

**Report for:**  
**ACTION/INFORMATION\*** (delete as appropriate)

**Item Number:**

<b>Contains Confidential or Exempt Information</b>	<b>NO</b> <b>YES (Part)</b> (If yes, state to which paragraph of the Access to Information Rules the exemption relates)
<b>Title</b>	Ealing Local Plan and draft CIL Charging Schedule
<b>Responsible Officer(s)</b>	Jennifer Peters
<b>Author(s)</b>	Jennifer Peters
<b>Portfolio(s)</b>	Good Growth and New Housing
<b>For Consideration By</b>	Full Council
<b>Date to be Considered</b>	21 February 2024
<b>Affected Wards</b>	All
<b>Keywords/Index</b>	Local Plan, Climate Action, Employment, Jobs, Housing, Affordable Housing, Active Travel, Connectivity, Industry, Open Space, Green Belt, Metropolitan Open Land, Good Growth, Town Plans, Infrastructure, Community Infrastructure Levy, Schools, Healthcare, Transport, Development, Sustainability, Social Rent, Design, Place Making, Affordable Workspace, Tall Buildings, Community, Planning, London Plan, NPPF, Whole Life Carbon, Spatial Strategy, Development Plan, Strategic Policies, Development Management, Investment.

**Purpose of Report:**

This report seeks approval for the next stages in the process in developing the new Local Plan.

The report also seeks approval for consulting on the draft Charging Schedule for the Ealing Community Infrastructure Levy (CIL).

**1. Recommendations for DECISION**

1. To approve the Local Plan for publication pursuant to Regulation 19 and for submission to the Secretary of State (Regulation 22) for independent examination.

2. To authorise the Assistant Director Planning, Design and Sustainability to make minor changes to the Local Plan ahead of its publication pursuant to Regulation 19.
3. To authorise the Assistant Director Planning, Design and Sustainability to propose modifications to the Local Plan prior to and following submission to the Secretary of State and during the examination process.
4. To authorise the Assistant Director Planning, Design and Sustainability to submit the Local Plan and supporting documents to the Secretary of State.
5. To authorise the Assistant Director Planning, Design and Sustainability to consult on modifications recommended by the Planning Inspector.
6. To authorise the Assistant Director Planning, Design and Sustainability to take all steps necessary to comply with the legislative requirements and best practice during the process of preparation and adoption of the Local Plan.
7. To approve the draft Charging Schedule for public consultation.
8. To authorise the Assistant Director Planning, Design and Sustainability, in consultation with the cabinet member for Good Growth and New Homes, to make changes as appropriate to the draft CIL charging schedule following consultation and submit the draft CIL charging schedule for examination.

## **2. Recommendations for NOTING**

- A. To note that the final version of the Local Plan and CIL charging schedule shall need to be adopted by Full Council following the examination.
- B. To note the documents appended to this report, including the Integrated Impact Assessment (IIA).

## **3. Reason for Decision and Options Considered**

- 3.1 The Local Plan is one of the Borough's most important strategies. It sets out a vision, strategic priorities, planning policy framework, including site allocations, which guides development in the Borough. Its purpose is to inform decisions on planning applications and planning appeals and to meet the Council's national and regional planning policy duties, as well as local objectives as set in the Strategic Plan. Each Local Planning Authority (LPA) is required to produce a Local Plan.
- 3.2 The Plan sets out a 15-Year vision for Ealing aligned to the Council Plan's cross cutting strategic objectives of themes of tackling the climate crisis, fighting inequality and creating good jobs and growth. The Local Plan seeks to ensure that these strategic objectives guide how the borough develops. These strategic objectives inform the vision in the Plan and these in turn shape the policies.

### 3.3 The vision sets out that:

- A. The unique characteristics and cultural identities of each of Ealing's seven towns will be respected and enhanced, through the application of locally sensitive Good Growth principles.
- B. Ealing will become the engine of West London's new economy, with growth managed to provide equitable access to jobs that provide decent living incomes that can support genuinely affordable homes for all. We want growth in Ealing to be inclusive so that people can both contribute to and benefit from growth. Ealing will grow and diversify its business space, and further strengthen the role of its industrial areas.
- C. By promoting 20-minute neighbourhoods across the borough, where most daily needs can be met within a short walk or cycle, Ealing will become a cleaner, greener and more sustainable borough. Firm action will be taken on climate change to protect the borough's future. There will also be a range of measures to foster civic pride and belonging, promote thriving communities and spread the benefits of access to modern infrastructure.
- D. The future being shaped is a borough in which all children and young people get a fairer start in life, and everyone can enjoy long, healthy lives. A focus on fighting crime and inequality will enable more people to fulfil their dreams and aspirations.

