

Guidance note on making a representation as part of the Regulation 19 draft Local Plan consultation (2026)

Swale Borough Council are accepting representations to the Regulation 19 draft Local Plan consultation between **Monday 10th August until Monday 21st September at 5pm 2026**.

This is the final consultation stage before the plan is submitted to the government which will appoint a planning inspector to run what is known as an Examination In Public and is likely to take place next year.

This Regulation 19 stage consultation differs from previous consultations on the Local Plan Review, as the planning inspector will be interested in comments related to the plan's soundness and legal compliance.

This guidance note explains what is meant by soundness and legal compliance and aims to help respondents make their points clear for the planning inspector.

What is soundness?

These tests, which apply to all Local Plans, are set out in the government's National Planning Policy Framework (NPPF) [National Planning Policy Framework](#) These are the tests the planning inspector will apply at the examination and the inspector can only recommend changes where these are necessary to make the plan sound.

The NPPF paragraph 36 sets out the tests of soundness against which a plan will be examined:

- a) **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 areas is accommodated where it is practical to do so and is consistent with achieving sustainable development.
- b) **justified** – an appropriate strategy, taking into account the reasonable alternatives and based on proportionate evidence.
- c) **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.
- d) **consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this framework and other statements of national planning policy, where relevant.

What is legal compliance?

The planning inspector will need to check the plan is legally compliant, including against key legislation such as the Planning and Compulsory Purchase Act 2004 [Planning and Compulsory Purchase Act 2004](#) and the Town and Country Planning (Local Planning) (England) Regulations 2012. [The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#)

The key areas the inspector will be looking at are:

1/ **Swale's Local Development Scheme (LDS)** – this includes a timetable for preparing a Local Plan and sets out when the council expects to reach key stages. The Local Plan needs to be prepared in accordance with an up-to-date LDS. The council's latest LDS can be viewed here. [Planning and Planning Policy - Local Development Scheme](#)

2/ **Statement of Community Involvement (SCI)** – this sets out how we involve stakeholders and communities in planning decisions, including through the preparation of Local Plans. The Local Plan needs to be prepared in accordance with an up-to-date SCI. The council's latest SCI can be viewed here. [Local Plans - Statement of Community Involvement](#)

3/ **Sustainability Appraisal and Habitats Regulations Assessment** - These documents consider the potential impacts of the Local Plan on a range of matters, such as environmental, economic and social considerations. The Local Plan needs to be supported and informed by a Sustainability Appraisal and Habitat Regulations Assessment. The Sustainability Appraisal and Habitats Regulations Assessment of the Regulation 19 draft Local Plan can be viewed here: **ADD LINK.**

4/ **National Planning Policy Framework** - The National Planning Policy Framework sets out the government's requirements for Local Plan preparation and, along with the Planning Practice Guidance, the Local Plan needs to take these into account. The National Planning Policy Framework (December 2024) can be viewed at [National Planning Policy Framework](#) and the Planning Practice Guidance can be viewed at [Planning practice guidance - GOV.UK](#)

5/ **Duty to Cooperate** - has been a legal requirement throughout the development of the Local Plan. However, the government has issued new regulations which are intended to remove this as a legal test. Requirements around cooperation on strategic matters, including those which cross the administrative boundaries between different councils, are still set out in the NPPF. The council's evidence of its ongoing cooperation on strategic matters can be viewed here: **ADD LINK.**

How should I write my representation?

Although any comment can be submitted, the planning inspector will be specifically interested in representations relating to the soundness and legal compliance of the Local Plan.

When you're preparing your written comments, it is important to consider which of the specific tests of soundness, and/or which of the legal compliance requirements, you think your comment relates to.

It will also help the planning inspector to know what specific policy you're commenting on, so think about using headings or different sections to make that clear. The planning inspector will also be interested in what changes you think are needed to make the policy you're commenting on sound or legally compliant.

The questions that we have placed throughout the document are designed to help with this, but if you're writing an email or letter, you should set out:

- which specific policy you want to provide comments on
- how your comments relate to the tests of soundness and legal compliance

- what changes you think are needed to address the issues you are raising

If you wish to comment on more than one policy, we suggest using this structure for each of your comments.

Setting out your comments in a format like this will help the planning inspector understand your views, how they relate to the tests and consider whether to recommend changes to the Local Plan based on your comments.

If you wish to provide supporting documentation as part of your response, it will help to make clear within your comments how this relates to the specific issues you are raising.

Group representations

The planning inspector will assess the substance of each representation and how this relates to the tests rather than the number of respondents making a particular point.

Where groups or individuals share a common view on the plan, you can consider making a single representation which represents that view, rather than many 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.

What happens next?

All valid representations submitted during the consultation period will be processed and submitted to the Government alongside the Local Plan and its supporting documents.

The appointed planning inspector will then run the examination and will determine who they want to hear from as part of the hearing sessions.

Written and oral representations carry the same weight and will be given equal consideration in the examination process.

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 sessions.

You must state clearly in your representation if you wish to take part in the hearing sessions.

The ability to make further submissions or to take part in the hearing sessions is, however, a matter for the planning inspector, so this cannot be guaranteed.

Submitting your representation

Representations can be submitted via our consultation portal: <https://swale-consult.objective.co.uk/kse/>

You can email or post any comments (referring to the question number you are answering and to all of the questions set out above) to Lpcomments@swale.gov.uk or Planning Policy, Swale House, East Street, Sittingbourne, Kent, ME10 3HT.

To ensure your views are considered, all representations must be received by the Council no later than 5pm on **Monday 21st September at 5pm 2026**.

Please note that representations received after the deadline will be marked as late and may not be considered by the planning inspector.

If you are submitting a representation on behalf of an organisation, or acting as an agent on the behalf of a landowner or developer, make sure to state this clearly in your email.

Further information

If you have a question about making a representation to the Regulation 19 consultation, or to request assistance or alternative formats, you can contact us by email at LPCComments@Swale.gov.uk or 01795 417850.

Any comments made on the Local Plan Regulation 19 will be processed by our team and will be made available for public inspection after the consultation closes, together with your name and post town.

As data controller we ensure that processing is carried out in accordance with the Data Protection Act 2018 and the UK General Data Protection Regulation. The information provided on this form will be used solely in connection with Local Plan Review and will only be shared where it is necessary in order for your request to be resolved or where there is a legal requirement to do so. The lawful basis which enables the Council to process your data for this purpose is Public Interest Article 6, paragraph (e) of the UK GDPR. The information will be stored and destroyed in line with the Council's Retention and Deletion Schedule. Please visit the Privacy pages for further information: <https://swale.gov.uk/planning-and-regeneration/local-plans/local-plan-review/local-plans-privacy-notice>