



The Planning Inspectorate  
Yr Arolygiaeth Gynllunio

# **LDPs: Preparing for submission**

Guidance for Local Planning Authorities

**August 2015**

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## Introduction

1. This guide provides practical advice to LPAs preparing to submit LDPs for examination. It summarises what documents are or are not required to be submitted for examination, and provides guidance as to what information those documents should contain. Following the advice in this guidance will help to ensure that the initial stages of the examination progress as smoothly and as quickly as possible.
2. This guide is consistent with the Welsh Government's [Planning Policy Wales](#) and the [Local Development Plan Manual](#) (2015).
3. Note that, in this document, "LDP" refers to either:
  - The submitted LDP (for new or replacement plans), or
  - The adopted LDP as revised by proposed changes (for plan revisions).

## Service Level Agreement, submission and validation

4. Prior to submitting LDPs for examination, LPAs will enter into a Service Level Agreement (SLA) with the Planning Inspectorate. This document will identify the actions and commitments to which both parties will adhere during the examination.
5. The SLA will include a list of documents which the LPA must submit prior to an Inspector being appointed. This list is provided at Appendix 1.
6. Immediately following submission of the LDP, the Inspectorate will undertake a **screening** exercise to ascertain whether the LDP production process meets **procedural tests**, using the standard proforma attached at Appendix 2. LPAs may wish to undertake a self-assessment using this proforma: while not required, this may speed up the validation process.

## The Examination Library and Examination Website

7. Each document submitted for examination should have a unique reference number. There may be no need to catalogue different types of documents in different ways; a simple 'SD' identifier (for 'Submission Document') is usually sufficient. Initial documents submitted for examination form the basis of the **Examination Library**, but additional documents will be added during the course of the examination.
8. The LPA should set up an **Examination Website** in advance of submission. This need be no more than a webpage on the LPA's website. It should be easily accessible and provide up-to-date news and information for participants and other interested parties. It should include the comprehensive Examination Library, which may be further subdivided as required, e.g. between Submission Documents (to include documents initially submitted, new documents post-submission, and correspondence between participants) and Hearings Documents (e.g. agendas, participants lists, hearing statements and

written representations). All evidence and examination documents must be clearly dated.

## **The LDP**

9. The submitted LDP should be a concise, focussed document which conveys essential messages in a clear and engaging way. The Deposit LDP should have been subject to **rigorous, purposeful editing** in order to avoid long, detailed descriptions and unnecessary repetition.
10. The LDP must include a vision and objectives and related strategy, policies and site allocations. It should not tell the story of how the plan was prepared, nor include a lengthy recitation of the legislative background. Background material, including details of the outcomes of previous consultations, should be part of the evidence base.
11. Indicators, targets and review triggers which track the performance of plan policies should be provided as part of a succinct and effective Monitoring Framework. A (statutory) Proposals Map, which identifies both site allocations and policies with a spatial component, must be submitted. A (non-statutory) Constraints Map may also be submitted as a supporting document to the LDP.

## **Plan revision or replacement**

12. For revisions to an existing LDP, the LPA **must submit a Review Report** that identifies which part(s) of the plan are subject to revision and why; and which revision procedure is to be followed. This report is important in determining the scope of the examination. As revisions are considered in the context of the adopted LDP, 'other' parts of the plan will not usually be examined unless the evidence indicates that there are soundness issues, notably where the proposed revisions would have clear consequential impacts which may put at risk the soundness of the plan as a whole.
13. Generally, where only certain sections of the LDP are being revised, a 'marked-up' version of the plan should be submitted with proposed revisions clearly denoted (e.g. shown in emboldened/struck-through text). This document will be the focus of the examination. Where revisions are very limited in scope, only those parts of the plan subject to revision may need to be submitted (this applies particularly to plans which have been subject to the 'short form' revision procedure). In all cases, however, a 'clean' version of the adopted LDP should also be submitted.
14. Where an LDP is subject to substantial revisions (i.e. a new strategy is proposed, with direct or consequential impacts throughout the plan), or a replacement plan has been prepared, a 'clean' version of the new plan should be submitted for examination.
15. In all cases, up-to-date evidence must be submitted to justify any proposed revisions. The revised plan must be accompanied by a Sustainability Appraisal Report (and Habitats Regulations Assessment, where necessary), updated as

required to assess the effects of the proposed revisions on the plan area, including any consequential effects.

