



**EALING LOCAL PLAN REGULATION 18 CONSULTATION
30 November 2022 – 8 February 2023**

SUBMISSION BY EALING MATTERS

1. Introduction

1.1 Ealing Matters is a borough-wide alliance of 70+ residents' associations and community groups whose aims are to raise awareness of how Ealing is changing and to help local people shape these changes and enhance their quality of life. We have followed closely the evolution of Ealing's new Local Plan since work on it started to become public via the Local Development Plan Advisory Committee meetings which started at the beginning of 2019.

2. Regulation 18 consultation scope

2.1 Regulation 18 of the Town and Country Planning Regulations states that:

'a local planning authority must notify (among others) residents of the subject of a local plan which the local planning authority propose to prepare, and invite them to make representations to the local planning authority about what a local plan with that subject ought to contain.'

2.2 Ealing Council has not invited representation from residents about what a new local plan should contain. Rather, it has produced what the Council itself describes as 'a draft new Local Plan' containing a single set of 'initial proposals'.

2.3 There is no attempt in the document to invite residents to consider alternative options, despite the fact that, buried in the evidence base, are options that have been discussed and rejected by the Council and its advisors (e.g. the three Spatial Options in the Ealing Local Plan Integrated Impact Assessment pp 8-23, November 2022).

2.4 While the Council's *Shaping Ealing* survey (launched in November 2021) asked for people's views on 'where Ealing is as a borough now (its strengths and areas for improvement)', the questionnaire did not, as is claimed (para 1.32), ask about 'the shape it should take going forward', nor was it designed to (para 1.33) obtain 'feedback on local priorities' given that respondents were asked only how they felt about different aspects of the borough but not the importance to them of each of those aspects or how their feelings about them might be addressed.

3. The consultation documents

3.1 The draft Local Plan document contains almost 500 pages and the evidence base thousands more in the form of lengthy reports by commissioned consultants

published less than a month before the launch of the consultation. It is inconceivable that such a quantity of material could be synthesised into a coherent plan in such a short space of time.

3.2 The document sets out three strategic objectives for the 15-year plan period:

- Creating good jobs and growth
- Tackling the climate crisis
- Fighting inequality

It is questionable whether these can be described as objectives, as they do not point to a defined outcome, and nowhere is it explained how the plan policies will contribute towards achieving them.

- The document fails to include policies on subjects that are required by the NPPF or the London Plan as part of a Local Plan.
- There are gaps in the evidence base.
- There are inconsistencies between the Local Plan document and the evidence base.
- The document is neither clear nor succinct, but very repetitive and difficult to follow, and the distinction between policy and commentary is unclear.

Examples are included under the relevant topics in the following sections.

3.3 In a document containing a large number of terms specific to planning, it is disappointing that Appendix 2: Glossary of Terms has some notable omissions, e.g. 'enabling development', 'designation', 'mixed use', what is meant by '-led' in terms such as 'residential-led', 'employment-led', 'industrial-led'. Likewise, it is concerning that some quasi-judicial definitions in the Glossary, e.g. the definition of 'material considerations', partially quote government guidance (in this case para 008 of Planning Practice Guidance), but not in full, potentially distorting the actual meaning.

4. Housing

4.1 The London Borough of Ealing's obsession in the 10 years since adoption of the last Local Plan has been home building, mainly in large blocks of flats on every available site in the borough. There has been no review or evaluation of this building programme nor any policies included in the draft plan to explain how it will work in the future given that many brownfield sites have already been utilised.

4.2 Despite these deficiencies, intense housing development seems set to continue as 105 of the 118 development site allocations include a residential component, and 13 of the sites are slated exclusively for residential.

4.3 According to the Housing Supply Topic Paper 'capacity allocations have been determined for all site allocations forming part of the Regulation 18 plan where these contain an identified residential component'. But these capacity allocations are not included in the plan despite government guidance that states:

'where sites are proposed for allocation, sufficient detail should be given to provide clarity to developers, local communities and other interested parties about the nature and scale of development'.

