

Report To:	LOCAL PLAN DEVELOPMENT PANEL
Date:	17TH JANUARY 2023
Heading:	LOCAL PLAN REGULATION 19 CONSULTATION STRATEGY
Executive Lead Member:	NOT APPPLICABLE
Ward/s:	ALL WARDS
Key Decision:	NO
Subject to Call-In:	NO

Purpose of Report

To set out the background and procedures for the Local Plan Regulation 19 Consultation.

Recommendation(s)

The Local Plan Development Panel notes the proposed format of the Local Plan Regulation 19 Consultation.

Reasons for Recommendation(s)

To clarify that the Local Plan Regulation 19 Consultation is a more formal consultation where the consultation responses should consider whether the Plan meets the National Planning Policy Framework's test of soundness and all legal requirements.

Alternative Options Considered

None

Detailed Information

The legal framework for the preparation of a Local Plan is primarily substantially set out in the Planning and Compulsory Purchase Act 2004 (PCPA) and the Town and Country Planning Act

(Local Planning) (England) Regulations 2012, as amended (Local Planning Regulations). The Local Plan must be prepared in accordance with the provisions set out in the National Planning Policy Framework (NPPF) and associated national planning practice guidance.

The Draft Local Plan 2021 was consulted on in October/November 2021. The Council's Cabinet has subsequently considered the responses received to the Consultation and it resolved to proceed with the Local Plan subject to the changes approved by the Cabinet at its meeting of 13th December 2022. The next stage for the Local Plan is to consult on what is known as the Publication version of the Local Plan under Regulation 19 of the Local Planning Regulations.

The Council should rigorously assess the Plan before it is published under Regulation 19 to ensure that, in its view, it is sound and meets all the necessary legal requirements. This reflects that:

- A plan that is published for consultation at this stage should be the Plan that the Council intends to submit to the Planning Inspectorate for examination.
- Section 20(2) of the PCPA specifically states that a Local Planning Authority must not submit the Plan unless they think it is ready for independent examination.

Under Regulation 19 of the Local Planning Regulations, the Council is required to make a copy of each of the proposed Examination submission documents for examination available for public consultation. The minimum requirements are for the submission documents to be:

- made available for inspection at their principal office and at such other places within their area as the local planning authority consider appropriate, during normal office hours, and
- published on the local planning authority's website.

Any consultation would also have to consider the requirement in the Council's Statement of Community Involvement.

The Regulation 19 Consultation is based on the following aspects that underpin the Examination in Public:

- Legality – is the plan legally compliant?
- Does it meet the Duty to Cooperate – has the Council engaged and worked effectively with neighbouring authorities and statutory bodies?
- Soundness – has the Plan been positively prepared, justified, effective and consistent with national policy? (NPPF paragraph 35).

Under the Regulations, the consultation period has to be for a minimum period of six weeks, enabling people and organisations to submit representations reflecting legal compliance, soundness and the duty to cooperate. The Council will summarise the representations for submission of the Plan for examination, but will not respond to them in the way it has done for the Draft Local Plan nor defend its Local Plan via public meetings. Representations received during the Regulation 19 consultation will be passed to the Inspector for consideration and assessment at the Local Plan Examination.

The Planning Inspectorate has a model representation form for Local Plans, see Appendix One. There is no requirement for the Council to use this template but it is intended as a helpful guide and is clearly linked to the legal and soundness aspects of the Plan.

It should be noted that there is no discretion to receive later submissions to the Consultation as under Regulation 19, any representations must be received by the Council by the end of the specified consultation period.

In undertaking the minimum six week period of consultation, the Council will use a range of media and methods, to inform people of the consultation, including the following:

- Making all relevant consultation documents available for inspection at the Council Offices and, subject to the consent of Inspire, all four major libraries throughout the District (Hucknall, Kirkby, Sutton and Selston) for the duration of the consultation period;
- Utilising the local media and where practical community publications;
- Using social media, including the Council website and utilising a banner on all ADC emails.
- Emails or letters informing those individuals, companies and groups registered on the Local Plan Consultation Database of public consultation;
- Subject to the agreement of Inspire, placing unmanned displays at the Council Offices and the four major libraries;
- Forward Planning officers being available during office hours to answer questions from the public.

The Regulation 19 Consultation will take place after the Local Plan Publication and the Sustainability Appraisal is approved by Cabinet and ratified by Full Council. The Local Development Scheme (LDS) which outlines the Local Plan timetable will need to be updated to reflect a revised timescale.

Implications

Corporate Plan: Planning, and the Local Plan has a cross cutting role to play in helping to meet and deliver the six priorities identified in the Corporate Plan. In particular, the Local Plan has a key responsibility in delivering the outcomes around the supply of appropriate and affordable homes, improving town centres, facilitating economic growth especially around transport hubs, improving parks and green spaces.

Legal: The Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) sets out the legislative requirements in bringing a local plan forward. The Act includes a legal duty on local planning authorities, county councils and public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local Plan preparation in the context of strategic cross boundary matters. Under Section 20, an authority must not submit a Local Plan unless they have complied with any relevant requirements contained in regulations under this Part, and they think the document is ready for independent examination. The Town and Country Planning (Local Planning) (England) Regulations 2012, as amended, sets out the procedures to be followed where a plan has reached a stage where the Council considers that it is ready to be submitted for

examination. This includes the consultation requirements that must be followed and which are set out in the Report. [RLD 22/12/2022]

Finance: There are no direct financial implications arising as a result of this report. [PH 22/12/2022].

Budget Area	Implication
General Fund – Revenue Budget	None
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

Risk:

Risk	Mitigation
No risks in relation to the consultation have been identified if the requirements in the Regulations are followed	-

Human Resources: There are no direct HR implications contained within this report.

Environmental/Sustainability: Sustainability is at the heart of the planning system and the Plan has been prepared with the aim of delivering sustainable development in the District in accordance with the requirements of paragraphs 7 and 8 of the National Planning Policy Framework (NPPF), 2021. The Plan has been prepared in accordance with the Planning & Compulsory Purchase Act 2004, as amended, which requires the Council to conduct an appraisal of the sustainability of the proposals in Local Plan and prepare a report of the findings of the appraisal.

Equalities: An Equality Impact Assessment will be undertaken as part of the consideration of the Local Plan Publication.

Other Implications: None

Reason(s) for Urgency: Not applicable

Reason(s) for Exemption: Not applicable

Background Papers

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Report Author and Contact Officer

Neil Oxby

Forward Planning

neil.oxby@ashfield.gov.uk

01623 457381

Sponsoring Director

Robert Docherty

DIRECTOR OF PLACE & COMMUNITY

robert.docherty@ashfield.gov.uk

01623 457183