

# **OXFORDSHIRE MINERALS AND WASTE LOCAL PLAN**

## **PART 1 – CORE STRATEGY**

### **PROPOSED SUBMISSION DOCUMENT**

**August 2015**

### **Representation Form and Guidance on making Representations**



## Guidance on making representations

### 1. Introduction

- 1.1 Oxfordshire County Council is preparing a local plan to be called the Oxfordshire Minerals and Waste Local Plan: Part 1 – Core Strategy and proposes to submit this document to the Secretary of State for independent examination. This plan will set out the Council's vision, objectives, spatial strategies and core policies for minerals and waste developments in Oxfordshire for the period to 2031.
- 1.2 The Council is publishing the Oxfordshire Minerals and Waste Local Plan: Part 1 – Core Strategy Proposed Submission Document and other related proposed submission documents, to enable representations about the plan to be made before it is submitted for examination. The other proposed submission documents include:
- Statement about Consultation carried out in preparation of the plan;
  - Sustainability Appraisal Report of the plan;
  - Habitats Regulations Assessment Screening Report;
  - Strategic Flood Risk Assessment;
  - Local Aggregate Assessment; and
  - Waste Needs Assessment.
- In addition, a duty to co-operate statement and topic papers to support the Core Strategy, to assist understanding of the issues and help explain the strategies and policies, are being prepared.
- 1.3 The Council believes the plan as published is sound and provides the most appropriate strategies and policies to meet identified minerals and waste development needs.
- 1.4 The proposed submission documents are being published on 19 August 2015. The period for making representations runs from that date to 5.00pm on 30 September 2015, after which representations cannot be accepted.
- 1.5 All documents can be viewed on line and downloaded at:  
<http://www.oxfordshire.gov.uk/cms/content/minerals-and-waste-core-strategy>  
and will be available for inspection during normal opening hours at:  
Oxfordshire County Council, Speedwell House, Speedwell Street, Oxford  
OX1 1NE.
- 1.6 The Minerals and Waste Local Plan: Part 1 – Core Strategy Proposed Submission Document will also be available to be viewed during normal opening hours at County Council Libraries in Oxfordshire and at the following District Council offices.
- Cherwell District Council, Bodicote House, Bodicote, Banbury OX15 4AA;
  - South Oxfordshire and Vale of White Horse District Councils, 135 Eastern Avenue Milton Park, Milton OX14 4SB;
  - West Oxfordshire District Council, Elmfield, New Yatt Road, Witney OX28 1PB.

- 1.7 Representations about the plan may be made on:
- the way that the plan has been prepared (ie whether the plan preparation process is legally compliant); and
  - the soundness of the plan (whether the plan content is positively prepared, justified, effective and consistent with national policy).
- Representations should only refer to whether the plan complies with legal requirements or whether it is 'sound', as explained in sections 4 and 5 below.
- 1.8 If you would like more information about the plan or this process, please contact the Minerals and Waste Policy Team:
- Email: [mineralsandwasteplanconsultation@oxfordshire.gov.uk](mailto:mineralsandwasteplanconsultation@oxfordshire.gov.uk)  
Telephone: 01865 815544 or 01865 810431.  
Address: Planning Regulation (Minerals & Waste)  
Environment & Economy  
Oxfordshire County Council  
Speedwell House, Speedwell Street, Oxford OX1 1NE.

## **2. Making a representation**

- 2.1 Representations should be made on the representation form provided. This guidance note has been prepared to accompany the representation form. When making a representation, you should refer to this guidance and to the plan, as well as any of the documents which make up the evidence base for the plan which you think are relevant to your representation.
- 2.2 If you wish to make a representation seeking a change to the plan, you should make it clear in what way the document should be changed having regard to legal compliance and/or the four soundness tests. You should support your representation with evidence showing why the plan should be changed and you should say as precisely as possible how you think the plan should change, as there will not normally be an opportunity to provide further information on the representations made.
- 2.3 Where there are individuals or groups who share a common view on how they wish to see the plan changed, it would be very helpful if those individuals or groups would join together to submit a single representation, rather than making multiple identical representations. If you are making a representation on behalf of a group please tell us what your role in the group is and who the group represents.
- 2.4 Representations may be made in writing or by electronic communications and should be sent to the County Council using the representation form provided, by one of the following two ways:

- a) Send a representation by email to:  
[mineralsandwasteplanconsultation@oxfordshire.gov.uk](mailto:mineralsandwasteplanconsultation@oxfordshire.gov.uk)
- b) Send a representation by post to:  
Minerals & Waste Core Strategy Consultation  
Environment & Economy  
Planning Regulation (Minerals & Waste)  
Oxfordshire County Council  
Speedwell House, Speedwell Street  
Oxford OX1 1NE.

