

RESPONSE FORM GUIDANCE NOTES

These guidance notes have been produced to assist anyone who wishes to make a formal representation on the Proposed Submission Draft Core Strategy.

1) Introduction

Thurrock Council has published the Proposed Submission Draft Core Strategy for representation from Friday 26 February 2010 to Friday 9 April 2010. Representation received will be submitted to the Secretary of State together with the Draft Core Strategy and associated documents. The Planning Inspector appointed by the Secretary of State will carry out a public examination before the Draft Core Strategy is adopted.

According to the Planning and Compulsory Purchase Act 2004 the purpose of the examination is to consider whether the Core Strategy is **legally compliant** and is **sound**.

1) If you are seeking to make representations on the ***way*** in which Thurrock Council has prepared the published draft Core Strategy, it is likely your comments or objections will relate to a matter of ***legal compliance***.

2) If it is the ***actual content*** on which you wish to comment or object to, it is likely it will relate to whether the Core Strategy is ***justified, effective or consistent with national policy, i.e. sound***.

2) Legal Compliance and Test of Soundness

Legal Compliance

The Inspector will first check that the DPD meets the legal requirements under Section 20(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 Core Strategy have been produced in accordance with the Local Development Scheme (LDS). **Please note:** The LDS is currently being revised to take account of the new timetable. The LDS is due to be considered by Cabinet on the 20th February 2010. The proposed revised LDS will then be submitted to the Government Office of the East of England (GOEAST) for their consideration. Subject to their comments, the revised LDS will be published.
- The process of community involvement for the DPD in question should be in general accordance with the Thurrock Council Statement of Community Involvement (SCI).
- On publication of the Proposed Submission Document, the Council must publish the documents set out in regulations, and make them available at the Civic Office and on the website. The Council must also place local advertisements and notify the DPD bodies (set out in the regulations) and any persons who have requested to be notified.
- Thurrock Council is required to provide a Sustainability Appraisal Report when they publish a DPD.
- The DPD should have regard to national policy and conform generally to the Regional Spatial Strategy (RSS), The East of England Plan.
- The DPD must have regard to the Sustainable Community Strategy (SCS) for Thurrock.

Note: The Documents mentioned are available on the Council's website and available at the Civic Offices

Question 4: Test of Soundness

The three tests of soundness are:

i) Justified: To be justified, the Core Strategy needs to be;

- Founded on a robust and credible evidence base, involving evidence of participation by the community and others with a stake in the area;
- Choices made in the document must be backed up by facts
- It must be the most appropriate strategy when considered against reasonable alternatives. These alternatives should be realistic and subject to sustainability appraisal.

ii) Effective: To be effective, the Core Strategy should be;

- Deliverable
- Have sound infrastructure delivery planning
- Have no regulatory or national planning barriers to delivery
- Have delivery partners who are signed up to it
- Coherent with the strategies of neighbouring authorities

The DPD should also be flexible and able to be monitored. The DPD 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 DPD should make clear that major changes may require a formal review including public consultation.

Any measures which the LPA 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 DPD needs amendment.

iii) Consistent with national policy:

The DPD should be consistent with national policy. Where there is a departure, LPAs must provide clear and convincing reasoning to justify their approach. Conversely, you may feel the LPA should include a policy or policies which would depart from national or regional policy to some degree in order to meet a clearly identified and fully justified local need, but they have not done so. 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 or regional policy and support your assertion with evidence.

If you think the content of a DPD 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 in the Regional Spatial Strategy? If so it does not need to be included.
- Is what you are concerned with covered by any other policies in the DPD 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 DPD unsound without the policy?
- If the DPD is unsound without the policy, what should the policy say?

3) General Advice

- Representations are only valid if your name and address are supplied.
- Agents should please state the full name or organisation of who they are representing.
- Please clarify which chapter, paragraph, policy or map you are commenting on.
- Any objection to the Core Strategy being unsound, needs to be backed up with reasons why and indicate what needs to be done to make it sound.
- Please use a separate response form for each document that you wish to comment on and for each test of soundness or comment that you wish to make. Further response forms can be obtained from the Council's website.
- Your comments is only on the Proposed Submission Draft Core Strategy and Policies for Management of Development .

4) Request for future notification

Representations may be accompanied by a request to be notified at a specific address of any of the following:

- That the Core Strategy Development Plan Document has been submitted for independent examination.
- The publication of the recommendations of any person appointed to carry out an independent examination of the Core Strategy Development Plan Document.
- The adoption of the Core Strategy Development Plan Document.

***Representation must be received between
Friday 26 February 2010 and 5pm Friday 9 April 2010.
Representations received after may not be considered.***