**Selby District Local Plan – Pre-Submission Publication Consultation**

**Guidance Notes to Help People Making Comments**

**at Pre-Submission Publication Stage**

**Introduction**

The Selby District Local Plan (the Plan) is published by Selby District Council as the Local Planning Authority in order for representations to be made before the Plan is formally submitted to the Secretary of State for Examination

The purpose of these guidance notes is to help people making representations at this Pre-Submission Publication stage because representations at this stage must relate to specific aspects of the Local Plan explained below.

Therefore, the Council’s strong preference is that representations are made using the Council’s dedicated online consultation website at: <https://selby-consult.objective.co.uk/kse>

However, the Council will accept other written forms of representation and has produced a ‘representation form’ to help guide this process. The comments form can be found at <https://www.selby.gov.uk/localplan>

These guidance notes are based on the Planning Inspectorate’s advice available on their website at:

<https://www.gov.uk/government/publications/model-representation-form-for-local-plans/model-representation-letter-for-local-plans>

The Submission of the Plan is the point at which it is submitted to the Secretary of State for independent 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 relevant legal requirements, including the duty to co-operate and is sound.

The Planning Inspector will consider all representations on the Selby District Local Plan that are made within the period 26 August to 5:00pm on 28 October 2022 as set by the Local Planning Authority.

To ensure an effective and fair examination, it is important that the Inspector and all other participants in the Examination process are able to know who has made the representations on the Plan. The Local Planning Authority will therefore ensure that the names of those making representations can be made available (including publication on the Local Planning Authority’s website) and taken into account by the Inspector.

**Legal Compliance and Duty to Co-operate**

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 Planning and Compulsory Purchase Act 2004 (as amended) before moving on to test for soundness.

***Legal Compliance***

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

The Plan should be included in the current Local Development Scheme and the key stages should have been followed. The Local Development Scheme is effectively a programme of work prepared by the Local Planning Authority, setting out the plans it proposes to produce. It will set out the key stages in the production of any plans which the Local Planning Authority proposes to bring forward for examination. If the Plan is not in the current Local Development Scheme it should not have been published for representations. The Local Development Scheme should be on the Local Planning Authority’s website and available at its main offices.

* The Selby Local Development Scheme (LDS)is available to view on the Council’s website at: <https://www.selby.gov.uk/local-development-scheme>.
* On the 4 August 2022, the Executive resolved to recommend an updated LDS to Full Council to be brought into effect. The next Council meeting is 27 September 2022.

The process of community involvement for the Plan in question should be in general accordance with the Local Planning Authority’s Statement of Community Involvement. The Statement of Community Involvement sets out The Local Planning Authority’s strategy for involving the community in the preparation and revision of plans and the consideration of planning applications.

* The Selby Statement of Community Involvement is available to view on the Council’s website at: <https://www.selby.gov.uk/statement-community-involvement-sci>.

The Plan should comply with all other relevant requirements of the Planning and Compulsory Purchase Act 2004 and the Town and County Planning (Local Planning) (England) Regulations 2012, as amended (the Regulations). <http://www.legislation.gov.uk/uksi/2012/767/contents/made>

On publication, the Local Planning Authority must publish the documents prescribed in the Regulations and make them available at its principal offices and on its website. The documents are available here:

* The Selby District Local Plan and Supporting Documents are available to view on the Council’s website at: <https://www.selby.gov.uk/localplan> and at
* Selby District Council, Civic Centre, Doncaster Road, Selby, YO8 9FT.

All the consultation documents are also available to view on the Council’s online Local Plan consultation portal at <https://selby-consult.objective.co.uk/kse>. This is also where you should submit your comments

In addition, the documents are also available to inspect at the following locations:

* Barlby Library and Community Hub, Howden Road, Barlby YO8 5JE
* Selby Library, 62 Micklegate, Selby YO8 4EQ
* Sherburn in Elmet and Villages Community Library, Finkle Hill, Sherburn in Elmet LS25 6EA
* Tadcaster Community Library, Station Road, Tadcaster LS24 9JG

The Local Planning Authority must also notify the various persons and organisations set out in the Regulations and any persons who have requested to be notified.

* The Selby District Local Plan Statement of Consultation sets out who was notified at what stage of plan preparation and how they were notified as well as a summary of the comments received and how the Plan was altered as necessary. The Selby District Local Plan Statement of Consultation is available to view on the Council’s website at <https://www.selby.gov.uk/localplan>

The Local Planning Authority 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 assessing the extent to which the Plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives.

The Selby District Sustainability Appraisal is available to view on the Council’s website at: [https://www.selby.gov.uk/strategic-environmental-assessment-and-sustainability-appraisal](https://www.selby.gov.uk/strategic-environmental-assessment-and-sustainability-appraisal%20%20T) The online documents can also be accessed by visiting the Civic Centre.

***Duty to Co-operate***

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

Section 33 of the Planning and Compulsory Purchase Act 2004 (as amended) requires The Local Planning Authority to engage constructively, actively and on an ongoing basis with neighbouring authorities and certain other bodies over the strategic matters during the preparation of the Plan. The Local Planning Authority will be 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 cannot recommend adoption of the Plan

* The Selby District Duty to Co-operate statement is available to view on the Council’s website at: <https://www.selby.gov.uk/localplan>.
* The online documents can also be accessed by visiting the Civic Centre

**Soundness**

The Tests of Soundness are set out in paragraph 35 of the National Planning Policy Framework (NPPF). Plans are sound if they are:

1. ***Positively prepared***: providing a strategy which, as a minimum, seeks to the area’s objectively assessed needs, and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
2. ***Justified***: an appropriate strategy taking into account the reasonable alternatives, and based on proportionate evidence;
3. ***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, and
4. ***Consistent with national policy***: enabling the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework and other statements of national planning policy, where relevant.

If you think the content of the Local 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?

**General advice**

If you wish to make a representation seeking a modification to a Plan or part of a Plan you should set out clearly in what way you consider the Plan or part of the Plan is legally non-compliant or unsound, having regard as appropriate to the soundness criteria above.

Your representation should be supported by evidence wherever possible. It will be helpful if you also say precisely how you think the Plan should be modified. 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 has been submitted for examination may only be made if invited by the Inspector, based on the matters and issues he or she identifies.

Where groups or individuals share a common view on the Plan, it would be very helpful if they would make a single representation which represents the 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.

Only representors who are seeking a change to the Plan within the deadline set by the Council for Publication responses have a right to appear and be heard at a hearing session(s). In considering this, please note that written and oral representations carry the same weight and will be given equal consideration in the examination process. Attendance and participation at the Examination is at the invitation of the Inspector.

The Planning Inspectorate have provided guidance and advice on taking part in Local Examinations. Please see the Planning Inspectorate website for further information:

<https://www.gov.uk/guidance/taking-part-in-local-plan-examinations>

If you have any further questions regarding submitting comments on the Council’s online consultation portal at <https://selby-consult.objective.co.uk/kse> or the completion of the comments form, please contact the Planning Policy Team at: localplan@selby.gov.ukor telephone: 01757-292134