

# LOCAL PLAN REVIEW

## Regulation 19 Consultation – representation form



## Introduction

### What is this consultation?

The consultation on the Maidstone Local Plan Review Regulation 19 (also known as the submission document) opens at **09.00 Friday 29<sup>th</sup> October 2021** and we need to receive your comments no later than **23.59 on Sunday 12<sup>th</sup> December 2021**.

As part of the Draft Regulation 19 Local Plan Review consultation process, we are inviting you to submit your representations on the soundness and legal compliance (including with the duty to cooperate) as set out in the National Planning Policy Framework (NPPF).

### How can I comment on the Regulation 19 Submission Local Plan Review Consultation?

Any comments should be made using the Regulation 19 Representation Form via the online consultation portal which can be found here: <https://maidstone-consult.objective.co.uk/portal/>

Alternatively, comments can be submitted using this form or by letter following the format of this form using the below methods.

- By email to [ldf@maidstone.gov.uk](mailto:ldf@maidstone.gov.uk)
- By post to: **Strategic Planning, Maidstone Borough Council, Maidstone House, King Street, Maidstone, ME15 6JQ**

### How will you use my data?

All consultation comments will be made publicly available on the consultation portal which can be found here: <https://maidstone-consult.objective.co.uk/portal/> in due course. This is so that interested parties can view all the responses that have been received. Published information will include responses and responder name. All demographic and contact data will be removed. By submitting a representation, you are confirming that you understand that your consultation response will be published in full, together with your name. All data is processed in accordance with the Data Protection Act 2018. All representations will be processed in accordance with our privacy notice which can be found here: <https://localplan.maidstone.gov.uk/home/privacy-notice>

This form contains two parts

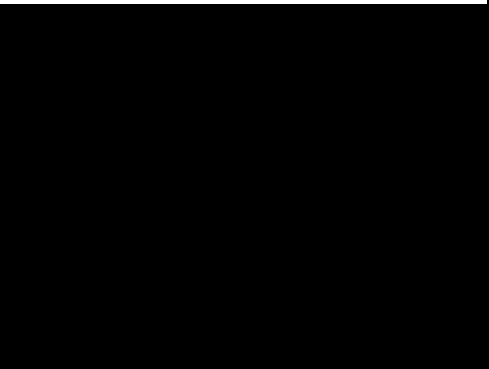
- Part 1: Personal details
- Part 2: Your representation(s)

## Part 1: Personal Details

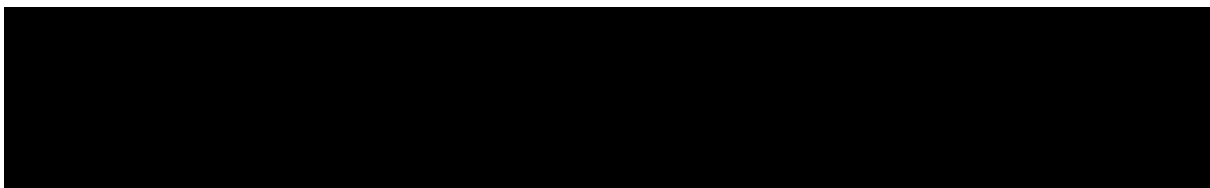
All responses must contain your full name and postal address in order for your response to be processed as part of this consultation.

Your name will be published alongside your representation on our consultation portal. All demographic and contact data will be removed. Please note, if you under 18 we will not publish your name, only your representation, please do specify your age if this is the case.

*\*If an agent is appointed, please complete the Title, Name and Organisation (where relevant) boxes below and complete the full contact details of the agent in the agent column.*

	Personal Details*	Agent Details (if applicable)
Title		
First Name	Alison	
Last Name	Burchell	
Job title (where relevant)	Deputy Director of Primary Care – Strategic Planning and Primary Care Estates	
Organisation (where relevant)	NHS Kent and Medway CCG	
Address Line 1		
Address Line 2		
Address Line 3		
Address Line 4		
Post Code		
Email address		

Maidstone Borough Council is committed to Equal Opportunities. The information you provide in this section will not be linked to any comments you make on consultation and you will not be linked to your name, address or other personal identifier. The information will be used for monitoring purposes only.





## Part 2: Your representation(s)

Please use a separate sheet for each representation (you only need to complete Part 1 once).

For help on how to complete this questionnaire please see guidance notes located at the end.

### 1. Which part of the Local Plan Review does this representation relate?

*(please state)*

Paragraph No(s)		Policy No(s)	LPRSP1 LPRSA146	Policies Map (Insert Map No(s))	
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### 2. Do you consider that the Local Plan Review...

*(please tick one option for each question)*

a) Is Legally compliant	Yes (please answer Q3)		No (please answer Q3)	
b) Is sound	Yes (please answer Q4b)		No (please answer Q4a & Q4b)	
c) Complies with the Duty to Cooperate	Yes (please answer Q5)	X	No (please answer Q5)	

## LEGAL COMPLIANCE

3. Please give details of why you consider the Local Plan Review is not legally compliant. Please be as precise as possible.

OR

If you wish to support the legal compliance, please also use this box to set out your comments.

*(Continue on a separate sheet/expand box if necessary)*

## TESTS OF SOUNDNESS

If you answered 'NO' to question 2b please answer question 4a below.

