

The Greater Manchester Waste Plan

Guidance for completing the representation form

1. Introduction

Please note: this consultation only relates to the proposed minor changes to the Submitted Plan, and therefore representations should be limited to those parts of the Plan which have been amended.

The Planning and Compulsory Purchase Act 2004 (as amended)¹ (the 2004 Act) states that the purpose of the examination is to consider whether the Waste Plan complies with the legal requirements and is 'sound'.

2. Legal Compliance

The Inspector will first check that the Waste Plan meets the legal requirements under s20(5)(a) of the 2004 Act before moving on to test for soundness.

You should consider the following before making a representation on legal compliance:

- The Development Plan Document (DPD) in question (the Waste Plan) should be within the current Local Development Scheme (LDS) and the key stages should have been followed. The LDS is effectively a programme of work prepared by the LPA, setting out the Local Development Documents it proposes to produce over a 3 year period. It will set out the key stages in the production of any DPDs which the LPA propose to bring forward for independent examination. If the DPD is not in the current LDS it should not have been published for representations. The LDS should be on the LPA's website and available at their main offices.
- The process of community involvement for the Waste Plan in question should be in general accordance with the LPA's Statement of Community Involvement (where one exists). The Statement of Community Involvement (SCI) is a document which sets out a LPA's strategy for involving the community in the preparation and revision of Local Development Documents (including DPDs) and the consideration of

¹ View the 2004 Act at:

http://www.opsi.gov.uk/acts/acts2004/ukpga_20040005_en_1

View the amending 2008 Act at:

[#">http://www.opsi.gov.uk/acts/acts2008/pdf/ukpga_20080029_en.pdf #](http://www.opsi.gov.uk/acts/acts2008/pdf/ukpga_20080029_en.pdf)

- planning applications. The Waste Plan should comply with the Town and County Planning (Local Development) (England Regulations) 2004 (as amended)². On publication, the LPA must publish the documents prescribed in the regulations, and make them available at their principal offices and their website. The LPA must also place local advertisements and notify the DPD bodies (as set out in the regulations) and any persons who have requested to be notified. The LPA is required to provide a Sustainability Appraisal Report when they publish a DPD. This should identify the process by which the Sustainability Appraisal has been carried out, and the baseline information used to inform the process and the outcomes of that process. Sustainability Appraisal is a tool for appraising policies to ensure they reflect social, environmental, and economic factors. The Waste Plan should have regard to national policy.
- The Waste Plan must have regard to any Sustainable Community Strategy (SCS) for its area. The SCS is usually prepared by the Local Strategic Partnership which is representative of a range of interests in the LPA's area. The SCS is subject to consultation but not to an independent examination.

3. Soundness

Soundness is explained fully in Planning Policy Statement 12: Local Spatial Planning in paragraphs 4.36 – 4.47, 4.51 and 5.52 and the boxed text³. The Inspector has to be satisfied that the Waste Plan is justified, effective and consistent with national policy. To be sound a Waste Plan should be:

Justified

This means that the Waste Plan should be founded on a robust and credible evidence base involving:

- Evidence of participation of the local community and others having a stake in the area
- Research/fact finding: the choices made in the plan are backed up by facts.

The Waste Plan should also provide the most appropriate strategy when considered against reasonable alternatives. These alternatives should be realistic and subject to sustainability appraisal. The Waste Plan should show how

² View the 2004 Regulations at:

<http://www.opsi.gov.uk/si/si2004/20042204.htm>

View the 2008 amending Regulations at:

http://www.opsi.gov.uk/si/si2008/pdf/uksi_20081371_en.pdf

View the 2009 amending Regulations at:

http://www.opsi.gov.uk/si/si2009/pdf/uksi_20090401_en.pdf

³ View at <http://www.communities.gov.uk/publications/planningandbuilding/pps12lsp>

the policies and proposals help to ensure that the social, environmental, economic and resource use objectives of sustainability will be achieved.

Effective

This means the Waste Plan should be deliverable, embracing:

- Sound infrastructure delivery planning
- Having no regulatory or national planning barriers to delivery
- Delivery partners who are signed up to it
- Coherence with the strategies of neighbouring authorities

The Waste Plan should also be flexible and able to be monitored.

The Waste 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 Waste Plan should make clear that major changes may require a formal review including public consultation.

Any measures which the LPA has included to make sure that targets are met should be clearly linked to an Annual Monitoring Report. This report must be produced each year by all local authorities and will show where the Waste Plan needs amendment.

Consistent with national policy

The Waste Plan should be consistent with national policy.

Where there is a departure, LPAs must provide clear and convincing reasoning to justify their approach. Conversely, you may feel the LPA should include a policy or policies which would depart from national or regional policy to some degree in order to meet a clearly identified and fully justified local need, but they have not done so. In this instance it will be important for you to say in your representations what the local circumstances are that justify an alternative approach to that established by national or regional policy and support your assertion with evidence.

If you think the content of a Waste Plan is not sound because it does not include a policy where it should do, 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 policies in the Waste Plan on which you are seeking to make representations or in any other DPD in the LPA's Local Development Framework (LDF). There is no need for repetition between documents in the LDF.

- If the policy is not covered elsewhere, in what way is the Waste Plan unsound without the policy?
- If the Waste Plan is unsound without the policy, what should the policy say?

4. General advice

If you wish to make a representation seeking a change to the Waste Plan or part of the Waste Plan you should make clear in what way the Waste Plan or part of the Waste Plan is not sound having regard to the legal compliance check and three tests set out above. You should try to support your representation by evidence showing why the Waste Plan should be changed. It will be helpful if you also say precisely how you think the Waste Plan should be changed. Representations should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change.

Where there are **groups who share a common view** on how they wish to see the Waste Plan changed, it would be very helpful for that group to send a single representation which represents the view, rather than for a large number of individuals to send in separate representations which repeat the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised.

Further detailed guidance on the preparation, publication and examination of DPDs is provided in PPS12 and in The Plan Making Manual⁴.

⁴ View at <http://www.pas.gov.uk/pas/core/page.do?pageId=51391>