

Guidance Notes for the Swale Borough Local Plan Review (Regulation 19) Pre-Submission Document

This consultation will begin at **9am** on **8th February 2021** and end at **5pm** on **30th April 2021**.

Swale Borough Council will be promoting this consultation via its online portal (using the **Chrome** browser) and it would greatly assist the Council if you were able to respond to this consultation via <https://swale-consult.objective.co.uk/kse>. If you are not already registered, please access the portal and follow the 'sign in' option (at the top right-hand side of the home page).

Alternatively, a PDF version of the document, representations form and guidance note can be found here: <https://swale.gov.uk/planning-and-regeneration/local-plans/local-plan-review/public-consultation#h2>. The representation form can be completed electronically and emailed to: Lpcomments@swale.gov.uk. Please remember to 'save' your electronic form as you write your comments, prior to sending it. Alternatively, you can print the representations form and send it to **Planning Policy, Swale Borough Council, Swale House, East Street, Sittingbourne, Kent, ME10 3HT**.

If you prefer, you may submit comments via letter or email, the content of which will be copied into the public facing portal, and will be publicly viewable.

All comments are moderated to check for inappropriate language or personal information which will be redacted prior to being published on the website.

For the purposes of this consultation, your name/name of organisation, comment and town of residence will be made available for public inspection. Further GDPR information can be found at the bottom of this form.

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 and Duty to Co-operate

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.

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.

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:

- Is the issue with which you are concerned already covered specifically by national planning policy?
- 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

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.

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.

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 than 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.

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.

Examination Hearing Sessions

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.

If you need any assistance, please call 01795 417014

GDPR

The personal information you provide will be processed in accordance with General Data Protection Regulations 2018. The information you provide will only be used for the purposes of the preparation of the Local Plan as required by the Planning and Compulsory Purchase Act 2004 (as amended), and may be used by the Council to contact you if necessary, regarding your submission. **Your name, name of organisation, comments and town of residence* will be made available for public inspection** when displaying and reporting the outcome of the statutory consultation stage and cannot be treated as confidential. You will not be asked for any unnecessary information and *we will not publish any personal data beyond what is stated in this declaration.

As a data subject you have the right to access your personal data and to ensure the Council is processing it in the correct way. For further information please visit the privacy pages on the Council's website at www.swale.gov.uk or contact the data protection officer by emailing dataprotectionofficer@swale.gov.uk or call 01795 417179.

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