

5. HOW DO I COMMENT ON A PLAN OR ITS ASSESSMENTS?

5.1 Introduction

This chapter explains how to comment on English Regional Spatial Strategies (RSS), Development Plan Documents (DPD), Supplementary Planning Documents (SPD) or airport master plans; and their sustainability appraisals, strategic environmental assessments and/or appropriate assessments.

- [Section 5.2](#) explains when the public can comment on plans. [Sections 3.3](#) and [3.4](#) on regional and local level planning give background information on plan-making.
- RSSs, DPDs and some SPDs must be subject to sustainability appraisal and strategic environmental assessment. All plans must be subject to 'appropriate assessment' if they could have an impact on sites of international nature conservation importance. [Section 5.3](#) discusses this.
- [Sections 5.4](#) and [5.5](#) give tips on how to comment on, respectively, plans and their assessments.
- [Section 5.6](#) shows an example of a letter commenting on a plan.

Similar points apply for Scotland, Wales and Northern Ireland, but the planning systems there are slightly different.

[Box 5.1](#) is a summary checklist of how to comment on a plan and its appraisals.

Box 5.1 Checklist for responding to a plan

The basics

- Find out the current status of your plan and when you can comment
- Read the plan and any assessments, either on the Internet or at the local planning authority office
- Respond by writing a letter to the relevant planning authority which states:
 - Your name and address
 - The plan you are commenting on
 - What your views are, focusing on the plan's 'soundness' (see Section 5.5). Be clear about whether you support or oppose the planning application.
- Make sure that your letter is courteous, easy to read, and not too emotional: it will be placed on a register that anyone can look at.

If you have more time, are more organised, and want to make a greater impact

Before the plan consultation period opens

- Check with the local planning authority to find out if they know when the plan will be consulted on
- Organise other people to respond to the plan
- Get legal advice to buttress your points, if appropriate

When the consultation period opens

- Remind other people to comment on the plan.
- Tell your parish councillors and write to your MP about your views
- Write to the local newspaper about your views

5.2 When can I comment?

Regional Spatial Strategies are prepared by Regional Assemblies and Government Offices; *Development Plan Documents* and *Supplementary Planning Documents* by local planning authorities. All of these plans go through a tightly structured and complex process of development. Requirements for English RSSs and LDDs are set out in the Planning and Compulsory Purchase Act 2004. Planning Policy Statements 11 and 12 set out further requirements for RSSs and DPD/SPDs. [Box 5.2](#) gives links to the main legislation and guidance.

Box 5.2 Main English legislation and guidance on RSS and LDD development

Planning and Compulsory Purchase Act 2004,

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

Office of the Deputy Prime Minister (ODPM) (2004) Planning Policy Statement 11, Regional Spatial Strategies,

<http://www.communities.gov.uk/publications/planningandbuilding/planningpolicystatement3>

ODPM (2004a) Planning Policy Statement 12, Local Development Frameworks,

<http://www.communities.gov.uk/publications/planningandbuilding/planningpolicystatement4>

ODPM (2004b) Creating Local Development Frameworks: A Companion Guide to PPS12,

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/147432>

[Figures 5.1](#) and [5.2](#) show the DPD and SPD processes. The [RSS process](#) is similar. You will see from the figures that the plan-making processes include specific times at which members of the public can comment on a draft version of the plan. The planning authority must 'take the comments into account' though it doesn't *have* to do anything in response to them. The final plan documentation normally summarises what comments were made on the draft plan and the authority's response to them.

Master plans are prepared by airport operators in response to the Air Transport White Paper. They are prepared to help inform authorities about an operator's future plans, but there is no legally required process for their development, nor is public consultation on draft plans a requirement. However many master plans have involved an element of public consultation.

Figure 5.1 Development Plan Document process (ODPM, 2004a)

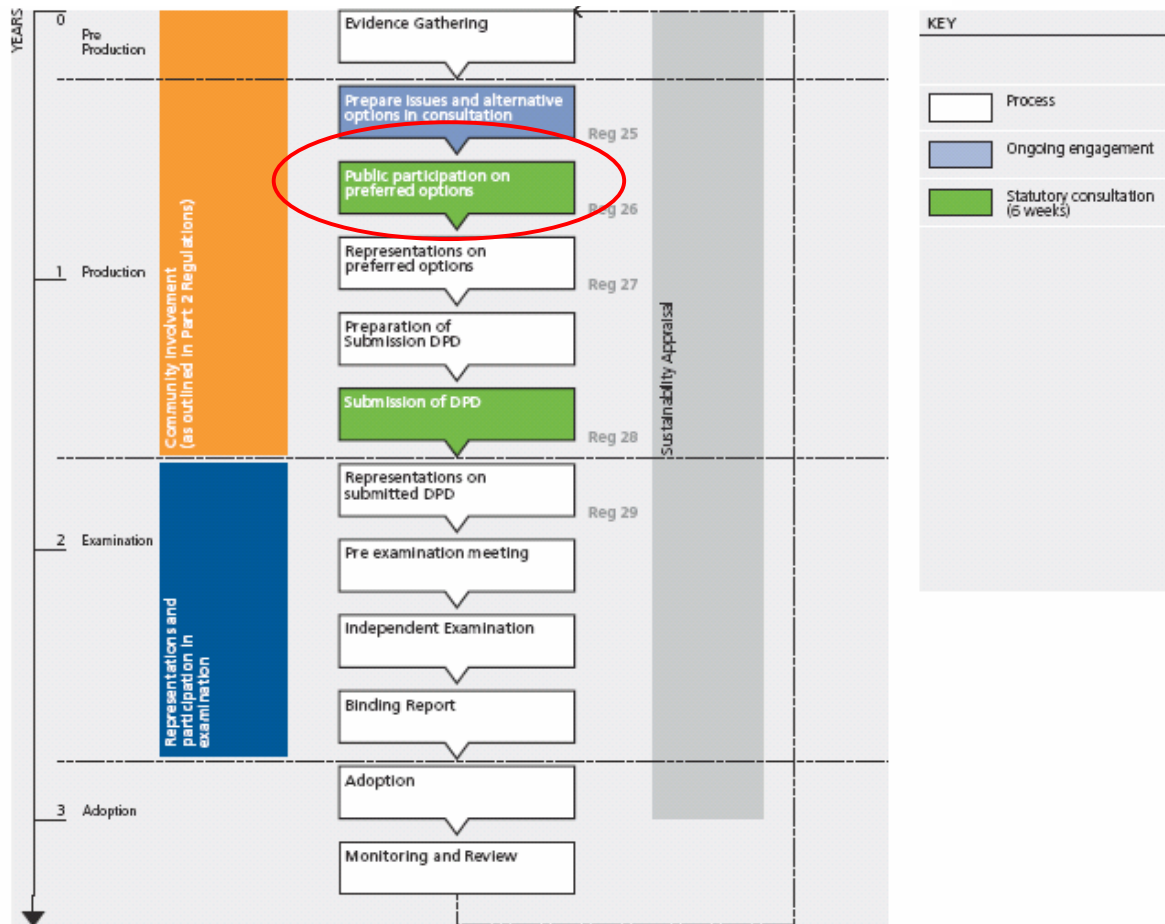
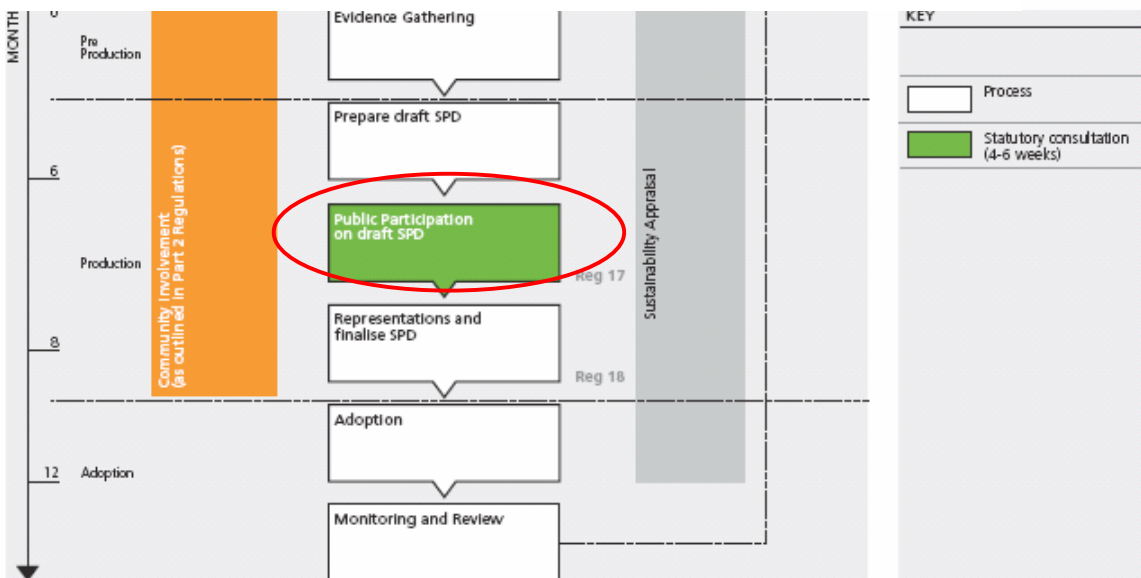


