



What is the Test of Soundness?

September 2018

Mansfield
District Council

We are now undertaking a public consultation on the Mansfield District Council Local Plan (the Publication Draft Local Plan 2013-2033) before we submit the Local Plan to the Secretary of State for Housing Communities and Local Government. They will then appoint an independent planning inspector who will examine the plan next year. ([click here for the local development scheme timetable](#))

Unlike previous public consultations, we are required to ask three specific questions which will give you an opportunity to comment on:

- how the Mansfield District Council Local Plan has been prepared
- that its aims are achievable and
- that the plan is based on a robust evidence base.

These three questions are more commonly known as the 'Test of Soundness.' These are the same questions the independent planning inspector will be asking as part of the examination.

For this consultation we are asking you to consider the following questions:

1. Is the Local Plan legally compliant?

A plan is considered legal when it complies with the legal requirements under section 20(5) (a) of the Planning and Compulsory Purchase Act 2004.

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

- Whether the Local Plan has regard to [national planning policy framework \(NPPF\)](#) and [planning practice guidance \(PPG\)](#) issued by the Secretary of State
- Whether the Local Plan has been prepared in-line with our Local Development Scheme (LDS). The LDS is effectively a programme of work prepared by the council, setting out the documents to be produced. It sets out the key stages in the production of any documents the council propose to bring forward for independent examination. <http://www.mansfield.gov.uk/localplan>
- Whether community consultation has been carried out in accordance with our adopted Statement of Community Involvement <http://www.mansfield.gov.uk/evidenceforthelocalplan>
- The Local Plan should comply with the Town and County Planning (Local Planning) (England) Regulations 2012. On submission of the Mansfield District Council Local Plan (2013-2033), the council must publish the documents prescribed in the regulations, and make them available at their principal offices and on their website.

- Whether the appropriate notifications have been made.
- Whether a Sustainability Appraisal assessing social, environmental and economic factors has been done and made public.

2. Does the Local Plan meet the Duty to Co-operate?

The Localism Act, section 110, and the National Planning Policy Framework, paragraphs 178 to 181, creates a duty on all local planning authorities and other bodies to cooperate with each other to address strategic issues in the preparation of the Local Plan. Further information about the Duty to Co-operate can be found in the National Planning Practice Guidance.

3. Is the Local Plan sound?

As part of the examination, the independent planning inspector is required to consider if our Local Plan has been **positively prepared, justified, effective, and is consistent with national policy**.

You may wish to consider the following before making a representation on the Soundness of our plan:

Positively prepared

This means that we have objectively assessed the need for homes, jobs, services and infrastructure and these have been delivered sustainably.

Does the plan seek to meet the local needs for housing, land for businesses, community facilities, infrastructure (e.g. for transport, water, energy), education, shops, facilities for sport and leisure etc., which have been identified through the studies which make up the evidence base? www.mansfield.gov.uk/evidenceforthelocalplan

If you think that our assessments are not objective or do not take sufficient account of unmet needs in neighbouring authorities, then your comments relate to whether our Local Plan has been positively prepared or not.

Justified

This means that the plan is based upon a robust and credible evidence base.

Is it clear how the Sustainability Appraisal has informed the plan (the Sustainability Appraisal report should set this out, and can help you to compare alternative options)? Has the plan been prepared with participation of the community? Is it clearly founded on evidence - backed up by facts?

If you think that the evidence doesn't support the choice made in our Local Plan or there are better realistic alternatives then your comments relate to whether it is justified.

Effective

This means that the plan will deliver what it sets out to.

Is there information on how the plan will be delivered during its life time (e.g. an 'implementation plan')? Does this say whether other delivery partners (e.g. and highway authorities, the Environment Agency, other councils) are signed up to the plan? Is there an indication of when sites will come forward? Is it clear how the plan will be monitored? Is it flexible - able to deal with changing circumstances (e.g. what if a big site doesn't come forward for development when expected)?

If you think that what we are proposing in the Local Plan will not happen as the required infrastructure cannot be provided, the groups who will deliver elements of it haven't signed up to it, or our Local Plan does not join up with the strategies of our neighbouring authorities - then your comments relate to whether our Local Plan is '**effective**' or not'.

Consistent with national policy

Do you consider that our Local Plan accords with the National Planning Policy Framework 2012 and other policies or includes clear and convincing reasons for doing something different? Alternatively, you may think that the Local Plan should depart from national policy due to an identified and justified local need.