

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

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**Inspector Initial Questions – PART 3
17th August 2011
Council's response (in red) 6th September 2011**

1. Pre-Hearing Meeting
Does the Council envisage the need for a pre hearing meeting particularly in the light of changes since the Plan was submitted? If so, when does the Council envisage the date for the Pre-Hearing Meeting? Inspector suggests 15 September 2011, at least 6 weeks before the hearing sessions.
Where is the venue for the PHM likely to be?

The decision is host a pre-hearing meeting is entirely a matter for the Inspector. On balance it is useful to have early further clarification of any procedural points relating to the draft matters and issues. It will also be helpful to clarify what further written statements may be necessary or helpful and the format that would be preferred. The venue for the meeting has been organised.
2. Hearing sessions
When does the Council envisage the hearing sessions commencing? Six weeks notice is required, including press advertisement. On the Inspector's suggested dates for the PHM, the earliest date would be 1 November 2011 and the Inspector would envisage holding two hearings a day.
Has the Council selected a venue for the hearings? Has the Council any idea of how long the hearing sessions will be? A medium-sized meeting/committee room with "U"-shaped table and rows of seats for observers would be convenient. A room/s for the Programme Officer and Inspector will also be needed.

If a pre-hearing meeting is required then hearings could not commence before the beginning of November. Venues for hearings have been provisionally booked in anticipation of this. It is anticipated that there will be considerable interest in the inquiry process but the form and duration of any hearing sessions are entirely a matter for the Inspector.
3. Submission of documents and information
Could the Council confirm that all the documents and information included in Regulation 30 of the Local Development Regulations have been submitted to the Secretary of State, and that there are no outstanding documents to be completed or submitted? The

inspector notes that a Regulation 30(1)(d) report has been submitted, along with the Summary of Main Issues raised at publication stage (Regulation 30(1)(e)).

Yes, this is confirmed subject to submission of an errata note. Please note that during the process of merging different versions of the document a small number of representations were accidentally omitted from the final submission spreadsheet (EAL12b). This specifically affected representors 25 and 214. Nonetheless, these representations were originally considered and did inform any proposed amendments to the submission draft of the Development (or Core) Strategy. The amended versions of EAL12a and EAL12b are available at:

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

4. Representations

The inspector confirms that paper copies of the representations have been received and they should be displayed on the web site in an electronic form. I note that Appendix 2 of the Consultation Statement (Part B) Regulation 30 (1) (d) covers the representations received and officer's response and Consultation Statement Regulation 30 (1) (e) and (f). The Council has to decide whether the representations are "duly-made", and also has to decide whether to accept late representations. Late representations which are not formally accepted by the Council are not forwarded to the Secretary of State and the Inspector does not consider them. Please note that the Inspector has no discretion to accept late representations. **Has the Council received any late representations and have any been or not been accepted?**

No.

5. Council responses to representations

The Council does not have to formally respond to the representations, but if they do, the responses should be publicised and included on the database. **Does the Council intend to produce a response to the points raised in the representations made at publication stage other than Appendix 2 of Submission Document EAL 11b and , if so, does it intend to circulate this to representors, and if so, what is the likely timetable?**

These are matters best clarified at the pre-hearing meeting, in particular, with regards to what, if any, further written statements may be required. In addition, it is envisaged that some additional statements of common ground will be prepared and submitted prior to the commencement of the formal hearings.

6. Database

The Inspector hopes that the Programme Officer has access to the Council's database of representations, with all relevant details of the representations and representors. A key element is an indication of which representors have made comments on each policy/paragraph of

the Core Strategy (included in the Summary of Main Issues raised in the Representations), together with a list of those who request an oral hearing. The Programme Officer will need to produce a schedule of the representations, indicating who wish for an oral hearing or are relying on their written representation on a policy-by-policy basis. It might be helpful if the database is self-contained; i.e. only includes those who have made representations at submission stage, rather than earlier in the plan-preparation process. It is also helpful if the inspector can have a copy of the database (frozen at a specific date).

Noted.