### **Post-Deposit 'focussed' and minor changes**

16. LPAs should consider carefully whether a change suggested by a respondent is necessary to make the plan sound. If the answer is no, then a reasoned response should be given in the Consultation Report as to why a change to the LDP is not necessary. If the LPA does decide to make **focussed changes** to the LDP or plan revisions prior to submission, these should be set out in a schedule. The schedule should be consulted upon, consistent with the requirements for a Deposit LDP, and subjected to SEA/SA (and Habitats Regulations Assessment, if required). These processes should occur **as early as possible** to ensure that it does not delay the examination, including the pre-hearing meeting. The schedule of focussed changes, consultation responses and SEA/SA and HRA recommendations must be submitted alongside the Deposit LDP or plan revisions.
17. The LPA may separately wish to make **minor changes** which do not relate to soundness (e.g. to correct factual errors). Minor changes should be listed in a schedule and submitted to the examination for checking. However, such changes will not be subject to examination or endorsed by the Inspector.

### **Representations and the Consultation Report**

18. Model forms for gathering representations at Deposit and Focussed Changes stages, and for plan revisions, are available on the [Welsh Government's website](#).
19. Copies of the **original** representations (from the Deposit and Focussed Changes consultations) **must** be submitted for examination. Only one hard copy of each individual or group's representation should be provided. For plan revisions, **all** duly made representations should be submitted, but the LPA should separately identify any representations that it considers are not relevant to the proposed revisions (see [LDP Manual para 10.2.10](#)).
20. LPAs should decide for themselves how to organise representations prior to submission. Representations need not be ordered by policy: if a single letter or response touches on a number of different issues, multiple copies will not be required. However, an Excel spreadsheet identifying the parts of the plan to which each representation relates is a very useful aid during the examination (see paragraph 23).
21. As part of the **Consultation Report**, the LPA **must** provide a summary of the **main issues** raised following receipt of deposit representations, and how representations should be addressed (see LDP Manual paragraph 8.2.2). To meet this requirement, the Planning Inspectorate recommends that the Consultation Report incorporates a series of 'main issues' schedules, each of which:

- Names the main issue and the related parts of the plan,
  - Lists the reference numbers and names of the relevant representors,
  - Includes a summary of specific matters raised in the representations which relate to the main issue, and
  - Includes the LPA's reasons (generally expressed in less than 800 words per main issue) for recommending no change to the plan or for recommending a Focussed Change to make the plan sound.
22. A template for a main issues schedule is provided in Appendix 3.
23. Separately, Regulation 22(2)(c) requires the Consultation Report to identify how the LPA recommends **each representation** should be addressed. The Inspectorate recommends that a **spreadsheet appended to the Consultation Report** is the most practical way to meet this requirement. This should be provided in **Excel format** and should include, as a minimum, the following columns:
- A unique ID for the representor/representation which hyperlinks to a scanned copy of the original representation,
  - Policies, allocations etc. to which the representation relates,
  - Whether the representation is in support or objects, and whether it is related to soundness,
  - Whether the representor wishes to be heard, whether in Welsh or English (if known),
  - A summary of the representation, and
  - The LPA's recommendation as to how the representation should be addressed.
24. Careful consideration should be given to all representations which may have soundness implications. Flimsy rebuttals are not likely to persuade an Inspector. A reasoned response to significant representations may avoid the need to provide further written representations during the examination. This response will be important in determining the 'main issues' and whether amendments are required to address soundness issues.
25. Consultation Reports should give good reasons for not including **alternative or additional allocations** proposed by representors. Key considerations are likely to include how a site fits with the LDP's overall strategy and deliverability. Including this level of detail will help the Inspector and promoters to understand why a site is not allocated and should save LPAs time in preparing for the examination.

