

GUIDANCE NOTE

The Inspector

1. The Inspector is Christine Thorby, MRTPI, IHBC.

The Programme Officer

2. The Programme Officer (the PO) for the Examination is Caroline Caldwell. She acts as an impartial officer of the Examination, under the Inspector's direction, independent of the Council during the examination process. She can be contacted at: Programme Officer, Planning Policy, Ealing Council, 4th Floor Perceval House, 14 – 16 Uxbridge Road, Ealing, London W5 2HL; Email: ldfprogrammeofficer@gmail.com Telephone Direct Dial 020 8825 7944.
3. The main tasks of the PO are to act as a channel of communication between the Inspector and all parties; to liaise with all parties to ensure the smooth running of the Examination; to organise the hearings programme; to ensure that all documents received are recorded and distributed; and to keep the Examination Library. Copies of the Examination documents are mainly on the Council's website (see below), and the PO can make available copies on request. Anyone interested in viewing any of the documents should contact her before they are intending to view so as to ensure availability.
4. During the Examination the PO will be able to tell you how the hearing sessions (see below) are progressing. Alternatively, you will be able to view progress on the website at:

http://www.ealing.gov.uk/info/200921/local_plans/1512/examination/2

5. The PO will advise on any programming queries, and all practical and procedural points should be addressed to her. She will pass them on to the Inspector for a reply, if necessary, but carries her authority to act in accordance with the regulations.
6. Any participant who has a disability that could affect their contribution to the Examination or its hearings should contact the PO as soon as possible so that any necessary assistance can be provided.

The Hearings

7. The hearings are scheduled to take place over five days on **4 – 6 June** and **11 – 12 June 2013** to be held at Ealing Town Hall, New Broadway, Ealing, London W5 2BY starting at 10.00 hours. The hearings' programme will follow the order of the Inspector's "Matters and Questions for Examination" which will be produced shortly.

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The Examination and the Inspector's role

8. The Inspector's task is to consider the legal compliance and soundness of the Plan(s), based upon the soundness criteria set out in the *National Planning Policy Framework* (the Framework). The relevant soundness criteria are whether the Plan(s) is: 1) **positively prepared** (based on a strategy which seeks to meet objectively assessed development and infrastructure requirements); 2) **justified** (the most appropriate strategy when considered against the reasonable alternatives, based on proportionate evidence); 3) **effective** (deliverable over their period based on effective joint working on cross-boundary strategic priorities); and 4) **consistent** with national policy (enabling the delivery of sustainable development). Appendix A contains a list of useful publications and websites for advice.
9. **The Inspector's starting point for the Examination is the assumption that the Council has submitted what it considers to be a sound Plan(s). Those seeking changes must demonstrate why the Plan(s) is unsound by reference to one or more of the soundness criteria or the legal requirements.**
10. The Inspector will aim to work with the Council and the other Examination participants in a *positive, proactive, and pragmatic* manner. She will examine the soundness and legal compliance of the whole Plan(s), having regard to the representations submitted, rather than just the objections made. This means that her reports will deal with broad issues, and not with each individual representation. The hearing process will be informal with sessions addressing particular topics, rather than the traditional form of a public inquiry.
11. Following the close of the hearings the Inspector will prepare two reports for the Council with her conclusions and any modifications (changes) recommended to the Plan(s), the expected arrival date of which will be announced at the last hearing session. The Council will have to use the Inspector's recommended modifications if it decides to adopt the Plan(s).

The Policies Map

12. The Policies Map is not part of the Development Management or Development Sites Development Plan Documents and therefore not within the Inspector's remit to examine. It should only be a visual representation of the policies and allocations contained within Development Plan Documents. Those changes to the Policies Map brought about by the two Plans being examined should be referred to under the policy/development site reference they relate to within these documents.

Modifications (changes) to the Plan(s)

13. Before submitting the Plan(s) to the Secretary of State for examination, the Council suggested a number of modifications to them (see documents EDS2 and EDM2 on the Submissions web page). The Inspector will consider these suggested modifications as part of the Examination.

