

EALING BOROUGH COUNCIL**Examination of the Ealing Local Plan 2024-2039**

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INSPECTORS GUIDANCE NOTES**Purpose**

1. These notes are intended to assist those with an interest in the examination of the Ealing Local Plan 2024-2039 (the Plan) submitted by Ealing Borough Council (the Council). It concerns procedural and other aspects of the examination process.

Introductions

2. We are Darren McCreery and Carole Dillion, the Inspectors appointed by the Secretary of State under section 20 of the Planning and Compulsory Purchase Act 2004 to carry out the independent examination of the Plan (the Examination).
3. Paige Gaughan is the Programme Officer. Her role is to act as an impartial officer to the Examination under our direction, liaising with all parties to ensure its smooth running and acting as the channel of communication between ourselves and the Council. Paige should be used as the first point of contact for those with queries about the Examination. Her contact details are set out at the top of this note.
4. An examination library containing documents associated with the Examination is being maintained by the Programme Officer. The library is hosted by the Council and is available [here](#). If you do not have access to the internet, please contact the Programme Officer so that alternative arrangements can be put in place.
5. Throughout the Examination, when referring to documents within the library we will usually also provide the document reference number in brackets (e.g. the Plan is [S1]).

The plan for examination and progress so far

6. The plan that we are examining is the Ealing Local Plan (Regulation 19), Consultation version, 28 February 2024 [S1] and the related errata note [S14]. This is the starting point for the Examination.
7. We wrote to the council on 20 December 2024 [EX2] with some initial questions, which the Council have responded to¹ in line with a timetable agreed by us in our letter of 23 January [EX7].
8. The Council's response has led to a number of documents being added to the examination library. This includes:
 - a. Statements of common ground with the London Borough of Brent [22a], Transport for London [22b], Sport England [S22c], and the Greater London Authority [S22d].
 - b. Five year housing land supply position statement (February 2025) [EB73].
 - c. Housing trajectory [EB73A, EB73B].
9. Those with an interest in the Examination will be able to reference these documents at various points in the Examination process described below.
10. Although the draft Ealing LPA Charging Schedule [EB41] is subject to separate specific examination, it may be referred to in this Examination as part of determining whether the Plan is sound.

Inspectors role and examination process

11. Our role is to determine whether the Plan meets the legal requirements under the Planning and Compulsory Purchase Act 2004 and associated regulations and whether it is sound.
12. As set out in paragraph 35 of the National Planning Policy Framework (NPPF) [EB10], the Plan is sound if it is **positively prepared, justified, effective** and **consistent with national policy**. National policy in this context is principally contained within the NPPF itself, which is supported by planning practice guidance.
13. Although revisions to the NPPF were published on 12 December 2024 this Examination will be against the December 2023 version, in accordance with transitional arrangements.
14. More information on our role and the examination process can be found in the Planning Inspectorate's [Procedure Guide for Local Plan Examinations](#). There is also a [short guide](#) which may be helpful, especially if you have not previously been involved in an examination. Details of other sources of information, along with key deadlines for the Examination, are referenced in the Annex to this note.

¹ EX3 to EX5 and EX8 to EX12

15. The Examination will now move through the following stages, which are outlined in more detail in the Procedure Guide:
 - Preparation of statements in advance of hearing sessions
 - Hearing sessions
 - Consultation on any main modifications (changes to the Plan)
 - Our final report
16. The timing and nature of the process is subject to variation depending on how the Examination proceeds. For example, there may be additional stages if we conclude that more evidence needs to be prepared in order for the Plan to be demonstrated as sound.
17. In considering the timing and progress of the Examination we will pay regard to the Ministerial instruction set out in MHCLG's letter to the Planning Inspectorate dated 31 July 2024² and the Government's expectations of how examinations should be conducted, including the treatment of 'pauses' to undertake additional work.
18. The starting point is that the Council has submitted a plan which it considers is ready for examination. The Council should rely on the evidence put together while preparing the Plan to show that it is sound. Anyone wanting to change the Plan should explain why they think it is not sound and how their suggestion would put it right.

Changes to the Plan

19. Once the Plan has been submitted for examination there are only two ways in which it can be changed:

Main modifications – these are any changes that are necessary to achieve a sound plan. During the Examination we will say if we think any are needed. They would then be subject to public consultation, and we will consider any comments, before concluding on them. They may also need to be subject to a sustainability appraisal.

Additional modifications – these are changes which do not materially affect the policies in the Plan. They are made by the Council when they adopt the plan and are not a matter for the Examination. They are sometimes referred to as minor modifications.

20. Within the examination library there are the Council's suggested modifications [S24, S24a, S24b]. During the Examination we will consider whether any main modifications should be recommended for soundness. All necessary main modifications would then be subject to full public consultation in due course.
21. We will also take account of any other potential main modifications suggested by the Council or others during the Examination. However, if the Plan is already sound it is not the purpose of the Examination to improve it.