**4a. Why do you consider that the Local Plan Review is not sound?**

*(please tick all that apply)*

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

**4b. Please give details of why you consider the Local Plan Review to be unsound. Please be as precise as possible.**

**OR**

**If you wish to support the soundness of the Local Plan Review, please also use this box to set out your comments.**

*(Continue on a separate sheet/expand box if necessary)*

## **DUTY TO COOPERATE**

**5. Please give details of why you consider the Local Plan Review fails to comply with the duty to co-operate. Please be as precise as possible.**

**OR**

**If you wish to support its' compliance with the duty to co-operate, please also use this box to set out your comments.**

I can confirm that the CCG has been engaged in the local plan development process in order to assess implications for primary medical care (general practice) provision. The impacts are set out in the IDP and will be regularly reviewed and updated in line with the CCG's GP Estates Strategy. The following comments are provided on specific policies in relation to general practice provision for completeness.

### **LPRSP1 - MAIDSTONE TOWN CENTRE**

The CCG will engage in the development of the Town Centre Strategy and have identified the requirement for additional infrastructure in the town centre to provide for additional general practice capacity. This is detailed in the Infrastructure Delivery Plan.

### **LPRSA146 - MAIDSTONE EAST, MAIDSTONE TOWN CENTRE**

The CCG notes the opportunity this policy provides for supporting flexibility in the space provided to include a medical facility. This would support the identified CCG requirement for additional infrastructure in the town centre to provide for additional general practice capacity.

### **POLICY LPRSP2 - MAIDSTONE URBAN AREA**

### **POLICY LPRSP3 – EDGE OF THE MAIDSTONE URBAN AREA**

The names of the general practices detailed should be updated to reflect the current position. The CCG will provide the up to date list to the council noting that the boundaries/catchment areas of general practices does not necessarily align to specific areas for the purpose of the local plan.

### **LPRSP4(A): Heathlands Garden Settlement**

The CCG has previously provided confirmation that a new medical centre would be required as part of this garden settlement and this is detailed in the IDP. Whilst this policy is clear that a comprehensive set of community infrastructure will be delivered we would request consideration be given to the policy specifically detailing the healthcare infrastructure requirement in the same way that it does for education.

### **LPRSP4(B): Lidsing Garden Community**

The CCG notes that the policy provides for a comprehensive set of local infrastructure

commensurate with a new community of 2,000 new homes. The development site falls within the boundaries of general practices in Medway and the CCG has previously confirmed that it would need to strategically assess requirements for this wider area to determine the appropriate response and requirements for this potential growth. The IDP recognises additional capacity would be required.

**POLICY LPRSP5(C) – LENHAM BROAD LOCATION FOR HOUSING GROWTH and POLICY LPRSP6(D) – LENHAM**

The CCG notes that both policies support infrastructure improvements, specifically at the Len Valley Surgery. This will be required to accommodate the level of growth and is detailed in the IDP.

**LPRSP6(A): Coxheath**

6.103 – It is proposed a minor update to the wording to reflect the most up to date position: Current wording : However, the GP surgery is currently at capacity and any further development in Coxheath will be expected to contribute towards ensuring healthcare facilities can meet the demands of future growth.

It is proposed this should be replaced with : Greensand Health Centre (GP Surgery) will relocate to a new medical centre in Coxheath in the spring of 22; the medical centre is currently under construction. S106 healthcare contributions have been utilised to support this development.

1c should be amended to ‘ Improvements to health infrastructure ~~including extension and/or improvements at Orchard Medical Centre and Stockett Lane Surgery~~ at Greensand Health Centre (including branch surgery in Loose).

**POLICY LPRSP6(F) – STAPLEHURST**

4d should be amended as follows to reflect the correct name of the building (which is a health centre and not solely a GP surgery)’ Improvements to health infrastructure including extension and/or improvements at Staplehurst ~~Medical~~ Health Centre’

**POLICY LPRSP7(C) – SUTTON VALENCE**

3a –It is proposed a minor update as follows to reflect the correct name of the practice (that provides across both surgery sites) and the planned development : ‘ Improvements to health infrastructure ~~including extension and/or improvements at~~ for Sutton Valence Group Practice ~~and Cobtree Medical Practice~~ through delivery of a new medical centre’.

**POLICY LPRSA078 – LAND AT HAVEN FARM / SOUTHWAYS, SUTTON VALENCE**

The CCG recognises that this policy includes a serviced site to support delivery of a medical centre. This would support the identified development needs of Sutton Valence Group Practice as detailed in the IDP.

*Continue on a separate sheet/expand box if necessary)*



## PROPOSED MODIFICATIONS

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

*(Continue on a separate sheet/expand box if necessary)*

**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 note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.*

No, I do not wish to participate in hearing session(s)		Yes, I wish to participate in hearing session(s)	
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**8. 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.*

*(Continue on a separate sheet/expand box if necessary)*

**9. Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan Review by ticking the relevant box:**

Yes, I wish to be notified of future stages of the Local Plan Review

Yes

No, I do not wish to be notified of future stages of the Local Plan Review

# Guidance Notes: Maidstone Borough Local Plan Review Regulation 19 Consultation

## 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.

## Legal Compliance

- 1.3. 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].

### **Duty to Co-operate**

1.4. 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.

### **Soundness**

1.5. 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.

1.6. 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?

## **General advice**

- 1.7. 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.
- 1.8. 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.
- 1.9. 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.
- 1.10. 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.