

London Borough of Ealing

Draft Community Infrastructure Levy Charging Schedule Examination

Examiner: Keith Holland BA (Hons) DipTP MRTPI ARICS

C/O Programme Officer: Paige Gaughan localplanprogrammeofficer@ealing.gov.uk

Sam Cuthbert
Principal Planner
Strategic Planning
Ealing Council

Via email

23 May 2025

Dear Mr Cuthbert

QUOD SUBMISSION ON BEHALF OF BERKELEY HOMES (SOUTHALL)

I received, on 21 May 2025, a submission from Quod on behalf of Berkeley Homes (Southall) in advance of the virtual hearing session which is scheduled for 4 June 2025. I have accepted this submission in view of the fact that, at the time representors were last given an opportunity to comment formally, Enfield's New Local Plan had not been submitted for examination (a principal subject of this submission).

The submission raises matters which I would like to bring to the attention of the Council. Consequently, I have asked the programme officer, Paige Gaughan, to provide you with a copy of the submission covering letter, the Legal Opinion referenced and the Additional Financial Information. In the interests of transparency, I have also asked her to publish the submission and this letter to you on the examination website.

The principal matter, to my mind, is that raised in relation to prematurity. My understanding is the Council had envisaged, during the preparation of the draft Charging Schedule, that the Charging Schedule examination would be completed by the time the New Local Plan was submitted to the Planning Inspectorate (Secretary of State). In practice, the draft Charging Schedule was submitted to me on 15 October 2024, at which time a further consultation also commenced on the Modifications Statement ending on 12 November 2024. The New Local Plan was subsequently submitted to the Inspectorate on 18 November 2024.

The New Local Plan hearing sessions are now programmed to commence on 16 June 2025 (Block 1), with the second tranche commencing 9 September 2025 (Block 2). Whilst I understand the Council, in progressing draft Charging Schedule in advance, takes the view that none of the proposed CIL rates are dependent on the draft New Local Plan policies, I nonetheless consider (in the light of this submission) that the issue of prematurity should be added to the Agenda for the planned hearing session. In particular, Quod assert that the Infrastructure Delivery Plan (IDP) Part 2 is explicitly premised on what is in the emerging Local Plan, albeit the suggestion that *"The IDP has not been through the Local Plan examination process and has not therefore been found to be sound"* is erroneous and a

misunderstanding of what is the subject of examination under Section 20 of the Planning and Compulsory Purchase Act 2004.

In the first instance, I would request that the Council comprehensively respond to me on the prematurity issue, in consultation with its legal advisors. The Council may also wish to take the opportunity to respond to the other issues raised in the submission in discussion with their viability consultants, notably the total target amount that the charging authority proposes to raise through the levy.

In order for the hearing session to reasonably proceed on 4 June 2025, I would require a timely and fulsome position statement from the Council. This would need to be received and circulated at least 5 days prior to the scheduled hearing session. However, I am conscious that the hearing session is just over 2 weeks away, which in practical terms will provide a very limited window to properly consider and reply to these issues.

As such, and at this juncture, I would urge the Council to consider requesting that I delay the scheduled hearing session, to enable the Council (and any other parties that might fairly seek to comment) sufficient opportunity to provide a full written response/statement, prior to any discussions at the hearing. An additional consideration, in light of the issues raised, is that I am now minded to run the hearing session in person (as opposed to virtually), albeit I recognise that it is unlikely this might be accommodated by 4 June 2025.

You will appreciate time is of the essence in resolving the way forward and, therefore, I would appreciate an initial response by return on how the Council wishes to proceed.

Yours sincerely

Keith Holland

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Independent Examiner