

Wokingham Borough Local Plan Update 2023-2040: Proposed Submission Plan September 2024

Guidance notes for making representations

Introduction

The Wokingham Borough Local Plan Update 2023-2040: proposed Submission Plan (the Plan) has been published by Wokingham Borough Council in order for representations to be made on it before it is submitted for examination by a Planning Inspector.

This guidance note provides information to help you make comments on the Plan. We would advise that you read these notes carefully before making representations.

Background

During the examination, the Planning Inspector will consider whether the Plan:

- Complies with the relevant legal requirements, including the duty to cooperate; and
- Is sound, as set out in the National Planning Policy Framework.

A more detailed explanation about legal compliance and soundness is set out below.

Legal Compliance and Duty to Cooperate

The Planning Inspector will first check that the Plan meets the legal requirements for preparing a local plan under the Planning and Compulsory Purchase Act (PCPA) 2004 (as amended).

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

- The Plan should be included in the 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 council, setting out different planning policy documents it proposed to produce over a three year period.
- The process of community involvement for the Plan should be in general accordance with the council's Statement of Community Involvement (SCI). The SCI sets out the council's strategy for involving the community in the preparation and revision of planning policy documents and the consideration of planning applications.
- A Sustainability Appraisal (SA) of the Plan should have been carried out and the SA published. The SA report should identify the process by which SA has been carried out, and the baseline information used to inform the process and the outcomes of that process. 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 2004 (as amended), and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

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

- Section 33A of the PCPA 2004 (as amended) requires the council 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 council 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 Planning Inspector has no power to recommend modifications in this regard. Where the duty has not been complied with, the Planning Inspector cannot recommend adoption of the plan.

Soundness

The Planning Inspector's role is also to examine whether the Proposed Submission Plan meets the following tests of soundness defined in the National Planning Policy Framework. 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; and
- Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in the NPPF.

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?

General advice

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

advice 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, including any 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 Planning Inspector, based on the matters and issues they identify.

Where there are groups who share a common view on the Plan, it would be very helpful if they would make a single representation which represents that view, rather 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.

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.

How to I respond and to whom?

Representations should be received by Wokingham Borough Council no later than 10:00am on 12 November 2024 or they will not be considered.

Representations should be provided in writing. This can be done by completing and submitting the representation form using the following methods:

- Online: using the council's survey which can be found at <https://engage.wokingham.gov.uk/en-GB/projects/right-homes-right-places-local-plan>.
- Email: LPU@wokingham.gov.uk
- Post: Local Plan Update, Planning Policy, Wokingham Borough Council, Shute End, Wokingham, RG40 1BN.

If you wish to submit documentation in support of your representation, the council would appreciate receiving it in electronic format to the email address above.

What happens to your representation?

Following the close of the consultation period, the council is required to summarise the main issues raised by the representations. All the representations as well as the summary of main issues raised along with the submission version of the Plan and supporting evidence will be submitted to the Secretary of State who will appoint a Planning Inspector to undertake an independent examination.

Appearing at the Examination

Once the Plan is submitted, the Planning Inspector will identify what issues to discuss at the examination and when that process should take place. Those people that have indicated a wish to

attend the examination will (at the discretion of the Planning Inspector) be invited to the appropriate hearing sessions relating to the representation(s) they have made.

Data Protection Notice

Please be aware that all representations, including the name of individuals and organisations making the representation will be made public on the council's website.

This is because they are used to inform the development of planning policy, and planning laws set out the requirements in relation to local plans. This also ensures an effective and fair examination, as it is important that the Planning Inspector and all other participants in the examination process know who has made representations.

For more information on how the Council processes your personal information please see our privacy notice. This can be viewed at:

<https://www.wokingham.gov.uk/council-and-meetings/information-and-data-protection/privacy-statement/privacy-notices-and-how-we-use-information>

If you no longer wish to be kept informed of progress on the local plan or related consultations, you can opt out from this service at any time by emailing policyandplans@wokingham.gov.uk. It is important that you inform the Planning Policy Team of any changes to contact details so that you can remain updated on the progress of these planning policy documents.

Further information

Further information on the Local Plan Update, including links to the evidence base including how the council has met the duty to co-operate, and links to the online consultation portal can be found from the Local Plan Update webpage.