Figure 5.2 Supplementary Planning Document process (ODPM, 2004a)



To have an effect, you must send comments to the right people at the right time.

- RSS: [Table 3.1](#) gives web-links to the Government Office RSS websites. These explain the current status of the RSS and provide copies of the latest version of the RSS.
- LDD: The best way of finding out about the status of your local authority LDDs is by doing an Internet search under '[local authority name] local plan' or '[local authority name] Core Strategy'.
- Airport master plans: [Appendix B](#) gives web-links to master plans as of January 2008. Other master plans may have been prepared since then: if the appendix says 'not found' for your airport, then you can try doing an Internet search under '[your airport name] master plan'.

5.3 Sustainability appraisal, strategic environmental assessment and Habitats Regulations Assessment / appropriate assessment

All RSSs and DPDs and some SPDs must be subject to *sustainability appraisal* (SA) and *strategic environmental assessment* (SEA):

- SA is required under the Planning and Compulsory Purchase Act 2004 and tests whether the plan promotes sustainable development¹;
- SEA is required under the European 'SEA Directive' and the Environmental Assessment of Plans and Programmes Regulations 2004. It identifies, assesses and aims to minimise any significant environmental impacts of the plan. It is a more formal process with quite complex requirements.

[Box 5.4](#) lists the main English legislation and guidance on SA and SEA. [Box 5.3](#) lists the requirements of SEA.

Box 5.3 Main English legislation and guidance on sustainability appraisal and strategic environmental assessment

The Environmental Assessment of Plans and Programmes Regulations 2004
<http://www.opsi.gov.uk/SI/si2004/20041633.htm>

Planning and Compulsory Purchase Act 2004
http://www.opsi.gov.uk/acts/acts2004/ukpga_20040005_en_1.htm

ODPM (2005) *Sustainability appraisal of Regional Spatial Strategies and Local Development Documents*
<http://www.communities.gov.uk/publications/planningandbuilding/sustainabilityappraisal>

ODPM and others (2005) *A Practical Guide to the Strategic Environmental Assessment Directive*
<http://www.communities.gov.uk/publications/planningandbuilding/practicalguide>

DfT (2005) *Strategic Environmental Assessment of Transport Plans and Programmes*
http://www.webtag.org.uk/webdocuments/2_Project_Manager/11_SEA/2.11.pdf

¹ Sustainable development is often defined as "development which meets the needs of the present without compromising the ability of future generations to meet their own needs". The shared UK principles of sustainable development are: living within environmental limits; ensuring a strong, healthy and just society; achieving a sustainable economy; using sound science responsibly; and promoting good governance. See <http://www.sustainable-development.gov.uk/what/index.htm>

Box 5.4 Strategic environmental assessment requirements

<p>Preparing an environmental report which includes information about:</p> <ul style="list-style-type: none">• The plan's objectives and contents• The policy context for the plan: other plans that affect it, and how it affects other plans• The environmental context for the plan: the current environment and likely future environment without the plan• Existing environmental problems relevant to the plan <p>(In the UK, this early information is typically collated into a report called the 'scoping report' which is consulted on with 'statutory consultees' – see below)</p> <ul style="list-style-type: none">• Alternatives considered and reasons for selecting the chosen alternative (the plan)• The plan's likely significant effects on the environment, including on issues such as biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage, landscape and the interrelationship between the above factors• Measures envisaged to prevent, reduce and as fully as possible offset any significant environmental impacts caused by the plan• How the SEA was undertaken and any difficulties encountered• Proposed monitoring of environmental impacts of the plan• A non-technical summary of the points above
<p>Consulting:</p> <ul style="list-style-type: none">• The statutory consultees (in England they are the Environment Agency, Natural England and English Heritage) when deciding on the scope and level of detail of the environmental report – normally they are sent the scoping report to comment on• The statutory consultees and the public, on the draft plan and the environmental report• other European Member States where appropriate
<p>Taking the environmental report and the results of the consultations into account in decision-making</p>
<p>Providing information on the decision once the plan is adopted:</p> <ul style="list-style-type: none">• the plan as adopted• an explanation of how environmental considerations have been integrated into the plan; how the environmental report and the opinions expressed on the report have been taken into account in decision-making; and the reasons for choosing the plan as adopted, in the light of the other reasonable alternatives dealt with; and• the measures decided concerning monitoring
<p>Monitoring the significant environmental effects of the plan's implementation</p>