4.4 The only new homes target for the borough is a passing reference in Policy SP 4.3 on affordable housing to the London Plan 2021 target of 21,570 new units between 2019/20 and 2028/29. Nowhere in the draft Local Plan is there any projection for either the borough as a whole, or for any of the seven towns individually, of the total amount of housing (whether affordable or not) to be delivered over the 15-year period covered by the plan, or its composition in terms of mix or tenure. This is despite assumptions set out in the evidence base (specifically the Local Housing Need Assessment (November 2022) and the Housing Supply Topic Paper (November 2022)) of 40,000+ additional housing units for the 20 years from 2020/21 to 2040/41 and the potentially massive population growth that such an amount of new housing would imply.

4.5 The plan also states (para 3.43) that:

'Ealing will pursue a unit based, rather than percentage based, delivery target for identified affordable housing needs...'

Apart from the fact that it is not clear what 'identified affordable housing needs' are, no figure is provided, and there is no mention of how this will fit with the London Plan 2021 target of 50% of all new homes to be affordable. This is particularly concerning when, according to the London Plan AMRs covering 2012/13 to 2018/19, the share of affordable units delivered in LBE that met the Plan's broad definition of affordable averaged only 22%.

5. Tall buildings

5.1 The draft Local Plan introduces a definition of tall building by area (Table and Figure DMP1), which divides the borough into 59 separate zones, each with its own definition of what constitutes a 'tall building' in terms of London Plan Policy D9. We question the soundness of this approach.

5.2 It is more complicated than it needs to be. Other boroughs are revising their tall building policies to comply with the London Plan policy. For example, the new draft Local Plan for the Royal Borough of Kensington and Chelsea identifies only two height thresholds for buildings defined as 'tall' (21m and 30m). As 21m is the threshold height proposed by LBE for 47 of the 59 zones, why cannot Ealing use a simpler map that highlights the exceptions to this rule?

5.3 The zones thresholds of 49m in A2 (West Acton) and A4 (Horn Lane) and 73.5m in E14 (Ealing Town Centre) are outlandishly high for a policy definition on height thresholds for 'tall buildings'. This appears to be an attempt to make sure that anything goes in these sizeable zones of the borough, as London Plan D9 will only apply to defined 'tall buildings'. This approach is contrary to the intention of London Plan D9 as modified by the Secretary of State.

- 5.4 Moreover, the draft Local Plan states alongside its Ealing LPA – local variation of London Plan D9 that:

‘The definition of a tall building in different areas of the borough is based upon rigorous assessment of local character and prevailing heights...’

According to the Tall Buildings Strategy paper (November 2022), the prevailing heights in A2, A4 and E14 are 7.4, 9.4 and 14.1 metres respectively, and there is nothing in the Character Study Part 2: Typologies and Scope for Growth that implies such egregious building heights in these zones.

- 5.5 These heights also seem wholly unacceptable given Michael Gove’s Letter to MPs dated 5 December 2022, which says about character:

‘local authorities will not be expected to build developments at densities that would be wholly out of character with existing areas or which would lead to a significant change of character, for example, new blocks of high-rise flats which are entirely inappropriate in a low-rise neighbourhood. While more homes are needed in many existing urban areas, we must pursue ‘gentle densities’ as championed by the Building Better, Building Beautiful Commission.’

- 5.6 Table DMP1 shows both building heights and their ‘equivalent’ in numbers of storeys. These assume floor-to-floor heights of 3.5m, which are a metre higher than national space standards of 2.5m floor-to-ceiling height. These ‘equivalence’ figures seem designed to reassure the public that a 21m building (the most common threshold) will be only 6 storeys in height. It is more likely to be 7 storeys, a discrepancy that applies to all the ‘height’ and ‘storey’ figures across the whole of Table DMP1.

