

Our Local Plan: 2033 (Regulation 19) Consultation

Guidance Note for Submission of Comments

Please read this guidance note before completing the representation form or submitting your comments

Tandridge District Council has published its final draft of Our Local Plan: 2033 for consultation, also known as the pre-submission or publication consultation. We are now seeking your view on Our Local Plan: 2033 and your comments can be made over a period of **6 weeks** between **9am on 30 July 2018** and **5pm on 10 September 2018**.

The nature of this consultation has some differences from earlier consultations we have undertaken on previous drafts of the Plan. This guidance note has been prepared to explain these differences and assist you in submitting your comments.

What have we done already?

The preparation of Our Local Plan: 2033 has been informed by: national policy and legislation; extensive evidence gathering and technical assessment; ongoing liaison with neighbouring authorities, statutory bodies and infrastructure providers and feedback gained through formal consultation.

Three rounds of formal public consultation¹ have already been undertaken in accordance with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Localism Act 2011. All consultations have been carried out in compliance with the Council's [Statement of Community Involvement](#) (September 2015) and a summary of comments and main findings for each of the consultation stages has been reported back to the Council's Planning Policy Committee.

What are we consulting on now?

This iteration of Our Local Plan represents the final version of the document for consultation before submission to the Planning Inspectorate who will examine the Plan on behalf of the Secretary of State. This consultation will be conducted in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, and any representations made will be considered in accordance with Regulation 20, of the same legislation.

Previous consultation exercises carried out under Regulation 18 actively sought feedback on the alternative sites being considered, the potential locations for the Garden Community, the types of policy to be included and the spatial strategy which could be pursued.

This Regulation 19 consultation no longer seeks views on alternative options, but instead presents the opportunity to comment on the policy content of the Local Plan, within a specific remit. The remit for this consultation relates to representations on legal compliance and the 'Tests of Soundness'. Before commencing any formal examination in public hearing sessions, the Inspector will also make an assessment as to whether the requirements of the Duty to Cooperate have been met. Further information regarding soundness and legal compliance is set out later in this note.

What is legal compliance?

If you are seeking to make representations on the way in which Tandridge District Council has prepared Our Local Plan, then your comment is likely best submitted against the matter of legal compliance.

¹ Local Plan: Issues and Approaches (2015/ 2016), Local Plan: Sites Consultation (2016) and Local Plan: Garden Villages Consultation (2017)

The Inspector will first check that the Plan meets the legal requirements with which plan-making should accord as set out in legislation including: The Planning and Compulsory Purchase Act 2004, Town and Country Planning (Local Planning) (England) Regulations 2012, the Localism Act (2011), The Neighbourhood Planning Act (2017) and European Directives and English Regulations where they are relevant to statutory environmental assessments such as Sustainability Appraisal and Habitats Regulations Assessment.

Comments relating to legal compliance must be specific in terms of how and why they believe the plan is, or is not, legally compliant and support this with evidence and justification in the context of the legislation.

What is Soundness?

The tests of soundness against which the plan will be assessed are set out at Paragraph 182 of the [National Planning Policy Framework](#) (NPPF). In determining whether Our Local Plan meets these tests and can be considered to have been soundly prepared, the Inspector has to be satisfied that the Plan has been:

Positively Prepared: This means that the Plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development. Where an authority has not met development needs in full, a Plan, supported by evidence, must justify why needs are not met and what steps were taken in seeking to meet them.

Justified: The Plan should be the most appropriate strategy when considered against reasonable alternatives, based on proportionate evidence.

Effective: The Plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities.

Consistent with national policy: The Plan should enable the delivery of sustainable development in accordance with the policies in the NPPF.

Comments relating to soundness must be specific in terms of how and why they believe the plan is, or is not, sound referencing the tests relevant to the comment. Comments must be supported by evidence and justification.

What is the Duty to Cooperate?

The requirements of the Duty to Cooperate (DtC) are set out in Section 110 of the Localism Act 2011 and Section 33A of the Planning and Compulsory Purchase Act 2004. In short, the legislation requires all Local Planning Authorities to demonstrate that they have had active and on-going cooperation with key bodies, such as neighbouring authorities and other statutory bodies on strategic matters, including infrastructure, housing and employment needs and flooding.

Comments relating to the Duty to Cooperate must be specific in terms of how and why they believe the plan has, or has not met its Duty, and support this with evidence and justification.

Attendance at the Examination in Public

One of the fundamental parts of the Examination in Public is the hearing sessions requested and led by the appointed Planning Inspector. Should respondents wish to appear at examination, they should make it clear in their submission, and on what grounds they wish to appear and why it is necessary.

The Inspector will determine which parties are to attend sessions and on what subject matters using the comments submitted to guide that decision. Appearance at the examination is at the discretion of the Inspector and the Council do not determine this.

Where can I view the documents undergoing consultation?

