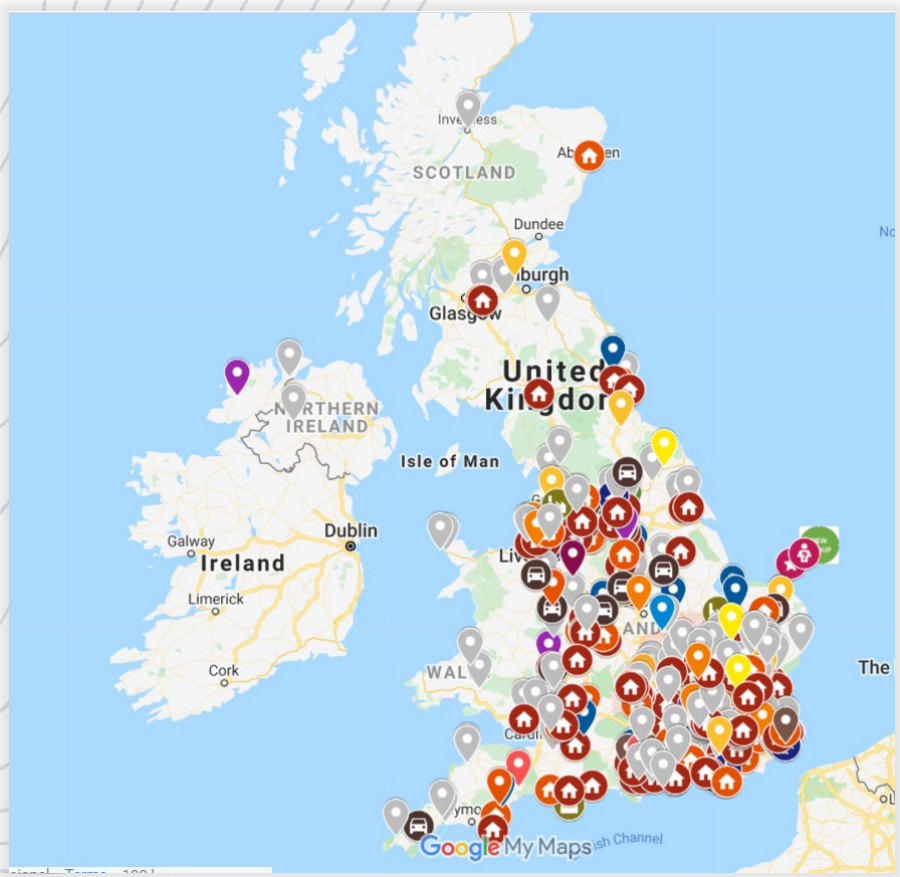


Community Planning Alliance

Into the Lion's Den – Tips for Local Plan Examinations

Click

Why me?

2006 – South East Plan

Opened South Hampshire sessions – campaign to keep housing numbers down to 80k

2011-2014 – Fareham x2

Welborne – campaign against 6,000 house new town

2013 – SDNP & East Hampshire

Campaign to Include Western Weald within South Downs National Park and to increase windfall sites in housing numbers .

2014 – Winchester

Campaign to keep housing numbers down and avoid taking additional housing from Portsmouth, Southampton and older urban areas

2019 – New Forest

Campaign to use exceptional circumstances of New Forest National Park to reduce housing numbers in area outside park

2020 – Eastleigh

Campaign against 5,500 house new town and new road across the River Itchen SAC.

2021 – Havant

Campaign to keep housing numbers down and to avoid damage to Solent environmental sites.

Click

What is a win?

- Get the numbers reduced
- Get a particular site thrown out
- Better spatial strategy
- Better transport
- Alternative site/brownfield first
- Whole plan thrown out – BEWARE!

Fairness and Balance in Examinations

Click

The Inspector

- Paid for by LPA
- Appointed by PINS
- Aim to act in a way which is open, fair and impartial

Click

Who do I want on my side of the table?

- Campaign Groups
- Parish Councils
- Wildlife Trusts, Woodland Trust, Badgers, Butterflies, Birds, Fish, Rivers, etc
- Experts – as long as you have funds or pro-bono. Local universities might help
- Legal opinion – SOMETIMES!

Click

Who else do I want on my side?