- 5.7 Part B3) of Policy D9 states that:

‘Tall buildings should only be developed in locations that are identified as suitable in Development Plans.’

LBE’s ‘variation’ of London Plan D9 weakens this by removing the word ‘only’ from D9 B3, which reads ‘should only be located...’ The word ‘only’ should be reinstated.

- 5.8 In terms of the definition of a location, Part C of London Plan D9 sets out criteria for assessing the ‘suitability’ of a tall building in terms that are clearly site-specific rather than relevant to ‘wider areas’ (e.g. the views of buildings from different distances, whether part of a group or standalone). We would argue that development sites with sizes of up to 10 hectares in Acton (such as AC01 Acton Gateway, AC02 The Steyne Estate, AC04 Acton Gardens, AC08 Salisbury Street Car Park and Neville Close, AC11 Friary Park Estate) and from 4.5 to 11.39 hectares in Northolt (NO09 Yeading Lane, NO08 Medlar Farm Estate and NO06 Northolt Driving Range) do not fulfil these requirements.

6. Infrastructure

- 6.1 The draft Local Plan promises an Infrastructure Plan and schedule at some indeterminate point in the future. Meanwhile, an Infrastructure Topic Paper (October

2022), which is in the evidence base, only highlights deficiencies in essential infrastructure (drinking water provision, waste water treatment, electricity supply) in part due to population growth. This is contrary to NPPF para 20, which requires Local Plans to contain:

'strategic policies (that) make sufficient provision for infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat).'

- 6.2 The report also identifies pressures on social infrastructure (secondary school and SEND places, sports and leisure facilities, health facilities, libraries, community and youth centres) both now and in the context of further population growth.
- 6.3 Based on a comparison of current with proposed uses for the development site allocations, re-development will also result in a considerable loss of amenity, including car parks, auto repair shops, MOT centres, builders' and timber merchants, community venues and leisure facilities among others. While the replacement development may incorporate uses other than residential, it is unlikely, given the time taken for construction and the higher cost of leases in new buildings, that those businesses would return or be replaced.
- 6.4 Nowhere is this more likely to be true than in Ealing Town Centre with the re-development of Ealing Broadway Shopping Centre (EA02) as mainly residential. This would take years to complete, during which time key anchor stores might well decide to leave permanently, further diminishing the attractiveness of the place. Most of Dickens' Yard's commercial space has never been let, even though it is in the heart of the borough.
- 6.5 With such loss of amenities and services, the 20-minute neighbourhood planning concept would remain nothing but that – an empty gimmick.

7. Heritage and conservation

- 7.1 The NPPF (Section 16 Conserving and enhancing the historic environment, para 190) and the London Plan (Policy HC1 Heritage conservation and growth) require that Local Plans should set out strategies for heritage and conservation.
- 7.2 Despite the fact that there has been an ongoing review of LBE's Conservation Areas for the last several years, and despite paying lip service to the importance of heritage assets and conservation areas, the draft Local Plan contains no strategies or policies regarding their protection and enhancement. Since conservation of the historic environment is a strategic issue according the NPPF, this is a glaring omission.

8. The natural environment and open space

- 8.1 The strategic issues of the natural environment and open space are also inadequately dealt with by the draft Local Plan.
- 8.2 With regard to the natural environment the plan does not consider:
 - NPPF 15: Conserving and enhancing the natural environment (paras 174-188)

- the government’s commitment to protect 30% of land for nature by 2030
- LBE’s statutory biodiversity duties or how it will deliver its Climate and Ecological Emergency Strategy.

8.3 With regard to open space, the proposals to re-designate Green Belt land as MOL and to de-designate entire MOL sites or parts of these sites are at odds with government policy and LBE’s Climate and Ecological Emergency Strategy that require LBE to manage, improve, protect and extend all MOL and Green Belt land within its custodianship, with a target of connecting isolated sites into a network of green areas amounting to 30% of the borough’s land area by 2030. In this context, Policy ENA – Enabling Development, Ealing LPA – local policy is precluded by existing policies protecting Green Belt, MOL and parks and open spaces.

