

Regulation 19 – Formal Stage

Regulation 19 is the formal stage in the local plan-making process where the draft Local Plan is published for public consultation on its soundness and legal compliance before submission to the Secretary of State.

IT CAN TAKE ON AVERAGE BETWEEN 12 AND 24 MONTHS TO COMPLETE

REGULATION 18 COMPLETED ON MARCH 24TH 2026

REGULATION 19 COULD COMPLETE MARCH 2027 OR MARCH 2028

Overview of Regulation 19

Regulation 19 is part of the **Town and Country Planning (Local Planning) (England) Regulations 2012** and represents the **pre-submission stage** of a Local Plan. At this stage, the local planning authority (LPA) publishes the draft Local Plan along with supporting documents and a statement of the representations procedure. This allows the public, businesses, and statutory consultees to formally comment on whether the plan is **legally compliant** and **sound**, as defined by the National Planning Policy Framework (NPPF) ([Legislation.gov.uk+1](https://www.legislation.gov.uk/ukpga/2012/24/section/19)).

Purpose

The main objectives of Regulation 19 are to:

- Ensure transparency and public participation in the planning process.
- Allow stakeholders to comment on the **policy content, evidence base, and legal compliance** of the draft plan.
- Provide the Planning Inspectorate with representations to consider during the **examination of the Local Plan** ([www.gov.uk+2](https://www.gov.uk)).

Consultation Process

During the Regulation 19 period:

- The draft Local Plan and supporting documents, such as the **Sustainability Appraisal** and **Habitats Regulation Assessment**, are made available for inspection online and at public locations like libraries or council offices ([elmbridge.gov.uk+1](https://www.elmbridge.gov.uk)).
- Representations must be submitted **within the specified consultation period**; late submissions are not considered ([elmbridge.gov.uk+1](https://www.elmbridge.gov.uk)).

- Comments must be **targeted to specific policies or paragraphs** and address whether the plan is legally compliant or sound. Respondents can suggest modifications to make the plan compliant or sound ( elmbridge.gov.uk+1).
- Representations can be submitted electronically, and respondents may indicate if they wish to participate in the **oral examination** conducted by the Planning Inspector ( elmbridge.gov.uk+1).

After Regulation 19

Once the consultation closes:

- The LPA submits the draft Local Plan and all representations to the **Secretary of State**.
- An **independent Planning Inspector** is appointed to examine the plan, considering Regulation 19 representations and the NPPF to determine if the plan is sound and legally compliant ( [London City Hall+1](https://londoncityhall.org.uk+1)).
- The Inspector may recommend modifications before the plan is adopted.

Key Differences from Regulation 18

- **Regulation 18** is an earlier, informal stage with broader consultation on policy options.
- **Regulation 19** is formal, focused on specific policies, and requires comments on **soundness and legal compliance** ( [London City Hall](https://londoncityhall.org.uk)).

In summary, Regulation 19 is a critical stage in local plan-making that ensures public engagement, legal compliance, and soundness of planning policies before the plan is examined and potentially adopted. It provides a structured opportunity for stakeholders to influence the final plan through formal representations.

Regulation 19 **does not stop** a developer from submitting a planning application

but it massively changes how that application is judged. It is the first legally-tested version of the Local Plan, and developers try to use it to show their site is “deliverable”, while councils use it to show which sites are *sound* and which are *not*.

Below is a summary explanation

- Regulation 19 is the formal pre-submission stage of the Local Plan **but does not** stop developers submitting planning applications.

- At this stage, the council identifies the sites it intends to allocate.
- Public comments at Regulation 19 must focus on soundness and legal compliance.
- Developers can still submit full, outline, pre-application, or EIA-related proposals during this period.
- However, Regulation 19 strongly affects whether a site has council policy support.
- If a site is not included in Regulation 19, it is unallocated and any application is likely to be weak or refused.
- If a site is included, it gains emerging policy weight and may be supported in principle.
- Lower Wyburns is currently not allocated and Regulation 19 has not yet been published.
- Therefore, any Bellway application submission now would be premature, unsupported, and vulnerable to challenge.

Below is the full explanation

★ What Regulation 19 actually is

From your tab:

- Regulation 19 is the **formal pre-submission stage** of the Local Plan
- The council publishes the **draft Local Plan** and all supporting evidence
- The public can comment only on **soundness** and **legal compliance**
- Representations must be **policy-specific** and **legally focused**
- After Reg 19, the plan is submitted to the **Secretary of State** for examination

This is the stage where the council says: “**These are the sites we intend to allocate.**”

★ So what is the association with developers submitting planning applications?

1 Developers can submit planning applications at any time

Regulation 19 does **not** legally prevent or delay planning applications.

A developer may submit:

- Full planning applications
- Outline applications
- Pre-application enquiries

- EIA screening/scoping

even while Regulation 19 is running.

There is **no legal barrier**.

2 BUT Regulation 19 determines whether the council supports the site

This is the key association.

At Regulation 19, the council publishes:

- The **final list of preferred sites**
- The **evidence base**
- The **policies**
- The **allocation maps**
- The **infrastructure requirements**

If a site **is not included** in Regulation 19:

- ✗ **The council does NOT support it**
- ✗ **The site is NOT allocated**
- ✗ **Any planning application is likely to be refused**
- ✗ **The developer cannot claim policy support**

If a site **is included** in Regulation 19:

- ✓ **The council intends to allocate it**
- ✓ **The site gains emerging policy weight**
- ✓ **A planning application may be supported in principle**

This is why developers care so much about Regulation 19.

3 Developers often submit applications to influence Regulation 19

This is the real-world association.

Developers use planning applications to:

- Try to prove the site is “deliverable”
- Pressure the council to include the site in Regulation 19
- Create a narrative that the site is ready

- Influence councillors before the Reg 19 draft is finalised

But councils frequently reject such applications as:

“premature pending the Local Plan”

because the site is not yet allocated.

Regulation 19 is the stage where the council can say NO

Your tab confirms:

- Regulation 19 is **formal** and **policy-specific**
- It is the last stage before submission to the Inspectorate

If a site is **not** in Regulation 19:

-  **It is not part of the future Local Plan**
-  **It has no policy support**
-  **Any planning application is vulnerable to refusal**
-  **The Inspector will not examine it as an allocation**

This is extremely important for Lower Wyburns.

What this means for Lower Wyburns (Rayleigh)

- ✓ **Regulation 18 is finished**
- ✓ **Regulation 19 has NOT been published**
- ✓ **Lower Wyburns is NOT allocated**
- ✓ **Lower Wyburns is only a “growth option” under testing**
- ✓ **Any planning application now would be premature**
- ✓ **RDC can refuse it because the Local Plan is not ready**

This gives WAR **maximum leverage**.

Practical takeaway

Regulation 19 is the moment the council decides which sites survive. Developers can submit applications at any time, but:

If the site is NOT in Regulation 19 → the application is weak.

If the site IS in Regulation 19 → the application gains weight.

Right now, Lower Wyburns is **not** in Regulation 19, so any Bellway application would be:

- Premature
- Unsupported
- Contrary to the emerging plan
- Vulnerable to refusal
- Easy to challenge on highways, ecology, access, hedgerows, emergency access, and Green Belt grounds