) when the Inspector's Report is published	<input type="checkbox"/>
(c) when Northampton Borough Council adopts the Action Plan	<input type="checkbox"/>

Signature:

Date:

1. Introduction

The purpose of this Guidance Note is to assist those wanting to make representations on the Northampton Central Area Action Plan (CAAP) (which can be viewed online at <http://consult.northampton.gov.uk>). The Central Area Action Plan Pre-Submission version is available to allow the public and other stakeholders to make comments prior to submission to the Secretary of State.

Representations on this stage of the plan making process must be made on the grounds of soundness or legal compliance as explained by these guidelines in order to be considered. The representations will be considered alongside the Central Area Action Plan Development Plan Document (DPD), which will be examined by a Planning Inspector.

The Planning and Compulsory Purchase Act 2004 (the 2004 Planning Act) states that the purpose of the examination is to consider whether the DPD complies with the legal requirements and is 'sound'. (View at: http://www.opsi.gov.uk/ACTS/acts2004/ukpga_20040005_en_1)

You should remember when responding at this **publication stage** that any objections you make to the Action Plan must relate to legal compliance or soundness. Question 2 on this Representation Form asks whether your comment relates to legal compliance or soundness.

- If you are seeking to make representations on the **way in** which the Local Planning Authority (LPA) has prepared the published DPD it is likely that your comments or objections will relate to a matter of **legal compliance**.
- If it is the **actual content** on which you wish to comment or object it is likely it will relate to whether the DPD is **justified, effective or consistent with national policy**.

2. Legal compliance

The Inspector will first check that the DPD meets the legal requirements under Section 20 (Independent Examination) (5)(a) of the 2004 Act before moving on to test for soundness.

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

The DPD in question should be within the current West Northamptonshire Local Development Scheme (LDS) and the key stages should have been followed. The LDS is effectively a programme of work prepared by the LPA, setting out the Local Development Documents it proposes to produce over a given period. Our most recent LDS was published in February 2010. It sets out the key stages in the production of any DPDs which the Council propose to bring forward for independent examination. If the DPD is not in the current LDS it should not have been published for representations. The LDS is available on the Council's website (www.northampton.gov.uk) and available at the Cliftonville House Reception, Bedford Road, Northampton, NN4 7NE.

The process of community involvement for the CAAP should be in general accordance with the Council's Statement of Community Involvement (SCI). The SCI is a document, which sets out the Council's strategy for involving the community in the preparation and revision of Local Development Documents (including DPDs) and the consideration of planning applications. The Northampton SCI was adopted in March 2006. The Statement of Consultation accompanying the CAAP sets out how consultation has been undertaken throughout the document's preparation in accordance with the SCI.

The CAAP should comply with the Town and County Planning (Local Development) (England Regulations) 2004 as amended.

View at:

<http://www.opsi.gov.uk/si/si2004/20042204.htm> (2004 regulations) and
http://www.opsi.gov.uk/si/si2008/pdf/uksi_20081371_en.pdf (2008 amending regulations)

At this publication stage, the Council must publish the documents prescribed in the regulations, and make them available at their principal offices and their website. The Council must also place local advertisements and notify the DPD bodies (as set out in the regulations) and any persons who have requested to be notified.

The Council is required to provide a Sustainability Appraisal Report when they publish a DPD. This should identify the process by which the Sustainability Appraisal has been carried out, and the baseline information used to inform the process and the outcomes of that process. Sustainability Appraisal is a tool for appraising policies to ensure they reflect social, environmental, and economic factors.

The CAAP should have regard to national policy and conform generally to the West Northamptonshire Local Development Framework, which forms part of the development plan for the Council.

The DPD must have regard to the Sustainable Community Strategy (SCS) for Northampton. The SCS was prepared by the Local Strategic Partnership which is representative of a range of interests in the Northampton area.

3. Soundness

To be sound a DPD should be:

- **Justified**

This means that the CAAP should be founded on a robust and credible evidence base involving:

- Evidence of participation of the local community and others having a stake in the area

- Research/ fact finding: the choices made in the plan are backed up by facts.

The CAAP should also provide the most appropriate strategy when considered against reasonable alternatives. These alternatives should be realistic and subject to sustainability appraisal. The CAAP should show how the policies and proposals help to ensure that the social, environmental, economic and resource use objectives of sustainability will be achieved.

- **Effective**

This means the CAAP should be deliverable, embracing:

- Sound infrastructure delivery planning
- Having no regulatory or national planning barriers to delivery
- Delivery partners who are signed up to it
- Coherence with the strategies of neighbouring authorities.