### 3.4 The process of developing a Local Plan involves a number of stages required by the Planning and Compulsory Purchase Act 2004 (PCPA) and Town and Country Planning (Local Planning) (England) Regulations 2012. In summary, these include:

- Public consultation by the LPA on the matters to be covered in the new Local Plan (Regulation 18). This took place between November 2022 and February 2023.
- Publication by the LPA of the proposed submission version of the plan, along with an open invitation to submit representations on the soundness of the Plan (Regulations 19 and 20). If approved by full council, consultation will commence on 28 February- 10 April 2024.
- Submission of the plan to the Secretary of State for examination (Regulation 22). It is estimated that this will take place in Summer 2024.
- Independent examination by a planning inspector on behalf of the Secretary of State for Department of Levelling Up, Housing and Communities (Regulation 24); this involves an assessment against legal and procedural requirements and consideration of the 'soundness' of the plan against four tests, and usually involves a public hearing in which those who have made representations under Regulation 20 can be invited by the Inspector to participate.
- Consultation on Main Modifications recommended by the inspector, alongside an updated IIA.
- Publication by the LPA of the Inspector's report (Regulation 25); and,
- Assuming the plan is found to be 'sound' by the inspector, adoption of the Plan by the LPA (Regulation 26).

- 3.5 Significant consultation and engagement has been undertaken as part of the development of this Plan. This includes the Shaping Ealing survey of residents, followed by the Regulation 18 Local Plan consultation and the specific regulation 18 consultation on Gypsy and Traveller site provision and a general call for sites. A summary of the Regulation 18 consultation can be found at Appendix C.
- 3.6 A summary of the key changes in the plan between the Regulation 18 and 19 versions is provided in the background section of this report.
- 3.7 The draft plan attached at Appendix A to this report is the Regulation 19 Local Plan, i.e. this is the version of the Plan which (subject to any non-substantive amendments, e.g. typographical and referencing errors, considered necessary) will be published for a period of 6 weeks to allow stakeholders to submit representations on the soundness of the Plan and, at the end of that period following consideration of submissions, submitted to the Secretary of State to be examined.
- 3.8 The statutory 6 week period provides an opportunity for members of the public, consultation bodies and other stakeholders to submit comments on the soundness and legal compliance of the Regulation 19 Local Plan. If stakeholders want to be involved in the Examination of the Plan, they should submit comments at this stage, focusing on legal compliance and test of soundness. Plans are 'sound' if they are positively prepared, justified, effective and consistent with national policy. Representations received by the LPA will be included with the supporting documents submitted with the Regulation 19 Local Plan to the Secretary of State.
- 3.9 It is important to note that Section 20(2) of the PCPA states that the LPA must not submit the plan unless they think it is ready for independent examination. The plan that is published for consultation at Regulation 19 stage should therefore be the plan that the LPA intends to submit to the Planning Inspectorate for examination and ultimately the one (subject to any modifications recommended by the Inspector) they wish to see adopted.
- 3.10 Local Plans must undergo examination by an independent planning Inspector. The Inspector is tasked with establishing whether the draft Local Plan is legally compliant and 'sound'.
- 3.11 Regulation 22 prescribes that the following documents must be submitted along with the plan for examination:
- The sustainability appraisal report (or IIA);
  - A submission policies map
  - A statement setting out: who was invited to make representations on the plan at Regulation 18 consultation stage, how those representations were invited, a summary of the main issues raised, and how the representations were taken into account; and - the number of representations made under

Regulation 20 (in response to consultation at Regulation 19 stage) and a summary of the main issues raised;

- Copies of all representations made under Regulation 20 (in response to consultation at Regulation 19 stage); and,
- Such supporting documents which the LPA considers are relevant to the preparation of the plan (these will include the evidence base).

