

### **Submission Local Plan consultation (Regulation 19)**

The Borough Council has published the draft for submission version of its Local Plan (also known as the Regulation 19 version). The Regulation 19 submission document will be submitted to the Planning Inspectorate for Examination. It is the version that the council will seek to adopt, subject to the examination and will replace the current Adopted Local Plan 2017.

The Local Plan Review sets out the proposed planning policies to guide development in the borough up to 2037.

The consultation on the Submission document opens at **9am on 29th October 2021** and we need to receive your comments no later than **11.59pm on 12th December 2021**. The submission document, associated policies map and representation form can be downloaded from the website using the links.

### **Sustainability Appraisal**

The Maidstone Borough Council Local Plan Review: Regulation 19 submission document is accompanied by a consultation on the Sustainability Appraisal. The Environmental Assessment of Plans and Programmes regulations (2004) requires that all Development Plan Documents are to be subject to a Sustainability Appraisal. This is reiterated in the National Planning Policy Framework.

The Sustainability Appraisal is required to consider and communicate the key sustainability issues and effects of emerging policies and any reasonable alternatives. It is an iterative process which runs alongside the development of a plan and informs the ongoing decision-making process. The document being consulted on the Sustainability Appraisal of the Maidstone Local Plan Review Regulation 19 Submission Consultation.

### **How to take part?**

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).

**Any comments should be made using the Regulation 19 Representation Form via this online consultation portal.**

**Alternatively, comments can be submitted following the format of the Regulation 19 Representation Form using the below methods.**

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

**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 this 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.

### **How will you use my data?**

All consultation comments will be made publicly available on this consultation 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>

### **Evidence Base**

Alongside the draft submission version, the council have updated its Local Plan Review evidence base which can be viewed at this link:

<https://localplan.maidstone.gov.uk/home/local-plan-review>

This form contains two parts

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

## **Consultation on the Sustainability Appraisal of Regulation 19 Maidstone Local Plan Review**

The Maidstone Borough Council Local Plan Review: Regulation 19 submission document is accompanied by a consultation on the Sustainability Appraisal of the Plan.

The Environmental Assessment of Plans and Programmes regulations (2004) requires that all Development Plan Documents are to be subject to a Sustainability Appraisal. This is reiterated in the National Planning Policy Framework.

The Sustainability Appraisal is required to consider and communicate the key sustainability issues and effects of emerging policies and any reasonable alternatives, and It is an iterative process which runs alongside the development of a plan and informs the ongoing decision-making process.

The document being consulted on is the Sustainability Appraisal of the Maidstone Local Plan Review Regulation 19 submission document. This consultation will

open at **9am on Friday 29th October 2021 and will close at 11:59pm Sunday 12th December 2021.**

### **How to take part?**

**Any comments should be made using the Regulation 19 Representation Form via this online consultation portal**

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## **Guidance Notes: Maidstone Borough Local Plan Review Regulation 19 Consultation**

### **Guidance Note**

#### **Introduction**

- 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.
- 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**

- 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**

- 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**

- 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.
- 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: