

## **Guidance Notes for making representations on the Pre-Submission Dartford Local Plan**

This consultation will begin at **4pm on Wednesday 15<sup>th</sup> September 2021** and end at **5pm on Wednesday 27<sup>th</sup> October 2021**.

The Pre-Submission Dartford Local Plan and supporting evidence base documents are available online at: <https://www.dartford.gov.uk/by-category/environment-and-planning2/new-planning-homepage/planning-policy>

Representations on the plan can be made throughout the consultation period. Please note that late representations cannot be accepted. Comments must be made in writing either by emailing or sending in the official representations form. Representations cannot be accepted by any other method.

A pdf version of the representation form is available to download from the Council's website at: <https://www.dartford.gov.uk/by-category/environment-and-planning2/new-planning-homepage/planning-policy/new-local-plan>. Alternatively, we can email you a Word version of the representations form for completion upon request. If you would like us to do this, please email [localplan@dartford.gov.uk](mailto:localplan@dartford.gov.uk) or phone 01322 343213. Please remember to save your electronic form as you write your comments, prior to sending it.

**All completed representation forms should be emailed to [localplan@dartford.gov.uk](mailto:localplan@dartford.gov.uk) or posted to Planning Policy Team, Dartford Borough Council, Civic Centre, Home Gardens, Dartford, Kent DA1 1DR.**

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

The plan has been published by the Dartford Borough Council as 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 (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.

This is the second publication of the Pre-Submission Dartford Local Plan. Please note that if you responded to the previous version published in February 2021, your previous representation will not be automatically carried forward. If you still wish to make a representation, you will need to respond again. Comments may be similar or identical to before but need to be re-submitted in the appropriate way.

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. Therefore the LPA will 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 protection 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 current Dartford LDS is available by clicking the relevant link on the following webpage: <https://www.dartford.gov.uk/by-category/environment-and-planning2/new-planning-homepage/planning-policy>.

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 Dartford SCI is available by clicking the relevant link on the following webpage: <https://www.dartford.gov.uk/by-category/environment-and-planning2/new-planning-homepage/planning-policy>.

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. The SA and the SA Non-Technical Summary carried out for the Dartford Local Plan is available by clicking the relevant link on the following webpage: <https://www.dartford.gov.uk/by-category/environment-and-planning2/new-planning-homepage/planning-policy/new-local-plan>.

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. The LPA's Duty to Co-operate Statement is available by clicking the relevant link on the following webpage: <https://www.dartford.gov.uk/by-category/environment-and-planning2/new-planning-homepage/planning-policy/evidence-base2>.

## 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

**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 the plan or part of the 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 to the soundness criteria set out 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:

- are you are content to rely on your written representation or
- do you wish to take part in hearing session(s)?

Only respondents 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.

## **Data Protection**

The personal information you provide will be processed in accordance with the Data Protection Act 2018 and the Privacy and Electronic Communications (EC Directive) Regulations 2003. The information you provide will only be used for the purposes of the preparation of the Local Plan as required by the PCPA, and may be used by the Council to contact you, if necessary, regarding your submission. Under Regulation 22, the LPA has a duty to send all representations to the appointed Planning Inspector. **Your name, organisation name (if**

**relevant), comments and town/parish 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, the Planning Policy Privacy Notice is available on the Council's website at: <https://www.dartford.gov.uk/privacy-notice/planning-policy-privacy-notice>

## **Further Information**

If you have any queries in relation to the completion to this matter, please contact the Planning Policy team by emailing [localplan@dartford.gov.uk](mailto:localplan@dartford.gov.uk) or phoning 01322 343213.