

Influencing and challenging the content of Local Plans

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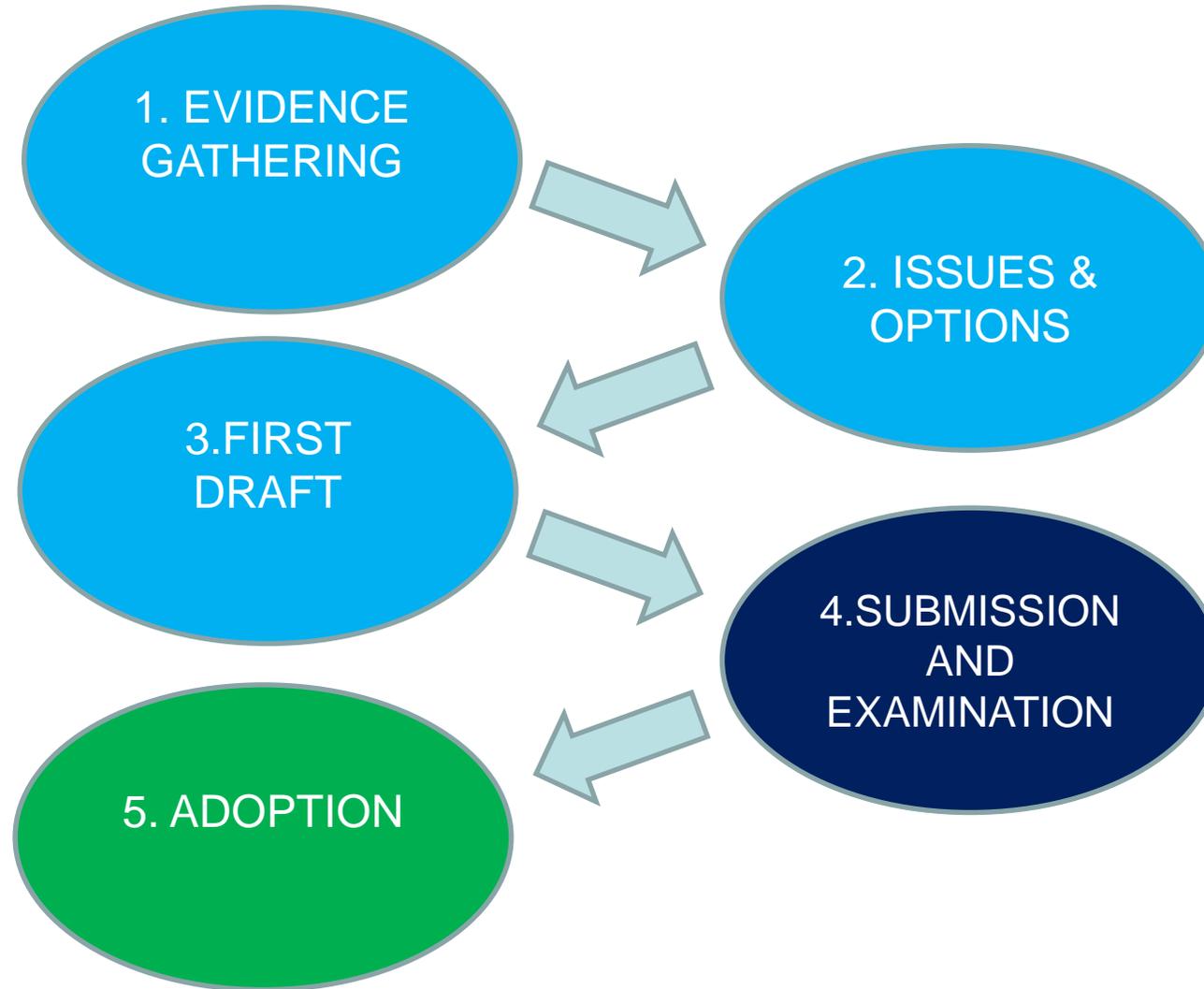
Landmark Chambers

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The Talk

- Overview of the process
- ‘Understanding the enemy’
- Top tips on:
 - Pre-examination representations
 - How to participate effectively in an Examination in Public

The Process



The LPA's objectives

- (1) To adopt a local plan
- (2) To implement political objectives of the Council
- (3) To avoid legal challenge:
 - Does plan comply with environmental and procedural requirements (inc duty to co-operate)?
 - Is it sound?

N.B. LPA should submit when happy with plan ; persuading them to amend substantive features becomes progressively harder

Introducing the Inspector

- Job is to help LPA adopt a sound and legally compliant plan
- Will set the agenda and control process
- Can be engaged directly through Programme Officer
- Different styles, but most want to run a tight ship



General



- Statutory right to attend s.20(6) of the 2004 Act if made reps – NB *seeking to change* the Plan
- Inspectorate issues Guidance: June 2016 (4th ed) the latest
- It's a 90% written process – even on the main points in issue
- Tie submissions to either legal points or soundness:
 - Positively prepared
 - Justified
 - Effective
 - Consistent with National Policy
- Keep track of the draft

Tips for pre-submission stages

- Audience is LPA. Seek to engage as much as possible.
- Choosing your points:
 - What is key message?
 - What kind of evidence demonstrates your case?
- Make responses as useful and comprehensive as possible. Respond early and in detail.
- Political angle

Tips for examination

- Agenda set by Inspector. Possible to intervene by direct communication with the PO/Inspector;
- Hearing statements:
 - Use executive summary with bold and underlining and cross references to the more detailed text.
 - Ensure key additional evidence (ie photos, reports, news cuttings) are submitted as appendices to the rep. Avoid weblinks
 - Structure around MIQs
- Consortia/fora – can be useful to present a unified front and reduce repetition/inconsistency – other parish councils facing similar issues?

At the hearings



- Each day will have an agenda – MIQs will guide. Follow agenda where possible.
- Depending on issue/style of Inspector, LPA will normally be invited to open, then Inspector will ask for submissions from the floor. Expect only one bite of the cherry/recognise Inspector's priorities
- Questions often more effective on the substantive issues than assertion/submission – aim is to point out areas of deficiency which Inspector will need to probe with the LPA

At the hearings (continued)

- Limited time. Who is going to speak?
- What is persuasive?
 - Problems with plan. Inspector needs to be persuaded that either plan is unsound or unlawful.
 - Things LPA has not thought about (NB importance of working through evidence base). Detail of policies/allocations can sometimes be something LPA is willing to flex.
 - Cf need for focus

Conclusions

- Early constructive engagement
- Political pressure, but careful about alienating planners
- Clear, evidenced submissions – focused on realistic goals

Good luck!





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