- 2.5 Representations must be received by 5.00pm on 30 September 2015. Representations received after this date cannot be accepted. Only representations received by this date will have a right to be considered by the Inspector who carries out the examination of the plan. Representations must be made at this stage if people wish to have their views considered.
- 2.6 Copies of this representation form and guidance notes can be downloaded from the County Council's website at or obtained from the Minerals and Waste Policy Team (see contact details at paragraph 1.8 above).

### **3. After representations have been made**

- 3.1 Following the close of the period for making representations, on 30 September 2015, the Council will summarise the main issues raised in the representations and will submit the Core Strategy, the summary of issues and the full representations to the Secretary of State. If any representations raise matters which suggest that fundamental changes to the plan are required, the Council will consider the appropriate way to proceed. In the event that the Council decides that a change to the plan should be proposed, this may be published for a separate period to enable further representations to be made.
- 3.2 The independent examination of the plan is expected to take place in the first quarter of 2016. The examination will be carried out by an Inspector appointed by the Secretary of State. If the Inspector considers that your representation raises substantive issues that require further consideration he/she may request that you attend the oral hearing part of the public examination. There is only a right for a representation to be heard at the oral hearing where a change to the plan is sought. Written and oral representations carry the same weight and will be given equal consideration by the Inspector in the examination process.
- 3.3 The Council expects to receive the Inspector's report and recommendations in summer 2016. If the Core Strategy is found by the Inspector to be legally compliant and 'sound', the Council will adopt it.

#### 4. Legal Compliance

- 4.1 The Inspector will first check that the plan meets the legal requirements of the Planning & Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) before considering whether the tests of soundness have been met. If you are seeking to make representations on the way in which the Council has prepared the plan it is likely that your comments or objections will relate to a matter of legal compliance.

##### **Legal Compliance**

If you wish to make representations on the way in which the Council has prepared the published plan, your comments should relate to matters of legal compliance. These include, in particular, whether the plan:

- has been prepared in accordance with the Minerals and Waste Development Scheme and in compliance with the Statement of Community Involvement and the Town & Country Planning Regulations;
- has been subject to sustainability appraisal;
- has regard to national policy;
- is in general conformity with the South East Plan and has regard to adjoining regional spatial strategies; and
- has regard to the sustainable community strategies for Oxfordshire; and
- whether the 'duty to co-operate' has been met in the preparation of the plan.

##### Minerals and Waste Development Scheme

- 4.2 Preparation of the plan should be in accordance with the current and approved Minerals and Waste Development Scheme. This Scheme is a programme of the Council's work which sets out the key stages for the production of the documents which will make up the Minerals and Waste Local Plan. The plan should be included in the Scheme. The current Oxfordshire Minerals and Waste Development Scheme (Sixth Revision) 2014 can be viewed on the Council's website at:  
<http://www.oxfordshire.gov.uk/cms/public-site/minerals-and-waste-policy>

##### Statement of Community Involvement

- 4.3 In preparing the plan, the County Council should comply with the Oxfordshire Statement of Community Involvement. This sets out how the Council intends to involve the community in the preparation, alteration and review of local development documents that will make up the Oxfordshire Minerals and Waste Local Plan, and in the consideration of planning applications that the Council determines. The adopted Revised Oxfordshire Statement of Community Involvement (March 2015) can be viewed on the Council's website at:  
<http://www.oxfordshire.gov.uk/cms/content/new-minerals-and-waste-plan>

### National Policy, Regional Spatial Strategies and Regulations

4.4 The plan should have regard to national policy issued by the Secretary of State. The government published new national planning policy in March 2012 in the National Planning Policy Framework; and in October 2014 published the National Planning Policy for Waste. The plan should also be in general conformity with the South East Plan (the regional spatial strategy) and have regard to regional spatial strategies for areas adjoining Oxfordshire. However, the government partially revoked the South East Plan on 25 March 2013, including revocation of all the minerals and waste policies in the plan, and the regional spatial strategies for the four regions adjoining Oxfordshire were all revoked in 2013. The Localism Act 2011 (Section 110) brought in the ‘duty to co-operate’ which applies to local authorities and certain other bodies in the preparation of plans.

4.5 The requirements of the Town and Country Planning (Local Development) (England) Regulations 2012 (as amended) should be met in terms of preparation of the plan (Regulation 18), publication of the plan (Regulation 19) and availability of documents (Regulation 35). On publication of the plan, the Council must make the proposed submission documents prescribed in the Regulations available for inspection at their principal office and on the Council’s website. The Council must also send a statement of the representations procedure and notification of the availability of the proposed submission documents to consultation bodies (as specified in the Regulations).

