

Deposit Carmarthenshire Local Development Plan Guidance Notes

This guidance note is intended to assist in the making of representations and in the use and completion of the Representation Form. An electronic version of the form is available on the Council's website www.carmarthenshire.gov.uk and paper copies can be obtained from the Forward Planning Section, Planning Services, Carmarthenshire County Council, 40 Spilman Street, Carmarthen, SA31 1LQ, or by contacting Forward Planning on 01267 228818 or e-mail: forward.planning@carmarthenshire.gov.uk

A separate form should be used for each representation made specifying the document you wish to comment on and the matter (e.g. Para No., Policy No. etc) to which your representation relates.

All comments received will be made public and cannot be treated as confidential.

Further information in relation to the next steps in the LDP process are available on the Council's website at www.carmarthenshire.gov.uk.

Please note that where your representation relates to the inclusion of a new site or the alteration to, or deletion of, an existing site allocated in the Deposit LDP the Authority will advertise all such representations. Such consultation will afford an opportunity for any interested parties to submit comments in relation to these Alternative Sites. Representations in respect of policy area boundaries will be similarly advertised.

Part 1 Contact Details

(a) If an Agent is named then any correspondence from the Local Planning Authority (LPA) will be directed to the named Agent. In the event of you changing (or ceasing to instruct) the named agent then it is your responsibility to inform the LPA accordingly (either via writing or through email).

(b) If you have been a respondent in any of the previous stages of LDP consultation then please quote your representation reference number.

(c) If you are making representations as a group then please ensure that a contact name is clearly stipulated. In the event of it not being clear who the contact name is on any Petitions submitted, the Council will use the first name on that petition as the contact.

Part 2 Responding to the Plan

(a) This section should be completed if you are commenting on the Deposit LDP.

(b) The Planning and Compulsory Purchase Act 2004 states that the purpose of the examination of a Local Development Plan (the Plan) is to consider whether it is "sound". Consequently, anyone wishing to make representations (comments or objections) in respect of the Plan should consider if they deem it to be '**unsound**' and if so, what changes are needed to make it '**sound**'. This section seeks to ascertain whether you feel the broad strategy put forward by the LPA is Sound or Unsound in principle.

Whilst you should endeavour to make clear which soundness test you consider the LDP fails, if you fail to identify a test in relation to your objection, this will not lead to your representation not being considered providing it relates to part of the LDP and it is clear what change you are seeking.

Where you seek more than one change and consider the LDP fails to meet more than one test of soundness, a separate form should be used for each change and each soundness test.

A separate form should also be used for representations supporting the LDP as opposed to objecting to it.

Please specify which of the ten tests of soundness your response relates to. Please also provide details of what changes you feel are required to make the Plan '**Sound**'.

The tests of soundness are outlined below:

Procedural Tests

These 2 tests relate to the procedures adopted in preparing the Plan:

P1: The Plan has been prepared in accordance with the Delivery Agreement including the Community Involvement Scheme (CIS).

The CIS is a document setting out the Planning Authority's strategy for involving the community in preparing and revising a Plan. A copy of the CIS can be obtained from the Planning Authority or found on its web site.

P2: The Plan and its policies have been subjected to Sustainability Appraisal (including Strategic Environmental Assessment).

The Planning and Compulsory Purchase Act 2004 requires Planning Authorities to carry out a sustainability appraisal of the Plan. Planning Authorities must also conduct an environmental assessment in accordance with the European Directive on Strategic Environmental Assessment (the SEA Directive). The Planning Authority is required to produce a sustainability report to accompany the Plan when it is placed on deposit. This should identify the process by which the sustainability appraisal has been carried out, the baseline information used to inform the process and the outcomes of that process. It will include an Environmental Statement as required by the SEA regulations.

Consistency Tests

These 4 tests relate to the relationship between the Local Development Plan and other plans, including those of other bodies for the same area:

C1: It is a land use Plan which has regard to other relevant plans, policies and strategies relating to the area or to adjoining areas.

Land use planning should not just be concerned with the physical aspects of location but also with economic, social and environmental matters relating to the development and use of land. To do this successfully the Local Development Plan must take account of the plans prepared by other bodies for the area or areas in question.

C2: It has regard to national policy.

The Welsh Government will comment on any inconsistencies with national policy. But note that the Plan is to be focussed and concise, and should not repeat national policies.

C3: It has regard to the Wales Spatial Plan (WSP).

Section 62(5)(a) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to have regard to the Wales Spatial Plan in preparing their Plans. The Welsh Government will comment on any inconsistencies.

C4: It has regard to the relevant Community Strategy/Strategies (and National Park Management Plan).

The Community Strategy (CS) is prepared by the local strategic partnership, which represents a range of interests in the local authority's area.

Coherence and Effectiveness Tests

These 4 tests relate to the content of the Plan - what the authority is proposing for your area:

CE1: The Plan sets out a coherent strategy from which its policies and allocations logically flow and, where cross boundary issues are relevant, it is compatible with the development plans prepared by neighbouring authorities.

The Plan should set out a strategy that sets the framework for the whole document. The Plan should also show how its policies and proposals relate to the plans prepared for neighbouring areas.

CE2: The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and they are founded on a robust and credible evidence base.

The Plan should show how its policies and proposals help to ensure that the social, environmental and economic objectives of sustainability will be achieved. The Planning Authority should have considered the alternatives put forward by the community as part of the process of developing the version of the Plan placed on deposit.

CE3: There are clear mechanisms for implementation and monitoring.

The Plan should indicate who is to be responsible for making sure that the policies and proposals happen and when they will happen. Any measures which the local authority has included to make sure that targets are met should be clearly linked to the annual monitoring report.

CE4: It is reasonably flexible to enable it to deal with changing circumstances.

This 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 finance for major infrastructure proposals. Although flexibility is important, the Plan should make clear that major changes may require a formal review including public consultation.

Additional Considerations

If you think the process by which the Plan has been prepared is not sound you should consider the following before making representations:

- Has the process of community involvement for the Plan been in general accordance with the Planning Authority's CIS agreed by the Welsh Government?
- Has a Sustainability Report been produced for the Plan? Any representations on this procedural test should be concerned with whether the appropriate sustainability process has been carried out by the Planning Authority. Whether the resultant policies of the Plan are sustainable will be covered by other tests, notably the tests relating to coherence and effectiveness, which deal with the Plan's content.

If you think the content of a Plan is not sound because it has omitted a policy you think is necessary you should consider the following questions before making representations:

- Is what you are concerned with already covered by any national policy or the Wales Spatial Plan? If so it does not need to be included.
- Is what you are concerned with covered by any other parts of the Plan? There is no need for repetition of policies in different parts of the Plan.
- If the policy is not covered elsewhere, in what way is the Plan unsound without the policy?
- If you consider the Plan to be unsound without the policy, what precisely should the policy say?

If you consider the Authority has not put forward sufficient evidence to justify a significant departure from national policy, your comments or objections should make it clear why you think so. Conversely, you may feel the Authority should include a policy or policies which would depart from national policy in order to meet a justified local need, but it has not done so. In these circumstances it will be important for you to say precisely what local justification there is for including in the Plan something different from national policy and support your assertion with evidence.