

## 1. Introduction

The purpose of this Guidance Note is to assist those wishing to make representations on the Proposed Modifications that relate to the Submitted Northampton Central Area Action Plan (CAAP) (which can be viewed online at xxx).

**Please note, for the purposes of this guidance “CAAP” refers to those policies and paragraphs that are the subject of Proposed Modifications following recommendations made at the independent Hearing by a Planning Inspector between 4<sup>th</sup> and 6<sup>th</sup> September 2012.**

The Council considers that the Submitted CAAP satisfies all these tests of soundness and is the most appropriate strategy for the future development of Northampton. However, if you consider any of the proposed modifications to the CAAP are 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.

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 Planning Inspector’s report to the Central Area Action Plan Development Plan Document (DPD), which is expected before the end of 2012.

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](http://www.opsi.gov.uk/ACTS/acts2004/ukpga_20040005_en_1))

You should remember when responding at this **stage** that any objections you make to the Proposed Modifications 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 Proposed Modifications, 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 CAAP is **justified, effective or consistent with national policy**.

## 2. Legal compliance

The Inspector will check that the CAAP meets the legal requirements under Section 20 (Independent Examination) (5)(a) of the 2004 Act before moving on to the 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 relevant Local Planning Authority; setting out the Local Development Documents it proposes to produce over a given period. Our most recent LDS was published in June 2012. 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](http://www.northampton.gov.uk)) and available at the One Stop Shop, Guildhall, St Giles Square, Northampton, NN1 1DE

The process of community involvement for the CAAP (including this Proposed Modifications Consultation) should be in general accordance with the Council’s Statement of Community Involvement (SCI). The SCI is a document, which sets out the Councils 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/ukxi\\_20081371\\_en.pdf](http://www.opsi.gov.uk/si/si2008/pdf/ukxi_20081371_en.pdf) (2008 amending regulations)

At this Examination stage, the Council must publish the recommendations and modifications prescribed in the regulations, and make them available at their principal offices and on 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 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 Local Strategic Partnership prepared the SCS, 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 might 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.

### **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 Proposed Modification should be changed. It will be helpful if you also say precisely how you think the CAAP should be changed in Question 5.

**Please note that, at this stage, representations can only be received on the policies or text contained within the Schedule of Proposed Main and Minor Modifications.**

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.

### **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 tool at [XXX](#)**

All forms must be received **by 5pm Friday 2nd November 2012.**

All representations received will be acknowledged by post or email.

**You can submit your representations online:**  
– **by completing the representation form at [www.northampton.gov.uk/consultation](http://www.northampton.gov.uk/consultation)**

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](mailto:planningpolicy@northampton.gov.uk)**

– **by post: Central Area Action Plan  
Planning Policy  
Northampton Borough Council  
FREEPOST MID17237  
Northampton  
NN1 1WJ**

If you have any questions, please contact us by email at [planningpolicy@northampton.gov.uk](mailto:planningpolicy@northampton.gov.uk) or by telephone: 01604 837 279.