



## EALING'S REGULATION 18 DRAFT LOCAL PLAN CONSULTATION RESPONSE FROM THE OLD OAK NEIGHBOURHOOD FORUM

We are a neighbourhood forum designated by the Old Oak and Park Royal Development Corporation in 2017. Our current membership includes 62 LBE residents who live within the designated neighbourhood boundary on the eastern edge of the Borough and a further 73 members who live in the wider area.

We have been involved with the OPDC since it was first established in 2015. We commented on each iteration of the OPDC Local Plan, up to its adoption in June 2022. During the Examination of the Draft Plan, we submitted written evidence and prompted the Inspector to hold two further public hearings at a final stage of the EIP in January 2022. These covered issues around Tall Buildings/London Plan Policy D9 and Public Transport Accessibility Levels across the OPDC area.

Our comments below relate mainly to those policies in the Ealing Local Plan which could impact on the OPDC area, particularly on Tall Buildings.

### Chapter 1

It is not until page 23 of the Ealing Local Plan that the reader is informed that the Plan will not cover the OPDC area. The explanation reads *Parts of Ealing fall within the local planning authority area of the Old Oak and Park Royal Development Corporation (OPDC), including North Acton and Park Royal. Within their boundaries, OPDC is responsible for planning matters, including plan making and determining the majority of planning applications.*

We suggest that the document should make this situation clear right from the start of Ealing's Local Plan. We find that many of the public remain confused that what they have always seen as 'our local council' has lost its planning powers to a Mayoral Development Corporation. As part of the glossary to the Plan, an explanation is needed of remaining Ealing Council responsibilities which the public often link with 'planning' (Highways authority functions, roads, streets, parking, and enforcement action on housing issues).

The current Ealing Draft does not explain, even as a brief summary, what the OPDC is seeking to achieve in the east of the Borough and over what timelines? Will the OPDC be in place for ever? How does Ealing Council relate to the OPDC, at councillor and officer level? Without such information in the new local plan Ealing residents in the east of the Borough may feel increasingly abandoned by their local council.

**Paragraph 1.21** suggests that the Ealing Local Plan will not apply in OPDC part of the Borough for the period 2024 – 2039. We think it quite likely that the OPDC will be wound up before 2039 and planning powers returned to the Boroughs, as is currently happening with the London Legacy Development Corporation. We suggest that this possibility is mentioned.

The shading on the map of the 'West London Context' at Figure 2.2 does not show the OPDC area with any clarity. The same applies to Figure 2.3. Other maps such as Figure SS3 are more clear.

**Paragraph 2.19** states *The borough benefits from being one of the best connected in the United Kingdom*. OPDC makes the same claim for Old Oak. On what measures is this claim made for Ealing, outside the OPDC area? 'Best connected' by road, rail, and number of Overground and Underground lines? We acknowledge that the Elizabeth line has brought much improved connectivity to parts of Ealing. But this new line has done the same for many other areas.

Such statements come across as self-congratulatory and are helpful only if evidenced and accurate. 'Complemented' is spelt incorrectly in this paragraph. As is 'complementary' in para 3.40

Vision for Ealing. Policy SP1 B. This states *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 which can support genuinely affordable homes for all*. We do not see that the rest of the Draft Plan provides any evidence to support this claim. The same comment applies to sub-policy D. The NPPF asks for local plans to be clear for the public. Too many such documents fall back on promotional hyperbole, which readers find non-specific and largely meaningless.

### **Strategic Place Interventions**

This section of the document refers back to previous work on 'Ealing Spatial Options' and the 'Preferred Option'. This 2022 report is jargon-heavy e.g. *'Sustainable polycentrism' across the borough will be supported through the delivery of 20-minute neighbourhood frameworks that will reinforce the unique functions and roles of the network of centres within the borough. Town centres will better complement one another, with a focus on spatial and infrastructure interventions that will address different economic priorities and health determinants within each town*.

We can appreciate the concept of a Local Plan which focuses on a series of 7 'towns', each of which has some elements of different 'character'. This is something that the public can understand. But text such as the above begs the question 'what does this really mean, in practical terms?'

### **Policy A1 Acton Spatial Strategy**

Acton is the 'Town' closest to the OPDC boundary. This part of the Borough includes many of our members. It is strange to read a Local Plan which makes little or no comment on what has happened at North Acton, in the 8 years since the establishment of the OPDC.

In our view, the 'North Acton Cluster' has proved to be one of London's least successful examples of urban regeneration in London. Comparisons with Kings Cross/St Pancras, or even parts of Vauxhall/Nine Elms/Battersea do not show the area in a good light.

With most of the major planning applications before and after 2015 having been decided by Ealing's Planning Committee on behalf of OPDC, the outcome is an incoherent set of tall buildings sited within an enlarged version of a traffic roundabout. Belated efforts by OPDC and LBE to identify improvements to the 'public realm' are having limited effect to date. North Acton Underground station does not cope well with the volume of passengers. The prospect of an additional 7 buildings (including 3 towers above 50 storeys) in the Imperial College development at One Portal Way, does not lift the spirits of local people.

