

Responding to a Regulation 19 Consultation

What is a Regulation 19?

Regulation 19 is a stage of the Local Plan preparation process that the Local Planning Authority (LPA) must go through before they can submit their draft local plan to the Secretary of State for independent examination.

At this stage, the LPA must publish the draft Local Plan and its supporting evidence for six weeks, so that people can comment on it.

What can I comment on at the Regulation 19 stage?

By this point, earlier rounds of consultation should already have shaped the plan. Because of this, national planning rules say that Regulation 19 responses should focus on just two questions:

- **Is the plan legally compliant?**
- **Is the plan "sound"?**

You can still object to a site being included or excluded – but only if you can show that doing so makes the plan fail one of these tests. It's worth noting that only the Planning Inspector can actually add or remove a site from the plan, and only after hearing evidence at the Examination (see "What happens next?" below).

What are the tests for the plan to be considered legally compliant?

The Local Plan submission must be able to demonstrate that it was:

- Prepared in line with the council's Local Development Scheme
- Consulted on in line with the council's Statement of Community Involvement
- Backed by a Sustainability Appraisal and Habitats Regulations Assessment
- Compliant with other legal requirements under national planning legislation

What are the tests for the plan to be considered "sound"?

The plan must be:

- a) Positively prepared – it should aim to meet the area's needs, working with neighbouring councils to accommodate any needs that can't be met locally.
- b) Justified – it should be a sensible approach, based on solid evidence and a fair look at reasonable alternatives.
- c) Effective – it should be deliverable, with cross-boundary issues properly worked through rather than left unresolved.
- d) Consistent with national policy – it should align with the National Planning Policy Framework and other national guidance.



How can I respond effectively?

Simply stating that you disagree with a site's inclusion isn't enough on its own – the Planning Inspector needs to be persuaded that the plan fails a specific legal or soundness test, and why. A representation is far more likely to carry weight at Examination if it:

- **Identifies which test is failed, and how.** Don't just say a site "shouldn't be included" – explain whether the issue is that by allocating a site the plan isn't positively prepared, justified, effective, consistent with national policy (or which legal test hasn't been met). The Inspector is testing the plan against these criteria, so your response should use the same language.
- **Is backed by evidence.** If you're arguing that a site allocation isn't justified, for example, you'll need to show why the Council's evidence base is flawed, out of date, or has failed to consider a reasonable alternative – do not simply assert that allocating another site would be better. Where possible, point to specific evidence documents, technical reports, or data.
- **Proposes a solution.** If you believe the inclusion of a site would make the plan unsound, it strengthens your case to explain what change would resolve the issue – for example, an alternative site, a reduced capacity, or additional mitigation – rather than only arguing for removal.
- **Is specific and precise.** Reference the exact policy, paragraph, or site allocation you're responding to. General comments about the plan as a whole are harder for the Inspector to act on than clearly targeted representations tied to a particular policy or site.

Remember: the Inspector cannot simply take a site out of the plan because people don't want it there. They can only do so if convinced the plan fails one of the legal or soundness tests as a result of that site's inclusion – so framing your response around those tests, with clear supporting evidence, gives it the best chance of making a difference.

If your representation raises a substantive soundness or legal compliance issue you can request to participate in the Examination hearing. This will give you the opportunity to expand on your written representation in person.

What happens next?

Once the consultation closes, the council submits the plan, its evidence, and all responses to the Government. A Planning Inspector is appointed to examine whether the plan is legally compliant and sound.

The Inspector will then decide whether the council can adopt the plan. If changes are needed – such as adding or removing sites – there will be a further round of consultation before a final decision is made.