8.4 Government and LBE policies require that any vacant or underused open or green land is conserved as green space, which implies that the Local Plan should instead seek to protect and designate such land as additional MOL or Green Belt.

8.5 The draft Local Plan further overlooks the value to the borough of the Brent River Valley, which should be to Ealing what the River Thames is to London as a whole. This natural corridor through the borough delivers open space, recreation opportunities, biodiversity and wildlife habitat, and we believe that it should be protected and enhanced as a strategic asset.

9. Plan review, monitoring and reporting

9.1 LBE’s track record on monitoring and reviewing its current Local Plan has been poor. In our opinion it cannot be trusted to fulfil its statutory obligations in this respect for any new plan.

9.2 The NPPF requires Local Plans to be reviewed at least every five years. LBE’s Local Plan has not been reviewed since its adoption in 2012 despite the fact that there has in the meantime been a development boom that was not envisioned in the last Local Plan.

9.3 In its definition of the Authorities Monitoring Report, the Glossary of Terms of LBE’s draft Local Plan states that:

‘Previously known as the Annual Monitoring Report, it is no longer required to be updated annually.’

This is at best misleading according to the Planning and Compulsory Purchase Act 2004 provision 35, which states that:

- (2) *Every local planning authority must prepare reports containing such information as is prescribed as to –*
 - (a) *the implementation of the local development scheme;*
 - (b) *the extent to which policies set out in the local development documents are being achieved*
- (3) *A report ... must –*
 - (a) *be in respect of a period –*

- (i) which the authority considers appropriate in the interests of transparency,
- (ii) which begins with end of the period covered by the authority's most recent report under subsection (2) and
- (iii) which is not longer than 12 months or such shorter period as is prescribed

9.4 The last complete monitoring report was published in 2015 and covered 2013/14. Starting in 2016 and up until March 2021 there were no fewer (potentially more) than 32 documented requests to LBE to produce the monitoring reports. A response on this issue from LBE dated 12 October 2017 set the pattern for the subsequent failure to publish:

'... the regulations would therefore permit us to wait a number of years before we publish our monitoring reports, and providing these pick up from where the last one finished and record/analyse data for a 12-month period only then this would comply with the regulations.'

9.5 In April 2021 a member of Ealing Matters complained about the situation to the Local Government Ombudsman. The Ombudsman upheld the complaint in a decision notice issued on 15 September 2021. The recommended action was for Ealing to produce two reports: an interim report covering 2014/15 to 2018/19 (albeit without five-year housing land supply and housing trajectory) followed by a final AMR for 2019/20 to be published by 15 December 2021. The former was published in October 2021. The latter has still not been published over a year after the deadline. We continue to lack a housing trajectory covering 2014/15 to the present or a 5-year housing land supply figure, which has cost the borough dearly in terms of planning appeal costs.

9.6 The draft Local Plan places emphasis on a new monitoring framework comprising:

'key local performance indicators to support our understanding of the effectiveness of policies in delivering the plan's vision and spatial strategy.'

9.7 As indicated in the table attached, the proposed KPIs are often unclear and imprecise in terms of the definition of what is to be measured, the unit of measurement and/or the target. Moreover, the framework is only partial, ignoring as it does the effects of the plan on green and open space, heritage and conservation and social infrastructure.

9.8 It is not clear whether the framework data will be made accessible to the general public, but Ealing Matters believes that it should be. In that case it needs to be easily understandable by the lay person. Ealing Matters has seen what is already being monitored (para 1.8), and sadly it is all but unintelligible.

9.9 KPIs are by their nature fragmented measures and need to be understood within the complex context of competing policies within the overall Local Plan. While the framework states that the indicators/measures are to be reported in LBE's Authority Monitoring Report, there is no indication of how often the AMR will be published. This is unacceptable.

