

North Lincolnshire Local Plan (2020 to 2038)  
Publication Draft (Regulation 19) Consultation

## Guidance Note to aid completion of the Publication Stage Representation Form

This guidance note, adapted from the note produced by the Planning Inspectorate, is intended to assist you in completing the representation form. Please read the note thoroughly before completing your form.

### 1. Introduction

1.1 North Lincolnshire Council has published the North Lincolnshire Local Plan 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 [PCPA], as amended, 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 by **5pm on Friday 26 November 2021**.

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. North Lincolnshire will, therefore, ensure that the names 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 Local Planning Authority's [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 sets 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 is available to view on North Lincolnshire Council's website and a paper version is available for review at [Scunthorpe Central Library](#).
- The process of community involvement for the Plan should be in general accordance with the LPA's Statement of Community Involvement [SCI]. 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 will help to achieve relevant environmental, economic, and social objectives when judged against reasonable alternatives.
- 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'].

2.2 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 and other statements of national planning policy, where relevant.

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?
- 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?
- What should the policy say if the Plan is unsound without the policy?

### 4. General advice

4.1 If you wish to make a representation seeking a modification to the Plan or part of the 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 succinctly provide 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 that they identify.

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 than via a 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.

## **5. Examination Hearing Sessions**

5.1 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 if you wish to participate when the Inspector has identified the matters and issues for examination.

## General Data Protection Regulations

The personal information you provide will be processed in accordance with UK General Data Protection Regulations [UK GDPR] / Data Protection Act 2018. Information is classed as personal if it could identify you as an individual either directly or by adding information together. The information you provide will be used for the purposes of the preparation of the Local Plan as required by the Planning and Compulsory Purchase Act 2004 (as amended) and may also be used by the Council to contact you regarding your submission, if necessary.

Please note that information supplied to the council on this form generally cannot be kept confidential. Copies of all responses will be available for inspection and may be included in a summary schedule of responses that will be made available at the council offices and on the council's website. Personal details such as addresses, telephone numbers, email addresses and signatures will be redacted to comply with the UK GDPR. Responses will be entered on a database to be used by the council for the purpose of recording and collating comments and for contacting individuals and organisations about their responses.

The [UK General Data Protection Regulation](#) (UK GDPR) is legislation that sets out how we should manage and protect your personal information and it also provides you with various rights in relation to this information, such as the right to access your personal data. The UK GDPR should be read alongside the [Data Protection Act 2018](#).

North Lincolnshire Council is committed to protecting your privacy when you use our services, and our [Council Privacy Notice](#) explains how we do this and how we use your information. In addition, we have created more specific Privacy Notices, where necessary, to further explain how the different teams use personal data. We have also created a [Data Protection & Confidentiality Policy](#) [PDF, 746Kb] to explain how we will comply with the UK GDPR.

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