**MILTON KEYNES COUNCIL**

**Office use only**

Date received:

Rep ID:

Consultee ID:

Agent ID:

**MINERALS LOCAL PLAN PUBLICATION**

**PROPOSED SUBMISSION PUBLICATION STAGE**

**Wednesday 27th January – Wednesday 9th March 2016**

**REPRESENTATION FORM**

Please read the ‘Guidance Note for Respondents’ (at the end of this form) before completing this form.

Please return to Milton Keynes Council by **5pm on Wednesday 9th March 2016.** This form can be completed **online** using our ‘Objective’ consultation system at <http://miltonkeynes-consult.objective.co.uk>, where you can also print or save a copy for your own records.

Alternatively, you can send completed forms to us:

* By **email**, to minerals.plan@milton-keynes.gov.uk
* By **fax**, to 01908 252330
* By **post** using our freepost address, to Development Plans Team, Milton Keynes Council, Civic Offices, 1 Saxon Gate East, Central Milton Keynes, MK9 3EJ

Please do not send duplicates. Note that all comments will be made available for the public to read and therefore **cannot be treated as confidential**. Type or print clearly in black or blue ink. Use a separate form for each representation. If you use additional sheets, please mark them clearly with your name or organisation.

|  |  |  |
| --- | --- | --- |
|  | **Personal Details** | **Agent Details (if applicable)** |
| Title |  |  |
| First Name |  |  |
| Last Name |  |  |
| Job Title (where relevant) |  |  |
| Organisation (where relevant) |  |  |
| Address |  |  |
| Post Code |  |  |
| Telephone Number |  |  |
| Email Address |  |  |

**Representation Details**

**Q1. To which part of the Minerals Local Plan does this representation relate?** Please use a separate form for each section you wish to comment on

|  |  |  |  |
| --- | --- | --- | --- |
| Policy Number |  Policy…. | Paragraph Number |  |

**Q2. Do you consider the Minerals Local Plan is…?** Please mark one answer for each question

|  |  |  |
| --- | --- | --- |
|  | Yes | No |
| (a) Legally compliant |  |  |
| (b) Sound |  |  |

If you answered ‘No’ to Q2(b), please complete Q3. In all other circumstances, please go straight to Q4.

**Q3. Do you consider the Minerals Local Plan is unsound because it is not**… (please mark all you think apply)

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| (a) Justified |  | (b) Effective |  | (c) Consistent with national policy |  |

**Q4. Please give details of why you consider the Minerals Local Plan is not legally compliant or is unsound.** Please be as precise as possible. **If you wish to support the legal compliance of the Minerals Local Plan, please also use this box to set out your comments.**

|  |
| --- |
|  |
| *Continue on a separate sheet if necessary. Mark any additional pages with your name or organisation* |

**Q5. Please set out what change(s) you consider necessary to make the Minerals Local Plan legally compliant or sound, having regard to the test you have identified in Q3 where your comment relates to soundness.** You will need to say why this change will make the Minerals Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

|  |
| --- |
|  |
| *Continue on a separate sheet if necessary. Mark any additional pages with your name or organisation* |

**Q6. If your representation is seeking a change, do you consider it necessary to participate at the oral part of the examination?**

|  |  |
| --- | --- |
| (a) **No**, I do not wish to participate at the oral examination |  |
| (b) **Yes**, I wish to participate at the oral examination |  |

**Q7. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary**. Please note the Inspector will determine the most appropriate procedure to hear those who have indicated that they wish to participate at the oral part of the examination.

|  |
| --- |
|  |

**Q8. Do you wish to be notified of any of the following?** Please mark all that apply. We will contact you using the details you have given above unless you specify an alternative address.

|  |  |
| --- | --- |
| (a) when the Minerals Local Plan has been submitted for independent examination |  |
| (b) when the Inspector’s Report is published |  |
| (c) when Milton Keynes Council adopts the Minerals Local Plan |  |

**MILTON KEYNES**

**MINERALS LOCAL PLAN**

**PROPOSED SUBMISSION PUBLICATION**

**GUIDANCE NOTE FOR RESPONDENTS**

**Publication Period:**

**Wednesday 27th January –**

**Wednesday 9th March 2016**

**Introduction**

The purpose of this Guidance Note is to assist those wanting to make representations on the Minerals Local Plan Proposed Submission Version (which can be viewed online at <http://miltonkeynes-consult.objective.co.uk>). The Minerals Local Plan Proposed Submission Version is available as part of the ‘pre-submission publication’ (Reg 19) stage, to allow the public and other stakeholders to make comments prior to submission to the Secretary of State. The representations will be considered alongside the Minerals Local Plan as part of the examination by an independent Planning Inspector.