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14. Section 20(7C) of the 2004 Act says that the Inspector, on request from the Council, can recommend "main modifications" to make the Plan sound and legally compliant. But minor modifications to a Plan are made solely by the Council on adoption and not by the Inspector. These minor "additional modifications" cover things such as typos, minor editing, and factual or name changes.
15. Any further suggested modifications by the Council during the Examination will be placed on the Examination web page, and will be regularly updated. Representors should monitor this in case they wish to comment upon them. Where "main modifications" are suggested to be made, the Inspector needs to ensure that the rights of third parties are not prejudiced by recommendations on matters which would take them by surprise, and so they will need to be publicly advertised. Where appropriate, modifications will also need to be covered by a revised Sustainability Appraisal. This will be done at the end of the hearing sessions, and the Inspector will consider any responses before issuing his report.

Number of representations

16. 736 representations were received on the published Development Sites Plan from individuals and organisations (the "representors").
17. 385 representations were received on the published Development Management Plan from individuals and organisations (the "representors").

Progressing your representations

18. Some representors have already indicated whether their views should be dealt with in a written form or whether they feel that they need to come and discuss them orally at a hearing session. **Both methods will carry the same weight and the Inspector will have equal regard to views put at a hearing or in writing.**
19. Please note that in the interests of fairness it will **not** be possible to request a change from written representations to an appearance at a hearing session after **Friday 19 April 2013** due to the preparation work that has to be undertaken by other parties, particularly by the Council. Hearings are open to all - but only those who have made representations seeking changes and have indicated that they want to participate will be allowed to speak. If you are unsure whether or not you requested to appear at the hearing sessions, or no longer wish to appear as originally indicated, or have not previously specified your intentions, please contact the PO who will be happy to assist you.
20. Attendance at a hearing session will only be useful and helpful to the Inspector if participants can engage in a debate. Those who wish to rely on their previous submissions need take no further action; they can rely on what they have already submitted in writing. However, if anyone wants to make a further written submission supporting their position, it should be focussed on the issues identified for the relevant hearing session as identified in the

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Inspector's "Matters and Questions" (to follow shortly) or it risks being returned. Participants can submit additional statements, even if they are not intending to take part in any of the hearings, but it is not a requirement to do so. Essentially, the Inspector needs to know the following from those submitting further written statements:

- What part of the Plan(s) is unsound or not legally compliant?
- Which soundness criterion or legal requirement it fails.
- Why it fails (point to the key parts of your original representations).
- How the Plan(s) can be made sound or legally compliant.
- The precise change and/or wording that you are seeking.

21. From the Council, statements may be submitted on each point saying why it considers the Plan(s) to be sound or legally compliant in that particular aspect, why the changes sought by other parties would make it less so, with (where relevant) suggestions for modifications.
22. Any statements should be submitted to the PO by **Friday 17 May 2013**.

The hearing sessions

23. The hearing format will provide an informal setting for dealing with issues by way of a discussion led by the Inspector. The purpose of the hearings is to concentrate on the Inspector's "Matters and Questions for Examination"; they are not an opportunity to repeat your case. The discussion will focus on the Inspector's questions, guided by an agenda which will include any additional questions raised by the written statements. Those present will be asked to introduce themselves. The Inspector may then make a brief statement as to his understanding of the issues under discussion and then invite participants to make their contribution in response to the points raised, starting usually, but not exclusively, with the Council. The hearing will then progress with the Inspector drawing those present into the discussion in such a way as to enable him to gain the information necessary to come to a recommendation on the relevant matters.
24. There will be no formal presentation of evidence. There will be an opportunity within the discussion to ask questions of the other side. **No more evidence can be submitted once the hearing session has closed, unless the Inspector expressly invites it.** The Inspector will conduct a short, focussed series of hearings which, in turn, will lead to a short, focussed report.

The Evidence Base and Examination Library

25. The Council has prepared a list of the evidence base documents that will be available in the Examination Library (available to view on request from the PO). These will include each further submission as it is received, and other documents that the parties are likely to need to refer to. Most of these will be available on the Council's website, which will be regularly updated. Accordingly, parties should not attach extracts of these documents to their statements as they are already Examination documents.

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Statements of [Un]Common Ground

26. The Inspector invites Statements of Common or Uncommon Ground where they would be helpful in identifying points not or in dispute, thereby assisting the hearings to concentrate on the key issues that truly need public discussion. They could for example include: agreed wording of a suggested change to a policy criterion; or agreed factual information; or areas or points of disagreement.
27. **This work should commence now, with the aim of completing them in time to feed into the relevant hearing Statement.** However, as a last resort, agreed documents will still be accepted if submitted at the relevant hearing.

