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# Shaping Elmbridge

## A New Local Plan

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### Guidance Note on making representations

#### 1. Introduction

- 1.1. Elmbridge Borough Council has published the Regulation 19: Draft Elmbridge Local Plan 2022-2037 and its supporting documents to invite representations from all parties on compliance with all legal requirements, including duty to cooperate, and soundness. Representations must be received by **4pm on Friday 29 July 2022**. Following this representation stage, it is intended that the Elmbridge Local plan will be submitted to the Planning Inspectorate for examination.
- 1.2. The Planning and Compulsory Purchase Act 2004, as amended, 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 Planning Inspector will consider all representations made by **4pm on Friday 29 July 2022**. Late responses will not be accepted under any circumstances and individual acknowledgement of receipt will not be possible.
- 1.3. To ensure an effective and fair examination, it is important that the Inspector and all other participants in the examination process know who has made representations on the plan. As such we cannot accept anonymous representations and you must provide us with your name and contact details.
- 1.4. Personal data will be processed in line with our [Planning Policy Privacy Notice](#). Representations will be published on the Elmbridge Borough Council Website alongside the name of the representor. Elmbridge Borough Council will also make sure the names and full addresses of those making representations can be made available and taken into account by the Inspector.

#### 2. Making your representation

- 2.1. The purpose of the Regulation 19 stage is to address the following questions:

- **Has the plan been prepared in accordance with all legal and procedural requirements?**
- **Does the plan meet the prescribed tests of soundness?**

2.2. You should consider the following before making your representation on legal compliance.

#### **Legal Compliance including Duty to Co-operate**

- The Local Plan should have been prepared in accordance with the Council's latest Local Development Scheme.
- The Local Plan should be accompanied by a Sustainability Appraisal and Habitat Regulations Assessment.
- Consultation on the Local Plan should have been carried out in accordance with the Council's Statement of Community Involvement.
- The Council should have worked collaboratively with neighbouring authorities and prescribed bodies on strategic and cross boundary matters, known as the Duty to Cooperate.
- The Local Plan should comply with all relevant laws including the Planning and Compulsory Purchase Act 2004 (PCPA) and the Town and Country Planning (Local Planning) (England) Regulations 2012.

2.3. You should consider the following before making a representation on compliance with the duty to cooperate:

- a. Section 33A of the PCPA requires the Local Planning Authority (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.
- b. Non-compliance with the duty to cooperate 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:

- a) **Positively prepared** – the plan provides a strategy which, as a minimum, seeks to meet Elmbridge’s objectively assessed needs (this includes the need for housing, employment, retail and other forms of development); and is informed by agreements with other authorities, so that unmet need from a neighbouring area is accommodated where it is practical to do so and is consistent with achieving sustainable development.
- b) **Justified** - the plan includes an appropriate strategy, which takes account of the reasonable alternatives, and is based on proportionate evidence.
- c) **Effective** - proposals are 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.
- d) **Consistent** - with national policy - enabling the delivery of sustainable development in accordance with the policies including the National Planning Policy Framework.

2.4. 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:

- a) Is the issue with which you are concerned already covered specifically by national planning policy?
- b) Is the issue with which you are concerned already covered by another policy in this plan?
- c) If the policy is not covered elsewhere, in what way is the plan unsound without the policy?
- d) If the plan is unsound without the policy, what should the policy say?

### **3. General Advice**

- 3.1. 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 the box 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.
- 3.2. You should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification. You can attach supporting documents to your representation. 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 the Inspector identifies.
- 3.3. Where groups or individuals share a common view on the plan, it would be very helpful if they could 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.
- 3.4. 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.

### **4. Published documents**

- 4.1. The Draft Elmbridge Local Plan sets out how the communities and places of Elmbridge will develop over the next 15 years. It includes policies and site allocations to guide the development and use of land as well as those areas that will be protected and enhanced for heritage or nature conservation purposes. It will form the basis on which planning applications in the borough will be determined. Once adopted, the Local Plan will replace the 2011 Core Strategy and 2015 Development Management Plan.
- 4.2. As a result of feedback from our previous consultations on the Draft Local Plan (Regulation 18 consultations) we have now progressed the Local Plan to the next formal stage known as Regulation 19 (Publication). The Regulation 19 (Publication) Local Plan is the document that will be submitted to the Planning Inspectorate for Examination in Public. It is the version that the

council seeks to adopt, subject to that examination, as the future framework for decision making on planning.

- 4.3. The draft policies map is available to view via an interactive map which can be accessed via a link on the consultation homepage. This draft map illustrates the policies that affect a particular site, area or settlement in the borough. It includes existing designations alongside new additions such as retail boundary changes, Local Green Spaces and housing allocations. It should be used in conjunction with the draft Local Plan. If you have any comments, you can click on the designation and a box will contain a link to the Regulation 19 portal to allow you to make your representation.
- 4.4. In addition to the Draft Elmbridge Local Plan and the Draft Policies Map, Elmbridge Borough Council is also seeking representations on:
  - The Sustainability Appraisal of the Draft Elmbridge Local Plan, which assesses the extent to which it will help to achieve relevant environmental, economic and social objectives, when judged against the alternatives.
  - The Habitats Regulations Assessment of the Draft Elmbridge Local Plan, which considers the impact on internationally designated nature conservation sites.
- 4.5. When making a representation on the Sustainability Appraisal or the Habitats Regulations Assessment, please indicate whether you consider that the representation means the Regulation 19: Draft Elmbridge Local Plan is or is not legally compliant, sound and compliant with the duty to cooperate.
- 4.6. If the representation on the Sustainability Appraisal or the Habitats Regulations Assessment is seeking a modification to the Draft Elmbridge Local Plan, you should set out clearly in what way you consider the Local Plan is not legally non-compliant or unsound, having regard as appropriate to the soundness box above. Your representation should be supported by evidence wherever possible. It will be helpful if you also say precisely how you think the Draft Elmbridge Local Plan should be modified.
- 4.7. The Draft Elmbridge Local Plan has also been subject to an Equality Impact Assessment. Extensive supporting documents and evidence have been prepared to inform the Draft Elmbridge Local Plan.
- 4.8. Representations can be made on any of the supporting documents and evidence by relating them to the relevant paragraph, policy (including its explanation), site or policies map in the Draft Elmbridge Local Plan.
- 4.9. A Statement of Representations Procedure and Consultation Statement have been produced to inform this process, in line with the standards set out in the council's published Statement of Community Involvement (SCI) and national guidance.

## 5. Viewing Published Documents

- 5.1. The Regulation 19: Draft Elmbridge Local Plan and all the supporting documents are located in the consultation library on the [consultation portal](#). The [evidence documents](#) are available to view on the Elmbridge Borough Council website.
- 5.2. A hard copy version of the draft Local Plan is also available to view at the Civic Centre and the borough's local libraries. Public computers at the Civic Centre and borough's libraries will allow people to view the interactive draft Policies Map.

## 6. Making Representations

- 6.1. The representation period will run for 6 weeks starting on Friday 17 June and closing at 4pm on 29 July 2022. **All representations must be made by 4pm on Friday 29 July 2022.**
- 6.2. The online representations form is the easiest way to make comments. Attachments can also be uploaded alongside your comment. If you cannot get access to a computer, we will help you find an alternative. This may mean a representation form is sent out in the post to be filled out and posted back using a pre-paid addressed envelope. This will be accessed on a case by case basis.
- 6.3. Please Note: We cannot accept anonymous representations. You must provide your name and contact details. Your personal data will be processed in line with our [Planning Policy Privacy Notice](#).