

Camden Local Development Framework Site Allocations DPD

Representation Form Guidance Note

1. Introduction

- 1.1 The Site Allocations Development Plan Document (DPD) sets out the Council's proposals for land and buildings on significant sites which are likely to be subject to development proposals during the lifetime of the LDF (2010-2025). These allocations are intended to assist in delivering the priorities and objectives of the Council's Core Strategy and the London Plan.
- 1.2 The Site Allocations document has been published in order for representations to be made prior to submission to Government. Once submitted, the representations will be considered alongside the published document by a Planning Inspector during a public examination. The Planning and Compulsory Purchase Act 2004 (as amended)¹ (the 2004 Act) states that the purpose of an examination is to consider whether a document complies with the legal requirements and is 'sound'.
- 1.3 This guidance note provides information on:
 - how to submit your response or representation(s)
 - general advice on making representations
 - government requirements in terms of 'soundness' and legal compliance

2. How to submit your responses

- 2.1 Your comments need to be submitted in writing using the representations form provided. These forms are available at each of our 13 libraries; online at www.camden.gov.uk/ldf and by calling the Site Development team 020 7974 6805/1341/5954.
- 2.2 The period for representations to be made runs for a period of six weeks, from **15 March to 1 May 2012**
- 2.3 You can submit your representation(s) in the following ways:
 - 2.4
 - by email to: planning_sites@camden.gov.uk;
 - by post to: Site Development Team;
LB Camden,
Town Hall Extension, Argyle Street,
London WC1H 8EQ

For other information please contact the Site Development team on 020 7974 6805/1341/5954

- 2.4 If you need further help and advice on putting together your comments you could register for one of our drop-in sessions in March. If you wish to do so please get in touch with the Site Development team using the contact details above.

¹ View the 2004 Act at:

http://www.opsi.gov.uk/acts/acts2004/ukpga_20040005_en_1

View the amending 2008 Act at:

http://www.opsi.gov.uk/acts/acts2008/pdf/ukpga_20080029_en.pdf

3. Filling in the representation form

- 3.1 If you wish to provide more than one representation, please fill in Section A once and provide an individual copy of Section B for each representation.
- 3.2 Where there are groups who share a common view on how they wish to see a document changed it would be very helpful for that group to send a single representation, 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.
- 3.3 Questions 1 and 2
Please indicate which site your representation relates to and indicate which section of the site allocation your representation relates to, for example site context, main policy considerations, etc.
- 3.4 Questions 3 and 4
To answer these questions, you first need to decide whether the document is 'sound' or legally compliant (see sections 4 and 5 of this note for more information). If you consider the document to be unsound, please tick the option(s) in question 4 to which your representation relates.
- 3.5 Question 5
Please give as much detailed information as possible regarding the reason why you think the document is unsound or not legally compliant. You should try to support your representation by evidence showing why the document should be changed. It will be helpful if you also say precisely how you think the document should be changed.
- 3.6 Question 6
Please provide details of what change(s) you consider necessary to make the document legally compliant or sound, having regard to the option you have identified in question 4 where this relates to soundness and the reasons provided in your answer to question 5. If possible please provide your suggested revised wording of the identified section in a concise manner. This will help the Council to review and respond to your suggested alteration(s).
- 3.7 Questions 7 and 8
Please indicate whether you consider it necessary to participate in the oral part of the examination. If so, please justify why you believe it is important to participate at the oral part of the examination.
- 3.8 Question 9
Please use this box to include any general comments. Please note however that if your comment does not relate to legal compliance and soundness it may not be considered by the inspector.

4. Soundness

- 4.1 Soundness is explained fully in Planning Policy Statement 12: Local Spatial Planning in paragraphs 4.36 – 4.47, 4.51 and 5.52 and the boxed text². The Inspector has to be satisfied that the document is justified, effective and consistent with national policy.
- 4.2 To be sound an LDF document should be justified, effective and consistent with national policy.

² View at <http://www.communities.gov.uk/publications/planningandbuilding/pps12lsp>

Justified

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

The document should indicate who is to be responsible for making sure that the policies and proposals happen and when they will happen.

LDF documents 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 document should make clear that major changes may require a formal review including public consultation.

Any measures which we have 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 document needs amendment.

Consistent with national policy

The document should be consistent with national policy. Where there is a departure, we must provide clear and convincing reasoning to justify our approach. Conversely, you may feel we 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 we have not done so. In this instance it will be important for you to identify the local circumstances 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 document 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 London Plan? If so, it does not need to be included.
- Is what you are concerned with covered by any other policies in the document on which you are seeking to make representations or in any other document in Camden'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 document unsound without the policy?

- If the document is unsound without the policy, what should the policy say?

5. Legal Compliance

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

- The document in question should be within the Council's current Local Development Scheme (LDS) and the key stages should have been followed. The LDS is effectively a programme of work which sets out the documents we propose to produce for the Local Development Framework over a 3 year period. It sets out the key stages in the production of any documents which we propose to bring forward for independent examination. If the document is not in the current LDS it should not have been published for representations. The LDS is available on our website www.camden.gov.uk/ldf
- The process of community involvement for the document in question should be in general accordance with our Statement of Community Involvement. The Statement of Community Involvement (SCI) sets out our strategy for involving the community in the preparation and revision of LDF documents and the consideration of planning applications.
- The document should comply with the Town and County Planning (Local Development) (England Regulations) 2004 (as amended)³. On publication, we must publish the documents prescribed in the regulations, and make them available at our principal offices and on our website. We must also place a local advertisement and notify the specific bodies (as set out in the regulations) and any persons who have requested to be notified.
- We are required to provide a Sustainability Appraisal Report when they publish a document. 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 document should have regard to national policy and conform generally to the London Plan. The London Plan sets out the region's policies in relation to the development and use of land and forms part of our development plan.
- The document must have regard to the Sustainable Community Strategy. In Camden the Community Strategy (Camden Together) was prepared by the Local Strategic Partnership which is representative of a range of interests and sectors in the Borough e.g. health, housing, police. The Community Strategy was subject to extensive local consultation but not to an independent examination.

Further detailed guidance on the preparation, publication and examination of LDF documents is provided in *PPS12* and in *The Plan Making Manual*.

This can be viewed at <http://www.pas.gov.uk/>.

³ View the 2004 Regulations at:
<http://www.opsi.gov.uk/si/si2004/20042204.htm>
View the 2008 amending Regulations at:
http://www.opsi.gov.uk/si/si2008/pdf/uksi_20081371_en.pdf
View the 2009 amending Regulations at:
http://www.opsi.gov.uk/si/si2009/pdf/uksi_20090401_en.pdf