

What is the Test of Soundness?

July 2026

We are now undertaking a final consultation before we submit the Local Plan for Derby to the Secretary of State for Communities and Local Government, to be examined by an appointed independent Planning Inspector.

Unlike our previous consultations, the Regulation 19 consultation will provide you with an opportunity to comment on the way we prepared the Local Plan. These questions are commonly known as the ‘Test of Soundness’. These are the questions which the independent Planning Inspectorate will be asking during the examination process.

We are required by law to make representations on local plans available for third parties to inspect on demand. At the pre-submission stage of consultation we are required to make all representations, including attributing your name to your comments, available for inspection on our web.

We are required to send your details to the Planning Inspectorate and to the person appointed by the Secretary of State to conduct the examination. In addition, your name will be made available to all participants in the examination.

By submitting a representation, you agree that “we can publish your name and send your comments to the Planning Inspectorate”.

For more information, please refer to our Privacy Statement.

For this consultation we are asking you to consider two questions:

Question 1: Do you consider the Local Plan is Legally Compliant?

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

- Whether the Local Plan has regard to national policy and guidance issued by the Secretary of State?
- Whether the Local Plan’s strategy has regard to the [Council Plan 2025-2026](#)?
- 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 which the Council propose to bring forward for independent examination.

- Whether community consultation has been carried out in accordance with our adopted [Statement of Community Involvement](#)?
- The Local Plan should comply with the Town and Country Planning (Local Planning) (England) Regulations 2012. On submission of the Local Plan, 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.

Question 2: Do you consider the Local Plan is Sound?

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

The tests of soundness are set out in paragraph 36 of the National Planning Policy Framework (NPPF).

For the Plan to be considered sound, it must meet four tests:

Positively prepared – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;

Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;

Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground;

Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in the NPPF and other statements of national planning policy, where relevant.

General Advice:

If you wish to make a representation seeking a modification to a plan or particular policy, you should set out clearly in what way you consider this aspect to be legally non-compliant or unsound. When submitting comments our forms will ask you to refer to a policy, policies map reference, diagram, or paragraph in the Plan or supporting document, and to Your representation should be based on the criteria listed above and

should be supported by evidence wherever possible. We also encourage you to provide us with details of the modifications you believe should be made to the plan.

The representation questions form will ask you to provide all of the relevant supporting information and evidence necessary to support your representation and suggested modification. You should not assume that you will have a further opportunity to make submissions. Any submissions made after the plan has been submitted for examination may only be made if invited by the Inspector, based on the matters and issues which he or she identifies.

Where groups or individuals share the same viewpoint on the plan, we encourage you to make a single representation capturing this view, as opposed to submitting individual representations. If submitting a group representation, please provide details of how many individuals the comments are representing, and the method of which it has been authorised.

Please consider and provide details of the way in which you would like your representation to be dealt with in the examination: are you content to rely on your written representation, or would you like to take part in hearing session(s). Please note that only representors who are seeking a change to the plan have a right to be heard at the hearing session(s) if they so request. It is also important to note that written and oral representations carry the same weight and will be given equal consideration in the examination process.