

TIPS FOR EIP

Rupert Warren QC
Landmark Chambers

General



- Inspectorate issues Guidance: June 2016 (4th ed) the latest
 - Regs are relatively silent about additional documents post reg 22 document
 - It's a 90% written process – even on the main points in issue
 - Focus on the main points throughout the process – both LPA and representors/objectors
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Getting to the EiP



- Statutory right to attend s.20(6) of the 2004 Act if made reps – NB *seeking to change* the Plan (so objectors in old money)
 - Supporters will need to engineer a representation to change the plan
 - LPA or Inspector may also invite/suggest stat consultees, and neighbouring authorities
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Which draft to be examined?



- Submission draft
 - Often later versions/initial main mods prepared before the EiP on specific points
 - Inspector will stick to the Submission draft but take into account the later work as evidence going to soundness/need for MM
 - Can alternatively deal with such issues in reg 22 statement pre-figuring MMs
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Getting the written material right



- Both: Always have executive summary with bold and underlining and cross references to the more detailed text
 - Reps: ensure key additional evidence (ie reports) are submitted as appendices to the rep
 - LPA: always remembers the SA and the para 14 balancing exercise when writing on specific points
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The venue



- LPA – critical to have the venue close to home, to files, desks and local members
 - Large enough and flexible enough with functioning audio and no construction going on next door
 - Sufficient room for LPA team and Inspector
 - Programme Officer space + library
 - Streaming/recording
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Other parties



- LPA: early engagement with MPs and local reps – role/likely appearance/contact with Inspector
 - LPA: communications in general with the public: essential to have updated website, library, procedural guidance, officers available to field questions on phone and on the day; press
 - Objectors: strategic assessment of who else might be brought into play
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Focussing the points



- Objectors: consortia/fora – can be useful to present a unified front and reduce repetition/inconsistency
 - Issues include – internal arrangements, conflict management
 - LPA: boil down the matters/question responses to key points, references and then allocate to team members/counsel
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Using questions and the PO



- Objectors: possible to intervene in the setting of the Agenda by direct communication with the PO/Inspector;
- Questions often more effective on the substantive issues than assertion/submission
- Housing numbers a particular issue that may require further written questions and this should be explored in advance/after initial Inspector's questions

Particular issues



- Omission sites
 - SEA and legal issues
 - MOU and DTC
 - SHLAA
 - Suspension
 - Triggers for early review or other DPDs
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What is persuasive?

- Basic approach of the Inspector – para 4 of the Practice Guide, the *benefits of having an adopted plan*
 - Sites are for the LPA
 - Consistency between plans
 - Delivery of sites – *St Modwen*
 - SA interrogation problematic at EiP
 - Any case must bear in mind the basic approach
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