## **The evidence base**

26. The policies and allocations in the LDP should flow from the evidence, rather than it being collected retrospectively. The evidence base should be both **proportionate and relevant**: LPAs should not submit evidence which does not inform the content of the plan. The examining Inspector will only scrutinise evidence submitted for examination if required (i.e. if it appears that evidence is absent, flawed, out-of-date or at variance from the plan).

27. Do not assume that the Inspector will have an understanding of background local matters. Important evidence may therefore include documentation attached to planning permissions or appeal decisions, evidence supporting an existing or proposed Community Infrastructure Levy, sources of funding, or corporate initiatives that may have a bearing on the LDP.
28. **A note explaining how the evidence base is organised** and where various documents can be found will be invaluable to all parties. This note should identify and hyperlink to key evidence documents which have informed each policy / allocation. If scrutiny of the evidence is required, this may provide a useful 'way in' to the evidence for the Inspector.
29. **Background or topic papers** can provide helpful context on key issues. They should elaborate on the LDP's supporting text to explain, as succinctly as possible, **how the evidence has informed the policy** and why the proposed approach is sound. LPAs should not use background papers themselves as evidence, but rather as an aid to the examination process. Background papers are unlikely to be required for all policies: they should only be necessary for the main issues which are likely to be the focus of discussion at hearing sessions.

### **Engaging with representors**

30. LPAs should maintain a dialogue with substantive representors, **particularly statutory bodies, on outstanding areas of disagreement** both prior to and immediately following submission of the LDP for examination. Engaging with substantive representors on Statements of Common (or uncommon) Ground (SoCGs) may assist in focussing discussions at hearings. LPAs should keep the Programme Officer informed of progress on any SoCGs and submit completed SoCGs for inclusion in the Examination Library.

### **Withdrawn representations**

31. Regulation 22(2)(d) requires LPAs to submit a copy of all deposit representations. The view of the Inspectorate is that there is no need to submit any representation that has formally been withdrawn by that stage. LPAs may, however, wish to leave the representation on the database, annotated to make clear that it has been withdrawn.

### **The role of the Welsh Government in the examination process**

32. The Welsh Government will assess a Deposit LDP (and any Focussed Changes) to ensure that the plan (or proposed revisions to the plan) has been prepared having regard to national policy and that any exceptions are fully justified and supported by robust evidence. If the Welsh Government is not satisfied that there is sufficient evidence to justify the departure, it will make representations to the LPA accordingly. If the LPA decides to proceed with the LDP, any opinion of the Welsh Government that the LDP has not had proper regard to national policy will be taken as a representation seeking a change. The Welsh Government will provide evidence either in writing or, where

necessary, in person at examination hearing sessions to enable the Inspector to decide whether or not the departure is justified.



