

Making a Representation on the South Downs Local Plan – Proposed Submission (Regulation 19) May 2026

Guidance Note

Introduction

We are accepting representations on the South Downs Local Plan – Proposed Submission (Regulation 19) between the **12 May and 23 June 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 early next year.

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

This note is intended explain what is meant by soundness and legal compliance and 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).

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](#) and the [Town and Country Planning \(Local Planning\) \(England\) Regulations 2012 \(legislation.gov.uk\)](#).

The key areas the Inspector will be looking at are:

Local Development Scheme

The Local Development Scheme (LDS) includes a timetable for preparing a Local Plan and sets out when the Authority expects to reach key stages. The Local Plan needs to be prepared in accordance with an up-to-date LDS. The Authority's latest LDS can be viewed here:

<https://www.southdowns.gov.uk/planning-policy/new-south-downs-local-plan/project-documents/local-development-scheme/>

Statement of Community Involvement

The Statement of Community Involvement (SCI) 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 Authority's latest SCI can be viewed here: <https://www.southdowns.gov.uk/planning-policy/new-south-downs-local-plan/project-documents/statement-of-community-involvement/>

Sustainability Appraisal and Habitats Regulations Assessment

These important appraisal documents consider the potential impacts of the Local Plan on a range of matters and are an essential part of the process. The Local Plan needs to be supported and informed by a Sustainability Appraisal (which forms part of the Integrated Impact Assessment) and Habitat Regulations Assessment. These documents can be viewed here:

<https://www.southdowns.gov.uk/planning-policy/new-south-downs-local-plan/evidence-base/regulatory-assessments/>

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.

Duty to Cooperate

The Duty to Cooperate is no longer a legal test for the examination of Local Plans.

Requirements around cooperation on strategic matters, including those which cross the administrative boundaries between different councils, are set out in the NPPF and compliance will be assessed as part of the soundness of the Local Plan.

How should I write my representation?

Although any and all comments can be submitted, the Planning Inspector will be 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.

Our online consultation portal is designed to help with this, but if you're writing an email or letter, we strongly recommend using our **Representation Questionnaire** to submit your comments and as a minimum 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.

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. We will therefore ensure that the names of those making representations can be made available (including publication on our website) and taken into account by the Inspector. We will publish your name and associated responses but will not publish other personal information such as telephone numbers, email addresses or private addresses.

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 Planning Inspectorate 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 in writing or by way of electronic communications in the following ways:

- follow the link to the consultation at <https://southdowns-consult.objective.co.uk>
- completing the Representation Questionnaire and return by email to planningpolicy@southdowns.gov.uk
- completing the Representation Questionnaire and return by post to Planning Policy Team, South Downs Centre, North Street, Midhurst, West Sussex, GU29 9DH

To ensure your views are considered, all representations must be received by the Authority no later than **23:59 on Tuesday 23 June 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

For further information please see www.southdowns.gov.uk/planning-policy/new-south-downs-local-plan/

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 planningpolicy@southdowns.gov.uk or by telephone at 01730 814810.