² <https://assets.publishing.service.gov.uk/media/66aa157b0808eaf43b50dad5/minister-pennycook-to-chief-executive-of-planning-inspectorate.pdf>

Representations made on the Plan

22. The Council has prepared a Statement of Consultation [S20] which includes details of the consultation that has taken place on the Plan, and their summary of the main issues raised in the representations. The Council has also prepared a response to the representations made [S21].
23. A full set of the representations made on the submitted plan has been made available by the Council and we will take them all into account. These are sometimes referred to as responses to the 'Regulation 19' consultation, after the legal regulation relating to this stage. We will not consider representations made on any earlier draft versions of the Plan (which are sometimes referred to as the Regulation 18 stage).

Matters, issues and questions

24. Based on our initial assessment of the Plan, we have identified a number of matters, issues, and questions that we want to explore. Essentially they are a series of grouped questions on specific topics, intended to give an ordered structure to the Examination. They are set out in our Matters, Issues and Questions document which has been issued at the same time as this guidance note.

Hearing session dates and taking part (participating)

25. The hearing sessions will be based on the matters, issues and questions that we have identified, following agendas that we will circulate to participants in advance. The hearing sessions will be run as a structured discussion which we will lead. We will also endeavour to discuss openly any potential main modifications that may be identifiable at that stage. There will be no formal presentation of cases or cross-examination of participants.
26. An Indicative Running Order for Hearing Sessions document has been made available at the same time as this guidance note. The hearing sessions will take place in two blocks as follows:
 - Block 1 (Matters 1 to 5)**
 - Week 1 – Monday 16 June to Friday 20 June
 - Block 2 (Matters 6 to 10)**
 - Week 1 - Tuesday 9 September to Thursday 11 September
 - Week 2 – Tuesday 16 September to Thursday 18 September
27. All Block 1 will take place in person. All Block 2 hearings will be virtual. A separate guidance note for taking part in the virtual hearings will be issued closer to the time.
28. Depending on what is heard, we may write to the Council at the conclusion of the Block 1 making some findings on the soundness of the Plan, legal compliance, or both. This may have implications for whether the Examination is able to proceed to Block 2 hearings as programmed.

29. Anyone may attend a hearing as an observer. In addition to the Council, other parties will only be able to participate (speak) at hearing sessions if they sought a change to the Plan in response to the Council's publication stage (Regulation 19) consultation. The right to be heard only applies to the sessions relevant to the original representation.
30. Other parties can rely on their consultation response if they do not want to take part in the hearings. Written and oral representations carry equal weight. Hearing sessions are also not an opportunity to simply repeat a case already set out in written representations.
31. Participants may choose to be represented by someone else at the hearing sessions, for example a professional expert. To ensure that there is sufficient space, organisations (including community groups) will normally be allocated one seat at the table, with members of their team "hot-seating" as necessary. Where several representors or organisations wishing to take part have similar points, it will help us if they can arrange to be represented by one or two spokesperson(s).
32. Please contact the Programme Officer as soon as possible with any queries about participating in the hearing sessions, including specific needs.
33. Those who made representations which did not seek changes to the plan, including those supporting it, do not have a right to take part in the hearings. However, we may invite additional people to take part if this would help us assess the Plan.
34. If you are eligible and would like to speak at the hearing sessions you should confirm this in writing with the Programme Officer, stating which session or sessions you would like to speak at (referring to the Matter number).
35. **The deadline for making a request to participate for all hearings sessions (regardless of which Block they fall into) is 5pm on Friday 2 May.**
36. Requests should be made even by those who have said that they wish to be involved in the hearings in previous representations. If you do not submit a request by this date it will be assumed that you do not wish to speak at the hearings.
37. A finalised timetable and list of participants will be confirmed in advance of the sessions. Only those who have made a request in advance via the Programme Officer will be able to speak.

Submission of hearing statements and further material

38. The Council should produce an individual written hearing statement for **each** of the matters identified in the Matters, Issues and Questions document. All questions should be addressed using the numbering system in the document. Specific references, such as paragraph numbers, to parts of supporting evidence is essential. Drawing our attention to large sections of reports should be avoided.

39. Responses must be specific, answer the questions, and draw on key points raised in relevant evidence. Single word responses to questions such as 'yes' or 'no' will not be sufficient.
40. Other participants in the hearing sessions should only submit statements on topics they made representations about. However, if you feel that your representation adequately answers the issues and questions we have raised, there is no need to submit a hearing statement. Such statements should be succinct and concentrate on responding to the questions raised (appendices should be avoided and any over a page long should be discussed with the Programme Officer in advance to confirm necessity). Repeating large extracts from the Plan, national policy or guidance, or other documents already in the Examination library is not necessary. Clear cross referencing will suffice.
41. **Deadlines for receipt of hearing statements** that relate to the matters are as follows:
- Block 1 – Matters 1 to 5 - 5pm on Thursday 15 May
 - Block 2 – Matters 6 to 10- 5pm on Thursday 10 July
42. All statements should be sent to the Programme Officer, electronically using the email address at the top of this note. There is no need to provide paper copies, however if you are unable to use email please contact the Programme Officer so that alternative arrangements can be made.
43. All hearing statements will be posted on the examination webpage after the submission date. They will not be circulated directly to participants. Anyone who is unable to access them on the webpage should contact the Programme Officer.
44. Once the date for submitting hearing statements has passed, no other written evidence will be accepted throughout the Examination, unless we specifically request it. To be fair to all participants, the hearings should not be used to introduce additional evidence and under no circumstances should additional unsolicited written statements or notes be presented at the sessions.

Statements of common ground

45. The NPPF states that local authorities should demonstrate effective and ongoing joint working with neighbouring authorities and other prescribed bodies (the 'duty to cooperate') by preparing one or more statements of common ground.
46. It is also helpful for statements of common ground to be agreed between the Council and other participants - for example, with other Councils, public bodies and/or those promoting the development of particular sites as part of demonstrating deliverability. This is particularly desirable where there are significant unresolved issues relating to soundness or compliance with legal requirements. Wherever possible statements should be used to resolve these problems. Failing that, they should define any remaining unresolved disagreements that could affect soundness.

47. If any further statements of common ground are to be prepared then they should, wherever possible, be completed by the hearing statement deadline dates so they can be discussed at the relevant hearing session. This should not, however, preclude the Council from continuing to engage proactively on outstanding issues with other bodies, which may then result in an update to an existing statement of common ground, if that would help the Examination.

Representations proposing alternative site allocations

48. Some representations objecting to the Plan have proposed that different sites should be allocated for development from those in the submitted plan. These are sometimes referred to as 'omission sites'. Our role is to examine the soundness of the submitted plan, not the soundness of sites that are not in it. Consequently, we do not propose to hold a specific hearing session dealing with these sites. Instead, those objecting to the Plan should focus on what they consider makes it unsound as submitted.
49. If we conclude that additional sites for development are needed, for example, because a proposed allocated site is found to be unsound, we will initially ask for the Council's response to the issue. This may, or may not, lead to alternative or additional sites being considered for inclusion. These sites would be subject to consultation and we would consider any responses before concluding on them.

Site visits

50. We will decide which sites and which parts of the Plan area we will visit to help us to reach our conclusions. We may carry out these visits, before, during and after the hearings. We will visit unaccompanied, unless it is necessary to go onto inaccessible private land, in which case we will make arrangements through the Programme Officer.

After the hearings

51. After the hearings have ended, we will write to the Council to confirm whether the Examination is able to progress to the main modifications stage. If it is, we may set out the main modifications that are necessary for soundness in the same letter. If the Examination is not able to progress, we will set out why and the options that are available to the Council for them to consider further.
52. Once the Examination progresses to the main modifications stage, the Council will then draft the main modifications and agree them with us. They will then be made available for public consultation by the Council. We will consider any representations about them before reaching our final conclusions.
53. We will then prepare a report for the Council setting out our conclusions and recommendations on any main modifications that are needed. Our report will deal with the main issues of soundness and any procedural and legal issues.

54. We will consider all the points made during the course of the Examination. However, we will not be reporting on every issue, question or representation.

Closing the Examination

55. The Examination will remain open until our report is submitted to the Council, who should publish it as soon as they reasonably can after receipt. Once the report has been issued our involvement in the Plan is over. It is then for the Council to decide whether to formally adopt the Plan, or not. However, it can only be adopted if it includes any changes we have recommended to make it sound.

Darren McCreery and Carole Dillon

INSPECTORS

Annex

Summary of the key dates (all 2025)

5pm Friday 2 May	Deadline for making a request to participate (speak) for all hearings sessions (regardless of which Block they fall in to).
5pm Thursday 15 May	Deadline for receipt of written statements relating to hearing sessions in Block 1 (Matters 1 to 5)
Monday 16 June to Friday 20 June (in person)	Hearing sessions in Block 1 (Matters 1 to 5)
5pm Thursday 10 July	Deadline for receipt of written statements relating to hearing sessions in Block 2 (Matters 6 to 10)
Tuesday 9 to Thursday 11 September and Tuesday 16 to Thursday 18 September (virtual)	Hearing sessions in Block 2 (Matters 6 to 10)

Further sources of information

Further information about the preparation and examination of Local Plans is available as follows:

National planning policy and guidance

- the Government's planning policy - [National Planning Policy Framework](#)
- the Governments [Planning Practice Guidance](#)
- the government's planning practice guidance specifically on local plans - [Plan-making](#)

The Local Plan examination process and the role the Planning Inspectorate plays - [local plans and the examination process](#). This page includes:

- the Procedure Guide for Local Plan Examinations
- a short guide to taking part in local plan examinations

Relevant legislation – is available at <http://www.legislation.gov.uk/>. Including:

- Planning and Compulsory Purchase Act 2004 (as amended)
- The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)