7. Proposed changes to the submitted DPD

Did the Council formally publicise and invite representations on the Schedule of Changes, and was any further work on sustainability appraisal needed as a result of these changes? Does the Council envisage wishing to make any further changes to the submitted Core Strategy, and if so, what is the timetable for producing such minor changes? Does the Council envisage any major changes to the submitted Core Strategy, which might require further public consultation and further work on the sustainability appraisal?

No, unless arising from the examination process e.g. errata. We don't envisage any changes other than very minor changes which would not require further consultation or sustainability appraisal. However, we have identified a number of proposed actions in response to a small number of representations where a more significant change may become necessary and these would need to be considered through the examination process and would be subject to guidance and/or direction from the Inspector. In addition, we will need to fully assess the implications of the draft National Planning Policy Framework (which we understand is to be treated as a material consideration) and this may necessitate some additional changes.

8. Self-Assessment of Soundness

Has the Council undertaken a Self-Assessment of Soundness of the Core Strategy? Has a Legal Compliance Self Assessment been carried out? Is the Council content that the submitted Core Strategy is both legally compliant and sound?

No. Self assessment has not been conducted recently. However, this was carried out prior to a front-loading visit by the Planning Inspectorate in January 2010 as a desk-top exercise to inform progress and review what resources may be required for any additional LDF evidence base work yet to be carried out. Nonetheless, the council is satisfied that the submitted core strategy is legally compliant and sound. However, we will need to fully assess the implications of the draft National Planning Policy Framework (which we understand is to be treated as a material consideration) as this introduces new and amended tests of soundness which may necessitate some additional changes. It would be helpful to receive further guidance and/or direction at the pre-hearing meeting.

9. Conformity with regional guidance
The Council has already indicated that it finds no conflict with the adopted London Plan 2011. **Nevertheless, is the Core Strategy in compliance with The London Plan July 2011 in all respects? Are there any implications for the Core Strategy or changes the Council wish to make as a result of the recent adoption of The London Plan.**

On 22 July The London Plan July 2011 was published and has replaced that from 2008. We have been tracking the timetable for the preparation and production of the Replacement London Plan throughout and believe that our emerging plan is in general conformity with the RLP. We have received some representations from the "GLA family" and are endeavouring to conclude a statement of common grounds that will enable and ensure that any further minor amendments can be sensibly agreed and proposed by the parties before the public hearings commence. It makes sense therefore, for the moment, for the council's position to be formally reserved so as to enable this process to be fully completed.

10. **It would also be helpful if the Council could indicate whether there are any "showstoppers" raised in the representations which could lead to a potential finding of fundamental unsoundness at an early stage?**

No.

11. PPS3
Are there any implications for Housing policies from the revisions to PPS3, latest version 2011, in relation to the definition of previously developed land or other matters on the deliverability of housing. Are there any changes the Council would wish to put forward?

We are still examining the full implications and will draft a response by the end of the week.

12. Meetings with other representors
Does the Council intend to have meetings with any representors with a view to resolving key areas of dispute and disagreement, and if so, what is the timetable for such meetings?

Yes. Meetings are being arranged with a view to reach any conclusions, where appropriate, by the end of September.

13. Appropriate Assessment under the Habitat Regulations
The inspector notes that there is a Habitats Regulations Assessment – Screening Report. **Can the Council confirm that there are no outstanding issues raised by relevant bodies, including Natural England?**

Natural England provided some initial comments on the Screening Report. In response the Council has made some minor amendments to the terminology used in the document, in order to avoid any confusion between this Screening Report and a full Appropriate Assessment. Natural England has since confirmed that they are happy with the revised document.

14. Strategic Flood Risk Assessment
The inspector notes that a Strategic Flood Risk Assessment has been completed. **Can the Council confirm that there are no outstanding issues relating to this work, and that the approach has been agreed with the Environment Agency?**

The methodology for undertaking the SFRA was originally agreed with the Environment Agency. Upon completion the Environment Agency have confirmed in writing (letter dated 28th March 2008) that the SFRA satisfies their requirements for a Level 1 SFRA and is in compliance with PPS25.

15. Economic viability of affordable housing targets and thresholds
The inspector notes that there is a report on Affordability Housing Viability Assessment. **Have any of the representors seriously challenged the assumptions or conclusions of this assessment and does the Council consider these aspects will need to be debated in detail at the hearing sessions?**

No, there has been no specific challenges relating to the evidence base on affordable housing viability.

