

LOCAL PLAN REVIEW

Regulation 19 Consultation – representation form



Introduction

What is this consultation?

The consultation on the Maidstone Local Plan Review Regulation 19 (also known as the submission document) opens at **09.00 Friday 29th October 2021** and we need to receive your comments no later than **23.59 on Sunday 12th December 2021**.

As part of the Draft Regulation 19 Local Plan Review consultation process, we are inviting you to submit your representations on the soundness and legal compliance (including with the duty to cooperate) as set out in the National Planning Policy Framework (NPPF).

How can I comment on the Regulation 19 Submission Local Plan Review Consultation?

Any comments should be made using the Regulation 19 Representation Form via the online consultation portal which can be found here: <https://maidstone-consult.objective.co.uk/portal/>

Alternatively, comments can be submitted using this form or by letter following the format of this form using the below methods.

- By email to ldf@maidstone.gov.uk
- By post to: **Strategic Planning, Maidstone Borough Council, Maidstone House, King Street, Maidstone, ME15 6JQ**

How will you use my data?

All consultation comments will be made publicly available on the consultation portal which can be found here: <https://maidstone-consult.objective.co.uk/portal/> in due course. This is so that interested parties can view all the responses that have been received. Published information will include responses and responder name. All demographic and contact data will be removed. By submitting a representation, you are confirming that you understand that your consultation response will be published in full, together with your name. All data is processed in accordance with the Data Protection Act 2018. All representations will be processed in accordance with our privacy notice which can be found here: <https://localplan.maidstone.gov.uk/home/privacy-notice>

This form contains two parts

- Part 1: Personal details
- Part 2: Your representation(s)

Part 1: Personal Details

All responses must contain your full name and postal address in order for your response to be processed as part of this consultation.

Your name will be published alongside your representation on our consultation portal. All demographic and contact data will be removed. Please note, if you under 18 we will not publish your name, only your representation, please do specify your age if this is the case.

**If an agent is appointed, please complete the Title, Name and Organisation (where relevant) boxes below and complete the full contact details of the agent in the agent column.*

	Personal Details*	Agent Details (if applicable)
Title		
First Name		
Last Name		
Job title (where relevant)		
Organisation (where relevant)		
Address Line 1		
Address Line 2		
Address Line 3		
Address Line 4		
Post Code		
Email address		

Maidstone Borough Council is committed to Equal Opportunities. The information you provide in this section will not be linked to any comments you make on consultation and you will not be linked to your name, address or other personal identifier. The information will be used for monitoring purposes only.

About you (Please tick)		
Are you	Male	
	Female	

	Other – please state	
Which of the following age group do you fall into?	17 years and under	
	18-24	
	25-34	
	35-44	
	45-54	
	55-64	
	65-74	
	75+	
Which of the following best described your race or ethnicity?	White (English/Welsh/Scottish/Northern Irish/British/Irish/Gypsy/Irish Traveller)	
	Black/Black British (African/Caribbean)	
	Asian/Asian British (Indian/Pakistani/Bangladeshi/Chinese)	
	Mixed (White & Black Caribbean/White & Black African/White & Asian)	
	Other – please specify	
Are your day-to-day activities limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months?	Yes	
	No	
	Prefer not to say	
Do you look after, or give any help or support to family members, friends, neighbours or others because of either long-term physical or mental ill-health/disability or problems with old age?	Yes, 1 to 19 hours	
	Yes, 20 to 49 hours	
	Yes, 50+ hours	
	No	

Part 2: Your representation(s)

Please use a separate sheet for each representation (you only need to complete Part 1 once).

For help on how to complete this questionnaire please see guidance notes located at the end.

1. Which part of the Local Plan Review does this representation relate?

(please state)

Paragraph No(s)		Policy No(s)		Policies Map (Insert Map No(s))	
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2. Do you consider that the Local Plan Review...

(please tick one option for each question)

a) Is Legally compliant	Yes (please answer Q3)		No (please answer Q3)	
b) Is sound	Yes (please answer Q4b)		No (please answer Q4a & Q4b)	
c) Complies with the Duty to Cooperate	Yes (please answer Q5)		No (please answer Q5)	

LEGAL COMPLIANCE

3. Please give details of why you consider the Local Plan Review is not legally compliant. Please be as precise as possible.

OR

If you wish to support the legal compliance, please also use this box to set out your comments.

(Continue on a separate sheet/expand box if necessary)

TESTS OF SOUNDNESS

If you answered 'NO' to question 2b please answer question 4a below.

4a. Why do you consider that the Local Plan Review is not sound?

(please tick all that apply)

a) It is not positively prepared	
b) It is not justified	
c) It is not effective	
d) It is not consistent with national policy	

4b. Please give details of why you consider the Local Plan Review to be unsound. Please be as precise as possible.

