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**GUIDANCE NOTE**  
**For completing a representation form for the**  
**Publication Local Plan for Bolsover**  
**District Council**

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## **General Information**

- This guidance note has been produced to accompany the Council's Representation Form and to help ensure representations are made as effectively as possible.
- The Publication Draft Local Plan is the version of the Plan that Bolsover District Council intends to submit to the Secretary of State. An Independent Planning Inspector will examine the Local Plan to make sure that it is **legally compliant** and **sound**.
- The representation form is designed to help you to prepare your comments in a way that addresses the two key questions that the Inspector will ask.

### **1. Is the Plan Legally Compliant?**

- If your representations are about **the way in which the Local Plan has been prepared** then these are likely to relate to whether it is legal or not.

### **2. Is the Plan Sound**

- If your representations are about the **content of the Local Plan, whether it is justified, is effective and/or is consistent with national policy** then these are likely to relate to whether it is sound or not.

### **The format of the Representation Form**

- Representations made at this stage will be treated as formal representations and considered by the Inspector.
- This means we have to ask questions that are focussed on whether the Publication Local Plan is legally compliant and sound, rather than the wider ranging questions that we have been able to ask in previous consultations on the Local Plan.

## **Deadline**

- Your representations should be received by Bolsover District Council during the consultation period starting at 9.00am on Wednesday 2<sup>nd</sup> May 2018 and ending at 5.00pm on Friday 15<sup>th</sup> June 2018.
- Comments received outside of this timeframe will not be duly made. This deadline is fixed and gives everybody who wants to make representations the same opportunity to consider and make them.

## **Completing the Representation Form**

There are two parts to the Representation Form.

- Part A – Personal and Contact Details
- Part B – Your Representation(s)

If you are sending Representation Forms on a number of different parts of the Local Plan at the same time you need only fill in 'Part A – Personal and Contact Details' once but 'Part B – Your Representation(s)' should be made on a separate form for every representation. **If you do this please make sure that all the representations are firmly attached to the one with your contact details on.**

## **PART A – PERSONAL AND CONTACT DETAILS**

This section needs to be completed so that we and/or the Inspector can contact you regarding your representations in the future. This could include clarifying something with you or inviting you to attend the Hearing Sessions.

If you do not complete this section, your comments will not be registered or considered as part of the process.

The Agent's details only need to be completed if someone is sending us representation on your behalf. This could be someone you have paid to make representations (such as a Planning Consultant) or a family member or friend. Whilst we will deal with your agent on a day to day basis the representations are classed as your own.

## PART B – YOUR REPRESENTATION

As outlined above, a separate Part B form is needed for every representation you make.

### Question 1

To which part of the Local Plan does your representation relate?

You need to clearly state here which part of the Plan you are referring to be quoting the relevant Paragraph, Policy or Map number.

### Question 2

Do you wish to state your **support** or **objection** to this part of the Local Plan?

This is a simple tick box question to indicate whether you support or object to the element of the Plan you have outlined.

### Question 3

Please enter your representation here. This should explain why you either support this part of the Local Plan or why you think the Local Plan is or is not legally compliant or sound (see Questions 5 and 6 for an explanation of the terms legally compliant and sound). Please be as precise as possible (in no more than 100 words).

This question allows you to set out in your own words your views on the Local Plan. You will need to link this to why you think the Local Plan is or is not **legally compliant** and/or **sound**.

If your representation requires more than 100 words, please attach any additional sheets securely to your form and use the question box to summarise your representation. **It is important that this box provides an accurate summary of your representation and should not just refer to attachments.**

#### Question 4

If you are objecting to this part of the Local Plan, please let us know what changes you think are needed to make the Local Plan legally compliant and / or sound. You will need to say why this change will make the Local Plan 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 (in no more than 100 words).

This question allows you to set out in your own words what changes you think need to happen to the Local Plan to make it **legally compliant** and/or **sound**.

This could include changes to wording, further evidence work or a different option. These changes should cover everything necessary to justify your representation. Once the consultation closes there will not normally be an opportunity to make any further representations to those you make now.

If your representation requires more than 100 words, please attach any additional sheets securely to your form and use the question box to summarise your representation.

#### Question 5

Do you consider that the Local Plan is **legally compliant**?

This question forms the first part of the test that we need to meet in order to be able to adopt the Local Plan. The Inspector will check that the plan meets the legal requirements under S20(5)(a) of the Planning and Compulsory Purchase Act 2004.

You need to tick either 'Yes' (to indicate that you think the Local Plan is **legally compliant**) or 'No' (to indicate that you think the Local Plan is not **legally compliant**).

To help you understand what this test means, a plan is considered to be **legally compliant** when it complies with the various local and national rules that govern how it should be prepared. You should consider the following before making a representation on legal compliance.

- Whether the Plan is included in the current Local Development Scheme (LDS) and the key stages have been followed. The LDS is effectively a programme of work prepared by the Local Planning Authority setting out the Local Development Documents it proposes to produce and the timetable for this;
- Whether community consultation was carried out in 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 Local Development Documents and the consideration of planning applications;

- Whether the Plan complies with the Town and Country Planning (Local Planning)(England) Regulations 2012 (the Regulations). Has the Council published the documents prescribed in the Regulations and made them available for the public to view? Has the Council notified the persons and organisations set out in the Regulations and any persons who requested to be notified?
- Whether the requirements of the relevant national Regulations, such as those relating to Equalities and Habitats, have been followed?
- Whether a Sustainability Appraisal assessing social, environmental and economic factors has been carried out and made public. This report 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. The Sustainability Appraisal is a tool for appraising policies to ensure they reflect social, environmental, and economic factors.
- Whether the Local Plan has regard to the Sustainable Community Strategies for the area it covers.