3.12 As part of the Examination in Public (EIP) process the LPA can ask the inspector to recommend main modifications to the plan where necessary to make the plan sound and legally compliant. The EIP is a rigorous process and it is highly likely that the Inspector will find that some modifications are required. This is entirely normal and adds to the robustness to the Plan. A Local Plan must be considered 'sound' in order for it to be formally adopted.

3.13 The inspector will be asked to recommend such modifications as part of examination of this Local Plan. The Inspector agrees the text of the proposed main modifications with the LPA, based in most cases on discussion at the hearing sessions. The LPA is then required to undertake sustainability appraisal as necessary and public consultation (minimum six weeks) on the proposed main modifications. The Inspector considers any representations on the main modifications as part of the examination.

3.14 This report seeks authorisation for the Assistant Director Planning, Design and Sustainability to take all steps necessary to comply with the legislative requirements and best practice during the process of preparation and adoption of the Local Plan. This includes being able to prepare and submit reports, technical papers, matter statements, statements of common ground, a schedule of modifications and other such documents required as part of the examination process. Any modifications proposed and accepted by the inspector would be consulted on as part of the main modifications.

3.15 At the end of the examination the Inspector produces a report for the LPA setting out recommendation(s) and the reasons for them. The LPA must publish this report. The report is not binding on the LPA, but the LPA may not adopt an unsound plan.

3.16 The legislation allows for three possible outcomes to the examination:

- The Inspector finds that the plan is sound and legally-compliant as submitted: in these circumstances the Inspector must recommend that the plan is adopted;
- The Inspector finds that the plan is unsound and/or legally noncompliant as submitted, but that it is possible to make it sound and legally-compliant by making 'main modifications' to it. In these circumstances the Inspector must recommend the necessary modifications, if requested to do so by the LPA. The modifications must relate directly to the reasons why the Inspector has found the plan unsound or legally non-compliant; and,

- The Inspector finds the plan unsound and/or legally non-compliant as submitted, and that it is not possible to make it sound and legally compliant by making modifications to it.

## **Community Infrastructure Levy draft charging schedule**

3.17 The Community Infrastructure Levy (CIL) is a planning charge, introduced by the Planning Act 2008, as a tool for local authorities in England and Wales to help deliver infrastructure to support the development of their area. Ealing has not previously adopted a CIL charging schedule. This report seeks the approval of Ealing Community Infrastructure Levy Draft Charging Schedule (appendix B) for consultation and for authority to be delegated to the Assistant Director of Planning, Design and Sustainability, in consultation with the Cabinet Member for Good Growth and New Homes, to make any necessary amendments to the schedule following consultation and to proceed to submission to an examination.

3.18 CIL is a non-negotiable charge on development and creates greater certainty that the new development will contribute to delivering the infrastructure needed to support growth in a more consistent way than the current reliance on S106 agreements alone. The setting of the draft charging schedule is based on the infrastructure requirements to deliver the Local Plan, drawing on the Infrastructure Delivery Plan (appendix E). Another key part of the evidence base is the detailed viability study for both the charging schedule and the Local Plan (appendix F). The charging schedule rates have been set in a way that seeks to strike a balance between the additional investment needed to support development and the potential effect on the viability of development.

## **4. Financial impact on the budget**

4.1 The cost of producing the Regulation 19 version of the Plan and the draft CIL charging schedule has largely fallen in 2023/24. Key costs in 2024/25 will be consultation, finalising the evidence base and the cost of the Examination in Public.

4.2 Cost of consultation and examination of the CIL can be set against the administration portion of future CIL income upon adoption of CIL. Resource costs for ongoing management of CIL can be funded from a proportion of CIL receipts which can be used to fund administration of the CIL.

## **5. Legal**

5.1 The draft Local Plan has been prepared in line with relevant legislation as set out in the body of the report. The proposed consultation and subsequent submission of the Regulation 19 Local Plan for examination will be carried out in accordance with Regulations 19 and 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012. In the event of the Local Plan being adopted by the Council, the Local Plan will (combined with the London Plan) become the statutory development plan for the Borough of Ealing.

5.2 The CIL draft charging schedule has been prepared in line with the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010.

