

Tunbridge Wells Borough Pre-Submission Local Plan Representation Form

Please read the guidance notes at the end of this form before completing it.

NB Representations must be received by no later than 5pm on 4 June 2021

We are unable to accept anonymous representations. All duly made representations, together with the names of respondents, will be made available on the Council's website. Personal information such as telephone numbers, addresses, and email addresses will not be published. By submitting a representation, you are confirming that you understand that your consultation response will be published in full, together with your name, including on our website. Please see the Privacy Notice on page 7 for more details about how we use your information. The guidance notes can be found on page 8.

This form has two parts:

Part A – Personal Details and

Part B – Your representation(s). Please fill in a separate sheet for each representation.

Part A – personal details

(1) Personal details (please provide your full contact details)

Title:

First Name:

Last Name:

Job Title (where relevant):

Organisation (where relevant):

Full postal address (including postcode):

Telephone number:

Email address:

(2) Agent's full contact details (if appointed):

*If an agent is appointed, please complete only the Title, Name and Organisation boxes in (1) but complete the full contact details of the agent in 2

Title:

First Name:

Last Name:

Job Title (where relevant):

Organisation (where relevant):

Full postal address (including postcode):

Telephone number:

Email address:

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so that the front page containing your personal
details

can be easily removed prior to public display

Part B – Please use a separate sheet for each representation

(if you make multiple representations, you only need to fill in one cover sheet (see page 1) with your contact details and attach this to the representations).

Name or organisation:

(3) To which part of the Local Plan does this representation relate?

Please state paragraph number(s), Policy number, or Inset number of Policies Map

(4) Do you consider that the Local Plan:

Please state either Yes, No, or Don't know

- a) Is legally compliant
- b) Is sound
- c) Complies with the Duty to Cooperate

4a. If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

(please mark all that apply)

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

(5) Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

(6) Please set out the modification(s) you consider necessary to make the Local Plan legally compliant or sound, in respect of any legal compliance or soundness matters you have identified at 5 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 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.

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 state Yes or No

7a. 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.

(8) If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

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so that the page containing your signature
can be easily removed prior to public display

This information is on a separate page so that it can be easily removed prior to public display.

Signature:

Date:

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan (please state Yes or No):

Data Protection and Privacy Notice

The information collected via this response form will be used by Tunbridge Wells Borough Council to inform the Local Plan.

Please note, at the end of the consultation period, your responses will be published by the Borough Council, including on our website. We will publish your name and associated responses, but will not publish other personal information such as telephone numbers, e-mail addresses or private addresses.

The information you provide (including telephone numbers, e-mail addresses, etc.) will also be shared with the Programme Officer employed to administer the examination on behalf of the appointed Planning Inspector(s), to be used only for the purposes of conducting the examination. The names of those making representations will be shared, and potentially addresses, with the Planning Inspector(s). However, in some cases, in order to run virtual events by means of video or telephone conference, the Planning Inspectorate may need to know the e-mail address and/or telephone number of those making representations.

If you choose not to provide data for this purpose, or ask us to erase your data, you will be unable to participate in the Local Plan process.

You have the right to access your personal data and to ensure the Council is processing it in the correct way. For further information about how we and the Planning Inspectorate use your personal information, please visit the privacy pages on the Council's website:

<https://tunbridgewells.gov.uk/privacy-and-cookies/service-privacy-notices/privacy-notices/planning/local-plan-regulation-19-consultation>

GUIDANCE NOTES

1. 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.

2. Legal Compliance and Duty to Co-operate

2.1. 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].

2.3. 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.

3. Soundness

3.1. 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.

3.2. 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?

4. General advice

4.1. 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.

4.2 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.

4.3. 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.

4.4. 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.