



Frequently Asked Questions

Comments / representations

1. Who can make comments on the Local Plan?

Anyone can make a comment on the Local Plan, including objecting to or supporting any part of the plan.

2. What will happen to my comments when I make them?

Representations / comments will be recorded by South Somerset District Council and the main issues raised will be noted for the Inspector. A full paper and electronic copy of every representation received will also be sent to the Inspector for consideration.

3. How long do I have to submit my representation?

In order for your representation to be considered at the examination, you must make the representation during the specified 6-week consultation period – 28th June 2012 to 10th August 2012.

4. Do I have to use the official form to make my comments / representations?

No, but you are recommended strongly to do so. The forms and accompanying notes are designed to assist you in focusing your representation and will ensure there is consistency in the way representations are presented and considered, helping the examination process to run smoothly.

Where your representation seeks more than one change (and relates to the failure to meet more than one test of soundness), a separate form should be used for your representation on each change and relevant soundness test. A separate form should also be used for a representation supporting the Local Plan as opposed to a representation seeking a change.

5. Will a representation made at an earlier stage of the plan/statement making process be considered at the Examination?

No. Only those representations made at this stage will be considered in examining the soundness of the Local Plan.

6. What is the purpose of the Examination?

The Inspector's role is to carry out an independent assessment to ensure that the Local Plan satisfies the statutory requirements for its preparation and is 'sound'.

Soundness

7. What does 'sound' mean?

There is no definition for 'sound' in the legislation but it should be considered in this context within its ordinary meaning of 'showing good judgment' and 'able to be trusted' and within the context of fulfilling the expectations of legislation. Soundness is explained in the National Planning Policy Framework (NPPF) paragraph 182. The Inspector has to be satisfied that the Local Plan is positively prepared, justified, effective and consistent with national policy.

8. Do representations seeking a change to the Local Plan have to be related to the tests of soundness?

No. But it will assist the Inspector in the examination process if representations seeking changes focus on the tests of soundness. Ideally representations should seek to demonstrate clearly why the Local Plan is unsound and what changes are considered necessary to make it sound. Representations must relate to the Local Plan itself.

Examination

9. How will an Inspector assess whether the local planning authority's process of deciding between options is sound?

The Inspector's role is not to assess whether the choice process is sound, only to establish whether the Local Plan is sound.

10. What form will examinations take?

The Inspector will decide the appropriate method for examination. Examinations may take place using written representations, round table discussions, informal hearings or formal hearings (which may involve cross-examination). Written representations that these carry the same weight as appearing at the Examination to give oral representations.

11. What if I know there are others that share the same concerns as me?

Where there are groups who share a common view on how they wish to see a Local Plan changed, it would be very helpful for the Inspector 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 (repeating the same points will not add weight to the case being made). Groups should indicate how many people they represent and how the representation has been authorised.

12. Can representations to a Local Plan be made confidentially?

No. This will allow those who have made representations to identify others who have made a similar representation.

13. Can I submit my representation electronically?

Yes. Either via email: planning.policy@southsomerset.gov.uk (ideally attaching a completed comments form/s) or through the Council's web site: www.southsomerset.gov.uk/localplan

14. What is the nature of the legal right to be heard?

Only those seeking a change (i.e. effectively 'objecting') to the Local Plan have a right to be heard. Those making representations supporting the Local Plan do not have the right to be heard. It is for the Inspector to determine the form of right to be heard i.e. whether it is a round table discussion, informal or formal hearing. When a person intends to exercise this right, it is helpful if they consider how attendance at an examination, as opposed to setting out the case in writing, will help the Inspector consider whether the Local Plan is sound.

15. When does the examination process start?

Upon actual submission of the Local Plan with representations and summary of issues there will be a 10 week period to the start of the Examination. If a Pre -Examination Hearing is not called for or 14 weeks if a Hearing is held.

Hearing

16. Will there be a Pre-Examination Hearing?

Where a Local Plan is simple and straightforward and there are no / limited representations (which may be dealt with by written representations) it is unlikely that a pre-examination meeting will be needed. In other cases, normally a pre-examination hearing or meetings will be held by the Inspector to discuss the management of the examination, including the overall programme for the examination, how representations will be heard and the timetable for submission of evidence. It is desirable that those who wish to appear at the examination make every effort to attend.

17. Will the Inspector assist me to make my representation at the examination?

Inspectors are careful to ensure that lay participants who are unfamiliar with an oral hearing are properly guided through the process. However, it is not necessarily the case that an appearance before the Inspector will lead him/her to a better understanding of your point – you should consider carefully whether a written representation might allow you to make your case more clearly.

18. Will I be prejudiced if I don't attend an oral hearing?

No. Written representations are afforded the same weight as examination appearances.

19. How long will a DPD oral hearing last?

The precise length of the individual examination will be determined by the nature of the Local Plan and the issues involved. The draft programme will indicate how long the examination is anticipated to last and inform participants when they are likely to be required to attend. The examination programme will show what procedural methods the Inspector intends to adopt and will indicate who has been invited to each session. The aim is that from submission of any Local Plan for examination to issue of the report should take no more than 29 weeks.

20. What if I refuse a request to appear by an Inspector?

Inspectors have the power to invite additional participants to the examination who have opted not to be heard or who can offer expert advice on a particular issue. However, where a person who has made a written representation declines an invitation to appear, non-attendance will not detract from the weight afforded to their written representation.

21. If I have made a representation seeking a change, will my agreement be sought prior to calling an expert witness to give evidence at an examination?

No. But all relevant parties would be informed of the Inspector's decision to call an expert witness and their comments would be taken into account. Where appropriate, such parties would be given an opportunity to respond to evidence of an expert witness.

22. How will I know the outcome of the examination?

After the examination, the Inspector will produce a report for the LPA with his/her recommendations and reasons. The report is not binding, however the Council will have to have a good planning reason for not accepting a change/s.

23. Am I entitled to see a copy of the Inspector's recommendations and reasons in the report?

Yes. On adoption of the DPD/SCI, the local planning authority must publish the Inspector's recommendations and reasons. These should be available for inspection at the LPA's

offices and on its website. Notice must also be given to those persons who requested to be notified of their publication.

24. Will I be able to identify specifically how my representation has been dealt with in the Inspector's report?

The report will not summarise any representations submitted to the examination but will focus on whether the Local Plan is sound, which the Inspector's conclusions will address.

25. What if I wish to challenge the adopted Local Plan?

Any person may challenge the validity of an adopted Local Plan on the grounds that it is not in accordance with the relevant legislation. Applications must be made to the High Court within 6 weeks of the date of the Council advertising that the Local Plan has been adopted.

26. Can those making representations apply for an award of costs following a Local Plan hearing?

No everyone who attends a Local Plan hearing will be responsible for meeting their own costs.

Call-in

27. What does call- in mean and when does it happen?

The Secretary of State can call-in a local plan at anytime before it is adopted if he or she thinks it is "unsatisfactory". Reasons must be given for doing this and those involved in the plan process will be notified if it does happen.