

Guidance Notes for making Representations

Wolverhampton Local Plan, Publication Stage (Regulation 19) Consultation,
Monday 25 November, 2024 – 5pm on Thursday 9 January, 2025

1. Introduction

- 1.1 These Guidance Notes have been prepared to assist you in responding to the consultation on the Publication version of the Wolverhampton Local Plan and are informed by the model Guidance Note prepared by the Planning Inspectorate relating to Local Plans
- 1.2 The consultation runs for just over 6 weeks from Monday 25 November 2024, and closes at 5pm on Thursday 9 January 2025. Only representations received within the consultation period have a statutory right to be considered by the Inspector at the future Local Plan Examination. The Publication Wolverhampton Local Plan, all supporting documents, and further information can be found at: www.wolverhampton.gov.uk/localplan
- 1.3 The Wolverhampton Local Plan (the Plan) has been published by City of Wolverhampton Council as the Local Planning Authority (LPA) in order 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 within the period set by the LPA.
- 1.4 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 representations on the Plan. The LPA will therefore ensure that the names of those making representations can be made available (including publication on the LPA's website) and taken into account by the Inspector.

2. Legal Compliance and the Duty to Co-operate

- 2.1 You should consider the following before making a representation on **legal compliance**:
 - The Plan should be included in the LPA's 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 LPA, setting out the plans it proposes to produce. It will set out the key stages in the production of any plans which the LPA proposes to bring forward for 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. City of Wolverhampton's LDS was updated in November 2024 and is available to view at www.wolverhampton.gov.uk/planning/planning-policies/local-development-scheme-lds and at the Wolverhampton Civic Centre, St Peter's Square, Wolverhampton, WV1 1SH (at the business reception by the mayoral entrance)

- 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 revision of plans and the consideration of planning applications. City of Wolverhampton's SCI can be found at: <https://www.wolverhampton.gov.uk/planning/planning-policies/statement-community-involvement>
- The LPA is required to provide a Sustainability Appraisal (SA) report when it publishes a plan. This 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 SA for the Wolverhampton Local Plan can be viewed at www.wolverhampton.gov.uk/localplan and at:
 - Wolverhampton Civic Centre, St Peter's Square, Wolverhampton, WV1 1SH (at the business reception by the mayoral entrance)
 - Wolverhampton Central Library, Snow Hill, Wolverhampton, WV1 3AX
 - Bilston Library, Mount Pleasant, Bilston, WV14 7LU
 - Wednesfield Library, 2 Well Lane, Wednesfield, WV11 1XT
- The Plan should comply with all other relevant requirements of the PCPA and the Town and Country Planning (Local Planning) (England) Regulations 2012, as amended.

2.2 You should consider the following before making a representation on compliance with the **Duty to Co-operate:**

- Section 33A of the PCPA requires the LPA 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 LPA 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.

More information about City of Wolverhampton Council's evidence regarding the Duty to Co-operate for the Plan can be viewed at: www.wolverhampton.gov.uk/localplan

3. Soundness

3.1 The tests of soundness are set out in paragraph 35 of the National Planning Policy Framework (NPPF). 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.

- 3.2** 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?

4. General advice

- 4.1** 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 in paragraph 3.1 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.
- 4.2** 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.
- 4.3** 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 that 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.
- 4.4** 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.

5. Data Protection & Privacy

- 5.1** Personal data processed by the Council through the submission of representations is necessary to perform a task in the public interest and has a clear basis in law (UK GDPR Article 6. 1 (e)).
- 5.2** To ensure an effective and fair examination, it is important that the Inspector and all other participants in the examination process know who has made representations on the Plan. Therefore, any representations you submit will be treated as public. We cannot accept anonymous representations; you must provide us with your name and contact details. The Council will publish names, organisation names and the content of representations on its website. Other personal information including signatures, property address, email address and telephone number details will not be published or made available for public inspection – please see the privacy notice for more information: www.wolverhampton.gov.uk/localplan. However, all representations including all submitted personal information will be provided to the Local Plan Examination Programme Officer, the Planning Inspectorate, and the Inspector appointed by the Secretary of State to conduct the examination.

5.3 The Representation Form includes an opt-in if you wish to be contacted further at future stages of the Local Plan process:

- Submission of the Wolverhampton Local Plan to the Secretary of State for independent examination
- Publication of the recommendations of the Planning Inspector appointed by the Secretary of State to carry out the independent examination under Section 20 of the Planning and Compulsory Purchase Act 2004
- Adoption of the Wolverhampton Local Plan by the Council

and to be added to the Local Plan Consultation database for Wolverhampton where you may be contacted about e.g. future revisions to the Local Plan, new planning policies and guidance.oj

5.4 The Planning Inspectorate has published a Privacy Statement on how they manage personal information which can be accessed through the published procedural guide for Local Plan examinations. This can be viewed at: www.gov.uk/government/publications/planning-inspectorate-privacy-notices/customer-privacy-notice

5.5 For more information on City of Wolverhampton Council's Privacy Notice please see: www.wolverhampton.gov.uk/localplan

You can get this information in large print, braille, audio or in another language by calling 01902 551155 or emailing translations@wolverhampton.gov.uk

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