



## Local Plan Committee

Item  
**9**

30 August 2017

Report of	Assistant Director Policy and Corporate	Author	Karen Syrett ☎ 506477
Title	Local Plan Consultation		
Wards affected	All wards		

**A paper setting out the consultation methodology undertaken in relation to the Publication Draft Local Plan**

### 1. Decision(s) Required

- 1.1 The Committee is asked to note the content of the report.

### 2. Reasons for Decision(s)

- 2.1 To explain the methodology used for consultation on the Publication Draft of the Local Plan.

### 3. Alternative Options

- 3.1 N/A

### 4. Supporting Information

- 4.1 This report seeks to explain the approach taken to consultation on the Publication draft of the Local Plan. There has been criticism made of the Council and this provides an opportunity to clarify the process.
- 4.2 The Local Plan has now progressed to Publication Draft stage and this committee agreed at its June meeting to carry out public consultation for an eight week period between 16<sup>th</sup> June and the 11<sup>th</sup> August.
- 4.3 The preparation of Local Plans is governed by The Town and Country Planning (Local Planning) (England) Regulations 2012. There is also policy and guidance within the National Planning Policy Framework (NPPF) and Planning Policy Guidance (PPG).
- 4.4 Whilst the statutory basis for the examination of a Local Plan is provided in section 20 of the Planning and Compulsory Purchase Act 2004 (as amended) (PCPA), the detailed procedural aspects of the examination are not prescribed in legislation. The Planning Inspectorate have therefore published a document which provides the main operational framework for the examination of plans. This

document – Procedural Practice in the Examination of Local Plans - can be viewed in its entirety by using the following link;

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/531005/Procedural Practice in the Examination of Local Plans - final.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/531005/Procedural_Practice_in_the_Examination_of_Local_Plans_-_final.pdf)

- 4.5 The document provides the main operational framework for the examination of Local Plans and officers have accordingly used this document and its predecessors to ensure the publication and submission of planning documents follows the correct procedures. There is a requirement to consult for no less than 6 weeks. CBC consulted for eight weeks to allow people longer to make submissions.
- 4.6 Much of the criticism that has arisen has concerned the concerned how people respond – both the difficulties in using the website and the format of the response form. In terms of the website, it is acknowledged that it is a new system and will take people a while to get used to. At the last stage of consultation there was a much increased use of the consultation portal but there were also concerns raised about its operation. As a result we undertook the following actions to assist people with this consultation;
- Arranged two training sessions for parish councils
  - Produced guidance notes
  - Ensured a word version and PDF of the form were available on the website and in hard copy
  - Included a 'banner' on the home page of the Councils website to direct people to the right page. This was subsequently updated to be more prominent
  - There is a 'help' link on the home page of the consultation portal itself (see screen shot attached as appendix 1)
  - Guidance notes which included hard copies were taken to the consultation events
  - Email and telephone contact details were provided to enable people to ask for help.
  - Offices met with people to help.
- 4.7 Turning to the representation form, the Council used an identical form to Braintree and Tendring; neither council have indicated they received complaints. The form, which is the same on line as the hard copy, follows the model form and guidance note included in the PINS Practice Note, which is provided for LPAs to use in inviting representations on plans at publication stage. The Practice Note also states that copies of the form and accompanying note should be made available by the LPA on request or should be available for download on the local authority website. The completed form may be submitted to the local authority either by post or via the email address provided by the local authority for making representations. The Council have complied with this.
- 4.8 The Council have made clear the date and time by which representations should be received. Only those representations made within the period set by the LPA (no less than 6 weeks) will be taken into account by the Inspector as part of the examination.

- 4.9 The PINS Practice Guidance makes clear that when making a representation seeking a change to the published plan, representors should be as specific as possible about the issue that is the subject matter of the representation and the changes that are needed to make the document legally compliant or sound. The Guidance goes on to confirm;

*“If you wish to make a representation seeking a modification to a plan or part of a plan you should make clear in what way the plan or part of the plan is inadequate having regard to legal compliance, the duty to cooperate and the four requirements of soundness set out above. You should try to support your representation by evidence showing why the plan should be modified. It will be helpful if you also say precisely how you think the plan should be modified.”*

- 4.10 The plan is published at this stage in order for representations to be made prior to submission. The representations will be considered alongside the published plan when submitted, which will be examined by a Planning Inspector. The Planning and Compulsory Purchase Act 2004<sup>17</sup> (as amended) (PCPA) states that the purpose of the examination is to consider whether the plan complies with the legal requirements, the duty to co-operate and is sound. For these reasons we asked people to say if they thought the plan complied with these requirements and if not what change was required.
- 4.11 A similar approach and similar form has been used in all previous consultations at this stage of the process. By way of comparison, the Site Allocations DPD which was submitted in attracted a total of 280 representations. Out of the 280 representations, 227 considered the document or elements of it to be ‘unsound’ and 24 considered the document or elements of it to be ‘sound’. A further 29 representations were not duly made. These were submitted to the Inspector but could not be evaluated because they did not include details as to why the document was unsound, or did not specify what policy or paragraph the comments related to. All these respondents were given the opportunity to clarify their submissions.
- 4.12 At the time of writing the best guess for the number of representations received was approximately 1000. Of these the vast majority were submitted electronically/using the correct form. A verbal update will be given at the meeting. This compares to approximately 200 representations to the Tendring Plan and between 400 – 500 for Braintree. At this stage no representations have been rejected and all will be passed to the Inspectorate. The Inspector will then need to decide how they deal with those representations which do not specify if the Plan is unsound or not legally compliant.

## **5. Proposals**

- 5.1 This report was developed as a specific request of the Local Plan Committee Chair. The report should be noted and will be used to clarify why the recent consultation was undertaken in the manner it was.

## **6. Strategic Plan References**

- 6.1 The 2015 to 2018 Strategic Plan set out to be Vibrant, Prosperous and Thriving. The Local Plan can help achieve all

## **7. Consultation**

- 7.1 Consultation on the Local Plan is guided by the Council's Statement of Community Involvement, which is available on the [Council's website](#). The recent consultation was undertaken in line with the Model Representation Form and Guidance for Plan Publication Stage Consultation published by the Planning Inspectorate.

## **8. Publicity Considerations**

- 8.1 The report may help to publicise the reasons the Council adopted the approach it did to the recent public consultation.

## **9. Financial Implications**

- 9.1 None specifically relating to this report

## **10. Equality, Diversity and Human Rights implications**

- 10.1 An Equality Impact Assessment has been prepared for the Local Development Framework and is available to view on the Colchester Borough Council website by following this pathway from the homepage: Council and Democracy > Policies, Strategies and Performance > Equality and Diversity > Equality Impact Assessments > Commercial Services > Local Plan.
- 10.2 There are no particular Human Rights implications.

## **11. Community Safety Implications**

- 11.1 None identified.

## **12. Health and Safety Implications**

- 12.1 None identified.

## **13. Risk Management Implications**

- 13.1 None identified

## **14. Disclaimer**

- 14.1 The information in this report was, as far as is known, correct at the date of publication. Colchester Borough Council cannot accept responsibility for any error or omissions.