

# Worcestershire County Council Waste Core Strategy Development Plan Document: Publication Document Consultation (Regulation 27) Response Form

## Guidance notes

The representations on the Waste Core Strategy, Sustainability Appraisal and Habitats Regulations Assessment documents will be considered alongside the submitted Waste Core Strategy documents, which will be examined by a Planning Inspector. The purpose of the examination is to consider whether the Waste Core Strategy complies with the legal requirements and is 'sound'.

These guidance notes are intended to help you fill in the representation form.

### Part A: Your details

- ✓ **All respondents must provide their personal details in question 1** as it is not possible for representations to be considered anonymously. Respondents should also note that representations are not confidential and that they will be published on the County Council's web-site and copies will be placed at appropriate venues across the County for public inspection.
- ✓ **Where there are groups who share a common view on how they wish to see the Waste Core Strategy changed**, 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.

### Part B: Your representation(s)

- ✓ **Please use question 2 to identify the section that your representation refers to** and use a separate sheet for each representation. To help us to collate all representations please include your name or organisation and details of how many representations you have made on the Waste Core Strategy at the top of Part B.
- ✓ **Please use question 3 to identify whether you think the Waste Core Strategy is legally compliant.** If you are seeking to make representations on the way in which the County Council has prepared the submitted Waste Core Strategy it is likely that your comments or objections will relate to a matter of legal compliance.

Under the Planning and Compulsory Purchase Act 2004 Section 20(5)(a) an Inspector is charged with checking that the plan has complied with legislation. This includes in particular checking that the plan:

- has been prepared in accordance with the Local Development Scheme<sup>1</sup> and in compliance with the Statement of Community Involvement<sup>2</sup> and the Regulations<sup>3</sup>;
- has been subject to sustainability appraisal;
- has regard to national policy;
- conforms generally to the Regional Spatial Strategy; and
- has regard to any sustainable community strategy for its area.

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<sup>1</sup> The Local Development Scheme (LDS) is effectively a programme of work prepared by the Council, setting out the documents it proposes to produce over a 3 year period. The LDS is on the Council's website and available at their main offices.

<sup>2</sup> The Statement of Community Involvement (SCI) is a document which sets out the Council's strategy for involving the community in the preparation and revision of Local Development Documents for the Local Development Framework (LDF) and the consideration of planning applications.

<sup>3</sup> The Town and Country Planning (Local Development) (England Regulations) 2004 (as amended).

These are the issues that you should consider if you wish to make comments or objections which relate to matters of legal compliance.

- ✓ **Please use question 3 to identify whether you think the Waste Core Strategy is 'sound' and use question 4 to identify which test of soundness your representation relates to.** If you are seeking to make representations on the content of the submitted Waste Core Strategy it is likely that your comments or objections will relate to the 'soundness' of the Strategy.

To be sound the Waste Core Strategy should be:

1. **Justified:** This means that the Waste Core Strategy should:

- Be founded on a robust and credible evidence base. The evidence base should contain two elements:
  - *Participation:* Evidence of the views of the local community and others who have a stake in the future of the area
  - *Research/fact finding:* Evidence that the choices made in the Waste Core Strategy are backed up by the background facts.Evidence gathered should be proportionate to the job undertaken by the Waste Core Strategy, relevant to Worcestershire and as up-to-date as practical having regard to what may have changed since the evidence was collected.
- Consider reasonable alternatives in developing the most appropriate strategy. These alternatives should be realistic and subject to sustainability appraisal.

2. **Effective:** This means that the Waste Core Strategy should be:

- Deliverable: showing how the vision and objectives and strategy for the area will be delivered and by whom and when. It should
  - be based on sound infrastructure delivery planning
  - have no regulatory or national planning barriers to delivery
  - state who is intended to implement different elements of the strategy, with partners signed up to it where relevant
  - be coherent with the core strategies prepared by neighbouring authorities.
- Flexible: the Waste Core Strategy should look over a long time frame of 15 years or more, but should be able to show contingencies for handling uncertainty, and what would trigger their use.
- Able to be monitored: The Waste Core Strategy must have clear arrangements for monitoring and reporting the results to the public and civic leaders. The Waste Core Strategy should contain clear targets or measurable outcomes as the basis on which contingency plans within the strategy would be triggered if the strategy starts to fail.

Any measures which the Council has included to make sure that targets are met should be clearly linked to an Annual Monitoring Report. This report must be produced each year by all local authorities and will show whether the Waste Core Strategy needs amendment.

3. **Consistent with national policy:** Where there is inconsistency with national policy, Councils must provide clear and convincing reasoning to justify their approach.

You may feel the Waste Core Strategy should include a policy or policies which would be different to national or regional policy to some degree in order to meet a clearly identified and fully justified local need, but they have not done so. In this instance it will be important for you to say in your representations what the local circumstances are which justify a different policy approach to that in national or regional policy and support your assertion with evidence.

- ✓ **If you think the Waste Core Strategy is not legally compliant and is unsound** and therefore want to answer 'No' to both parts of this question, please fill in two separate forms and indicate in box 5 which representation relates to legal compliance and which relates to 'soundness'.

- ✓ **Please complete question 5 to give details of why you consider that the Waste Core Strategy is/is not legally compliant or is unsound**

- If you think the Waste Core Strategy is not legally compliant or is unsound and you think the Waste Core Strategy could be changed to address this, please give details.

You should support your comment with evidence showing **why** the Waste Core Strategy should be changed. It will be helpful if you also say precisely **how** you think the Waste Core Strategy should be changed. Comments should succinctly cover all of the evidence and supporting information necessary to support or justify the comment and the suggested change. You should not assume that there will be an opportunity to add further information, although the Inspector may request additional information from you, based on the matters and issues he/she identifies for examination.

- If you think the content of the Waste Core Strategy is not sound because it does not include a policy where you think that 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 any national planning policy or in the Regional Spatial Strategy? If so, it does not need to be included.
  - Is what you are concerned with covered by any other policies in the Waste Core Strategy or in any other Local Development Documents in the Development Plan (including City, Borough and District Local Plans and Core Strategies). There is no need for repetition between these documents.
  - If the policy is not covered elsewhere, in what way is the Development Plan Document unsound without the policy?
  - If the Development Plan Document is unsound without the policy, what should the policy say?

You should support your comment with evidence showing **why** the Waste Core Strategy should be changed.

- ✓ **If you are making a comment about the Sustainability Appraisal or Habitats Regulation Assessment documents** please consider the legal compliance and tests of soundness as applicable. If you are in any doubt about whether your comment relates to legal compliance or to soundness please identify this in your comment.

## General Notes

Further detailed guidance on the preparation, publication and examination of documents is provided in *Planning Policy Statement 12: Local Spatial Planning* and in *The Plan Making Manual* available from Department for Communities and Local Government and Planning Advisory Service.

The Waste Core Strategy Publication Document (Regulation 27), the background documents and the representation form are available on [www.worcestershire.gov.uk/wcs](http://www.worcestershire.gov.uk/wcs) or on request from:

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All responses **must be received BY** 5.30pm on Wednesday 4<sup>th</sup> May 2010.