SA and SEA are typically carried out together, and should be an integral part of the plan-making process. [Box 5.5](#) shows government guidance on how the main stages of joint SA/SEA should be integrated in the DPD process: similar stages are recommended for RSSs and SPDs. When a draft plan is published for public consultation, the SA/SEA should be published alongside it.

Appropriate assessment is required whenever a plan could have a significant impact on a site of international nature conservation importance: a Special Protection Area for birds, Special Area of Conservation for habitats and species, or Ramsar site for wetlands. [Section 7](#) discusses when appropriate assessment is needed, and the steps involved in appropriate assessment.

The relevant planning authority is responsible for carrying out the SA/SEA and any appropriate assessment. In practice, the assessments are often carried out by consultants for the authority. Any assessments should be published alongside the consultation version of the plan.

Box 5.5 SA/SEA stages in DPD development (similar stages apply to RSS and SPD development) (ODPM, 2005)

DPD Stage 1: Pre-production - Evidence Gathering
<p>Stage A: Setting the context and objectives, establishing the baseline and deciding on the scope</p> <p>A1: Identifying other relevant policies, plans and programmes, and sustainability objectives A2: Collecting baseline information A3: Identifying sustainability issues and problems A4: Developing the SA framework A5: Consulting on the scope of the SA</p>
DPD Stage 2: Production
<p>Stage B: Developing and refining options and assessing effects</p> <p>B1: Testing the DPD objectives against the SA framework. B2: Developing the DPD options. B3: Predicting the effects the DPD. B4: Evaluating the effects of the DPD. B5: Considering ways of mitigating adverse effects and maximising beneficial effects. B6: Proposing measures to monitor the significant effects of implementing the DPDs.</p>
<p>Stage C: Preparing the Sustainability Appraisal Report</p> <p>C1: Preparing the SA Report</p>
<p>Stage D: Consulting on the preferred options of the DPD and SA Report</p> <p>D1: Public participation on the preferred options of the DPD and the SA Report D2(i): Appraising significant changes</p>
DPD Stage 3: Examination
<p>D2 (ii): Appraising significant changes as a result from representations.</p>
DPD Stage 4: Adoption and monitoring
<p>D3: Making decisions and providing information.</p>
<p>Stage E: Monitoring the significant effects of implementing the DPD</p> <p>E1: Developing aims and methods for monitoring. E2: Responding to adverse effects.</p>

5.4 Commenting on the plan

Consultation draft plans, especially RSSs, are long and rather daunting. However only a relatively small part of any plan will be important, and there are straightforward ways of identifying and commenting on those parts.

What should I look for? The final version of RSSs, DPDs and many SPDs are composed of ‘plan policies’ plus explanatory text. The plan policies are typically in boxes or in bold font, and they are the ones to focus on. All the other materials in the plan explain and support the planning policies.

In some cases the consultation draft plan will include plan policies. In such cases, the most relevant ones will probably be the general / sustainability policies at the start of the plan, and policies on transport, quality of life, and environment / natural resources. Some policies will relate directly to airports, and will typically be in the transport section. Others will set rules and constraints for any development, including airports, and are more likely to be in the general or environmental policies.

In other cases the consultation draft plan will be an 'issues and options' document. This lists issues that the plan will address, and options that are being considered for addressing the issues. In such a case, you will need to identify the issues related to airports: either those that directly mention the airport or those that set rules/constraints for any development including airports.