10. Conclusion

- 10.1 In conclusion, the draft Local Plan is unsound in terms of contradictory and missing evidence and policies, undeliverable on the basis that its development plans depend on compromising open space, infrastructure and heritage and conservation, and is written in a way that lacks succinctness, clarity and precision, and is thus far too open to interpretation.

- 10.2 We believe that this draft plan requires so much work to make it policy compliant that a further consultation will be needed before a Reg 19 consultation can legitimately take place.

EALING LOCAL PLAN CONSULTATION: ISSUES WITH APPENDIX 1: MONITORING FRAMEWORK

Indicator/Performance Measure	Target(s) (if applicable)	Ealing Matters comment
Housing delivery – Net number of additional Gypsy and Traveller Pitches provided	Number of units granted and completed against delivery plan	What is the delivery plan? Is this its full name? Where can it be found?
Housing supply – the number of service plots for self-build and custom housebuilding securing suitable permission	Sufficient permission secured to meet the demand established for the relevant base period on the self and custom build register	The measure is unclear. What is meant by 'service plots' and 'suitable permission'? Under targets, what do 'sufficient permission' and 'the demand established for the relevant base period' mean? Is it a numeric target?
Spatial distribution of housing completions relative to spatial strategy areas and 'Towns'.	TBC	The definition of the measure is unclear. Is it numbers of completions?
Completion of units against identified affordable need	Measure against three year rolling average and avoiding a product-based definition.	What is the unit of measurement? What is 'identified affordable need'? The target is incomprehensible. What is being measured? What is meant by 'avoiding a product-based definition'?
Affordable housing contributions/provision secured through minor developments	Proportion of sites with 1-4 units achieving contributions equivalent to 10% of site yield, and sites with 5-9 units equivalent to 20%	The target doesn't make sense. According to the policy, this should be 100%. If not, why not? Need to know how many sites with these numbers of units there are in total.
Net additional industrial floorspace provided in SIL and LSIS by intensification or co-location	Increase or decrease of floorspace of each scheme, in each SIL/LSIS site, and in total across the Borough	What is the unit of measurement? % change? Absolute amount? Need the total industrial floorspace for comparison.
Change in employment floorspace completed	Change in employment space on non-designated sites.	What is the unit of measurement? What are 'non-designated sites'?
Tall Buildings allowed inconsistent with policy	Number of speculative applications approved on unidentified sites	The measure and target do not make sense. According to Policy D9 this should be zero.

Infrastructure Delivery Schedule	An evidence-based schedule summarising planned infrastructure, phasing, delivery mechanisms, costs and priority.	This is too complex an assessment to be a single indicator/performance measure. If it contains targets, these should be broken down and measured individually.
Energy – Average on-site carbon emission reduction	Minimum targets (to be re-baselined against 2021 Part L regs): Major residential – 60% Major non-residential – 50% Minor – TBC	What do the percentages refer to?
Air quality – Proportion of schemes which are Air Quality Neutral or Air Quality Positive	TBC	Not clear what is being measured – is this during or after construction? Or the time frame – does it mean schemes completed within a particular time frame? Not clear whether the measure will distinguish between the neutral and positive measures (it should). Not sure the data are best presented as a proportion.
Urban Greening – Average/aggregated Urban Greening Factor score achieved in permitted/completed scheme	This may employ local UGF targets or the GLA's targets	It would be good to have a link to the relevant target definitions.
Access to Green Space – Extent of park deficiency by severity	Number of additional hectares of green space delivered or enhanced	There is a contradiction between the measure and the target. What is the unit of measurement of the 'extent of park deficiency by severity'?
Biodiversity – Average/aggregated level of biodiversity net gain achieved	TBC. Option to employ the mandatory minimum 10% target or a higher target if established locally. Additional potential targets could cover other aspects such as on-site/off-site/via credits etc.	This is incomprehensible to the average person.