The Planning Inspectorate

MODEL REPRESENTATION FORM AND GUIDANCE NOTE
FOR USE AT PLAN PUBLICATION STAGE

Explanatory Note

1. Before the LPA submits a local plan for examination, Regulation 19\(^1\) requires that the plan and a statement of the representations procedure is published on the LPA’s website and put on deposit at its main office and other suitable venues. The LPA must also send a statement of the representations procedure to the consultation bodies described in the Regulations, and inform them of where and when the plan can be inspected. A period of at least six weeks must be allowed for representations on the plan to be made.

2. A suggested model form and guidance note is provided below for LPAs to use when inviting representations on plans at publication stage. (Before publishing the form the LPA will need to fill in relevant details at the top of the first page and delete the reminder about the data protection / privacy notice.) Copies of the form and the accompanying note should be made available by the LPA on request and should be available on the local authority website. The completed form may be submitted to the LPA either in writing or electronically (Regulation 2(2)).

3. The LPA should make clear the date and time by which representations should be received, and the arrangements for submitting them. Only those representations made within the period set by the LPA will be taken into account by the Inspector as part of the examination.

4. As the form will be issued and received by the LPA, the LPA is responsible for handling any personal information submitted on or with it in accordance with data protection legislation. The LPA should ensure that the representation form, or information provided with it, contains information on data protection, reflecting the LPA’s own practices. The LPA should also advise those making representations that a copy of their representation(s) will be made available to the Planning Inspectorate and to the person appointed by the Secretary of State to conduct the examination.

5. LPAs will be aware of the importance of complying with their data protection responsibilities under the Data Protection Act 2018 when they exercise their planning functions. To ensure an effective and fair examination, it is also important that the Inspector and all other participants in the examination process are able to know who has made representations on the plan. The LPA should therefore ensure that they are able, lawfully, to process personal data held in relation to representations on the plan so that the representations can be made available without redaction of names and addresses and taken into

\(^1\) Of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)
account by the examining inspector. If names and addresses are withheld it is unlikely that it will be possible for the plan to be examined.

6. The Planning Inspectorate’s privacy statement for local plan examinations is available at https://www.gov.uk/guidance/local-plans#plans-privacy-statement

When the plan is submitted for examination, the LPA should provide a link to the Planning Inspectorate’s privacy statement on the examination website.

June 2019
Model Representation Form for Local Plans

Local Plan
Publication Stage Representation Form

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?  

<table>
<thead>
<tr>
<th>Paragraph</th>
<th>Policy</th>
<th>Policies Map</th>
</tr>
</thead>
</table>

4. Do you consider the Local Plan is:  

<table>
<thead>
<tr>
<th>4.(1) Legally compliant</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.(2) Sound</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>4.(3) Complies with the Duty to co-operate</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

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.  

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.
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.

9. Signature:    Date:
Guidance Note to Accompany Model Representation Form

1. Introduction

1.1. The plan has been published by the Local Planning Authority [LPA] in order for representations to be made on it before it is submitted for examination by a Planning Inspector. The Planning and Compulsory Purchase Act 2004, as amended, [PCPA] states that the purpose of the examination is to consider whether the plan complies with the relevant legal requirements, including the duty to co-operate, and is sound. The Inspector will consider all representations on the plan that are made within the period set by the LPA.

1.2. 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. The LPA will therefore ensure that the names and addresses of those making representations can be made available and taken into account by the Inspector.

2. Legal Compliance and Duty to Co-operate

2.1. You should consider the following before making a representation on legal compliance:

- The plan should be included in the LPA’s current Local Development Scheme [LDS] and the key stages set out in the LDS should have been followed. The LDS is effectively a programme of work prepared by the LPA, setting out the plans it proposes to produce. It will set out the key stages in the production of any plans which the LPA proposes to bring forward for examination. If the plan is not in the current LDS it should not have been published for representations. The LDS should be on the LPA’s website and available at its main offices.

- The process of community involvement for the plan in question should be in general accordance with the LPA’s Statement of Community Involvement [SCI] (where one exists). The SCI sets out the LPA’s strategy for involving the community in the preparation and revision of plans and the consideration of planning applications.

- The LPA is required to provide a Sustainability Appraisal [SA] report when it publishes a plan. This should identify the process by which SA has been carried out, and the baseline information used to inform the process and the outcomes of that process. SA is a tool for assessing the extent to which the plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives.

- In London, the plan should be in general conformity with the London Plan (formally known as the Spatial Development Strategy).
• The plan should comply with all other relevant requirements of the PCPA and the Town and Country Planning (Local Planning) (England) Regulations 2012, as amended [the Regulations].

2.3. You should consider the following before making a representation on compliance with the duty to co-operate:

• Section 33A of the PCPA requires the LPA to engage constructively, actively and on an ongoing basis with neighbouring authorities and certain other bodies over strategic matters during the preparation of the plan. The LPA will be expected to provide evidence of how they have complied with the duty.

• Non-compliance with the duty to co-operate cannot be rectified after the submission of the plan. Therefore the Inspector has no power to recommend modifications in this regard. Where the duty has not been complied with, the Inspector cannot recommend adoption of the plan.

3. Soundness

3.1. The tests of soundness are set out in paragraph 35 of the National Planning Policy Framework (NPPF). Plans are sound if they are:

• 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 authorities is accommodated where it is practical to do so and is consistent with achieving sustainable development;

• Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;

• 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; and

• Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in the NPPF.

3.2. If you think the content of the plan is not sound because it does not include a policy on a particular issue, you should go through the following steps before making representations:

• Is the issue with which you are concerned already covered specifically by national planning policy (or, in London, the London Plan)?

• Is the issue with which you are concerned already covered by another policy in this plan?
• If the policy is not covered elsewhere, in what way is the plan unsound without the policy?

• If the plan is unsound without the policy, what should the policy say?

4. General advice

4.1. If you wish to make a representation seeking a modification to a plan or part of a plan you should set out clearly in what way you consider the plan or part of the plan is legally non-compliant or unsound, having regard as appropriate to the soundness criteria in paragraph 3.1 above. Your representation should be supported by evidence wherever possible. It will be helpful if you also say precisely how you think the plan should be modified.

4.2 You should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification. You should not assume that you will have a further opportunity to make submissions. Any further submissions after the plan has been submitted for examination may only be made if invited by the Inspector, based on the matters and issues he or she identifies.

4.3. Where groups or individuals share a common view on the plan, it would be very helpful if they would make a single representation which represents that view, rather a large number of 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.

4.4. 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 session(s). Only representors who are seeking a change to the plan have a right to be heard at the hearing session(s), if they so request. In considering this, please note that written and oral representations carry the same weight and will be given equal consideration in the examination process.