How pro-expansion are the airport-related policies or options? The plan policies or options that relate specifically to airports will (and must) support airport expansion. However they don't have to be enthusiastic about it – the Crawley policy at [Box 3.6](#) is an example of a restrained policy; the Newcastle policy, instead, is enthusiastic. You can suggest alternative wording for plan policies, or options that would not involve airport growth. Where there are no relevant issues and options related to airports, you may want to suggest some.

Are all relevant material considerations included? Where plan policies or options set planning criteria and 'material considerations', check whether they include all the criteria that you would expect to see: about noise, light pollution, social impacts etc. [Chapter 2](#) will give you ideas about the kinds of impacts caused by airports. Where the plan doesn't include relevant criteria, you can suggest some.

Is the plan 'sound'? RSSs, DPDs and SPDs must be 'sound'. [Box 5.6](#) shows the tests of soundness set out in government guidance. The most effective way of commenting on a plan is often in terms of their 'soundness'. [Section 3.3](#) gives some examples of how a plan might not meet the tests of soundness, and so the kinds of comments that you might make on the plan. But don't worry if you can't easily comment in terms of the tests of soundness. Just write down your views, and the planning authority will automatically discount those that it can't use in decision-making.

Box 5.6 Tests of soundness

RSS (PPS11, para. 2.49)

- (i) it is a spatial plan, in particular it properly takes into account related policy initiatives and programmes relevant to meeting regional economic, environmental and social needs, where these directly impact on the development and use of land, and it contains policies which sufficiently link with those related policy initiatives and programmes to deliver the desired spatial change;
- (ii) it meets the objectives for a RSS, as set out in paragraph 1.7 of PPS 11;
- (iii) it is consistent with national planning policy and if not the case has been adequately made for departing from national policy;
- (iv) it is consistent with other relevant regional strategies for the region, including the regional housing, economic and cultural strategies, and with RSSs for neighbouring regions where cross boundary issues are relevant. Any major inconsistencies will need to be justified;
- (v) the policies in it are consistent with one another;

- (vi) it is founded on a robust and credible evidence base;
- (vii) community involvement and partnership working have been satisfactory, and the Regional Planning Body has taken proper account of the views expressed;
- (viii) it is realistic, including about the availability of resources, and is able to be implemented without compromising its objectives;
- (ix) it is robust and able to deal with changing circumstances;
- (x) whether it has been subject to a satisfactory SA and alternative options were correctly ruled out taking account of the SA findings;
- (xi) in all other respects it has been prepared following the proper procedures, as set out in the Act, Regulations, this PPS and related guidance; and
- (xii) it has clear mechanisms for monitoring and implementation.

DPD (PPS12, para. 4.23)

- i. it has been prepared in accordance with the local development scheme;
- ii. it has been prepared in compliance with the statement of community involvement, or with the minimum requirements set out in The Town and Country Planning (Local Development) (England) Regulations, 2004 where no statement of community involvement exists;
- iii. the plan and its policies have been subjected to sustainability appraisal;
- iv. it is a spatial plan which is consistent with national planning policy and in general conformity with the regional spatial strategy for the region or, in London, the spatial development strategy and it has properly had regard to any other relevant plans, policies and strategies relating to the area or to adjoining areas;
- v. it has had regard to the authority's community strategy;
- vi. the strategies/policies/allocations in the plan are coherent and consistent within and between development plan documents prepared by the authority and by neighbouring authorities, where cross boundary issues are relevant;
- vii. the strategies/policies/allocations represent the most appropriate in all the circumstances, having considered the relevant alternatives, and they are founded on a robust and credible evidence base;
- viii. there are clear mechanisms for implementation and monitoring; and
- ix. the plan is reasonably flexible to enable it to deal with changing circumstances.

5.5 Commenting on the assessments

First check whether the plan is accompanied by a sustainability appraisal / strategic environmental assessment (see [Section 5.3](#)) and, if relevant, an appropriate assessment (see [Section 7](#)). If the correct assessments are not published alongside the draft plan, then ask your planning authority about this.

There are a few key points in a plan's *sustainability appraisal / strategic environmental assessment* that are worth looking at and commenting on:

- *Environmental or sustainability problems* (or 'issues'). This section is often called 'Task A3'. It should include a list or commentary about *existing* problems in the authority. Check to make sure that the problems include things that you are *currently* unhappy about, for instance excessive noise from the airport.
- The *impacts of the plan options or policies* ('Task B3 / B4'). Typically this will look like some text in the main report, plus a very long table in an appendix. The table

will have options or policies on one axis, and 'SA objectives' on the other axis. The 'SA objectives' are ways of testing or checking the plan: for instance, does the plan provide enough affordable housing? does it improve air quality? does it help to improve biodiversity?

