

East London Joint Waste Representation Form and Guidance Notes

Proposed Submission Draft (DPD)

Guidance to help you fill in this representation form

Representations on this stage of the plan must be made on the grounds of soundness or legal compliance as explained by these guidelines in order to be considered.

1. Introduction

1.1 The development plan document (DPD) is published in order for representations to be made prior to submission. The representations will be considered alongside the submitted DPD, which will be examined by a Planning Inspector. The Planning and Compulsory Purchase Act 2004¹ (the 2004 Act) states that the purpose of the examination is to consider whether the DPD complies with the legal requirements and is 'sound'.

- If you are seeking to make representations on the **way** in which the Local Planning Authority (LPA) has prepared the published DPD 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 DPD is **justified, effective or consistent with national policy**.

2. Legal compliance

2.1 The Inspector will first check that the DPD meets the legal requirements under s20(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 DPD in question should be within the current Local Development Scheme (LDS) and

the key stages should have been followed. The LDS is effectively a programme of work prepared by the LPA, setting out the Local Development Documents it proposes to produce over a three year period. It will set out the key stages in the production of any DPDs which the LPA 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 should be on the LPA's website and available at their main offices.

- The process of community involvement for the DPD in question should be in general accordance with the LPA's Statement of Community Involvement (SCI). The SCI is a document which sets out a LPA's strategy for involving the community in the preparation and revision of Local Development Documents (including DPDs) and the consideration of planning applications.
- The DPD should comply with the Town and County Planning (Local Development) (England Regulations) 2004 as amended². On publication, the LPA must publish the documents prescribed in the regulations, and make them available at their principal offices and their website. The LPA 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 LPA 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 DPD should have regard to national policy and conform generally to the Regional Spatial Strategy (RSS). The RSS sets out the region's policies in relation to the development and use of land and forms part of the development plan for LPAs. In London it is called the Spatial Development Strategy.
- The DPD must have regard to any Sustainable Community Strategy (SCS) for its area. The SCS is usually prepared by the Local Strategic Partnership which is representative of a range of interests in the LPA's area. The SCS is subject to consultation but not to an independent examination.

3. Soundness

3.1 To be sound a DPD should be:

• Justified

This means that the DPD 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 DPD should also provide the most appropriate strategy when considered against reasonable alternatives. These alternatives should be realistic and subject to sustainability appraisal. The DPD 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 DPD 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 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.

• 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.

3.2 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:

1. View at http://www.opsi.gov.uk/ACTS/acts2004/ukpga_20040005_en_1

2. View at <http://www.opsi.gov.uk/si/si2004/20042204.htm> (2004 regulations) and http://www.opsi.gov.uk/si/si2008/pdf/uksi_20081371_en.pdf (2008 amending regulations)

- Is the issue with which you are concerned already covered specifically by any national planning policy or the Spatial Development Strategy for London? 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?

4. General advice

4.1 If you wish to make a representation seeking a change to a DPD or part of a DPD you should make clear in what way the DPD or part of the DPD 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 DPD should be changed. It will be helpful if you also say precisely how you think the DPD should be changed. 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. After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

- 4.2 Where there are groups who share a common view on how they wish to see a DPD changed, it would be very helpful for that group to send a single representation which represents the view, rather than for a large number of individuals to send in separate representations which repeat the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised.
- 4.3 Further detailed guidance on the preparation, publication and examination of DPDs is provided in *Planning Policy Statement 12: Local Spatial Planning*³ and in *The Plan Making Manual*⁴.

Name of the DPD to which this representation relates:

East London Joint Waste

If you cannot access our electronic response portal (<http://newham-consult.limehouse.co.uk/portal/>) please return this form to: Project Manager – Joint Waste DPD for East London, London Borough of Newham, Newham Dockside, First Floor West Wing, London E16

2QU by 5pm on Monday 28 September 2009.

This form has two parts –
Part A: Personal details
Part B: Your representation(s). Please fill in a separate sheet for each representation you wish to make.

Part A

1. Personal details*

*If an agent is appointed, please complete only the Title, Name and Organisation boxes below but complete the full contact details of the agent in 2.

2. Agent's details (if applicable)

Title	_____
First name	_____
Last name	_____
Job title (where relevant)	_____
Organisation (where relevant)	_____
Address line 1	_____
Address line 2	_____
Address line 3	_____
Address line 4	_____
Post code	_____
Telephone number	_____
E-mail address (where relevant)	_____

3. View at <http://www.communities.gov.uk/publications/planningandbuilding/pps12lsp>

4. View at <http://www.pas.gov.uk/pas/core/page.do?pagelid=5139>

Part B – Please use a separate sheet for each representation

Name or organisation:

3. To which part of the DPD does this representation relate?

Paragraph Policy Proposals Map

4. Do you consider the DPD is:

(a) Legally compliant Yes No
(b) Sound Yes No

*If you have entered **No** to 4.(b), please continue to Q5. In all other circumstances, go to Q6.*

5. Do you consider the DPD is unsound because it is not:

Justified
Effective
Consistent with national policy

**6. Please give details of why you consider the
DPD is not legally compliant or is unsound.
Please be as precise as possible.**

If you wish to support the legal compliance or
soundness of the DPD, please also use this box to
set out your comments.

(Continue on a separate sheet / expand box if necessary)

**7. Please set out what change(s) you consider
necessary to make the DPD legally compliant
or sound, having regard to the test you have
identified at Q5. You will need to say why this**

**change will make the DPD legally compliant or
sound. It will be helpful if you are able to put
forward your suggested revised wording of any
policy or text. Please be as precise as possible.**

(Continue on a separate sheet / expand box if necessary)

***Please note** your representation 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 representations*

based on the original representation at pre-submission stage).
**After this stage, further submissions will be only at the request of
the Inspector, based on the matters and issues he/she identifies
for examination.**

**8. If your representation is seeking a change,
do you consider it necessary to participate
at the oral part of the examination?**

No, I do not wish to participate at the oral examination
 Yes, I wish to participate at the oral examination

**9. If you wish to participate at the oral part of the examination,
please outline why you consider this to be necessary:**

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.*

Signature: _____

Date: _____

Please return this form by post to:

Project Manager – Joint Waste DPD for East London
London Borough of Newham
Newham Dockside
First Floor West Wing
London E16 2QU

If you have downloaded a form, please email it to
ldf@newham.gov.uk

If you need more information or advice, please call
020 3373 9606.

**Please send your comments to us by 5pm on
Monday 28 September 2009.**