- Unexpected bedfellows – the enemy of my enemy is my friend

Click

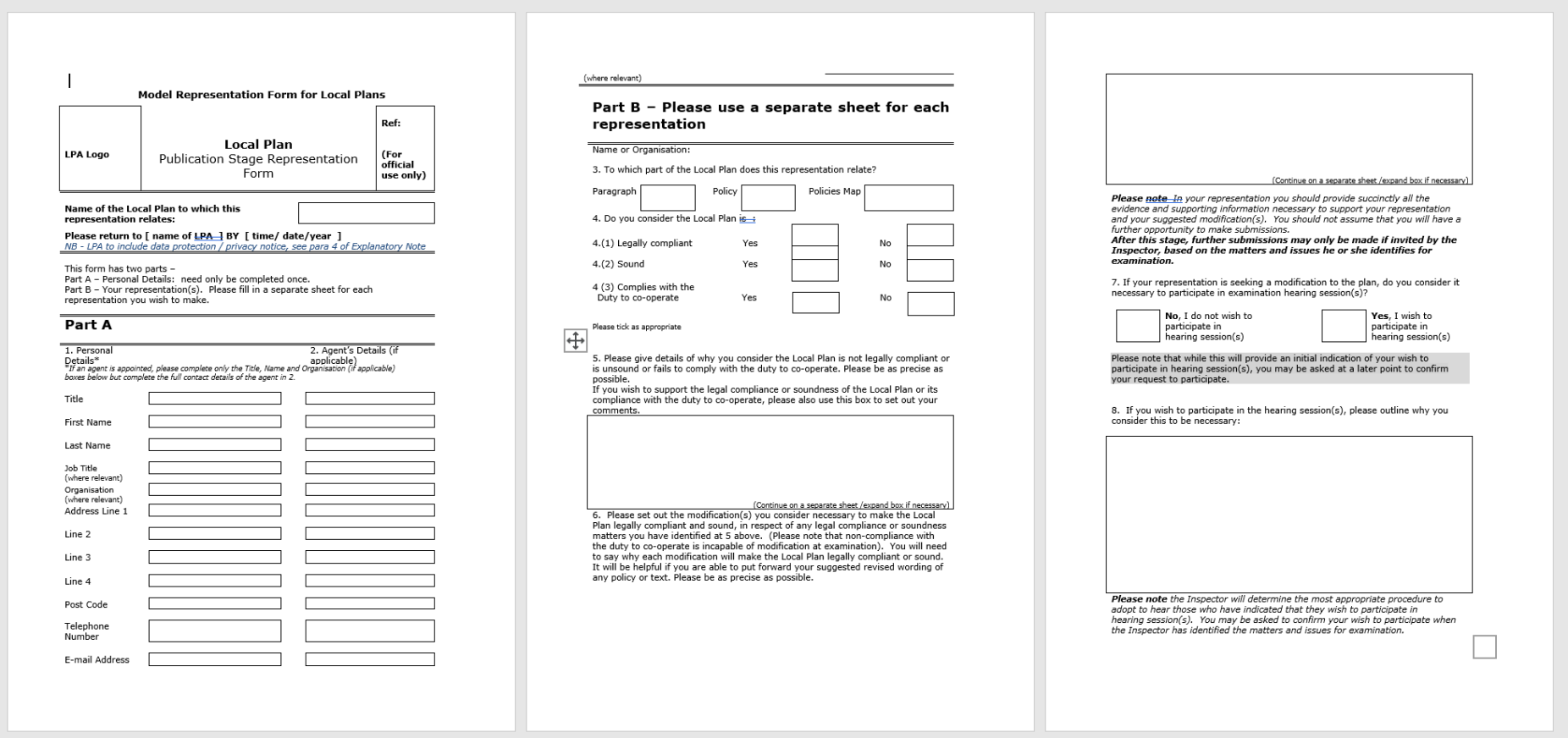
Step 1 – Get invited

- Invitation to examination is at the discretion of the Inspector
- It will be based on your response to the Reg 19 consultation
- So important to get that right, or you won't be invited, even if you ask