## Appendix 1: Submission checklist

### The LPA will provide:

- a. **One paper copy<sup>1</sup> and one electronic copy** of:
  - i. The **submitted LDP; or the proposed LDP revisions<sup>2</sup>** and the related **Review Report**;
  - ii. The **schedule of focussed changes** (where applicable);
  - iii. The final reports of the **Sustainability Appraisal (SA)** and **Habitats Regulations Assessment**;
  - iv. The **DA incorporating the CIS**;
  - v. All the documents that comprise the **core Evidence Base<sup>3</sup>**;
  - vi. A copy of all representations<sup>4</sup> received under Regulation 18 or Regulation 26C and, where applicable, on the schedule of Focussed Changes;
  - vii. Any **statements of common ground** agreed between the LPA and substantive objectors;
  - viii. Any schedule identifying **minor changes** to the Deposit LDP (or, where an adopted plan is being revised, the adopted LDP), which do not relate to soundness; and
  - ix. A **Consultation Report** including:
    - A summary of how the LPA has involved the community and stakeholders in the preparation of the plan and sustainability appraisal (including the SEA).
    - Any deviation from the CIS with explanation (Regulation 9(6)).
    - The total number of representations received.
    - A summary of main issues arising from the deposit consultation and the LPA's recommendations/actions<sup>5</sup>.
    - A list of any representors who wish to be heard during the examination.
    - A list of representations which, in the opinion of the LPA, were not duly made.
    - A spreadsheet, provided as an appendix to the main report, which records each representation received (hyperlinked to the scanned original copies, if possible) and summarises how the LPA recommends the representation should be addressed.
- b. The following information:
  - i. The name and contact details of the appointed Programme Officer;
  - ii. The preferred date for the opening of any hearing part of the examination; and
  - iii. Details of the proposed venue(s) for any hearing part of the examination.

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<sup>1</sup> A supplementary copy of the documents listed in this section may be required in the event that an additional Inspector is appointed.

<sup>2</sup> Where the examination is to focus on specific revisions to an adopted LDP, these should be clearly denoted. Where a large number of revisions are proposed, a hard copy 'clean' version of the revised LDP and/or adopted LDP may also be required.

<sup>3</sup> A complete Evidence Base must be provided on submission. The Inspectorate may agree to certain 'non-core' Evidence Base documents being provided in electronic format only. This must be agreed in advance of submission. However, all documents must be made available via the LPA's examination website.

<sup>4</sup> It is not necessary to include representations which have been withdrawn prior to submission.

<sup>5</sup> For each main issue, a summary should be provided of the matters raised in relevant deposit representations and the LPA's recommendations for how those matters should be addressed in the LDP. Representors who wish to be heard should also be identified.

## Appendix 2: Procedural tests screening assessment

<b>Stage 1: Preliminaries</b>
1. Is an agreed, up-to-date DA (or revision) in place, which corresponds to all stages of the plan-making process?
2. Has a CIS been approved, which then forms the basis for all community engagement?
3. Has the LPA consulted the appropriate bodies?
4. Have issues of a strategic nature (which affect more than one local planning authority) been identified, and appropriate collaboration taken place?
5. Has baseline information been collected and evidence gathered to keep the matters which affect the development of the area under review?
6. Has baseline information been collected and evidence gathered to set the framework for the sustainability appraisal?
7. Have the statutory environmental bodies been consulted for five weeks on the scope and level of detail of the environmental information to be included in the SA Report (and Habitats Regulation Appraisal, if required)?
8. Has a Review Report been prepared which identifies/justifies which parts of the adopted plan require revision and which do not, and the appropriate revision procedure?
9. Has a pre-deposit call for candidate sites to landowners/developers/site promoters been undertaken as required under Regulations 14 and 26A?
<b>Stage 2: Consultation on preferred strategy (or engagement on scope of plan revision for the short form process)</b>
1. Have the following been notified (as appropriate): <ul style="list-style-type: none"> <li>• the specific consultation bodies?</li> <li>• the general consultation bodies that have an interest in the subject of the LDP and invited them to make representations about its contents?</li> </ul>
2. Have all parties been told that this is the main participation opportunity on the emerging plan?
3. Have representations been invited from people resident or carrying out business in the area about the content of the LDP? ( <i>Not required for short form revision</i> )
4. Have representations been invited on issues that would have significant impacts on both areas from another local planning authority?
5. Has the LPA engaged with stakeholders responsible for delivery of the strategy?
6. Has the LPA taken into account representations made?
7. Has the consultation / engagement contributed to the development and SA of alternatives?
8. Has participation: <ul style="list-style-type: none"> <li>• followed the principles set out in the CIS?</li> <li>• integrated involvement with the Single Integrated Plan/Local Well-being Plan or National Park Management Plan?</li> <li>• been proportionate to the scale of issues?</li> </ul>
9. Has the LPA kept a record of: <ul style="list-style-type: none"> <li>• those invited to make representations?</li> <li>• how this was done?</li> <li>• the main issues raised?</li> </ul>
<b>Stage 3: Preparing the Deposit LDP or plan revisions</b>
1. Has the LPA prepared reasonable alternatives for evaluation during the preparation of the LDP?
2. Has the LPA had regard to, and assessed alternatives against, (as relevant): <ul style="list-style-type: none"> <li>• the Wales Spatial Plan and national policy?</li> <li>• The Welsh National Marine Plan?</li> <li>• National well-being goals?</li> <li>• adjoining LDPs (including Local Plans in England)?</li> <li>• the Single Integrated Plan/Local Well-being Plan or National Park Management Plan?</li> <li>• other local adopted strategies?</li> </ul>
3. Has the LPA had regard to other matters, e.g.: <ul style="list-style-type: none"> <li>• the local transport plan</li> <li>• the local housing strategy</li> <li>• resources, waste, minerals and hazardous substances strategies</li> </ul>

