

Guidance Notes to Accompany the ‘Main Modifications’ to the Publication Draft of the Minerals and Waste Joint Plan’ Response Form

1. Introduction

- 1.1. As part of the examination process of the Minerals and Waste Joint Plan a number of proposed Main Modifications have been identified. A Main Modification is an amendment which is considered necessary to make the Plan ‘sound’, and is required in order to address a matter raised by either the Inspector or other representors during the examination process. The representations will be considered by the Planning Inspector while they are writing their report. The Planning and Compulsory Purchase Act 2004¹ (as amended) (PCPA) states that the purpose of the Examination is to consider whether the Plan complies with the legal requirements, the duty to co-operate and is sound.
- 1.2 The publication of the **Schedule of Main Modifications to the Publication Draft of Minerals and Waste Joint Plan (2021)** is a formal stage in the Examination process. Representations should relate specifically to the legal compliance and soundness of the proposed main modifications. The Local Authorities have prepared a schedule setting out the proposed Main Modifications it considers necessary in order for the Minerals and Waste Joint Plan to be found sound. This document along with an updated Sustainable Appraisal Report, Habitats Regulations Assessment, Strategic Flood Risk Assessment and Appropriate Assessment on additional site allocations have now been published for public consultation. The consultation will take place between Wednesday 21st July 2021 and 5:00pm Wednesday 15th September 2021.
- 1.3 All representations made previously at publication stage, in hearing statements and during the discussion at the hearings have been taken into account by the Inspector and should not be repeated. Only representations considered ‘duly made’ will be forwarded to the Inspector for consideration.

DULY MADE

Representations will only be considered duly made where they:

- **Refer to a change as shown in the Schedule of Main Modifications to the Publication Draft of the Minerals and Waste Joint Plan or a proposed map change;**
- **Relate to the legal compliance and soundness of the proposed Main Modification;**
- **Do not repeat previous representations;**
- **Do not raise new issues or seek additional changes to the Minerals and Waste Joint Plan;**
- **Refer to the updated Sustainability Appraisal Report or Habitats Regulations Assessment; and,**
- **Are received within the consultation period.**

Representations on the absence of any modifications will not be considered.

2. Legal Compliance and Duty to Co-operate

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

- The plan in question should be included in the current Local Development Scheme (LDS) and the key stages should have been followed. The LDS is effectively a programme of work

¹ View at <https://www.legislation.gov.uk/ukpga/2004/5>

prepared by the LPA, setting out the Local Development Documents (LDDs)² it proposes to produce. It will set out the key stages in the production of any plans which the LPA proposes to bring forward for independent examination. If the plan 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 its main offices.

- The process of community involvement for the plan in question should be in general accordance with the LPA's Statement of Community Involvement (SCI) (where one exists). The SCI sets out the LPA's strategy for involving the community in the preparation and revision of LDDs (including plans) and the consideration of planning applications.
- The plan should comply with the Town and County Planning (Local Planning) (England) Regulations 2012 (the Regulations)³. On publication, the LPA must publish the documents prescribed in the Regulations, and make them available at its principal offices and on its website. The LPA must also notify the various persons and organisations 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 it publishes a plan. 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.

2.2 You should consider the following before making a representation on compliance with the duty to co-operate:

- The duty to co-operate came into force on 15 November 2011 and any plan submitted for examination on or after this date will be examined for compliance. LPAs will be expected to provide evidence of how they have complied with any requirements arising from the duty.
- This is a legal requirement that had to be met at the point that the Plan was first submitted for examination in November 2017.

3. Soundness

3.1. Soundness is explained in paragraph 35 of the National Planning Policy Framework (NPPF). The Inspector has to be satisfied that the plan is positively prepared, justified, effective and consistent with national policy:

- **Positively prepared:** the plan should be prepared based on a strategy which seeks to meet objectivity 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 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 Framework.

4. General advice

4.1. Only representations received during the consultation period and made in relation to a proposed Main Modification set in Schedule of Main Modifications to the Publication Draft of the Minerals and

² LDDs are defined in regulation 5 – see link below.

³ View at <https://www.legislation.gov.uk/ukxi/2012/767/contents/made>

Waste Joint Plan (2016) will be accepted (considered duly made). You should set out which Main Modification you are commenting on, clearly referencing the modification number and description, for example MM25, page 62, paragraph or policy number.

4.2. If you wish to make a representation seeking a change to a proposed Main Modification you should make it clear in what way the Main Modification is not sound having regard to the legal compliance and/or four soundness requirements set out above. You should try to support your representation with evidence showing why it should be amended. It will be helpful if you say precisely how you think it should be changed. Representations should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and suggested change.

4.3 You should not repeat representations submitted during earlier consultations, these have already been considered by the Planning Inspector during the examination process, and will not be considered duly made.

4.2. Where there are groups who share a common view on how they wish to see a change, 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 by the group.

5. Further Information

5.1 In addition to the proposed Main Modifications the Authorities has identified further amendments it considers necessary to improve the clarity of the Plan. These amendments are known as 'Additional Changes' and are set out in the 'Schedule of Additional Changes to the Publication Draft'. They include the correction of typographical errors and updates to factual information. These Additional Changes are not considered to affect the soundness of the Plan and **do not** form part of this consultation. Any representations made about the Additional Changes will not be sent to the Inspector for consideration.

5.2 Further information relating to the preparation of the Minerals and Waste Joint Plan and the examination can be found on the North Yorkshire County Council website at [Minerals and waste joint plan examination](#).

5.3 Please submit responses to mwjointplan@northyorks.gov.uk, or by post to: **Minerals and Waste Joint Plan, North Yorkshire County Council, County Hall, Northallerton, DL7 8AH.**