The Planning and Compulsory Purchase Act 2004 (the 2004 Act, [www.legislation.gov.uk/ukpga/2004/5/contents](http://www.legislation.gov.uk/ukpga/2004/5/contents)) states that the purpose of the examination is to consider whether the Plan complies with the legal requirements and is ‘sound’. You should remember when responding at this publication stage that any objections you make to the Minerals Local Plan must relate to legal compliance or soundness. Question 2 on the Representation Form asks whether your comment relates to legal compliance or soundness.

* If you are seeking to make representations on the **way** in which Milton Keynes Council has prepared the Minerals Local Plan, it is likely that your comments or objections will relate to a matter of **legal compliance**.
* If it is the **actual content** on which you wish to comment or object to, it is likely it will relate to whether the Minerals Local Plan is **justified, effective or consistent with national policy**.

**Legal Compliance**

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

* **The Minerals Local Plan should be within 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 Council, setting out the Local Development Documents it proposes to produce over a 3 year period. Our most recent LDS (published June 2015) includes the Minerals Local Plan and the required key stages in the preparation of this Plan have all been followed.
* **The process of community involvement for the Minerals Local Plan should be in general accordance with the Council’s Statement of Community Involvement** (SCI). The SCI is a document which sets out the Council’s strategy for involving the community in the preparation and revision of Local Development Documents (including the Minerals Local Plan) and the consideration of planning applications. The Milton Keynes SCI was adopted in March 2014. The Statement of Consultation accompanying the Minerals Local Plan sets out how consultation has been undertaken throughout the document’s preparation in accordance with the SCI.

* **The Minerals Local Plan should comply with the Regulations** (i.e. the Town and Country Planning (Local Development)(England) Regulations 2012, (see [http://www.legislation.gov.uk/uksi/2012/
767/pdfs/uksi\_20120767\_en.pdf](http://www.legislation.gov.uk/uksi/2012/767/pdfs/uksi_20120767_en.pdf)) for the 2012 regulations. At this stage, the Council must publish the documents prescribed in the regulations, and make them available at their principal office and their website. The Council must also place local advertisements and notify the DPD bodies (as set out in the regulations) and any persons who have requested to be notified. The submission documents’ fulfil these requirements, and can be viewed on the Council’s website, at the Civic Offices, at the public libraries.
* **The Minerals Local Plan must show it has complied with the Duty to Cooperate.** This is set out in the Publication Plan and more information about the duty is available from here: <http://planningguidance.communities.gov.uk/blog/guidance/duty-to-cooperate/what-is-the-duty-to-cooperate-and-what-does-it-require/>
	+ **The Council is required to provide a Sustainability Appraisal Report when it publishes a DPD**. As part of the development of the Minerals Local Plan, a Sustainability Appraisal (SA) has been prepared. The SA is a tool for appraising policies to ensure they reflect social, environmental and economic factors. The SA is available in all the places the Minerals Local Plan Proposed Submission Version is available, as a supporting/submission document*.*
* **The Minerals Local Plan should have regard to national policy.** The Council believes that the Minerals Local Plan is in general conformity with national policy (as set out in the Government’s national planning policy framework and planning guidance).

**Soundness**

To be sound, a Plan should be:

***a) Positively prepared***

This means that the Minerals Local Plan should be based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development. The NPPF, together with the Marine Policy Statement (MPS) set out principles through which the Government expects sustainable development can be achieved.

***b) Justified***

This means that the Minerals Local Plan should be founded on a robust and credible evidence base involving:

* Evidence of participation of the local community and others having a stake in the area;
* Research/fact finding: the choices made in the plan are backed up by facts.

The Minerals Local Plan should also provide the most appropriate strategy when considered against reasonable alternatives. These alternatives should be realistic and subject to Sustainability Appraisal. The Minerals Local Plan should show how the policies and proposals help to ensure that the social, environmental, economic and resource use objectives of sustainability will be achieved.

***c) Effective***

This means that the Minerals Local Plan should be **deliverable**, including:

* Sound infrastructure delivery planning;
* Having no regulatory or national planning barriers to delivery;
* Delivery partners who are signed up to it; and
* Coherence with the strategies of neighbouring authorities.

The Minerals Local Plan should also be **flexible** and **able to be monitored**. The Minerals Local Plan should indicate who is to be responsible for making sure that the policies and proposals happen and when they will happen.

The plan should be flexible to deal with changing circumstances, which may involve minor changes to respond to the outcome of the monitoring process or more significant changes to respond to problems such as lack of funding for major infrastructure proposals. Although it is important that policies are flexible, the Minerals Local Plan should make clear that major changes may require a formal review including public consultation.

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 Minerals Local Plan needs amendment.

***d) Consistent with national policy***

The Minerals Local Plan should be consistent with national policy. Where there is a departure, the Council must provide clear and convincing reasoning to justify the approach. Conversely, you may feel that the Council should include a Minerals Local Plan policy or policies which would depart from national policy to some degree in order to meet a clearly identified and fully justified local need. 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 policy, and support your assertion with evidence.

