

# **The London Plan**

## **Examination in Public 2018-2019**

### **Panel Note No. 3:**

### **Draft Lists of Participants and Matters for Consideration at the Examination in Public**

**September 2018**

**Panel appointed by the Secretary of State:**

Roisin Barrett BSc (Hons) MSc Dip UD Hist Cons MRTPI IHBC

William Fieldhouse BA (Hons) MA MRTPI

David Smith BA (Hons) DMS MRTPI

**Panel Secretary:** Carmel Edwards

**Tel:** 020 7983 4291

**Mobile:** 07825 592 508

**Email:** [eip.secretary@london.gov.uk](mailto:eip.secretary@london.gov.uk)

**Panel Assistant:** Jinder Ubhi

**Tel:** 020 7983 5893

**Email:** [jinder.ubhi@london.gov.uk](mailto:jinder.ubhi@london.gov.uk)

**Address:** EiP Secretariat, GLA, City Hall, The Queen's Walk, London, SE1 2AA

**Webpage:** [Examination in Public for the draft New London Plan | London City Hall](#)

## **Background**

As explained in Panel Note No. 1, our role as the Panel appointed by the Secretary of State is to determine the matters that affect the consideration of the London Plan ("matters") and the persons who may take part ("participants") in the Examination in Public ("EIP"), and to make a report in writing to the Mayor<sup>1</sup>.

We have now had regard to the representations about the London Plan made in accordance with *The Town and Country Planning (London Spatial Development Strategy) Regulations 2000* ("the regulations"). In accordance with regulation 8(2) and section 338(4) of the *Greater London Authority Act 1999* (as amended) ("the GLA Act") we have, after consulting the Mayor, prepared draft lists of matters to be examined and persons who will be invited to take part in the EIP. These are set out in Annex 1 and Annex 2 respectively. Representations can be made about these draft lists by **midday on Thursday 11 October 2018** (see "*Finalising Matters and Participants*" below). The final list will be published and participants notified not later than 6 weeks before the opening of the EIP<sup>2</sup>.

## **Examining the Matters: Testing for Soundness**

The London Plan is required to have regard to the need to be consistent with national policy<sup>3</sup>. Whilst a revised version of the *National Planning Policy Framework* ("NPPF") was published in July 2018, the transitional arrangements mean that we will examine the matters in the context of the policies in the 2012 version of the NPPF, along with other relevant national policy and guidance.

The legal duty relating to soundness set out in section 20(5)(b) of the *Planning and Compulsory Purchase Act 2004* does not apply to spatial development strategies such as the London Plan, and the section on plan-making in the NPPF (2012) refers to local plans rather than spatial development strategies.

However, in light of the need to have regard to consistency with national policy and to reflect the findings of the Inspector who examined the Further Alterations to the London Plan in 2014, we will apply the soundness tests set out in the NPPF (2012), namely that the Plan should be positively prepared, justified, effective, and consistent with national policy.

## **Representations about Draft Matters (Annex 1)**

Any representations about the draft matters at this stage should only be about their scope and broad content. For example, if you consider that the matters do not cover a part of the Plan that your representation raised significant soundness issues about.

There will be an opportunity to make written submissions that address the matters and associated questions once they have been finalised in November and before the opening of the EIP in January. Any representations made at this

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<sup>1</sup> GLA Act section 338 and regulation 8(7).

<sup>2</sup> Regulations 8(2), 8(3) and 8(4).

<sup>3</sup> GLA Act section 41.

stage that attempt to address the draft matters and associated questions will **not** be taken into consideration by the Panel.

### ***Representations about Draft Participants (Annex 2)***

No person has a right to be heard at the EIP, but any person invited to do so by the person or persons conducting the EIP (the Panel) may take part (as well as the Mayor)<sup>4</sup>.

In preparing the draft list of participants we have sought, as far as possible, to include an appropriate range of interests. However, this will vary depending on the matter in question. Supporters of the Plan have not generally been invited to participate as we would expect representatives of the Mayor to justify the Plan, calling where necessary on experts from other organisations. The Mayor's representatives will have three seats for each session; all other participants will have one.

If you are not included on the draft list but do wish to participate please specify for which matter and give a brief explanation why as this would assist our examination of that matter (maximum 200 words). The attached form (**Annex 3**) should be used if you wish to participate and have not been included on the draft list. Please do not exceed the 200 word limit and do not include any attachments or appendices to the form as these will be disregarded.

Please bear in mind that the purpose of the EIP is not to hear representations as such, but rather to test for soundness and reach conclusions on our matters. Furthermore, written submissions about the final matters can be made by non-participants, and we will take these into account.

A maximum of 22 participants, in addition to the Mayor's representatives, will be invited for each session. The venue does not have capacity for seating a greater number of participants. We strongly encourage representors who are considering asking to participate to liaise with other people and organisations who have similar interests and if possible to agree on nominating a spokesperson to act as a participant.

In deciding whether to request participation you should have regard to the Mayor's schedule of minor suggested changes to the Plan as these may have addressed some of the points previously made as part of your representation.

**The Panel will not be able to enter into correspondence about those that have been selected to appear and those that have not.**

If you are included on the draft list of participants but do not wish, or are unable, to participate please let the Panel Secretary know.

You do not need to inform the Panel Secretary if you wish to attend a hearing session to observe rather than participate.

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<sup>4</sup> GLA Act section 338(6) and (7).

## ***Finalising Matters and Participants***

Any representations about the draft list of matters and participants must be received by the Panel Secretary by **midday on Thursday 11 October 2018**.

We will consider all representations received by that date and, after consulting the Mayor, publish a final list of matters and participants at least 6 weeks before the examination opens<sup>5</sup>. Detailed information will be provided at that time about how and when to submit written statements that address the matters and associated questions.

*Roisin Barrett   William Fieldhouse   David Smith*

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<sup>5</sup> Regulation 8(4).