

Notes on completing Part B of the Comment Form

We have published the Northern Gateway Area Action Plan (AAP) for consultation before we submit it for examination¹ by an independent Planning Inspector. Any comments received will be considered by the City Council and the Inspector.

In these notes we explain the criteria that the inspector will use and that you should also use when commenting on the plan.

The planning inspector will consider whether the document:

- complies with the **LEGAL REQUIREMENTS**;
- is **SOUND**; and:
- complies with the **DUTY TO CO-OPERATE**.

DUTY TO CO-OPERATE

The Inspector will check that the Northern Gateway AAP meets the duty to co-operate as set out in the Act². The Act states that non-compliance with the duty to cooperate 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 has no choice but to recommend non-adoption of the Plan.

LEGAL REQUIREMENTS

To comply with the legal requirements, the Northern Gateway AAP must:

- be identified in the Local Development Scheme³;
- have involved the community as set out in the Council's Statement of Community Involvement⁴;
- be published in line with the procedure for publishing a policy document, as set out in the regulations⁵;
- have involved the production of a Sustainability Appraisal Report⁶; and:
- have regard to the Oxford Sustainable Community Strategy and Oxfordshire Sustainable Community Strategy⁷.

SOUND

To be sound⁸ the Barton AAP must be:

- positively prepared
i.e. 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
- justified
i.e. the Plan should be the most appropriate strategy when considered against reasonable alternatives, based on proportionate evidence
- effective
i.e. the Plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities
- consistent with national policy
The Plan should enable the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework. If you are concerned about a potential omission, please check whether the issue is covered elsewhere in national policy or in another Plan Document⁹. If the issue is covered elsewhere, there is no need for us to repeat it in the Northern Gateway AAP and this would not in itself make the document inconsistent with national policy.

GENERAL ADVICE

If you are seeking a change to the document, please check that you have:

- made it clear in what way the document is unsound in regard to the legal requirements and tests of soundness set out above;
- stated precisely how you think the document should be changed;
- supported your comment with evidence showing why the document should be changed; and
- provided all the evidence and supporting information necessary to support or justify your comment and the suggested change, as there will not normally be a later opportunity to comment further.

If you are part of a group who share a common view on how the document should be changed, it would be very helpful for that group to send a single response that represents the view, rather than for many individuals to send in separate comments that repeat the same points. In such cases the group should state how many people it represents and how it has been authorised to do so.

Further detailed guidance on the preparation, publication and examination of DPDs is provided in in the National Planning Policy Framework and National Planning Policy Guidance.

Useful links

- The Planning and Compulsory Purchase Act 2004:
<http://www.legislation.gov.uk/ukpga/2004/5/contents>
- The Town and Country Planning (Local Planning) (England) Regulations 2012:
<http://www.legislation.gov.uk/uksi/2012/767/contents/made>
- Local Development Scheme; Statement of Community Involvement; Sustainability Appraisal; Annual Monitoring Report: http://www.oxford.gov.uk/PageRender/decP/Planning_Policy_occw.htm
- Sustainable Community Strategies: <http://www.oxfordpartnership.org.uk/sustainable.asp>;
<http://www.oxfordshirepartnership.org.uk/wps/wcm/connect/occ/OxfordshirePartnership/Home/>
- National Planning Policy Framework:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf
(see particularly section on Plan Making: paragraphs 150-182)
- National Planning Policy Guidance on producing Local Plans:
<http://planningguidance.planningportal.gov.uk/blog/guidance/local-plans/>

If you would like further advice, please contact the Planning Policy team at:
planningpolicy@oxford.gov.uk; **01865 252847**

¹ In accordance with the Planning and Compulsory Purchase Act 2004 (as amended).

² As set out at Section 20(5)(c) and Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended)

³ A programme of work, setting out the documents the Council proposes to produce.

⁴ A document that sets out a strategy for involving the community in preparing policy documents.

⁵ This includes publication of appropriate supporting documents by making them available at the Council's offices at St Aldate's Chambers and publication on the Council's website. In addition the Council must notify particular organisations and any persons who have requested to be notified

⁶ A tool for appraising policies to ensure they reflect social, environmental and economic factors.

⁷ Plans for the local area that are prepared by the Local Strategic Partnerships.

⁸ Soundness is explained fully in the NPPF at paragraph 182

⁹ Oxford's Local Plan at the time of writing comprises the Core Strategy, Sites and Housing Plan, West End Area Action Plan, Barton Area Action Plan and saved policies from the Oxford Local Plan 2001-2016.