**South Derbyshire District Council Local Plan Part 1 Review 2022-2041 (Publication Version)**

**Guidance on how to complete the Regulation 19 Representation Form**

**Purpose of the consultation stage**

1. This is the South Derbyshire Local Plan Part 1 Review 2022-2041 (Publication Version) required by Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). Representations at this stage should only be made on legal compliance and soundness of the Plan, that is: has the plan been prepared in accordance with all legal and procedural requirements; and does the plan meet the prescribed tests of soundness (explained later in this document).

**Consultation/Publication Period**

1. The period for submission of representations is between 9am on Monday 10th March 2025 and 5pm on Friday 25th April 2025. Representations must be received by the South Derbyshire Planning Policy Team in writing within this period. No representations will be accepted outside of this period.

**How to view the documents**



1. During the representations period, copies of the Local Plan and other proposed submission evidence based documents will be available to view on the Councils website at [www.southderbyshire.gov.uk/local-plan-part-1](http://www.southderbyshire.gov.uk/local-plan-part-1). You can also scan the QR code.
2. It is easiest to view consultation documents online. However, if this is not possible for you, we have made a limited number of hard copy materials available in accordance with the Councils Statement of Community Involvement. Hard copies are available to view at:
* South Derbyshire District Council, Civic Offices, Civic Way, Swadlincote, DE11 0AH
* South Derbyshire libraries:
	+ [Swadlincote, Civic Way, Swadlincote, DE11 0AH](https://www.derbyshire.gov.uk/leisure/libraries/find-your-local-library/swadlincote-library.aspx) [Woodville, 1 Hartshorne Road, Woodville, Swadlincote, DE11 7JB](https://www.derbyshire.gov.uk/leisure/libraries/find-your-local-library/woodville-community-managed-library.aspx)
	+ [Etwall, Egginton Road, Etwall, DE65 6NB](https://www.derbyshire.gov.uk/leisure/libraries/find-your-local-library/etwall-library.aspx)
	+ [Melbourne, Melbourne Assembly Rooms, High Street, Melbourne, DE73 8GF](https://www.derbyshire.gov.uk/leisure/libraries/find-your-local-library/melbourne-library.aspx)
	+ Mobile Library – the detail of the route can be found via the following link: [Mobile libraries - Derbyshire County Council](https://www.derbyshire.gov.uk/leisure/libraries/services/mobile-libraries/mobile-libraries.aspx)
* The following libraries outside of the District:
* [Burton on Trent, Riverside, Burton upon Trent, DE14 1AH](https://www.staffordshire.gov.uk/Libraries/branchlibraries/BurtonLibrary/BurtonLibrary.aspx)
* [Chellaston, Barley Croft, Derby DE73 6TU](https://www.inderby.org.uk/libraries/community-libraries/)
* [Mickleover, Holly End Road, Mickleover DE3 0EA](https://www.inderby.org.uk/libraries/our-libraries/mickleover-library/)
* [Sinfin, Sinfin District Centre, Arleston Lane, Derby DE24 3DS](https://www.inderby.org.uk/libraries/community-libraries/)
* [Mackworth, Prince Charles Ave, Mackworth, Derby, DE22 4BG](https://www.inderby.org.uk/libraries/community-libraries/)

**How to submit representations**

1. The easiest way to respond is online at [www.southderbyshire.gov.uk/local-plan-part-1](http://www.southderbyshire.gov.uk/local-plan-part-1). If you cannot access the online form, please use the representation form which can be printed from the webpage to send us your comments.
2. Written representations can be submitted by email to local.plan@southderbyshire.gov.uk or representation forms can be posted to the Planning Policy Team, Council Offices, Civic Way, Swadlincote, DE11 0AH.

**Contact us**

1. If you have any further questions, please contact us at local.plan@southderbyshire.gov.uk.

**Guidance Note**

1. The following guidance notes have been provided by the Planning Inspectorate to assist you in completing the representation form. Please read these notes carefully before completing your form.

**Introduction**

1. South Derbyshire District Council has published its Local Plan Part 1 Review 2022- 2041 for representations to be made on it before it is submitted for examination by a Planning Inspector. The Planning and Compulsory Purchase Act 2004 (PCPA), 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 Inspector will consider all representations on the plan that are made by 5pm on Friday 25th April 2025.
2. To ensure and 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 representations on the plan. The Council will therefore ensure that the names of those making representations are made available (including on the Councils website) and taken into account by the Inspector.

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

1. Before making a representation based on legal compliance, please consider the following:
	* 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 Local Planning Authority (LPA) setting out the Local Development Documents (LDDs) it proposes to produce. It will set out the key stages in production of any plans that 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). The SCI sets out the LPA’s strategy for involving the community in the preparation and revisions of the LDDs (including plans) and the consideration of planning applications.
	* The plan should comply with the Town and Country Planning (Local Planning)(England) Regulations 2012 (the Regulations). 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 other 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 that they reflect social, environmental and economic factors.
2. 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 the 15th 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.

**Soundness**

1. Soundness is outlined in paragraph 36 of the National Planning policy Framework (NPPF). The inspector has to be satisfied that the plan is:
	* 1. **Positively prepared**: This means that the plan should be prepared based on 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 areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;.
		2. **Justified**: The plan should be an appropriate strategy, taking into account reasonable alternatives, and based on proportionate evidence.
		3. **Effective**: The plan should be 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**: The plan should enable the delivery of sustainable development in accordance with the policies in the NPPF and other statements of national planning policy, where relevant.
2. These tests of soundness will be applied to non-strategic policies in a proportionate way, taking into account the extent to which they are consistent with relevant strategic policies for the area.

**General Advice**

1. 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?
	* 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?
2. If you wish to make representation seeking a modification to the 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.
3. 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.
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 session(s). Only representors who are seeking a change to the plan have a right to be heard at the hearing session(s) if they so request. In considering this, please note that written and oral representations carry the same weight and will be given equal consideration in the examination process.