

Guidance Notes on Legal Compliance and Soundness

Legal Compliance

The Planning Inspector will check that the Plan meets the legal requirements of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) and the Town and Country Planning (Local Planning) (England) Regulations 2012, before moving on to consider the tests of soundness.

You may want to consider the following before making a representation on legal compliance:

Local Development Scheme

The plan in question should be included in the current Local Development Scheme (LDS) and the key stages in plan preparation should have been followed. The Council's current LDS is available at:

<https://www.sedgemoor.gov.uk/article/1286/Local-Development-Scheme>

Statement of Community Involvement

The process for public engagement for the Local Plan should be in general accordance with the Statement of Community Involvement (SCI) which is available at:

<http://www.sedgemoor.gov.uk/sci>

Town and Country Planning (Local Planning) (England) Regulations 2012

The Local Plan should comply with the Town and Country Planning (Local Planning) (England) Regulations 2012. This includes public participation in the preparation of the Local Plan.

Sustainability Appraisal

The Council is required to publish a Sustainability Appraisal report when publishing the Local Plan. This should identify the process by which the Sustainability Appraisal has been carried out, the baseline information used to inform the process, and the outcomes of that process.

Duty to Co-operate

The Council is expected to have followed the 'Duty to Co-operate' requirements as set out in the Localism Act 2011 which amends the Planning and Compulsory Purchase Act 2004. Further detailed guidance on the Duty to Cooperate is set out in the Government's National Planning Practice Guidance (NPPG).

Soundness

A new NPPF was published in July 2018. As set out in the implementation arrangements of the new NPPF (paragraph 214) as the Sedgemoor Local Plan is currently at examination the policies in the previous NPPF (published March 2012) apply for the purposes of examining the plan.

Soundness is explained in paragraph 182 of the NPPF (March 2012). The Inspector has to be satisfied that the plan is positively prepared, justified, effective and consistent with national policy. These soundness tests are explained further below:

- **Positively prepared** - 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** - the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** - the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** - the plan should enable the delivery of sustainable development in accordance with the policies in the NPPF.