

# Minerals and Waste Joint Plan

## Publication Stage- Response Form

### Part A - Contact details

#### Your contact details

Name:	Title:	Initial(s):
Surname:		
Organisation (if applicable):		
Address:		
Post Code:		
Telephone:		
Email:		

#### Agent contact details (if applicable)

Name:	Title:	Initial(s):
Surname:		
Organisation (if applicable):		
Address:		
Post Code:		
Telephone:		
Email:		

**Please ensure that your contact details in Part A are correctly filled in. Without this information your representations cannot be recorded. Please also see the note on Data Protection at the bottom of this page before submitting your response.**

At this stage in producing the Joint Plan, representations should be focussed on legal compliance, compliance with the Duty to Cooperate and whether the Plan meets the four tests of soundness. More information on these matters are provided in the **guidance notes** (see reverse of this page). **You are strongly advised to read these notes, which have been prepared by the Planning Inspectorate, before responding.**

A separate **Part B** form **MUST** be produced for each separate representation you wish to make. After this stage, further submissions will only be at the invitation of the inspector who will conduct an Examination in Public of the Joint Plan, based on the matters they identify during the Examination.

**All responses should be returned by 5pm on Wednesday 21<sup>st</sup> December 2016. Please note that representations cannot be received after this deadline.**

**Responses can be returned by email to: [mwjointplan@northyorks.gov.uk](mailto:mwjointplan@northyorks.gov.uk) or by post using the address below:**

Minerals and Waste Joint Plan Team  
Planning Services  
North Yorkshire County Council  
County Hall  
Northallerton  
DL7 8AH

#### Data Protection:

North Yorkshire County Council, the North York Moors National Park Authority and the City of York Council are registered under the Data Protection Act 1998. For the purposes of the Data Protection Act legislation, your contact details and responses will only be retained for the preparation of the Minerals and Waste Joint Plan. Representations made at Publication stage cannot remain anonymous, but details will only be used in relation to the Minerals and Waste Joint Plan. Your response will be made available to view on the website and as part of the examination.

# Guidance Notes to Accompany the Publication stage Response Form

## 1. Introduction

1.1. The plan is published in order for representations to be made prior to submission. The representations will be considered alongside the published plan when submitted, which will be examined by a Planning Inspector. The Planning and Compulsory Purchase Act 2004<sup>1</sup> (as amended) (PCPA) states that the purpose of the examination is to consider whether the plan complies with the legal requirements, the duty to co-operate and is sound.

## 2. Legal Compliance and Duty to Co-operate

2.1. The Inspector will first check that the plan meets the legal requirements under s20(5)(a) and the duty to co-operate under s20(5)(c) of the PCPA before moving on to test for soundness.

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

- The plan in question should be included in 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 (LDDs)<sup>2</sup> it proposes to produce. It will set out the key stages in the production of any plans which the LPA proposes to bring forward for independent examination. If the plan 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 its main offices.
- The process of community involvement for the plan in question should be in general accordance with the LPA's Statement of Community Involvement (SCI) (where one exists). The SCI sets out the LPA's strategy for involving the community in the preparation and revision of LDDs (including plans) and the consideration of planning applications.
- The plan should comply with the Town and County Planning (Local Planning) (England) Regulations 2012 (the Regulations)<sup>3</sup>. On publication, the LPA must publish the documents prescribed in the Regulations, and make them available at its principal offices and on its website. The LPA must also notify the various persons and organisations 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 it publishes a plan. 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.
- In London, the plan should be in general conformity with the London Plan (the Spatial Development Strategy).

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

- The duty to co-operate came into force on 15 November 2011 and any plan submitted for examination on or after this date will be examined for compliance. LPAs will be expected to provide evidence of how they have complied with any requirements arising from the duty.
- The PCPA establishes that 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 has no choice but to recommend non-adoption of the plan.

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<sup>1</sup> View at <http://www.legislation.gov.uk/ukpga/2004/5>

<sup>2</sup> LDDs are defined in regulation 5 – see link below.

<sup>3</sup> View at <http://www.legislation.gov.uk/uksi/2012/767/contents/made>

### 3. Soundness

3.1. Soundness is explained in paragraph 182 of the National Planning Policy Framework (NPPF). The Inspector has to be satisfied that the plan is positively prepared, justified, effective and consistent with national policy:

- **Positively prepared:** This means that the plan should be 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.
- **Justified:** The plan should be the most appropriate strategy when considered against reasonable alternatives, based on proportionate evidence.
- **Effective:** The plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities.
- **Consistent with national policy:** The plan should enable the delivery of sustainable development in accordance with the policies in the NPPF

3.2. If you think the content of the plan 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 national planning policy (or 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 plan on which you are seeking to make representations or in any other 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 make clear in what way the plan or part of the plan is inadequate having regard to legal compliance, the duty to cooperate and the four requirements of soundness set out above. You should try to support your representation by evidence showing why the plan should be modified. It will be helpful if you also say precisely how you think the plan should be modified.

Representations should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, 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 plan modified, 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.

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# Publication stage Response form - Part B

## Please use a separate Part B form for each representation

Name or Organisation :	
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*Please tick as appropriate*

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.		Policy No.		Policies Map	
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes		No	
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2.(2) Sound	Yes		No	
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(2a) Which Element of soundness does your representation relate to? (please only tick one element of soundness per response form).

<i>Positively Prepared</i>	Yes		No		<i>Justified</i>	Yes		No	
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<i>Effective</i>	Yes		No		<i>Consistent with National Policy</i>	Yes		No	
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2 (3) Complies with the Duty to co-operate	Yes		No	
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3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