4.6 The main relevant legislation and policy documents are:

The Planning & Compulsory Purchase Act 2004 can be viewed at:  
<http://www.legislation.gov.uk/ukpga/2004/5/contents>

The Localism Act 2011 can be viewed at:  
<http://www.legislation.gov.uk/ukpga/2011/20/enacted>

The Town & Country Planning (Local Planning) (England) Regulations 2012 can be viewed at:  
<http://www.legislation.gov.uk/uksi/2012/767/contents/made>

The National Planning Policy Framework (2012) can be viewed at:  
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

The National Planning Policy for Waste (2014) can be viewed at:  
<https://www.gov.uk/government/publications/national-planning-policy-for-waste>

### Sustainability Appraisal Report

4.7 The Planning & Compulsory Purchase Act 2004 requires planning authorities to carry out a sustainability appraisal of the proposals in plans and to prepare a sustainability appraisal report. The EU Directive on Strategic Environmental

Assessment (EC/2001/42) also requires authorities to carry out a strategic environmental assessment of plans and to prepare an environmental report on the likely significant effects of the plan. Requirements for strategic environmental assessment have been combined with those for sustainability appraisal, with a single sustainability appraisal report being produced. This report is published alongside the plan. Representations can be made on the Sustainability Appraisal report.

## 5. Soundness

- 5.1 If you wish to make representations on the actual content of the plan, your comments should relate to the soundness of the plan. The government's four tests of soundness are set out in the National Planning Policy Framework (paragraph 182)

### **Soundness**

To be sound, the plan must be:

- positively prepared;
- justified;
- effective; and
- consistent with national policy.

#### Positively prepared

- 5.2 The plan should be prepared 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

- 5.3 The plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence. The alternatives should be realistic and subject to sustainability appraisal. The 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.
- 5.4 The plan should be based on a robust and credible evidence base involving:
- Research and fact finding which results in the choices made in the plan being backed up by factual evidence; and
  - Evidence of participation of the local community and others having a stake in area.



### Effective

- 5.5 The plan should be deliverable over its period and be based on effective joint working on cross-boundary strategic priorities. This requires evidence of:
- sound infrastructure delivery planning;
  - having no regulatory or national planning barriers to delivery;
  - delivery partners who are signed up to the plan; and
  - coherence with the strategies of neighbouring authorities;
- and the plan should be flexible and able to be monitored.
- 5.6 The 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 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 the Council's Annual Monitoring Report.

### Consistent with national policy

- 5.7 In addition to the legal requirement for the plan to have regard to national policy, the plan's consistency with national policy is a matter of soundness. Where there is a departure from national policy, the Council must provide clear and convincing reasoning to justify its approach.
- 5.8 You may think the plan should include a 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 case it will be important that you say in your representation what the local circumstances are that justify a different policy approach to that in national policy and that you support your assertion with evidence.
- 5.9 If you think that the plan is not sound because it does not include a policy where it should do so, you should go through the following steps before making representations:
- 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 policy or policies in the plan? If so there is no need to repeat existing policies.
  - 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?

**Oxfordshire County Council  
Minerals and Waste Plan: Part 1 – Core Strategy  
Proposed Submission Document, August 2015**

**Representation Form**

This form should be used to make representations on the Oxfordshire Minerals and Waste Local Plan: Part 1 – Core Strategy Proposed Submission Document August 2015. Advice on how to make representations is provided in the guidance notes which accompany this form.

This form comprises of 3 parts:

- Part 1 – Respondent details
- Part 2 – Your representation
- Part 3 – Equalities information

The period for making representations runs from 19 August 2015 **to 5.00pm on 30 September 2015**, after which representations will not be accepted.

Representations should be submitted using this form, either:

- a) by email to: [mineralsandwasteplanconsultation@oxfordshire.gov.uk](mailto:mineralsandwasteplanconsultation@oxfordshire.gov.uk)

or

- b) by sending the form to:  
Minerals & Waste Core Strategy Consultation  
Environment & Economy  
Planning Regulation (Minerals & Waste)  
Oxfordshire County Council  
Speedwell House, Speedwell Street  
Oxford OX1 1NE.

**Please note that late representations – received after 5.00pm on 30 September 2015 – cannot be accepted.**

**Data protection:** Please be aware that any representations made cannot be treated as confidential. Respondent details and representations will be forwarded to the Secretary of State when the Oxfordshire Minerals and Waste Local Plan: Part 1 – Core Strategy is submitted for examination. All representations and related documents will be held by Oxfordshire County Council and will be available for the public to view by appointment and published on the Council's website. They will be handled in accordance with the Data Protection Act 1998 and kept for at least three years after the Minerals and Waste Core Strategy is adopted.

