

Guidance on Making a Representation

What is this Representation Period about?

The Reigate and Banstead Pre-Submission Development Management Plan (DMP) and Policies Maps have been published to allow for representations on the Plan.

Government guidance and regulations require that any interested person, group, organisation or business be able to comment on 'soundness' and 'legal compliance' during the publication period (these terms are discussed below). This means you have an opportunity to influence the outcome of the Plan.

Representations will be considered by an independent Planning Inspector (appointed by the Planning Inspectorate on behalf of the Secretary of State). A statutory independent examination will be held, including public hearings which are managed by the Inspector.

It is your choice on what to say – but you are advised to read these guidance notes before completing the representation form to be better informed about the purpose of independent examination and to maximise the effectiveness of your representation to the Inspector.

All representations should be received by 5pm Friday 23 February 2018.

What is the Local Plan about?

The DMP provides detailed policies and proposals including land allocations and designations based on the policy framework and long-term strategy contained in the [Reigate and Banstead Core Strategy](#) (2014).

The DMP, together with the previously adopted Core Strategy, is intended to become the Local Plan for the area. These documents will be the primary source against which future planning applications and proposals will be considered (together with other relevant material considerations), and will replace the previous Local Plan. The plan period goes up to 2027.

The DMP is the culmination of evidence gathering and previous consultation. The Council believes that the Plan is soundly based and is therefore prepared for independent testing.

How has the Plan changed as a result of public consultation?

A [consultation statement](#) has been produced that explains the changes that have been made as a result of the comments received during previous Regulation 18 consultation (August-October 2016).

What will the examination consider?

The Planning and Compulsory Purchase Act 2004 states that the purpose of the examination is to consider whether the Plan complies with legal requirements and is 'sound'.

Legal compliance

The Planning Inspector will first check that the Plan meets the legal requirements of the [Planning and Compulsory Purchase Act 2004](#) (as amended by the [Localism Act 2011](#)) and the [Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#). If you are seeking to make representations on the way in which the Council has prepared the Plan, it is likely that your comments or objections will relate to a matter of legal compliance.

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

- Whether the plan complies with the [Local Development Scheme](#) and the Statement of Community Involvement (statutory documents prepared by the Council).
- Whether the plan complies with the [Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#). This includes public participation in the preparation of the Local Plan (Regulation 18) and publication of the Local Plan before submission to the Secretary of State (Regulation 19). It is not necessary to quote statutory sources at length; you may assume that the Inspector is familiar with the legislation – it is usually sufficient to provide a succinct explanation of what you consider to be relevant.
- Whether the [Sustainability Appraisal](#) report is adequate. This should identify the process by which the Sustainability Appraisal has been carried out, the baseline information used to inform the process, and the outcomes of that process.
- Whether the plan has due regard to national planning policy, as contained in the [National Planning Policy Framework](#) (NPPF) and the [Planning Practice Guidance](#), which amplifies procedural and technical considerations. You may assume that the Inspector is familiar with national planning policy and it is not necessary to quote these at length.
- Whether the plan has due regard to the [sustainable community strategy](#) for its area.
- Whether the council has followed the Duty to Co-operate requirements set out in [Section 110 of the Localism Act 2011](#).

Soundness

After considering legal and procedural issues the Inspector will examine “soundness”. If it is the actual content of the Plan on which you wish to comment on or object to, it is likely that your comments or objections will relate to the Plan’s soundness. To be sound, the Plan should be:

Positively prepared

This means the Plan should be based on a strategy which seeks to meet objectively assessed needs. The strategy for Reigate and Banstead has been set by the Core Strategy examined and adopted in 2014, which was considered against reasonable alternatives and based on proportionate evidence.

Justified

This means that the Plan should be based on a robust and credible evidence base involving evidence of participation of the local community and others having a stake in the area.

The evidence to support the Local Plan is [available online](#). The DMP, and supporting evidence base, should show how the detailed policies and site allocations balance social, environmental and economic impacts, and how sustainability objectives will be achieved. They should take into account new circumstances which have arisen since the Core Strategy was adopted.

Effective

This means the Plan should be deliverable over the plan period and the plan should include:

- No regulatory or national barriers to delivery;
- Delivery partners who are signed up to the Plan;
- Coherence with neighbouring authorities' strategies; and
- effective working with other authorities and public bodies to plan for issues with cross boundary impacts.

The Plan should be flexible to deal with changing circumstances, which may include minor changes in response to monitoring outcomes, or more substantial changes, such as sites not coming forward as planned.

Policies contained in the DMP will be monitored in the Reigate and Banstead Annual Monitoring Report. Previous Monitoring Reports are [available online](#).

Consistent with national policy

As well as being a matter of legal compliance, the Plan's consistency with national policy is also a matter of soundness. Where there is a departure from national policy, the Council must justify this approach.

If you feel the Council should depart from national policy in order to meet a clearly identified and fully justified local need, then please explain why and support this with evidence.