Statements

28. All statements should be sent to the PO by **Friday 17 May 2013**. Statements should only address the Inspector's "Matters and Questions for Examination". Some of these questions will purely seek to clarify the Council's intentions, and so replies can be very short. Statements will be placed on the Examination website.

Form of Statements

29. Appendix B sets out the requirements for the presentation of all statements. Its provisions should be thoroughly read and implemented as otherwise statements will be returned. Please especially note the 3,000 word limit.

Site visits

30. The Inspector will visit the sites and areas referred to in the representations before, or during, or after the hearings. This will be done unaccompanied by the parties, unless the Inspector finds that she needs to go onto private land.

Closing Remarks

31. The Inspector urges everyone to:
- Make the best use of the remaining time before the start of the hearing sessions.
 - Ensure that the timescales and deadlines are adhered to as otherwise hearing attendance may have to be rearranged or curtailed at best.
 - Be aware of the Examination documents, the supporting evidence, and any other relevant material produced by the Council.
 - Focus on the Inspector's "Matters and Questions for Examination" document and the Framework's soundness criteria.
 - Keep looking at the website and/or be in contact with the PO.

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INSPECTOR

Christine Thorby

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Appendix A - List of relevant legislation and guidance

A. UK Legislation

The Planning and Compulsory Purchase Act 2004, as amended, can be found by searching on <http://www.legislation.gov.uk/>. Similarly for the Town and Country Planning (Local Planning) (England) Regulations 2012.

B. Government Policies

The National Planning Policy Framework can be found on:

<http://www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicyframework/>

C. Plan Making Manual

The Plan Making Manual accompanies the Framework. It has been produced by the Government and is delivered via the Planning Advisory Service website:

<http://www.pas.gov.uk/pas/core/page.do?pageId=51391>

D. Guidance from the Planning Inspectorate

Various helpful Planning Inspectorate documents are available, including a brief guide to Examinations:

http://www.planningportal.gov.uk/uploads/pins/dpd_brief_guide_examining.pdf

A more detailed guide is available at:

http://www.planningportal.gov.uk/uploads/pins/dpd_procedure_guide.pdf

E. Examination and Evidence Base Documents

The Examination web site can be found at:

The evidence base documents are at:

http://www.ealing.gov.uk/info/200921/local_plans/1512/examination/2

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Appendix B - Format for statements

- A. None of the statements should be longer than **3,000 words**. Any submissions longer than this will be returned by the PO for editing. Statements should be prepared on A4 paper, printed on both sides. Any photographs should be submitted in A4 format and should be annotated (back or front).
- B. Statements should avoid unnecessary detail and repetition of the original representation. Important: you should only answer questions as they relate to the content of your original representation: e.g. if you only commented on the Financial Viability Assessment then you should only respond to questions on it and no others.
- C. It is the quality of the reasoning that carries weight, not the bulk of the documents. There is no need for verbatim quotations from the Plan or other sources of policy guidance. The Council's statements should also deal with any "Matters and Questions for Examination" that are being dealt with only by written representations and not at the hearings.
- D. Supporting material in the form of appendices to statements should be limited to that which is essential and should not contain extracts from any publication which is already before the Examination – a paragraph or page reference will suffice. Those of excessive length and/or which cannot be circulated electronically risk being returned. Any appendices should have a contents page and be paginated throughout. Anyone submitting appendices should indicate in their statement which parts they are especially relying upon.
- E. Those appearing at hearings should send sufficient copies of all statements to the PO for issuing to each participant, plus four: e.g. if 10 people are listed for a hearing, then the PO will require 14 copies. For written representations, only two copies of statements need to be submitted. One paper copy of each should be left loose-leaf - the remaining copies should be stapled, with **no spiral binding**. In addition, an electronic copy of statements and appendices should be sent to the PO (in Word or PDF format) for the Examination web page as an email attachment by the deadline below.
- F. All statements must be headed with the representor's **name** and be clearly marked, at the top, right hand corner, with the appropriate **matter number** and **representor reference**. The Council's Statements should be separately referenced LBE/ followed by the matter number (e.g. LBE/Matter 1). Representors' statements should be referenced: 'Matter 1/ Representor 12 / Mr Smith' for Mr Smith, representor 12's, statement on Matter 1.
- G. Late submissions and additional material **are unlikely to be accepted** on the day of the relevant hearing session since this can cause disruption and result in unfairness, and might result in an adjournment of the hearing. If material is not received by the deadlines stated below, the PO will assume that you are relying only on the original representations: