

A Local Plan for

Lancaster District

2020 – 2031

Plan period 2011 - 2031



GUIDE TO MAKE A REPRESENTATION
Regulation 19 Consultation Climate Emergency
Review of the Local Plan [January 2022]

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Information on how to submit representations, how to view the submission documents, and the time period within which representations can be made, can be found in the Statement of Representations Procedure. The following note provides guidance on the matters you should consider when completing a representation and is adapted from guidance produced by the Planning Inspectorate.

1. Introduction

- 1.1 The plan has been published by Lancaster City Council, the Local Planning Authority [LPA], in order for representations to be made on it before it is submitted for examination by a Planning Inspector. The Planning and Compulsory Purchase Act 2004, as amended, states that the purpose of the examination is to consider whether the plan complies with the relevant legal requirements, including the duty to co-operate, and is sound. The Inspector will consider all representations on the plan that are made within the period set by Lancaster City Council.
- 1.2 To ensure an effective and fair examination, it is important that the Inspector and all other participants in the examination process are able to know who has made representations on the plan. The council will therefore ensure that the names of those making representations can be made available (including publication on the council's website) and taken into account by the Inspector.
- 1.3 The purpose of these guidance notes is to assist you in filling in the representation forms (Part A & Part B) correctly, as this will help the Planning Inspector when considering your views on the Development Plan Documents.

2 How to submit your comments and representations

- 2.1 Any comments MUST be made using the **Regulation 19 Representation Form**. The Form is in two parts: the first Part A only needs to be completed once and Part B should be completed for each representation made and returned along with a single completed Part A.
- 2.2 It is highly recommended that any representations made on the DPDs are made electronically using the online Representation Form which can be found on the council website: <https://www.lancaster.gov.uk/local-plan-review>
- 2.3 Hard copy representation forms supplied by the Council (which will be available from Morecambe Town Hall or the libraries or downloadable from the Council website) can be submitted via email to the council at planningpolicy@lancaster.gov.uk or sent to

the Planning and Housing Strategy Team at Lancaster City Council, Lancaster Town Hall, PO Box 4, Dalton Square, Lancaster, LA1 1QR.

- 2.4 Representations need to be made using either of these two methods, instead of a letter or email, because you need to provide specific information. Therefore, if this specific information is not provided, we will not be able to submit your representation to the Independent Planning Inspector.

Please note

- 2.6 All valid representations which are received will be made public, including all evidence and information which is submitted to supplement the representation (although contact details such as addresses, emails and telephone numbers will be removed). Please do not submit any information or evidence which you do not wish to be made public. The council cannot accept any anonymous responses nor responses which, for whatever reason, are illegible.

Part A -Personal Details

- 2.7 Please note that it is not possible for anonymous representations to be considered. Representations will be published on the Council's website and submitted to the Inspector. Address and contact details will be removed from published responses, however, your name and any other information you choose to provide in your comments (including any information which allows people to identify you) will be published.
- 2.8 The Council reserves the right not to publish or take into account any representations which it considers offensive or defamatory.
- 2.9 Please supply an email address if you have one as it will allow us to contact you electronically. Everyone who submits a representation will be added to the relevant consultation database (if not already included) so that we can keep you up to date with progress. If you do not wish to be contacted in this way please let us know.
- 2.10 If an agent or consultant has been engaged to act on your behalf please fill in both sets of details in full. Correspondence will be sent to the agent. If you are a landowner with an agent acting on your behalf, please ensure that your agent knows the site name and reference number that your site has been given.

Part B – Representation

- 2.11 Please specify which section of the Publication Local Plan your comments relate to,

by choosing one of the following;

- **Part One: Climate Emergency Review of the Strategic Policies & Land Allocations DPD**
- **Part Two: Climate Emergency Review of the Development Management DPD**

2.12 Which part of the DPD are you responding to (please use one form per submission):

Paragraph: for a representation on wording or paragraph content

Policy: for a representation on the wording or inclusion or omission of a policy

Other: for example a map inset number, site reference or the wording or content of tables or appendices

3.1 Legal compliance and duty to co-operate

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

- The plan should be included in Lancaster City Council's current Local Development Scheme [LDS] and the key stages set out in the LDS should have been followed. The LDS is effectively a programme of work setting out the plans proposed to be produced. It will set out the key stages in the production of any plans which the council proposes to bring forward for examination. If the plan is not in the current LDS it should not have been published for representations. The LDS is on the council website.
- The process of community involvement for the plan in question should be in general accordance with the council's Statement of Community Involvement [SCI]. The SCI sets out the council's strategy for involving the community in the preparation and revision of plans and the consideration of planning applications.
- The council is required to provide a Sustainability Appraisal [SA] report when it publishes a plan. This should identify the process by which SA has been carried out, and the baseline information used to inform the process and the outcomes of

that process. SA is a tool for assessing the extent to which the plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives.

- The plan should comply with all other relevant requirements of the Act and the Town and Country Planning (Local Planning) (England) Regulations 2012, as amended [the Regulations].

3.1.2 You should consider the following before making a representation on compliance with the duty to co-operate:

- Section 33A of the Act requires the council to engage constructively, actively and on an ongoing basis with neighbouring authorities and certain other bodies over strategic matters during the preparation of the plan. The council will be expected to provide evidence of how they have complied with the duty.
- 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 cannot recommend adoption of the plan.

3.2 Soundness

3.2.1 The tests of soundness are set out in paragraph 35 of the National Planning Policy Framework (NPPF). Plans are sound if they are:

- **Positively prepared** – 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 authorities is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- **Effective** - deliverable over the plan 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

- **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in the NPPF.

3.2.2 If you think the content of the plan is not sound because it does not include a policy on a particular issue, you should go through the following steps before making representations:

- Is the issue with which you are concerned already covered specifically by national planning policy or the Local Plan?
- Is the issue with which you are concerned already covered by another policy in this plan?
- If the policy is not covered elsewhere, in what way is the plan unsound without the policy?
- If the plan is unsound without the policy, what should the policy say?

4. General advice

4.1 If you wish to make a representation seeking a modification to a plan or part of a plan you should set out clearly in what way you consider the plan or part of the plan is legally non-compliant or unsound, having regard as appropriate to the soundness criteria section 3.1 above. Your representation should be supported by evidence wherever possible. It will be helpful if you also say precisely how you think the plan should be modified.

4.2 You should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification. You should not assume that you will have a further opportunity to make submissions. Any further submissions after the plan has been submitted for examination may only be made if invited by the Inspector, based on the matters and issues he or she identifies.

4.3 Where groups or individuals share a common view on the plan, it would be very helpful if they would make a single representation which represents that view, rather than a large number of separate representations repeating the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised.

4.4 **Please consider carefully how you would like your representation to be dealt with in the examination: whether you are content to rely on your written**

representation, or whether you wish to take part in hearing session(s). Only representors who are seeking a change to the plan have a right to be heard at the hearing session(s) if they so request. In considering this, please note that written and oral representations carry the same weight and will be given equal consideration in the examination process.

Please Note:

Representations can be sent:

- Via the Council's online consultation portal: **xxxx**
- By completing a Regulation 19 Response Form which can be emailed to: planningpolicy@lancaster.gov.uk
- Or post the Regulation 19 Response Form to: Planning & Place, Planning and Housing Strategy Team, Lancaster City Council, Lancaster Town Hall, Dalton Square, PO Box 4, Lancaster, LA1 1PJ.