4. Has the LPA had regard to the need to include policies on mitigating and adapting to climate change?
5. Has sustainability appraisal been undertaken on alternatives, including consultation on the SA report?
6. Have reasons been set out for any preferences between alternatives?
7. Has the LPA taken into account – and kept a record of – any representations made on the content of the LDP, the SA and Habitats Regulation Appraisal?
8. Has the LPA fully assessed and justified why specific sites have been allocated or not allocated?
9. Has the LPA provided local justification for any policies which repeat or largely repeat national policy?
10. Has an accurate proposals map been prepared?
11. Has the LPA developed a framework for monitoring the effects of the LDP?
12. If the plan is to be revised under the 'short form' procedure (Regulation 13A and Part 4A), do the Review Report, evidence and consultation responses justify this? Is it clear that the plan strategy remains sound and would not be modified by the proposed revisions?
<b>Stage 4: Consultation on Deposit LDP or plan revisions</b>
1. Has the (final) SA report been prepared?
2. Has it been made clear where and within what period representations must be made?
3. Have copies of the following been made available for inspection: <ul style="list-style-type: none"> <li>• the LDP documents?</li> <li>• a statement of the LDP matters?</li> </ul>
4. Has the LPA published on its website: <ul style="list-style-type: none"> <li>• the LDP documents?</li> <li>• the deposit matters?</li> <li>• statement/details of where/when documents can be viewed?</li> </ul>
5. Has the LPA sent to each consultation body invited to make representations under Regulation 17(c) or 26B(c): the Deposit LDP or plan revisions, the SA Report, initial consultation report, supporting documents list, relevant notices and statements?
6. Has notice been given of the deposit matters and details of where and when documents can be inspected, consistent with the CIS?
7. Has appropriate consultation / engagement been undertaken with the community and landowners about the location of proposals on the proposals map, in a manner compliant with the CIS?
<b>Stage 5: Submission</b>
1. Has the LDP been prepared in accordance with the DA? Has the LPA carried out consultation as described in CIS? Does the LDP's listing and description in the DA match the submitted document? Have identified timescales been met?
2. Has regard been had to the Single Integrated Plan/Local Well-being Plan or National Park Management Plan?
3. Have the strategic issues been identified and appropriate engagement and consultation been undertaken?
4. Have the deposit LDP and any Focussed Changes (including any new sites proposed in the FCs) been subject to SA and is a final report available?
5. Does the LDP have regard to the Wales Spatial Plan, national policy, the Welsh National Marine Plan and national well-being goals?
6. Has the LPA: <ul style="list-style-type: none"> <li>• published the prescribed documents, and made them available at offices and on the web?</li> <li>• notified the relevant statutory and non-statutory bodies, plus those invited to make representations on the plan?</li> </ul>
7. Is an accurate and clear proposals map provided in the LDP?
8. Has a statement been prepared setting out: <ul style="list-style-type: none"> <li>• Which bodies / persons were invited to make representations under Regulations 17 and 26B?</li> <li>• How they were invited?</li> <li>• The number of representations made at each stage (Regs 16/26A and 18/26C)?</li> <li>• A summary of the main issues raised following the deposit consultation?</li> <li>• How deposit representations should be addressed?</li> </ul>