If you don't think we have complied with a legal requirement for part of the Local Plan you should have explained this in your response to Questions 3 by telling us what we have not done or done incorrectly and in your response to Question 4 by telling us how you would like to change the Local Plan to make it **legally compliant**.

#### Question 6

Do you consider the Local Plan is **sound**?

This question forms the second part of the tests that we need to meet in order to be able to adopt the Local Plan.

You need to tick either 'Yes' (to indicate you think the Local Plan is **sound**) or 'No' (to indicate you think the Local Plan is **unsound**).

To help you understand what this test means, a plan is considered to be **sound** when it meets the four requirements known as the '**tests of soundness**' set out in paragraph 182 of the National Planning Policy Framework.

These are whether the plan is '**positively prepared**', '**justified**', '**effective**' and '**consistent with national policy**'. These are covered by Questions 6A-6D and are explained further below so it will be helpful to read the following notes before answering this Question.

### Question 6A

Do you consider the Local Plan is **unsound** because it is not '**positively prepared**'?

The National Planning Policy Framework advises that '**positively prepared**' means that the plan has been prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

Therefore, if you think we haven't prepared our approach based on objectively assessed development and infrastructure requirements, you will need to state why in your response to Question 3.

### Question 6B

Do you consider the Local Plan is **unsound** because it is not '**justified**'?

The National Planning Policy Framework advises that '**justified**' means that the Local Plan is the most appropriate option, when considered against the reasonable alternatives, based on proportionate evidence.

Therefore, if you think our evidence doesn't support the chosen approach or that another option is more appropriate, you will need to state why in your response to Question 3.

### Question 6C

Do you consider the Local Plan is **unsound** because it is not '**effective**'?

The National Planning Policy Framework advises that '**effective**' means that the plan is deliverable over its period and based on effective joint working on cross-boundary strategic priorities.

Therefore, if you think our chosen option is not deliverable, you will need to state why in your response to Question 3.

#### Question 6D

Do you consider the Local Plan is **unsound** because it is not '**consistent with national policy**'?

The National Planning Policy Framework advises that '**consistent with national policy**' means that the plan will enable the delivery of sustainable development in accordance with the policies of the National Planning Policy Framework.

Therefore, if you think our chosen option is not in accordance with the policies of the National Planning Policy Framework, you will need to state why in your response to Question 3.

#### Question 7

Do you consider that the Local Plan complies with the **Duty to Co-operate**?

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

- Has the Council provided evidence of how they have complied with the duty to co-operate? And
- Has the Council provided evidence of how they have complied with any requirements which may have arisen through the duty to co-operate?

#### Question 8

If you are objecting to this part of the Local Plan, please let us know if you raised this matter at an earlier stage of the plan making process, such as the Consultation Draft Local Plan in October/December 2016 or earlier

This question asks if you have raised this objection when the Council set out earlier versions of the Local Plan or whether this is the first time you have raised it with the Council to enable us to know whether we have responded to you on this comment before and to allow us to tie together the representations you have made.

The next question will ask which stage this was.

#### Question 9

If you raised this matter at an earlier stage of the plan making process, which stage was it?

If you ticked **Yes** in Question 8, this question sets out the four previous stages of the plan preparation process with the dates of publication to help you remember.

### Question 10

If your representation is seeking a change, do you consider it necessary to participate at the Hearing Sessions should the Inspector wish to discuss your representation / issue at the Hearing?

As part of the examination the Inspector holds Hearing Sessions into the matters they have identified for further examination. There is no right to be heard at hearing sessions and the Inspector decides which issues should be heard.

If you tick yes, this indicates that you want to participate at the Hearing and so make yourself available should the Inspector want to ask you questions about your representation. If you tick no, this indicates that you do not wish to participate at the Hearing and that the Inspector should rely upon your written comments. However, you will still be able to attend the Hearing Sessions as an observer if you wish to.

### Question 11

If you wish to participate at the Hearing Sessions, please outline why you consider this to be necessary?

If you tick **Yes** in Question 10, this question gives you the chance to explain to the Inspector why you think this to be necessary.

### Question 12

Would you like to be notified of one or more of the following:

- When the Local Plan is submitted for independent examination?
- When the inspector's report is published?
- When the Local Plan is adopted?

This question gives you the chance to tell us that you want to be kept informed as the Local Plan progresses through the next stages of the process. If you tick **Yes**, the Council will undertake to notify you as requested.

## What Happens Next?

- Consultation closes at 5.00pm on Friday 15<sup>th</sup> June 2018. After the close of consultation we will prepare a summary of the main issues raised by representations. The representations, summary of issues, Local Plan and other supporting documents will then be submitted to the Independent Inspector for examination.
- If you need any further advice or have any questions please contact us:

By email:

[planning.policy@bolsover.gov.uk](mailto:planning.policy@bolsover.gov.uk)

By phone:

01246 242203

By post:

Planning Policy Team  
Bolsover District Council  
The Arc  
Clowne  
Chesterfield  
S43 4JY

 All personal information provided to Bolsover District Council will be held and treated in confidence in accordance with the Data Protection Act 1998. It will only be used for the purpose for which it was given, which is to ensure your representation is recorded, and to contact you regarding your representation. However, the content of your representation including your name and address will be available for public inspection, and will be published online and in public reports and documents.