## Part 1 – Respondent Details

<b>1(a) Personal details</b>		
<b>Title</b>		
<b>First Name</b>		
<b>Last Name</b>		
<b>Job Title (where relevant)</b>		
<b>Organisation (where relevant)</b>		
<b>1(b) Agent details</b> <i>Only complete if an agent has been appointed</i>		
<b>Title</b>		
<b>First Name</b>		
<b>Last Name</b>		
<b>Job Title (where relevant)</b>		
<b>Organisation (where relevant)</b>		
<b>1(c) Contact address details</b> <i>If an agent has been appointed please give their contact details</i>		
<b>Address Line 1</b>		
<b>Line 2</b>		
<b>Line 3</b>		
<b>Line 4</b>		
<b>Postcode</b>		
<b>Telephone No.</b>		
<b>Email address</b>		
<b>Are you writing as</b>	<input type="checkbox"/> A resident <input type="checkbox"/> A local business <input type="checkbox"/> Minerals industry <input type="checkbox"/> Waste industry	<input type="checkbox"/> A parish council <input type="checkbox"/> A district council <input type="checkbox"/> A county council <input type="checkbox"/> Other (please specify)

<b>Please tick the appropriate boxes if you wish to be notified of any of the following:</b>	
That the Oxfordshire Minerals & Waste Core Strategy has been submitted for independent examination	
Publication of the Inspector’s report and recommendations	
Adoption of the Oxfordshire Minerals and Waste Core Strategy	

<b>Please sign and date the form:</b>			
<b>Signature:</b>		<b>Date:</b>	

## Part 2 – Representation

Please complete this part (Part 2) of the form separately for each separate representation you wish to make.

You can find an explanation of the terms used below in the accompanying guidance on making representations.

### 2(a) State which part of the Oxfordshire Minerals and Waste Local Plan Core Strategy you are making a representation about

Part or policy no. or paragraph

### 2(b) Do you consider the Oxfordshire Minerals and Waste Local Plan Core Strategy is: (tick as appropriate)

- (i) Legally compliant?       Yes                       No
- (ii) Sound?                       Yes                       No

If you have answered **No** to question 2(b)(ii), please continue to question 2(c). In all other cases, please go to question 2(d).

### 2(c) Do you consider the Oxfordshire Minerals and Waste Core Strategy is **unsound because it is not**: (tick as appropriate)

- (i) Positively prepared
- (ii) Justified
- (iii) Effective
- (iv) Consistent with national policy

On the following pages, please set out why you think the Minerals and Waste Local Plan Core Strategy is legally non-compliant and/or unsound and any changes you are suggesting should be made to it that would make it legally compliant or sound.

**Please note** your representation should include as succinctly as possible all the information and evidence necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations based on your representation at this stage. 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.

**2(d) Please give details of why you consider the Oxfordshire Minerals and Waste Local Plan Core Strategy is not legally compliant or is unsound. Please be as precise as possible.**

**If you agree that the Oxfordshire Minerals and Waste Local Plan Core Strategy is legally compliant and/or sound and wish to support this, please also use this box to set out your comments.**

Continue on a separate sheet or expand the box if necessary

**2(e) Please set out the changes(s) you consider necessary to make the Oxfordshire Minerals and Waste Local Plan Core Strategy legally compliant or sound, having regard to the reason you have identified at 2(c) above where this relates to soundness. You should say why this change will make the Core Strategy 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 or expand the box if necessary.





### Part 3 – Equalities information about you (The Equality Act 2010)

To monitor the effectiveness of this consultation and help us complete our equalities impact assessment we would like to record certain personal details about the people who respond. This information will be separated from both the respondent details and the representations; it will be treated in the strictest confidence; and it will only be used for statistical purposes.

Information recorded on this form may be used in computerised records. Under the terms of the Data Protection Act 1998 this information will be treated in a secure and confidential manner.

You **do not** have to give us this information if you do not wish to do so. You do not have to answer all of the questions.

<b>Age</b>	<input type="checkbox"/> Under 17 <input type="checkbox"/> 17-24 <input type="checkbox"/> 25-34	<input type="checkbox"/> 35-44 <input type="checkbox"/> 45-54 <input type="checkbox"/> 55-64	<input type="checkbox"/> 65-74 <input type="checkbox"/> 75-84 <input type="checkbox"/> Over 85	<input type="checkbox"/> I do not wish to disclose this
<b>Gender</b>	Male <input type="checkbox"/>	Female <input type="checkbox"/>	I do not wish to disclose this <input type="checkbox"/>	
<b>Ethnic origin</b>	White <input type="checkbox"/>	Mixed ethnicity <input type="checkbox"/>	Other ethnic group <input type="checkbox"/>	I do not wish to disclose this <input type="checkbox"/>