Your Reg 19 response

- Must be done in form which the LPA will provide
- Must be based on Soundness and Legality
- NPPF para 35: positively prepared; justified; effective; and consistent with national policy
- Don’t forget you can challenge the background evidence, including the Sustainability Appraisal, Transport Assessment, Habitats Regs and SCI

Reg 19 Forms – one for each policy



Model Representation Form for Local Plans

LPA Logo	**Local Plan** Publication Stage Representation Form	**Ref:** **(For official use only)**

Name of the Local Plan to which this representation relates:

Please return to [name of ~~LPA~~] BY [time/ date/year]
NB - LPA to include data protection / privacy notice, see para 4 of Explanatory Note

This form has two parts –
Part A – Personal Details: need only be completed once.
Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

Part A

1. Personal Details*	2. Agent's Details (if applicable)
**If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) boxes below but complete the full contact details of the agent in 2.*	
Title	
First Name	
Last Name	
Job Title (where relevant)	
Organisation (where relevant)	
Address Line 1	
Line 2	
Line 3	
Line 4	
Post Code	
Telephone Number	
E-mail Address	

(where relevant)

Part B – Please use a separate sheet for each representation

Name or Organisation:

3. To which part of the Local Plan does this representation relate?

Paragraph ☐ Policy ☐ Policies Map ☐

4. Do you consider the Local Plan ~~is –~~ :

4.(1) Legally compliant	Yes	☐	No	☐
4.(2) Sound	Yes	☐	No	☐
4 (3) Complies with the Duty to co-operate	Yes	☐	No	☐

Please tick as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.
If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

(Continue on a separate sheet /expand box if necessary)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(Continue on a separate sheet /expand box if necessary)

Please note *~~In~~ your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.*
After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

☐ **No**, I do not wish to participate in hearing session(s)

☐ **Yes**, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

Please note *the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

☐

Click

Preparation - 1

- A Programme Officer will be appointed
- The Inspector will choose what questions (Matters or Issues) they want to ask the LPA
- The LPA will prepare its answers, as will developers
- You can too – BUT make sure your Hearing Statement refers to the questions and is evidence based

Click

Preparation - 2

- You can ask Experts/Legal opinion to help and to appear, but only one hot-seat at the table
- Read the LPA's Hearing Statements and also those of your opponents
- You won't be able to introduce new evidence on the day of the hearing
- Local MPs can attend if they wish

Preparation - 3

- The main point of contact will be the Programme Officer
- There will be a daily agenda, which might be different to the Matters as some questions may have been answered by the Hearing Statements
- Very useful to watch another examination ahead of time

Do we need a demo?

- A demo won't change the Inspectors mind, as they will purely rely on policy and evidence, but it sets the scene, and might help with fundraising
- https://www.itv.com/news/meridian/2019-11-22/massive-protest-over-plans-for-thousands-of-houses-in-hampshire

What will it look like?

Thanks to
@HarrogateBC

Click

A few more

Mid Sussex

Kirklees

And the big one - London

Click

Tips for Protocol - 1

- Inspectors like formality – call them Sir or Ma’am
- If you want to make a point, in real life turn your name card up on its side. Or raise your hand virtually.
- Sometimes dates and times change at short notice, be prepared to change your schedule

Click

Tips for Protocol - 2

- Questions and discussion are led by the Inspector, it is not a free for all
- So be flexible, you might need to change what you were going to say to fit their line of argument
- Don’t duplicate points your allies and colleagues have already made
- It should not be adversarial

What happens next?

- The Inspector considers all the points made
- In agreement with the LPA minor changes can be made as they go along
- Sometimes the Inspector needs more time to reconsider issues and adjourns/reconvenes
- Contentious issues of Soundness or Legality which are resolvable are called Main Modifications

What do we all want?

A sound and legal Local Plan !

Click

Useful Links

- https://www.gov.uk/guidance/local-plans
- https://www.gov.uk/guidance/local-plan-examination-webpages-advice-for-local-planning-authorities
- https://www.gov.uk/government/publications/examining-local-plans-procedural-practice
- https://www.local.gov.uk/good-plan-making-guide
- https://www.local.gov.uk/pas/plan-making
- https://planninginspectorate.blog.gov.uk/2021/05/07/1000-local-plans/
- https://friendsoftheearth.uk/system-change/local-plans-campaigners-guide

Thank you for listening

Click