## **6. Value For Money**

6.1.1 Having an up-to-date Local Plan is crucial to the development of the borough, it ensures a Plan led approach and greater certainty and confidence for those wishing to invest and develop in the borough, it also ensures that development meets the needs of our population. The Local Plan, combined with the introduction of the new CIL will also ensure investment in the infrastructure needed to support growth. Therefore, the short-term costs of producing a sound plan are far outweighed by the benefits the Plan can deliver for the borough.

## **7. Sustainability Impact Appraisal**

7.1.1 The draft Local Plan is subject to an IIA (see Appendix D). This brings together into a single framework a number of assessments of the social, environmental and economic impact of planning policies. The IIA follows the prescribed structure for the Sustainability Appraisal process as the basis of the framework while incorporating the requirements of the Equalities Analysis (EqA) and the Health Impact Assessments (HIA).

7.1.2 The process is iterative and the IIA will continue to consider the sustainability of the Local Plan and its potential environmental impacts at each stage of plan preparation up to final adoption. The draft Local Plan proposes a number of policies to mitigate and prevent climate change.

## **8. Risk Management**

8.1.1 The Local Plan is a key document for the Council. The Examination in Public considers the Plan and its evidence base to assess if it meets the legal requirements and the tests of soundness. The Plan has been drafted in line with the relevant regulations. Legal advice has, and will continue to be, sought at the key stages.

8.1.2 The progress of the Plan is heavily reliant on the Local Plan team, who have the expertise and background in the development of the Plan. Ensuring the team remains fully staffed and supported will be important to the successful progress of the Plan.

8.1.3 Once submitted to the Secretary of State the timetable is dictated by the Planning Inspectorate. Ensuring close contact with the Planning Inspectorate and ensuring that all required information is supplied in a timely manner will help ensure as smooth a process as possible.

8.1.4 This Plan is being undertaken as part of the transitional arrangements and thus are not subject to the changes to local plan content and preparation set out in the Levelling Up and Regeneration Act.

## **9. Community Safety**

9.1 None

### 9.1.1 Links to the 3 Key Priorities for the Borough

9.1.2 The Local Plan is the council's key planning document in shaping development and growth in the borough and as such is inextricably linked with the delivery of the council's three priorities and is structured around the Council's Strategic Plan.

## 10. Equalities, Human Rights and Community Cohesion

10.1.1 The decision maker must have due regard to the equality duties before making a decision. An integrated impact assessment (IIA) has been carried out as part of the development of the Local Plan and its policies and this includes an Equality Impact Assessments. This can be found at Appendix D.

11. **Staffing/Workforce and Accommodation implications:** None.

11.1 **Any other implications:** None

## 12. Consultation

12.1.1 The Local Plan has been subject to significant consultation and engagement. This has included the Shaping Ealing survey of residents, followed by the Regulation 18 Local Plan consultation and the specific regulation 18 consultation on Gypsy and Traveller site provision and a general call for sites. In addition, a number of detailed topic-based sessions have been held with the Local Development Plan Advisory Committee. A summary of the regulation 18 Consultation can be found in Appendix C.

## 13. Timetable for Implementation

<b>Task</b>	<b>Expected date</b>
Regulation 19 consultation	28 February 2024 – 10 April
Reviewing consultation responses and ensuring all documents are ready for submission.	April – Summer 2024
Submit Plan to Secretary of State for examination	Summer 2024
Examination in public	Autumn/winter 2024
Adoption	Expected by summer 2025

## 14. Appendices

- A. Local Plan – Regulation 19 proposed submission version
- B. Ealing LPA- Draft CIL Charging Schedule
- C. Local Plan -Regulation 18 consultation summary
- D. Local Plan - Regulation 19 Integrated Impact Assessment
- E. Local Plan – Regulation 19 Infrastructure Delivery Plan
- F. Local Plan and CIL Viability Assessment



In addition to the papers above - High resolution versions of the Town Plans and Development Sites (Chapter 4 of the Local Plan ) can be found on our website here: [ealing.moderngov.co.uk/ecCatDisplay.aspx?bcr=1&sch=doc](http://ealing.moderngov.co.uk/ecCatDisplay.aspx?bcr=1&sch=doc)

