

Leicester Local Plan 2020 to 2036 Submission (Regulation 19) Plan Guidance Note

Please read this guidance note before completing the representation form in order for your representation to be duly accepted:-

1. Introduction

- 1.1. The Leicester Local Plan 2020 to 2036; Publication (Regulation 19) Plan [‘the plan’], policy map and associated evidence has been published by Leicester City Council (Local Planning Authority [LPA]), in order for representations to be made on it before it is submitted for examination by a Planning Inspector. The Planning and Compulsory Purchase Act 2004, as amended, 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. The Inspector will consider all representations on the plan that are made within the consultation period Monday 16th January – Monday 27th February 2023.
- 1.2. To ensure an effective and fair examination, it is important that the Inspector and all other participants in the examination process, know who has made representations on the plan. Therefore, it is necessary to include your name and contact details.

2. Legal Compliance and Duty to Co-operate

- 2.1. You should consider the following before making a representation on **legal compliance**:
 - The plan should be included in the LPA’s current Local Development Scheme [LDS] and the key stages set out in the LDS should have been followed. The LDS is effectively a programme of work prepared by the LPA, setting out the plans it proposes to produce. It sets out the key stages in the production of any plans which the LPA proposes to bring forward for examination.
 - The process of community involvement for the plan in question should be in general accordance with the LPA’s Statement of Community Involvement [SCI]. The SCI sets out the LPA’s strategy for involving the community in the preparation and revision of plans and the consideration of planning applications.
 - The LPA is required to provide a Sustainability Appraisal [SA] report when it publishes a plan and this identifies the process by which the SA has been carried out, and the baseline information used to inform the process and the outcomes of that process. An SA is a tool for assessing the extent to which the plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives.
 - The plan should comply with all other relevant requirements of the PCPA [Planning and Compulsory Purchase Act 2004] and the Town and Country Planning (Local Planning) (England) Regulations 2012, as amended [the Regulations].
- 2.2. You should consider the following before making a representation on compliance with the **duty to co-operate**:
 - Section 33A of the PCPA requires the LPA to engage constructively, actively and on an ongoing basis with neighbouring authorities and certain other bodies over strategic matters during the preparation of the plan. The LPA is expected to provide evidence of how they have complied with the duty.

- 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 will not continue with the examination of the plan.

3. Soundness

3.1. The tests of soundness are set out in paragraph 35 of the National Planning Policy Framework [NPPF]. **Plans are sound if they are:**

- **Positively prepared** – providing a strategy which, as a minimum seeks to meet the area’s objectively assessed needs, and is informed by agreements with other authorities, so that unmet need from neighbouring authorities is accommodated where it is practical to do so and is consistent with achieving sustainable development.
- **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence.
- **Effective** - deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground.
- **Consistent with national policy** – enabling 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 on a particular issue, 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?
- Is the issue with which you are concerned already covered by another policy in this 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 the plan or associated policy map, you should set out clearly in what way you consider the element(s) is legally non-compliant or unsound, having regard as appropriate to the soundness criterion in paragraph 3.1. Your representation should be supported by evidence wherever possible. It would also be helpful if you also say precisely how the plan should be modified.

4.2. You should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification. You should not assume that you will have a further opportunity to make submissions. Any further submissions after the plan and evidence have been submitted for examination may only be made if invited by the Inspector, based on the matters and issues that they identify.

4.3. Where groups or individuals share a common view on the plan and associated evidence, it would be very helpful if they would make a single representation which represents that view, rather than a large number of separate representations repeating the same points. In such cases, the group should indicate how many people it is representing and how the representation has been authorised.

4.4. Please consider carefully how you would like your representation to be dealt with in the examination: whether you are content to rely on your written representation, or whether you wish to take part in hearing sessions. Only representors who are

