



Soundness and the LDF Examination

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The Examination

- Examination starts on submission to SoS
- To test soundness of the plan: 9 tests under 3 headings:
 - Procedural tests
 - Conformity
 - Coherence, consistency & effectiveness
- Draft PPS12: retains key elements of tests with emphasis on delivery.

Procedural tests

- Soundness tests i-iii are procedural and a DPD prepared jointly will need to demonstrate that it meets these tests.
- PINs will take a pragmatic approach to avoid finding an otherwise sound document unsound on procedural grounds, but potential for judicial review of DPD if challenged by other parties on procedural grounds.

Conformity

- Consistent with national planning policy
- In general conformity with RSS (spatial development strategy in London)
- Had regard to other relevant plans, policies and strategies relating to the area or adjoining areas
- Had regard to sustainable community strategy.

Coherence, consistency and effectiveness

- Coherent and consistent strategies, policies and allocations within and between DPDs
- Strategies, policies and allocations which are the most appropriate in all the circumstances
- Mechanisms for implementation and monitoring
- Reasonably flexible to deal with changing circumstances

Emerging PPS12

- No list of soundness tests but principles retained.
- Legal requirements replace tests i-iii, iv (part) and v,
- Requirement for Inspector to determine whether the plan is “sound”
- To be sound: must be justified, effective and consistent with National Policy – tests iv (part) & vi-ix

Importance of Frontloading

- Early plan preparation should keep in mind the requirements for a sound DPD.

For example:

- Maintain an audit trail of evidence for the options considered/consultations carried out.
- Demonstrate how SA used in choice of options.
- Make sure no surprises left to be revealed at submission stage.
- Test the deliverability of the strategy in the plan.

Role of the Inspector

- Inspector appointed at submission
- No longer to focus on objections: proactive in identifying issues.
- Exploratory meetings
- PEM
- Will not examine SEA – but will treat as part of the evidence base.

Format

- LP/UDP format no longer appropriate
- EIP model for hearing part of the process
- Inspector identifies issues and topics for discussion
- Advocates the exception
- Tight timetable
- May be more than one Inspector, or may have technical advisor.

Role of Participants

- Right to appear for those seeking change to the plan remains
- Representations need to address soundness of the plan.
- Relate representations/evidence to tests of soundness
- Inspector may invite parties who do not seek to appear.
- Participants must expect to be challenged

Working jointly

- Only one examination into a joint DPD – N Northants CS.
- Need to be clear who is leading on issues for examination.
- Speak with one voice.
- If there is a minority view – make it clear to the Inspector who disagrees and why, but disagreement must relate to soundness of the plan.

Binding Reports

- Plan is assumed to be sound on submission – this is a challenge for planning authorities
- Complications of changes post submission.
- Changes must be sound and based on evidence and subject to SA.
- Cannot rely on Inspector to make changes

Finally

- Joint working provides an opportunity to plan strategically and address cross boundary issues.
- About positive planning for change not negative and regulatory
- Making things happen on the ground not just the process of plan making