## **15. Background Information**

- 15.1 The preparation of a Local Plan is guided by planning legislation and national and regional policy and guidance, including the National Planning Policy Framework (NPPF). The NPPF states that a Local Plan should provide a framework for addressing housing needs and other economic, social and environmental priorities. The plan should contain strategic policies which set out the overall strategy for the pattern, scale and quality of development. Development management policies which add further detail on the implementation of strategic policies can also be included. The plan should allocate sufficient sites to deliver the strategic priorities of the area. As well as reflecting national policy, the Local Plan should be in 'general conformity' with the London Plan (being the spatial strategy for London).
- 15.2 The Local Plan is closely aligned to the strategic vision and key priorities that are outlined in Ealing Council's Council Plan 2022-26. The Council Plan identified three cross cutting strategic objectives. These are tackling the climate crisis, fighting inequality, and creating good jobs and growth, and each is informed by the social, economic and environmental challenges and trends that the borough will encounter over the next fifteen years.
- 15.3 To deliver on these strategic objectives, a series of nine priorities have also been identified. The three strategic objectives and nine priorities together inform the development of the 15-Year Vision and spatial strategy.
- 15.4 There have been several rounds of consultation on the Local Plan review. First in 2021 was the Shaping Ealing survey of residents, followed by the Regulation 18 Local Plan consultation and the specific regulation 18 consultation on Gypsy and Traveller site provision and a general call for sites.
- 15.5 In addition, a series of detailed discussions have been held with Local Development Plan Advisory Committee, focusing on those areas where significant comments were received and/or new evidence has been produced. Ealing Council has actively listened to the feedback it received from the public and stakeholders and has made some important changes to the emerging Local Plan. Given the national and regional planning policy framework, the strategic objectives and priorities outlined in the Council Plan 2022-26, and the need to respond to a series of urgent policy matters, developing a plan will always involve a balancing of different priorities. This is reflected in the wide ranging and sometimes conflicting feedback received.
- 15.6 Some of the most significant changes between the Regulation 18 and this iteration of the plan include the following:
- 15.7 In Chapter 3, which deals with the Spatial Strategy, the key changes include:
- Strengthening policies around climate action (SP 2.2).

- Making provision for a new circular economy hub to support waste reduction (SP 2.2 C (iii)), the creation of a new Ealing Regional Park (SP 2.2 G (v)) and the creation of a new outdoor swimming facility in Ealing (SP 3.3 C (iii)).
- To not proceed with the original proposals regarding changes to Green Belt and Metropolitan Open Land designations as a consequence of the objections raised including by the Mayor of London in his Statement of General Conformity. Instead, Green Belt and MOL boundary changes are proposed only where a site has been identified for development and is allocated in this Local Plan. These are a small number of sites (or part of sites) that do not contribute towards Green Belt/MOL objectives and which could be used to meet identified development needs and thus are identified for a change in designation, demonstrating the corresponding exceptional circumstances. In addition, to ensure defensible boundaries, some boundary corrections have been made that reflect the current reality and use of sites. Any changes will be shown in an Atlas of Change and the Interactive Policies Map.
- Clarifying the need to meet an identified future need of six additional pitches for the Gypsy and Traveller community (SP 3.1 D).
- Setting out borough-wide infrastructure schemes which are necessary to support the planned growth (SP 4.1 G and Table SS1).
- Clarifying housing delivery targets and the maximisation of affordable housing (SP 4.3).

15.8 In Chapter 4, which deals with Town Plans, the key changes include:

- Reconfiguration and strengthening of each of the town spatial strategy policies to include separate headings on spatial vision and the same three strategic objectives that underpin the borough-level spatial strategy: tackling the climate crisis, fighting inequality and creating good jobs and growth.
- Each town spatial strategy also sets out any key infrastructure delivery priorities for the area and now has an amended spatial strategy diagram.
- Strengthening Policy E2 on the Ealing Metropolitan Town Centre.
- Adding new spatial policies G6, N4 and P5 which set out policies for the industrial estates in Greenford, Northolt and Perivale.
- The addition of an index map showing Development Sites in each town and indicating those Development Sites where tall buildings are deemed to be potentially suitable.

15.9 Regarding the Development Sites that accompany each Town Plan there have also been a number of significant changes to the list published at Regulation 19. These changes are also based upon public and stakeholder feedback at Regulation 18 together with a further assessment of site suitability and deliverability. The key points to note are:

- Of the 118 sites consulted upon at Regulation 18, 40 have not been carried through into Regulation 19.
- 4 entirely new sites have been added arising from the 'call for sites' making a revised total of 82 sites.

