

London Borough of Ealing Development (or Core) Strategy Submission Development Plan Document – Independent Examination

Guidance Notes

Inspector : Elizabeth Fieldhouse DipTP, DipUD, MRTPI.

Programme Officer : Caroline Caldwell

These notes complement the documents "Local Development Frameworks Examining Development Plan Documents : Procedure Guidance" published by the Planning Inspectorate¹ and the Plan-making Manual ((available only on-line via a personal computer²) Further detailed guidance on the preparation, publication and examination of Development Plan Documents is provided in Planning Policy Statement 12 : Local Spatial Planning³

The following information is provided to assist all those who made representations at the publication stage of the Core Strategy Development Plan Document (DPD) – now submitted to the Secretary of State - and to explain how those representations will be dealt with within the Independent Examination.

Copies of the guidance will also be issued to any party invited by the Inspector to take part in the hearings sessions.

These notes will also be provided to the local planning authority (LPA), Ealing Council.

Independent Examination and Pre-Hearing Meeting

The purpose of the Independent Examination of the Core Strategy is for the Inspector to provide herself with the necessary information to determine whether the Core Strategy

- (a) has been prepared in accordance with the relevant legal requirements and
- (b) is sound (that is justified, effective and consistent with national policy).

The examination began with the submission of the Council's Development (or Core) Strategy to the Secretary of State and will remain open until the Inspector submits her report to the Council.

It is expected the first hearing session will commence on Tuesday 1 November 2011 in Ealing Town Hall – (details to follow)

Before that a **Pre-Hearing Meeting (PHM)** will be held in **Victoria Hall, Ealing**

¹ Available to view in the Examination Library or at : <http://www.planning-inspectorate.gov.uk/pins/appeals/localdev/dpdprocedureguideaug09.pdf>

² <http://www.pas.gov.uk/pas/core/page.do?pageld=109798>

³ Available to view in the Examination Library or at <http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements/planningpolicystatements/pps12>

Town Hall, New Broadway, Ealing W5 2BY, commencing at 10.30am on Thursday 15 September 2011. The sole purpose of this meeting will be to discuss the procedural issues and other arrangements for the hearing sessions.

The merits of the Core Strategy or any individual representations will not be discussed on that occasion. Notes of the PHM will be sent to all those who made representations about the Strategy.

The Inspector and her role – The Inspector appointed by the Secretary of State to conduct the Independent Examination is **Elizabeth Fieldhouse DipTP, DipUD, MRTPI**.

The Inspector's task is to assess the whole document for legal compliance and the three tests of soundness –

- **“justified”** – founded on a robust and credible evidence base; it is the most appropriate strategy when considered against the reasonable alternatives.
- **“effective”** deliverable, flexible and able to be monitored
- **“consistent with National policy”**

View Planning Inspectorate document “Examining Development Documents : Soundness Guidance” (2008)⁴

Please note that the starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. (see Planning Policy Statement 12 para 4.49).

The Programme Officer (PO) The Programme Officer for the Examination is Caroline Caldwell. For purposes of the examination, she is not a member of Ealing Council staff but works for and under the direction of the Inspector. Miss Caldwell is the sole point of contact for all parties to the Examination and all correspondence and documents etc should be sent to her.

Under the direction of the Inspector, the PO's main duties are to organise the Pre-Hearing Meeting; the programme for the hearing sessions; to record and distribute, as necessary, all the documents submitted and to maintain the Examination Library and Examination part of the Council's website.

Participants in the Examination with any procedural questions, suggestions or difficulties should raise these with the PO and, if necessary, she will consult with the Inspector.

The Programme Officer will be available for contact and to meet anyone by prior arrangement. (Telephone direct line 020 8825 7944 or e-mail ldfprogrammeofficer@gmail.com).

Examination Library

An Examination Library has been established and is available for easy access by interested parties in person at Customer Services, Ground Floor, Perceval House, with the facility to sit and study the documents. The library contains the core documents (the evidence base), guidance documents on the procedure published by the Planning Inspectorate (PINS), the diagram associated with the Core Strategy and a copy of the representations made in response to the published Core Strategy. As the Examination progresses, any additional documents (such as the Inspector's list of matters & issues to be considered at the hearings and any

⁴ www.planning-inspectorate.gov.uk/pins/appeals/local_dev/ldf_testing_soundness.pdf

responses to it) will be placed in the library. A copy of the list of Core Documents is available on the Examination website or on request to the Programme Officer.

The submission documents are also available in all 13 libraries.

If anyone encounters difficulty in preparing for the Pre-Hearing Meeting or the hearing sessions, they are invited to discuss the matter with the Programme Officer.

The hearing sessions

As this is an examination of a Core Strategy, it will generally focus on strategic issues, rather than particular sites or proposed developments. It will not normally be appropriate to debate the merits of individual sites or schemes unless these are of strategic importance. Other subsequent development plan documents will deal with the allocation of specific sites.

It is also important to note that the purpose of the hearings is not to address or deal with each point made in every representation, but for the Inspector to gather the information she needs to form a judgement on the soundness of the Core Strategy.

The Inspector plans to conduct the hearing sessions as a series of "round table" discussions. Individual sessions will deal with one or more of the "main" matters that the Inspector has identified for discussion. The hearing sessions are open to the public and all those who have made representations about a particular matter will be entitled to attend the relevant session but only those who submitted "duly made" representations have the right to speak. The Inspector may also invite other people to participate if she thinks that they could make a distinctive contribution, for example, one based on specialist knowledge or expertise.