The documents undergoing formal consultation are: Our Local Plan: 2033 (Regulation 19), Sustainability Appraisal (2018), Habitats Regulation Assessment (2018), Infrastructure Delivery Plan (2018) and Local Plan: Policies Map(s) 2018. Whilst a large amount of supporting evidence is published alongside Our Local Plan, these do not form part of the statutory documents being consulted on. However, where relevant, evidence can be referenced in support of the comment(s) you are making.

Our Local Plan: 2033 Consultation and associated technical studies can be viewed on the Council's website (www.tandridge.gov.uk/localplan) or alternatively the document can be viewed on our consultation portal (<http://consult.tandridge.gov.uk/portal/>).

In addition, hard copies of the documents can be viewed at the Council Offices (8 Station Road East, Oxted, Surrey RH8 0BT) and statutory documents in each of the libraries in the district (Oxted, Warlingham, Lingfield, Caterham on the Hill, Caterham Valley) as well as Edenbridge, Horley and Redhill libraries.

How can I submit my comments?

You can submit your comments in a number of ways including online and by email.

The Council has also prepared a questionnaire for respondents to help guide you in setting out your response and ensure that your comments are made in alignment with the purpose of the consultation, which is focused on soundness and legal compliance. The questionnaire is attached at the end of this guidance note and further copies can be obtained online (<https://www.tandridge.gov.uk/Planning-and-building/Planning-strategies-and-policies/Local-Plan-2033-emerging-planning-policies/Draft-Local-Plan>) or by contacting the Council on the details below.

In addition, you can submit your comments using the online consultation portal, [Objective](http://consult.tandridge.gov.uk/portal/) (<http://consult.tandridge.gov.uk/portal/>), which allows you to access the Local Plan: 2033 Consultation document and directly submit your comments into the questionnaire, by clicking on the 'Add Comments' tab at the top of the Foreword. Further assistance on submitting your comments on the portal can also be found by using the Help, function on the portal front page (<http://consult.tandridge.gov.uk/portal/>):



Alternatively you can submit your comments by:

- **E-mail to** localplan@tandridge.gov.uk
- **By post to** Strategy Team, Tandridge District Council, Council Offices, 8 Station Road East, Oxted, Surrey RH8 0BT

Please note that the Council is unable to accept anonymous comments and for a comment to be formally accepted, a name and contact address (preferably e-mail) must be provided. If an agent or consultant has been engaged to act on your behalf please fill in only your name then the agent's details in full. All correspondence will then be sent directly to the agent, unless otherwise specified clearly on the form.

In submitting comments to this consultation we are required, under the Town and Country Planning (Local Planning)(England) Regulations 2012, to notify you when the independent examination will take place. We will use the contact details you have provided to do this.

Please note: at the end of the consultation period all comments will be made public and will be submitted to the Secretary of State along with the Local Plan and other relevant supporting documents. Your comments and name will be published but other personal information will remain confidential.

Your comments will be reviewed by the independent Planning Inspector appointed by the Secretary of State to carry out the Examination in Public. You may be invited to discuss your comments at the Examination in Public at the discretion of the Inspector.

In line with General Data Protection Regulations (2018), your details are stored on a secure system and are used only for the purposes of consultation for the Local Plan and associated documents. Your details will be stored until such a time that the Local Plan has been adopted. If you do not wish to receive further updates from the Council in relation to the Local Plan, please email localplan@tandridge.gov.uk or log on to your Objective account.

The Council reserves the right not to publish or take into account any representations which are openly offensive or contain comments that do not accord with the Equalities Act 2010.

What happens next?

Once the consultation has concluded, minor amendments to the document may be made and all responses received will be submitted directly to the Planning Inspectorate for their consideration along with those raised through previous consultation phases, in accordance with Regulation 22 Town and Country Planning (Local Planning) (England) Regulations 2012. The Planning Policy Committee will be asked to agree the final plan for submission at a meeting in late 2018.

Our Local Plan: 2033 (Regulation 19)

This consultation relates to the proposed submission version of Our Local Plan and is being conducted in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012). This consultation asks for your comments on the *legal compliance* and *soundness* of the Plan and whether you wish to request involvement in the Examination in Public hearing sessions, which will be determined at the discretion of the appointed Planning Inspector. To assist you in making your comments the Council has prepared a **Guidance Note** on how to respond to this consultation, and sets out the next steps and should be utilised to guide your response as far as is practicably possible.

You do not need to answer every question, only those that relate to the point you wish to make.

How we will use your information

In submitting comments to this consultation we are required, under the Town and Country Planning (Local Planning) (England) Regulations 2012, to notify you when the independent examination will take place. We will use the contact details you have provided to do this.

Please note: at the end of the consultation period all comments will be made public and will be submitted to the Secretary of State along with the Local Plan and other relevant supporting documents. Your comments and name will be published but other personal information will remain confidential.

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Please tick below to indicate you have read this notice.

I have read the notice about how my information will be used.....

Legal Compliance and Soundness – Questionnaire

Legal Compliance

Please see the Guidance Note for an explanation of Legal Compliance.