9. Has the LPA collected together all the representations made under Regulation 18?
10. Has the LPA assembled an evidence base which is necessary to justify LDP policies?
11. Has the LPA approved its LDP for submission?
12. Has the Planning Inspectorate been sent both a paper copy and an email of: <ul style="list-style-type: none"> <li>• a copy of the LDP including proposals map?</li> <li>• documents prescribed in Regulation 22(2)?</li> </ul>
13. Have the following been made available at the same place as the Deposit LDP: <ul style="list-style-type: none"> <li>• A copy of the LDP?</li> <li>• The documents prescribed in Regulation 22(2)?</li> </ul>
14. Have the following been published on the LPA's website: <ul style="list-style-type: none"> <li>• LDP including proposals map?</li> <li>• SA Report?</li> <li>• Regulation 22(2)(c) statement?</li> <li>• supporting documents?</li> <li>• representations made under Regulation 18?</li> <li>• statement as to where and when the LDP and the documents are available?</li> </ul>
15. Has the LPA given notice to persons who have requested to be notified that submission has taken place?

### Appendix 3: Main issues schedules

This section provides guidance on summarising and grouping ‘main issues’ arising from the **deposit** consultation in Consultation Reports.

Where an individual policy or site allocation is subject to a deposit representation, then this should generally be dealt with as a distinct main issue. However, if multiple deposit representations are made on one policy or site allocation, these should be grouped under one main issue.

Deposit representations which relate to closely linked policies, or to a number of closely related site allocations (for instance around a particular settlement) may also be grouped into a single main issue, particularly where infrastructure and other matters would clearly benefit from being considered in the round.

Where possible, the schedules should appear in the Consultation Report in the same order that the main issues appear in the plan.

Where deposit representations have been made which do not fall within a ‘main issue’ as identified by the LPA, these should be listed in a ‘miscellaneous issues’ schedule.

<b>Main issue:</b> <i>Provide a short title which encapsulates the key matters raised in the deposit representations (e.g. "Housing target/requirement" or "Green wedges").</i>	
<b>LDP section references:</b>	<i>List the pages, policies, paragraphs, allocations or map numbers to which this main issue relates.</i>
<b>Representors:</b>	<i>List the full names of the organisations / persons submitting the deposit representation, plus a unique reference number for each representation. Identify in <b>bold type</b> which representors have requested to be heard.</i>
<b>Relevant content of the LDP to which the main issue relates:</b>	<i>Provide a short description of the content of the plan being objected to (e.g. "The methodology for determining the housing target" or "The extent of and justification for the green wedge around the town of [X]").</i>
<b>LPA’s summary of the deposit representation(s):</b>	<i>Summarise the deposit representations received on this main issue by the representor(s). Where possible, group representations to avoid repetition. Identify in <b>bold type</b> specific matters for which some or all representors have requested to be heard.</i>
<b>Changes sought by those submitting representations:</b>	<i>Set out any specific changes sought by representors in response to the issues raised in the deposit representations. Again, group to avoid repetition and identify in <b>bold type</b> specific matters for which some or all representors have requested to be heard.</i>
<b>LPA’s recommendations, including reasons:</b>	<i>Set out the LPA’s reasoned response to the matters raised (generally expressed in less than 800 words per main issue). Explain why the LPA considers the plan to be sound. Or, where the LPA considers that a ‘Focussed Change’ is required, identify the nature of recommended changes, providing reasons.</i>