Representors who **supported** the CS at its publication **do not have a right to appear** before the Inspector since their position will be represented by the Council. However, if the Inspector considers it would be helpful to be informed by a supporter of an issue relative to soundness, she may invite him/her or their agent to participate.

The intention will be to provide a relatively informal setting in which those not familiar with the process will be able to play a full part. Participants may bring professional experts with them, but "evidence" will not be formally presented as it would be at an Inquiry. There will be no cross-examination, but the Inspector may allow questions to be put through her if they are relevant to the matters and issues under discussion.

The Inspector will issue a list of "Matters and Issues". These identify the main "soundness" issues which the Inspector considers it necessary to address. All those who have made representations are being given the opportunity to respond to these questions in writing, if they so wish. The Council is also asked to respond.

All responses/statements from the parties should be submitted to the Programme Officer by 10th October 2011 and further a week (17th October 2011) for The Council to provide its statement and responses. These will be made publicly available. *(No written material received within the Examination process will be treated as confidential and participants are asked to bear this in mind in determining the content of their submission(s)).* Further information about the format of such responses is given below. About 2 weeks before the commencement of any individual session, the Inspector will provide (through the

P O) any changes or additions to the matters and issues for discussion at hearing sessions.

The Council will be invited to contribute at whatever seem to be appropriate moments and will always have the final word before the discussion moves on to the next issue.

If there are any sessions which no representors choose to attend, the Inspector may still need to ask the Council to comment on certain matters. Any such sessions will be open to the public in the normal way.

Anyone seeking copies of representations or responses to the Inspector's matters, relevant to a particular session, should either download them from the Council's website

http://www2.ealing.gov.uk/services/environment/planning/planning_policy/local_development_framework/development_strategy/examination_in_public/

and follow the link or consult the Programme Officer for assistance at least 2 working hours before the programmed session is to start.

Format for responses to the Inspector's list of matters and issues

Any additional submissions should comply with the following format –

- Each response must relate to the Inspector's matters and issues corresponding with an individual representation. *(Please note that those parties who have submitted more than one representation should not combine responses relating to different matters into a single document.)*
- Three paper copies should be submitted (Inspector, local planning authority, Examination Library) – if possible documents should also be sent electronically to the Programme Officer's e-mail address.
- The Inspector's "Matter number"; the personal identification and representation alpha/numeric numbers allocated by the Council must be shown on the front page of each submission.
- No statements should be more than 3000 words on each matter - any statements longer than this may be returned for editing.
- Technical and other supporting information should be included in the appendices – these should also be succinct (they do not need to include extracts from documents that are already before the Examination – see list of Core Documents.) and should be limited to those that are essential to the case.

Statements should be on A4 paper – plans should also be A4 size or capable of being easily folded to A4.

Hearings Programme

The draft hearings programme will be circulated herewith. The hearings will normally take place on Tuesdays, Wednesdays and Thursdays between 10am and 5pm and possibly on Fridays between 9.30am and 1pm. A lunch break of agreed length will be taken as convenient to the proceedings at about 1pm. Short breaks at other times will not be programmed but will be taken as may be convenient. The programme may need to change as the hearings progress but the Programme Officer cannot undertake to contact or inform participants about such

changes other than as directed by the Inspector. Please note that it will remain the responsibility of all parties to keep themselves informed of the progress of the hearings, by visiting the hearing venue and reading the notice board or viewing the council's web page set up for the purpose.

People with disabilities

Any person with a disability with special needs is asked to contact the Programme Officer as soon as possible so that assistance can be organised.

Units of measurements

The European Union has directed that all units of measurement referred to in the Examination process are to be metric.

Site visits

The Inspector will familiarise herself with the and may make further unannounced site visits as necessary. Any requests from the parties for accompanied site visits should be submitted to the Programme Officer. On any accompanied visit, the local planning authority would be invited to be present. However, no discussions about soundness matters will take place.

Miscellaneous

An attendance record for the PHM and the hearing sessions will be maintained on a daily basis.

Representatives from the Press and other media expressing a wish to attend the PHM and hearing sessions are asked to contact the Programme Officer so that a "Press table" can be reserved for them. No live recording will be permitted during the proceedings and the Inspector cannot give interviews.

A notice board will be set up at the entrance to the Examination hearings room which will display details of the programme for the hearing sessions and other information. Access to a photocopier and a facsimile machine will be available through the Programme Officer but the Council may levy a charge for the use of these facilities.

After the Examination

The conclusion of the Examination process is marked by the submission of the Inspector's report to the Council. The report will concentrate on whether or not the Core Strategy is sound and may or may not contain recommendations considered by her to be necessary to make it so. The report will not summarise any representations considered within the process.

The authority is not legally bound to adopt a Development Plan Document such as this Core Strategy, but if it does so, it must make any modifications recommended in the Inspector's report.

If adopted, the Council must publish the Inspector's report and any recommendations and tell those people/organisations who asked to be informed of its publication. The report is required to be available for inspection at the authority's offices, other suitable venues and on its website http://www2.ealing.gov.uk/services/environment/planning/planning_policy/local_development_framework/development_strategy/examination_in_public/

(22 August 2011)