16. Topic/Background Papers
The Inspector has background papers on Demography, Housing and Green Space. **Does the Council envisage preparing any more Topic/Background Papers on key topics relevant to the Core Strategy, and if so, what topics are likely to be covered and what is the timetable for preparation?** The aim should be to produce all Background/Topic Papers the time of the PHM.

No unless the Inspector believes it would be helpful to do so. It is assumed that any additional commentary, if required, can be provided in written statements.

17. Core Evidence base
The Inspector has received the Submission Documents and Evidence-based Documents. **Is any other substantial work/reports likely to be undertaken for the examination, and if so, what is the timetable for such work? A link to all the Submission and Evidence-based Documents should also be provided on the Council's web-site.**

No. A link between the web pages will be set up.

18. Web site
The Programme Officer will need a dedicated web-page on the Council's web site to include her contact details, the name of the Inspector, the date/venue for the PHM and hearings, examination

library list, copies of the representations, and any material produced by the Council, representors, Inspector and Programme Officer.

Noted.

19. Hearings

The Inspector's guidance notes produced before the PHM will outline the nature of the hearing sessions. Please note that only those representors who seek some change to the plan can request an oral hearing. The hearing sessions are similar to an EIP into a Structure Plan. There is no formal presentation of evidence or cross-examination; the procedure is an inquisitorial process, with the inspector asking questions based on the Matters & Issues identified for Examination. There is no need for any legal representation, but lawyers are welcome as a member of the team. **Has the Council decided whether they will be legally represented at the hearings?** The Council will need to nominate lead officers to address each topic and these people should be identified at the PHM. Hearing sessions for a Core Strategy rarely last more than 1-2 weeks, depending on the issues raised and the number of participants.

We have no plans to be represented at present and believe that this is most unlikely to be needed. However, we will need to keep this under review once it is clear how representors will present any evidence.

20. Future programme

The basic procedure is to set a date for the PHM and notify representors of the date. Brief guidance notes on the LDF examination process will be circulated before the PHM. By the time of the PHM, the inspector should have determined the initial Matters & Issues for examination to be discussed at the hearings, and drawn up a draft programme for the hearings. Any Topic/Background Papers prepared by the Council should be available by the time of the PHM, or shortly afterwards. The Council and representors will have the opportunity to provide responses to the Inspector's Matters & Issues, to be submitted 3-4 weeks before the hearings commence.

Noted.

21. Key issues

Does the Council have any idea about the likely key issues arising from the consultation period? The Inspector has noted the Regulation 30(d) Statement which mainly gives a summary of the key issues from the representations made. Are there any other key issues the Council consider should be raised. **Who are the main players likely to be (ie. those who are likely to request an oral hearing and be raising key points)? Are any of the matters likely to be so complex that a longer hearing (more than half a day) should be scheduled?**

As noted, the council's position was summarised briefly in the Regulation 30(d) Statement (EAL12a as amended). It is very likely that a number of local groups will request an oral hearing based on their representations and the Programme Officer should now have a better idea of likely attendees.

22. Note-taking

If necessary can the Council make arrangements for someone to take notes at the hearing sessions?

Yes, with notice appropriate arrangements can be made. Perhaps any requirement/necessity can be discussed at the pre-hearing meeting?

23. Guidance

The Council should be fully aware of the published guidance in PPS12(2008) and on the PAS web-site. PINS has also produced two important guidance notes, which they should be aware of, since these set out advice on the nature and process of examining DPDs under the new LDF regulations¹. **Can the Council confirm that they are fully aware of this guidance?**

Yes, we are aware of this guidance and this informed the preparation of the council DPDs.

¹ *Planning Policy Statement PPS12 – Local Spatial Planning* [DCLG: June 2011]
Plan Making Manual (web-based guidance) [Planning Advisory Service]
Local Development Frameworks: Examining Development Plan Documents: Soundness Guidance [PINS; August 2009] & *Procedure Guidance* [PINS: August 2009]
Planning & Compulsory Purchase Act 2004 (as amended) and associated regulations