Do you consider the Local Plan is legally compliant/non-compliant?

(Please select one answer)

Legally Compliant..... Non Compliant.....

Please give details of why you consider the Local Plan is/is not legally compliant, including references to relevant legislation, policies and / or regulations.

TLAG provide no comment with regard to legal compliance

Modifications – Legal Compliance

Are you proposing a modification(s) to make the Local Plan legally compliant and/or to strengthen its compliance?

(Please select one answer)

Yes..... No.....

Proposed Modifications – Legal Compliance

You will need to say why this modification(s) will make the Local Plan legally compliant/strengthen its legal compliance. It will be helpful if you are able to put forward your suggested revised wording for any policy or text and include all information and evidence necessary to support / justify your suggested change. Please be as precise as possible.

After this stage, further submissions for modifications will be ONLY at the request of the Inspector, based on the matters and issues he / she identifies for examination.

Please set out your suggested modification(s) below

Independent Examination - Legal Compliance

N/A

If your representation is proposing a modification(s), do you consider it necessary to participate in the examination in public?

(please select one answer)

Yes..... No.....

Reasons for Attending the Examination in Public - Legal Compliance

Please note attendance at the examination in public is at the discretion of the appointed Inspector.

If you wish to participate in the examination in public, please outline why you consider this to be necessary:

N/A

Tests for Soundness

Please see the Guidance Note for an explanation of Soundness.
(Please select one answer for each question)

	Yes	No
Is the Local Plan positively prepared?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is the Local Plan justified?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is the Local Plan effective?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is the Local Plan consistent with national policy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Thinking about the tests of soundness, do you consider the Local Plan to be sound?
(Please select one answer)

Sound..... Unsound.....

Please state why you consider the Local Plan to be sound/unsound, including references to relevant legislation, policies and / or regulations.

Please refer to attached report prepared by TLAG

Modifications - Soundness

Are you proposing modification(s) to make the Local Plan sound, or to strengthen its soundness?

(Please select one answer)

Yes..... No.....

Proposed Modifications – Soundness

You will need to say why this modification(s) will make the Local Plan sound/strengthen its soundness. It will be helpful if you are able to put forward your suggested revised wording for any policy or text and include all information and evidence necessary to support / justify your suggested change. Please be as precise as possible.

After this stage, further submissions relating to soundness will be ONLY at the request of the Inspector, based on the matters and issues he / she identifies for examination.

Please set out your suggested modification(s) below

Please refer to attached report prepared by TLAG

Independent Examination – Soundness

If your representation is proposing a modification(s), do you consider it necessary to participate in the examination in public?

(Please select one answer)

Yes..... No.....

Reasons for Attending the Examination in Public – Soundness

Please note attendance at the examination in public is at the discretion of the appointed Inspector.

If you wish to participate in the examination in public, please outline why you consider this to be necessary:

In order to fully participate in the examination and ensure that TLAG's position is fully represented

Duty to Cooperate

Please see the Guidance Note for an explanation of the Duty to Cooperate.

Do you consider the Local Plan to have met/not met the requirement of the Duty to Cooperate in accordance with section 110 of the Localism Act 2011 and section 33A of the Planning and Compulsory Purchase Act 2004? Please note that any non-compliance with the Duty to Cooperate is incapable of modification at examination.

(Please select one answer)

Met..... Not met.....

Please give details of why you consider the Local Plan has met/not met the requirements of the Duty to Cooperate?

TLAG make no comment in relation to the duty to cooperate

Independent Examination – Duty to Cooperate

Do you consider it necessary to participate in the examination in public?

(Please select one answer)

Yes..... No.....

Reasons for attending the examination in public – Duty to Cooperate

Please note attendance at examination in public is at the discretion of the appointed Inspector.

If you wish to participate in the examination in public, please outline why you consider this to be necessary:

N/A

Uploading/Providing Supporting Information

Please note that you can attach files, such as a scanned map, image or other document, along with your comments. Your documents will be made public as part of the response process. Please note that we have a maximum file size of 10Mb, files larger than this may be rejected by our server.

Local Plan: Monitoring

Awareness

Were you aware that the Council is drafting a Local Plan?

(Please select one answer)

Yes..... No.....

Previously responded

Have you previously responded to any of the consultations on the Local Plan?

(Please select one answer)

Yes..... No.....

Please give reasons for not responding to any of the Local Plan consultations in the past?

(Please select all that apply)

I didn't know about the Local Plan.....

I don't feel I can make a difference.....

I don't think it's relevant to me.....

Other people are making comments on my behalf.....

Other.....

The Local Plan

With regards to the Local Plan, have you:

(Please select all that apply)

Understood the documents.....

Understood what happens next.....

Found all the information you needed.....

Raised the points you wanted to make.....

Consultation Awareness

How did you find out about the consultation?

(Please select all that apply)

In the media.....

On the internet.....

Library.....

Word of mouth.....

Parish Council.....

Thank you for taking part.