- 22 sites have had their red line boundaries amended.

15.10 Each development site now also includes:

- Updated proposed uses for the site and an indicative timetable for delivery.
- Consideration of any relevant contextual circumstances, design principles and key infrastructure requirements to guide any future development proposals.
- Where appropriate, specific guidance on the suitability of any tall buildings and parameters on scale, height and massing.

15.11 In Chapter 5, which deals with Development Management Policies, the key changes include:

- Strengthening Policy HOU on affordable housing.
- Clarifying the application of Policy E3 on affordable workspace with additional supporting text.
- Withdrawal of Policy TCS on town centres as evidence has shown no need for a thematic policy and any specific proposals for individual town centres are included in each of the Town Plans.
- Adding Policy G4 to consider the impact of any development proposals upon the visual openness of green and open spaces.
- Clarifying in Policy G5 that Ealing will apply the Urban Greening Factor as set out in the London Plan with a target of 0.4 for residential development and 0.3 for commercial development.
- Adding Policy G6 to promote local biodiversity improvement.
- Adding a suite of policies on climate action including Policy OEP on Operational Energy Performance, Policy ECP on Embodied Carbon, Policy WLC on the Whole Life Cycle Carbon Approach and Policy SI7 on reducing waste and supporting the circular economy.

## **16 Community Infrastructure Levy Draft Charging Schedule**

**16.2** The draft charging schedule is underpinned by two main background documents, the Infrastructure Delivery Plan and the Viability assessment and these are also key evidence documents for the Local Plan. These evidence documents satisfy the requirements set out in CIL regulations and Planning Practice Guidance

**16.3** The CIL regulations require that *“in setting rates.....a charging authority must aim to strike what appears to the charging authority to be an appropriate balance between— (a) the desirability of funding from CIL....to support the development of its area, taking into account other actual and expected sources of funding; and (b) the potential effects (taken as a whole) of the imposition of CIL on the economic viability of development across its area.”*

**16.4** The draft charging schedule (Appendix B) aims to strike that balance. It sets different charges for different uses and for residential, in different areas of the borough, informed by the viability study.

**16.5** If the charging schedule is adopted it is assumed to be the primary mechanism to raise funds for strategic infrastructure. The Council has until now used s106 to raise contributions towards various infrastructure projects, ranging from items directly required as a result of development (such as landscaping or immediate highway improvements) to off-site tariffs. Once CIL is adopted, the s106 process will remain, however its scope will be largely restricted to site specific aspects, with wider infrastructure delivery assumed to be paid for via CIL. Affordable Housing (including payments in-lieu) and non-infrastructure contributions (e.g. employment and training, carbon offset) will continue to be secured via s106. The Council is required to provide narrative on the balance of its approach between CIL and s106 as part of annual infrastructure funding statement.

## Consultation

<b>Name of consultee</b>	<b>Post held</b>	<b>Date sent to consultee</b>	<b>Date response received</b>	<b>Comments appear in paragraph:</b>
<b>Internal</b>				
<b>Cllr Mason</b>	<b>Leader of the Council</b>	<b>Throughout</b>	<b>Throughout</b>	<b>Throughout</b>
<b>Cllr Manro</b>	<b>Cabinet Member for Good Growth and New Housing</b>	<b>Throughout</b>	<b>Throughout</b>	<b>Throughout</b>
<b>Peter George</b>	<b>Strategic Director Economy and Sustainability</b>	<b>Throughout</b>	<b>Throughout</b>	<b>Throughout</b>
<b>Alice Rowland</b>	<b>Head of Legal (commercial)</b>	<b>Throughout</b>	<b>Throughout</b>	<b>Legal and throughout</b>
<b>Russel Dyer</b>	<b>Head of Accountancy</b>	<b>January</b>	<b>January</b>	<b>Financial</b>
<b>Yalani Gunarajah</b>	<b>Finance manager Place</b>	<b>January</b>	<b>January</b>	<b>Financial</b>

## Report History

<b>Decision type:</b>	<b>Urgency item?</b>
Non-key decision	No
Report no.:	Report author and contact for queries: Jennifer Peters Petersj@Ealing.gov.uk