Look at what the table says about the plan options or policies related to airports: does it say that the impacts are positive or negative? Look at what the main text says. If you agree with the assessment, then you can use that to help buttress your arguments in your letter. If you disagree with what it says, then mention that in your letter.

- *Proposed mitigation measures* (this may be called 'Task B5', but it is often combined with Tasks B3 and B4). Mitigation measures are measures proposed in the assessment to prevent or reduce the impacts of a plan. For instance, a plan's proposal for airport-related employment development may cause an increase in traffic on local roads. A mitigation measure could be the provision of good walking, cycling and public transport to the employment site. Are appropriate mitigation measures proposed for all significant negative impacts?
- *Indirect and cumulative impacts*. The SA/SEA must consider the 'indirect and cumulative' impacts of the plan. Indirect impacts are impacts down the line: for instance airport expansion could result in more traffic which requires the construction of a new road, or air pollution from aircraft could affect some plans and the animals that feed on them. Cumulative impacts are the impacts of the plan plus other plans, projects and actions. Climate change due to the accumulation of greenhouse gases from many different sources is a typical example of a cumulative impact.

Many SA/SEAs do not consider indirect and cumulative impacts. However a recent court case in Northern Ireland² has clarified that all legal SEA requirements must be complied with. If the SA/SEA does not consider such impacts, you could flag this up in your letter.

Appropriate assessments are more technically complex, and you may need the help of an ecologist to fully understand one. However things to consider when reading an appropriate assessment are:

- Does the assessment consider impacts on all relevant sites of international nature conservation importance? [Appendix C](#) shows sites that might be affected by airport expansion.
- If the plan supports airport expansion, does the assessment consider the impacts of air pollution, water use, wastewater production and disturbance from the airport and aircraft, or just land take from the expansion itself?
- Does the assessment deal with impacts from airport expansion by deferring the problem to a lower level, for instance by saying 'any airport expansion will be subject to appropriate assessment at the project level and so does not need to be considered here'; or does it tackle those impacts that it can tackle, for instance by requiring airport expansion to be accompanied by improvements in existing nature conservation areas?

² (1) An Application by Seaport Investments Limited (2) An Application by Magherafelt District Council, F P McCann (Developments) Limited, Younger Homes Limited, Herron Bros Limited, G Small Contracts and Creagh Concrete Products Limited, No. 2007 NIQB 62, http://www.courtsni.gov.uk/NR/rdonlyres/BD682D62-7F68-497D-9947-445B786B03C5/0/j_j_WEAC5799Final.htm

5.6 Example of letter commenting on a plan

The planning authority must make your comments available for anyone to inspect. Your comments may be published on the local authority website. So make sure that your letter is as professional-looking and –sounding as possible. [Box 5.7](#) shows an example of how you might structure your letter.

Box 5.7 Example of letter commenting on a plan

	14 Willow Court Willowbrook Nedford ND1 7XL 14 October 2008
Development Control Nedfordshire District Council Nedford ND3 9FT	
Dear Planning Officer,	
Re. Nedfordshire Draft Core Strategy – airport-related policies	
I am writing about the airport-related policies contained in the Draft Core Strategy.	
Draft policy NA1 states that additional Green Belt land will be made available for expansion of the airport. I am strongly opposed to this. Green Belt land is meant to prevent urban sprawl, and Nedford's Green Belt helps to keep it an attractive city to which employers like to come. Allowing airport development on this land would affect Nedford's landscape setting and increase urban sprawl.	
Draft policy NA2 lists conditions under which additional airport development would be permitted. Although the policy mentions road safety and historical interest, it does not mention nature conservation interests or public risk issues. I feel that the policy should refer to these issues.	
I believe that expansion of Nedford Airport would go counter to one of the Core Strategy's key objectives, namely "to protect and enhance the District's built and natural environment". Aircraft generate air pollution, greenhouse gases, noise and a range of other impacts which are bad for the District's environment. I believe that this makes the Core Strategy's policies inconsistent with each other, so that the plan is 'unsound' under paragraph 4.23 vi of Planning Policy Statement 11.	
...	
Yours sincerely,	
...	