If you think the content of the Minerals Local Plan is not sound because it **does not include a policy** where it should do, you should consider the following questions before making representation.

* Is the issue with which you are concerned already covered specifically by any national planning policy? If so, it does not need to be included.
* Is what you are concerned with covered by any other policies in the Minerals Local Plan or in any DPD in the Council’s Local Development Framework (LDF). There is no need for repetition between documents in the LDF.
* If the policy is not covered elsewhere, in what way is the Minerals Local Plan unsound without the policy?
* If the Minerals Local Plan is unsound without the policy, what should the policy say?

Similarly, if you feel the Minerals Local Plan includes a policy that you believe **should not be included**, you should consider the following questions in making your representation.

* Does the policy repeat or fail to expand upon existing national planning policy?
* Does the policy contradict or misrepresent any of the supporting evidence?
* If the existing policy were to be removed, should it be replaced?

The Council considers that the Minerals Local Plan Proposed Submission Version satisfies all these tests of soundness and is the most appropriate strategy for the future development of Milton Keynes. However, if you consider the Minerals Local Plan is unsound against one or more of the four tests of soundness (positively prepared, justified, effective, or consistent with national policy), you should identify which test(s) under Question 3.

**General Advice**

If you wish to make a representation seeking a change to the Minerals Local Plan or part of the Minerals Local Plan, you should make clear in what way the Minerals Local Plan is not sound, having regard to the legal compliance check and four tests of soundness set out above. You should try to support your representation with evidence showing why the Minerals Local Plan should be changed. It will be helpful if you also say precisely how you think the Minerals Local Plan should be changed in Question 5.

Representations should cover succinctly all the information and supporting evidence necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further submissions based on the original representation you make. 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.

Careful consideration should be given by those making a representation in deciding how the representation should be dealt with, i.e. by written representation or by exercising the right to be heard. Only where a change is sought to the Minerals Local Plan is there a right for the representation to be heard at the hearing session. It is important to note that written and oral representations carry exactly the same weight and will be given equal consideration in the examination process. You can tell us if and why you consider it necessary to participate at the hearing session under Questions 6 and 7.

Where there are groups who share a common view on how they wish to see the Minerals Local Plan 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. All representations will be given equal weight.

The published Minerals Local Plan is intended to be the final version for submission to the Secretary of State. Therefore, raising new issues in representations at this stage which have not been raised during the Plan preparation and consultation process will not be helpful. Furthermore, the Inspector will not be able to make a change unless it relates to an issue which has been subject to the proper procedures of community involvement and sustainability appraisal. In the absence of clear evidence that such procedures have been carried out, the Inspector will only be able to give limited consideration to such representations.

**Representations may be accompanied (see Question 8) by a request to be notified at a specified address of any of the following:**

1. **that the Milton Keynes Minerals Local Plan has been submitted for independent examination,**
2. **the publication of the Inspector’s Report, or**
3. **the adoption of the Minerals Local Plan.**

**Submitting Representations**

To avoid duplication of work, the Council requests that respondents do not send additional or duplicate copies of representations in more than one format (e.g. an electronic version and a hard copy). Please note that copies of all comments (including your personal details) will be made available for the public to view, and therefore **cannot be treated as confidential**. All representations should be made using the ‘Representation Form’ (or online version) to ensure the Council has all the information needed to process your comments. Please use a separate form for each individual representation you wish to make, to aid processing. All representations received will be acknowledged by post or email.

All forms must be received no later than **5pm on Wednesday 9th March 2016**

You can submit your representations **online**:

* by completing the representations form at <http://miltonkeynes-consult.objective.co.uk>, where you will also be able to print or save a copy for your own records**\***.

Or you can send completed forms to us:

* by **email**, to
minerals.plan@milton-keynes.gov.uk
* **by fax, to 01908 252330**
* by **post**, to
Development Plans Team
Milton Keynes Council
Civic Offices
1 Saxon Gate East
Central Milton Keynes
MK9 3EJ

**\*** - If you have been involved in the earlier stages of the Minerals Local Plan or have been contacted by the Council about the process in the past, you will already be registered on our Limehouse database, enabling you to respond online without registering again. If you have forgotten your password or username, you can contact the Development Plans team for a reminder.

If you have any questions, please contact us by email at minerals.plan@milton-keynes.gov.uk or by telephone on 01908 252358

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**Useful Links**

Milton Keynes Council – Planning Policy homepage (for information regarding the Minerals Local Plan and other documents within the Local Development Framework including the Statement of Community Involvement and Local Development Scheme) <http://www.miltonkeynes.gov.uk/planning-policy>

Planning Inspectorate <https://www.gov.uk/guidance/local-plans>

Department for Communities and Local Government – national planning policy framework and planning practice guidance which the Minerals Local Plan must be in conformity with: <http://planningguidance.communities.gov.uk/>