OR

If you wish to support the soundness of the Local Plan Review, please also use this box to set out your comments.

(Continue on a separate sheet/expand box if necessary)

DUTY TO COOPERATE

5. Please give details of why you consider the Local Plan Review fails to comply with the duty to co-operate. Please be as precise as possible.

OR

If you wish to support its' compliance with the duty to co-operate, please also use this box to set out your comments.

(Continue on a separate sheet/expand box if necessary)

PROPOSED MODIFICATIONS

6. Please set out the modification(s) you consider necessary to make the Local Plan Review legally compliant and sound, in respect of any legal compliance or soundness matters you have identified above.

Please note that non-compliance with the duty to co-operate is incapable of modification at examination. You will need to say why each modification will make the Local Plan Review legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(Continue on a separate sheet/expand box if necessary)

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

No, I do not wish to participate in hearing session(s)		Yes, I wish to participate in hearing session(s)	
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8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

(Continue on a separate sheet/expand box if necessary)

9. Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan Review by ticking the relevant box:

Yes, I wish to be notified of
future stages of the Local Plan
Review

No, I do not wish to be notified of
future stages of the Local Plan
Review

Guidance Notes: Maidstone Borough Local Plan Review Regulation 19 Consultation

Introduction

- 1.1. The plan has been published by the Local Planning Authority [LPA] in order for representations to be made on it before it is submitted for examination by a Planning Inspector. The Planning and Compulsory Purchase Act 2004, as amended, [PCPA] states that the purpose of the examination is to consider whether the plan complies with the relevant legal requirements, including the duty to co-operate, and is sound. The Inspector will consider all representations on the plan that are made within the period set by the LPA.
- 1.2. To ensure an effective and fair examination, it is important that the Inspector and all other participants in the examination process are able to know who has made representations on the plan. The LPA will therefore ensure that the names of those making representations can be made available (including publication on the LPA's website) and taken into account by the Inspector.

Legal Compliance

- 1.3. You should consider the following before making a representation on legal compliance:
 - The plan should be included in the LPA's current Local Development Scheme [LDS] and the key stages set out in the LDS should have been followed. The LDS is effectively a programme of work prepared by the LPA, setting out the plans 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 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 plans and the consideration of planning applications.
 - The LPA is required to provide a Sustainability Appraisal [SA] report when it publishes a plan. This should identify the process by which SA has been carried out, and the baseline information used to inform the process and the outcomes of that process. SA is a tool for assessing the extent to which the plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives.
 - In London, the plan should be in general conformity with the London Plan (formally known as the Spatial Development Strategy).

- The plan should comply with all other relevant requirements of the PCPA and the Town and Country Planning (Local Planning) (England) Regulations 2012, as amended [the Regulations].

Duty to Co-operate

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

- Section 33A of the PCPA requires the LPA to engage constructively, actively and on an ongoing basis with neighbouring authorities and certain other bodies over strategic matters during the preparation of the plan. The LPA will be expected to provide evidence of how they have complied with the duty.
- Non-compliance with the duty to co-operate cannot be rectified after the submission of the plan. Therefore, the Inspector has no power to recommend modifications in this regard. Where the duty has not been complied with, the Inspector cannot recommend adoption of the plan.

Soundness

1.5. The tests of soundness are set out in paragraph 35 of the National Planning Policy Framework (NPPF). Plans are sound if they are:

- 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 authorities 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; and
- Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in the NPPF.

1.6. If you think the content of the plan is not sound because it does not include a policy on a particular issue, you should go through the following steps before making representations:

- Is the issue with which you are concerned already covered specifically by national planning policy (or, in London, the London Plan)?

- Is the issue with which you are concerned already covered by another policy in this plan?
- If the policy is not covered elsewhere, in what way is the plan unsound without the policy?
- If the plan is unsound without the policy, what should the policy say?

General advice

- 1.7. If you wish to make a representation seeking a modification to a plan or part of a plan you should set out clearly in what way you consider the plan or part of the plan is legally non-compliant or unsound, having regard as appropriate to the soundness criteria in paragraph 3.1 above. Your representation should be supported by evidence wherever possible. It will be helpful if you also say precisely how you think the plan should be modified.
- 1.8. You should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification. You should not assume that you will have a further opportunity to make submissions. Any further submissions after the plan has been submitted for examination may only be made if invited by the Inspector, based on the matters and issues he or she identifies.
- 1.9. Where groups or individuals share a common view on the plan, it would be very helpful if they would make a single representation which represents that view, rather a large number of separate representations repeating the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised.
- 1.10. Please consider carefully how you would like your representation to be dealt with in the examination: whether you are content to rely on your written representation, or whether you wish to take part in hearing session(s). 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. In considering this, please note that written and oral representations carry the same weight and will be given equal consideration in the examination process.