The CAAP should also be **flexible** and **able to be monitored**. The CAAP should indicate who is to be responsible for making sure that the policies and proposals happen and when they will happen.

The plan should be flexible to deal with changing circumstances, which may involve minor changes to respond to the outcome of the monitoring process or more significant changes to respond to problems such as lack of funding for major infrastructure proposals. Although it is important that policies are flexible, the CAAP should make clear that major changes may require a formal review including public consultation.

Any measures, which the Council has included to make sure that targets are met, should be clearly linked to an Annual Monitoring Report. This report must be produced each year by all local authorities and will show whether the CAAP needs amendment.

4. Consistent with national policy

The CAAP should be consistent with national policy. Where there is a departure, the Council must provide clear and convincing reasoning to justify their approach. Conversely, you may feel the CAAP should include a policy or policies which would depart from national policy to some degree in order to meet a clearly identified and fully justified local need. 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 in national policy and support your assertion with evidence.

If you think the content of a CAAP is not sound because **it does not include a policy** where it should do, you should go through the following steps before making representations:

- Is the issue with which you are concerned already covered specifically by any national planning policy or the West Northamptonshire Joint Core Strategy? If so it does not need to be included.
- Is what you are concerned with covered by any other policies in the CAAP on which you are seeking to make representations or in any other DPD in the LPA's Local Development Framework (LDF). There is no need for repetition between documents in the LDF.
- If the policy is not covered elsewhere, in what way is the CAAP unsound without the policy?
- If the CAAP is unsound without the policy, what should the policy say?

Similarly, if you feel the CAAP includes a policy that you believe **should not be included**, you should consider the following questions in making your representation:

- Does the policy repeat or fail to expand upon existing national planning policy?
- Does the policy contradict or misrepresent any of the supporting evidence?
- If the existing policy were to be removed, should it be replaced?

The Council considers that the CAAP Pre-Submission version satisfies all these tests of soundness and is the most appropriate strategy for the future development of Northampton. However, if you consider the CAAP is unsound against one or more of the three tests of soundness (justified, effective, or consistent with national policy), you should identify which test(s) under Question 3.

5. General advice

If you wish to make a representation seeking a change the CAAP or part of the CAAP you should make clear in what way the CAAP or part of the CAAP is not sound having regard to the legal compliance check and three tests set out above. You should try to support your representation by evidence showing why the CAAP should be changed. It will be helpful if you also say precisely how you think the CAAP should be changed in Question 5.

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. After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/ she identifies for examination.

Careful consideration should be given by those making a representation in deciding how the representation should be dealt with, i.e. by written representation or by exercising the right to be heard. Only where a change is sought to the CAAP is there a right for the

representation to be heard at the hearing session. It is important to note that written and oral representations carry exactly the same weight and will be given equal consideration in the examination process. You can tell us if and why you consider it necessary to participate at the hearing session under Questions 6 and 7.

Where there are groups who share a common view on how they wish to see the CAAP 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 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. All representations will be given equal weight. The published CAAP is intended to be the final version for submission to the Secretary of State. Therefore, raising new issues in representations at this stage which have not been raised during the DPD preparation and consultation process will not be helpful. Furthermore, the Inspector will not be able to make a change unless it relates to an issue which has been subject to the proper procedures of community involvement and sustainability appraisal. In the absence of clear evidence that such procedures have been carried out, the Inspector will only be able to give limited consideration to such representations.

Representations may be accompanied (see Question 8) by a request to be notified at a specific address of any of the following:

- a) that the Northampton CAAP has been submitted for independent examination
- b) the publication of the Inspector's Report
- c) the adoption of the CAAP

6. Submitting Representations

To avoid duplication of work, the Council requests that respondents do not send

additional or duplicate copies of representations in more than one format (for example, an electronic version and a hard copy). Please note that copies of **all comments (including your personal details) will be made available for the public to view, and therefore cannot be treated as confidential**. All representations should be made using the 'Representation Form' to ensure the Council has all the information needed to process your comments. Please use a separate form for each individual representation you wish to make, to aid processing. We encourage representations to be made through our consultation portal at <http://consult.northampton.gov.uk>

All forms must be received **by Thursday 16 December 2010**.

All representations received will be acknowledged by post or email.

You can submit your representations online:

– By completing the representation form at

<http://consult.northampton.gov.uk>,

where you will be able to print or save a copy for your own records.

Or, you can send completed forms to us:

– By email:

planningpolicy@northampton.gov.uk

– By post: **Central Area Action Plan**

Planning Policy

Northampton Borough Council

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If you have any questions, please contact us by email at

planningpolicy@northampton.gov.uk or by telephone: 01604 838 90