If you think the Plan is not sound because it has omitted an essential policy, you should consider the following questions before making representations:

- Is the issue already covered by any national planning policy? If so, it does not need to be included, as national planning policy should not be repeated verbatim in local plans.
- Is the issue fully covered by any other policies in the DMP or the Core Strategy? If so, there is no need to repeat existing policies.
- If the policy is not covered elsewhere, why 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 change to the Plan or part of the document, you should explain why the document is deficient with regards to legal compliance or the four tests of 'soundness' set out above.

Please include in the representation all the key points you think will assist the Inspector. You should try to support your representation with information and evidence necessary to justify the representation and any suggested changes. It will be also be very helpful if you could say specifically how you think the Plan should be changed.

You are invited to also indicate where you support the council's proposed policies and proposals. Those representations in support are not usually called to appear at the Hearing by the Inspector.

Further points to note:

- All the Plan documents, national policy, and other relevant published reports such as previous plans for the area will be incorporated into an Examination Library and given reference numbers. Therefore you do not have to copy lengthy extracts in your submission of such documents in order to substantiate your case.
- Representations made at the earlier (Regulation 18) consultation stage will not automatically be sent to the Inspector. The DMP has been amended since the Regulation 18 consultation so the representations may no longer be relevant.
- There will not normally be a subsequent opportunity to make further submissions based on the original representations at this stage.
- After this stage, further submissions will only be at the request of the Inspector, based on the matters and issues identified for examination.
- Please indicate whether you wish to attend the Hearings and if you wish to appear before the Inspector to make any relevant point in person or via an agent (where this is within the scope of the representation made at Regulation 19 stage).
- If you are part of a group that shares a common view, it would be helpful for that group to send a single representation rather than multiple copies stating the same point.
- Please indicate how many people are represented and how the submission has been authorised (e.g. by means of a list with contact details for each person or by a committee vote).
- Please be aware that your representation cannot be treated as confidential. As well as being sent to the Secretary of State, copies of all representations will be made available on the Council's website. Therefore, anyone will be able to view all representations made, attributable to your name and organisation if applicable.
- Your contact details will be removed from copies of representations published electronically. If your representation is anonymous it cannot be taken into consideration.
- Future correspondence from the council and the Programme Officer (on behalf of the Inspector) will be on the basis of the information and contact details you have provided in the representation.

What happens after you have made your representation?

After 23 February 2018, the Council will summarise the main issues for submission to the Planning Inspectorate, along with copies of all representations made in the publication period. These will be sent together with the summary, the DMP and Policies Map Plan and supporting evidence and the documents referred to in legislation to the Planning inspectorate.

If any representations include matters which suggest changes to the Plan, the Council will consider the appropriate way to proceed before the Plan is submitted, and indicate to the Inspector where the council agrees that changes could be made.

On receipt the Planning Inspectorate will carry out basic checks and then notify the Council of the appointment of an Inspector who will commence the examination and liaise with the Council and all other parties via a Programme Officer.

The Plan is expected to be heard at public hearings which will not be earlier than May 2018, assuming submission in March 2018.

If the Inspector considers that substantive issues are raised by your representation, you may be invited to attend the hearing. Additionally, any requests to attend and make verbal representations will be considered by the Inspector.

You will be notified of when and where the Hearings will be held at least 6 weeks in advance, and an agenda of the issues and topics will be published on an examination website.

The council will ask the inspector to make recommendations on soundness and to suggest changes that may improve the soundness of the plan. These changes (known as 'Main Modifications') will be subject to similar procedures as the Regulation 19 Publication of the Plan, including the opportunity to make further representations specific to the subject matter of the modification. You will be informed if you have registered with the council previously or if you have made a representation at the regulation 19 stage.

The Inspector will report to the council on the findings of the examination. This will include a final report which the council is required to publish as soon as practical. It may also include other advice and interim findings. All correspondence between the Inspector and the council (and other parties) will be published on the examination web site.

If the document is found 'sound' by the Inspector, it is anticipated that the Council will adopt the Local Plan in October 2018.

We hope that these guidance notes will assist but they should not be taken as an authoritative statement of the law.

Further advice

Further information and advice is available from other organisations such as:

- GOV.UK website – [National Planning Policy Framework](#) and [Guidance](#).

- [Royal Town Planning Institute](#) website includes details of Planning Aid and other helpful information on Local Plan Inquiries.
- Other national and voluntary bodies such as the [Town and Country Planning Association](#) and [CPRE](#) also provide helpful information and other links.
- Statutory bodies such as the [Environment Agency](#) and [Natural England](#).

Contact us:

The Planning Policy Team may be contacted at:

- Email: LDF@reigate-banstead.gov.uk
- Phone: 01737 276 178
- Post: Planning Policy, Reigate & Banstead Borough Council, Town Hall, Castlefield Road, Reigate, Surrey, RH2 0SH