Policy A1 Acton Spatial Strategy part (i) includes as a future step *Liaison with the OPDC on cross-boundary matters in North Acton to coordinate the delivery of development sites, economic strategies, and infrastructure and to ensure that the benefits of investment are realised in all parts of Acton*.

Again, what does this mean in practice? Any liaison arrangements between LBE and OPDC are entirely opaque, and a mystery to the public. In the 2014 consultations on the establishment of a Mayoral Development Corporation, the then Mayor's response to consultation noted that *It is proposed that there would be a Senior Officers group that the MDC team would bring reports and work to for review and discussion*. While the OPDC claims regular meetings at officer level with the Boroughs, these operate without published agendas, minutes or any record of discussions.

Hence the public have no idea about the scope and frequency of 'liaison' between LBE and OPDC officers. The local plan offers no more information on a part of the Borough crucial to Ealing's future economy. Do the two sets of officers always agree on regeneration plans?

With the eastern end of the Borough in the hands of a different planning authority (for an uncertain length of time, and one which may not sign up to the vision and aspirations of the Council) the LBE view of the working relationship between the two planning authorities should be explained to the public in more detail. This could be done in an appendix to the Local Plan.

#### **Chapter 4 Development Management Policies**

##### **Tall Buildings: Table DMP1 and Figure DMP 1.**

This section of the Draft Local Plan is one that impacts on those living and working in the OPDC part of the Borough. The Council's approach to Tall Buildings prior to adoption of an OPDC Local Plan, in consenting applications on the basis of an outdated Core Strategy and Development Sites DPD, has caused huge dissent amongst Ealing residents around North Acton (and now at 'Old Oak West').

Paragraph 3.35 of the Draft Local Plan states *The Council also wants to contain the spread of tall buildings by being clear about those locations where tall buildings may be appropriate*. This claimed policy intent is that expressed by the present Council Leader shortly after he took office. Subsequent decisions by the LBE Planning Committee show no genuine seriousness in pursuing this approach. Nor does the Development Management part of the Draft Local Plan.

A new Local Plan for Ealing is of course the route through which the Council could (if it wished) *'contain the spread of tall buildings'*. Tall buildings are not an inevitable fact of life, forced on a planning authority by the development industry. London Plan 2021 Policy D9 was modified at the intervention of the then Secretary of State with the very clear intention of limiting tall building to locations deemed 'suitable' and supported by local people.

Secretary of State Michael Gove has continued to articulate that planning authorities should listen to their public, plan for development of *'the right buildings in the right place'* and to where necessary to make the case for divergence from top down housing targets.

His 5<sup>th</sup> December 2022 letter states *My changes will instruct the Planning Inspectorate that they should no longer override sensible local decision making, which is sensitive to and reflects local constraints and concerns. Overall this amounts to a rebalancing of the relationship between local councils and the Planning Inspectorate, and will give local communities a greater say in what is built in their neighbourhood*.

On 'Character' his letter states: *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.

OPDC officers have been questioned in the past on why OPDC has chosen to consent a series of high-rise residential towers (and has not intervened over Ealing’s Planning Committee doing the same). The answer we were given was ‘because we have to. We have no choice’.

LB Ealing now has a greater choice than before, given the Government’s direction of travel. The new local plan is not mandated to meet London Plan targets, nor to set itself the goal of exceeding them, if in doing so the Council creates unsuccessful and unsustainable ‘places’.

The text accompanying Figure DMP 1 states *Ealing’s tall buildings policy builds upon comprehensive evidence about local character, and this emphasises that tall buildings are very much the exception in Ealing and will be confined to specified locations and heights.*

The accompanying list and map show 49 separate areas, each with its own definition of what constitutes a ‘tall building’ in terms of London Plan Policy D9. Ealing’s currently proposed Tall Building policy is presented as a ‘variation’ on London Plan D9 and reads:

*E. The definition of a tall building in different parts of Ealing is set out in Figure DMP1.*

*F. Tall buildings above this threshold should be located upon allocated development sites defined in the development plan. (a weakening of D9 B3 which reads ‘should **only** be located.....’)*

*G. Tall buildings on designated industrial sites will be subject to agreed masterplans and based upon local impacts and sensitivity.*

We question whether a Planning Inspector will find this part of a local plan policy to be ‘sound’. It is more complicated than need be. Other Boroughs (e.g. RB Kensington and Chelsea) are revising their Tall Buildings policies to accord with London Plan D9. The new RBKC Draft Local Plan identifies only two alternative height thresholds for buildings defined as ‘tall’ (21m and 30m) with a zoning map dividing the borough into areas where each threshold will apply, as shown below:

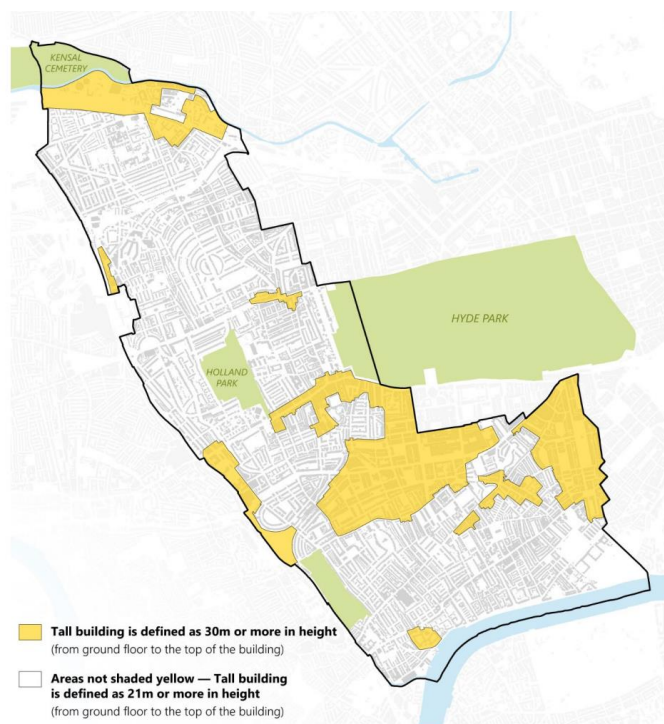


Figure 4.3: Tall building definition for specific localities

Given that 21m is the threshold height proposed by LBE for most of its 49 proposed separate areas, we do not see why Ealing cannot use a similar and much simpler form of map?

The thresholds in certain LBE areas rise to 49m and in one case 73.5m (a figure inexplicably precise as well as extreme for a policy definition on thresholds for when a building is deemed to be 'tall'). **These higher thresholds feel like an attempt to ensure that 'anything goes' in these sizable 'areas' of the Borough, as London Plan D9 will not be applied to other than 'tall buildings'.** This approach is contrary to the intention of London Plan D9 as modified by the Secretary of State.

On **table DMP1** we find the figures showing equivalence of 'building heights' with 'number of storeys' to be misleading. These assume floor-to-floor heights of 3.5m. Nationally described space standards for dwellings requires them to have 2.5m floor-to-ceiling height. Allowing for a 0.5m gap between ceiling and floor, this results in 3m floor-to-floor heights. Many would consider even this figure to be high, for residential buildings or for storeys above an 'activated' commercial ground floor.

**These 'equivalence' figures seem designed to reassure the public that a 21m building (the most common threshold figure proposed) will be only 6 storeys high. It is far more likely to be 7 storeys. This discrepancy applies to all the 'height' and 'storey' figures across the whole of table DMP 1.**

#### **Definition of 'suitable locations'**

In terms of conformity with Part B of London Plan D9, this is addressed in the series of site allocations in Chapter 4 of the Draft Local Plan. Part B of D9 reads in full:

- 1) *Boroughs should determine if there are locations where tall buildings may be an appropriate form of development, subject to meeting the other requirements of the Plan. This process should include engagement with neighbouring boroughs that may be affected by tall building developments in identified locations.*
- 2) *Any such locations and appropriate tall building heights should be identified on maps in Development Plans.*
- 3) *Tall buildings **should only be developed in locations that are identified as suitable in Development Plans** (our emphasis).*

This part of the policy (as modified following intervention by the Secretary of State) is one where many existing local plans of LPAs in London are not fully compliant. Several emerging local plans in London are now addressing the requirements of Part B (including RBKC as noted above).

The OPDC Local Plan (adopted June 2022) was assessed by the Planning Inspector as conforming with London Plan D9. But only just. An extra public hearing of the Examination was convened by the Inspector in January 2022 in response to representations from OONF that the 'Post Submission Modified Regulation 19 version' failed manifestly to identify 'suitable locations' and 'appropriate heights'.

As result of discussion at this January 2022 hearing, along with written representations from OONF, the Inspector subsequently required OPDC to provide [additional modifications](#) to add to the text of the Regulation 19 Draft. The Inspector accepted these (despite there being no consultation whatsoever on these very late modifications). His reasoning is set out in his [report of April 1<sup>st</sup> 2022](#) at paragraph 165 onwards.

The discussion at the EIP hearing in January 2022 explored what is meant by the term ‘location’ as used in Part B of London Plan D9. OONF argued that an ordinary English definition is a ‘*particular place*’ and that the OPDC Local Plan generally identified only large areas as being ‘appropriate’ for tall buildings (such as the whole of North Acton).

The Inspector concluded on this point in his final report:

*Representations argued that this implied specific locations rather than generalised localities. Consultation with a number of dictionaries confirmed that the meaning of the word “location” tended to mean a specific site but there are also examples of usage in which the word signified a wider area e.g “the location of the town was ideal”.*

We question this reasoning. Part C of London Plan D9 sets out criteria for assessing the ‘suitability’ of a tall building location 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 stand-alone*).

This question of what is meant by ‘suitable location’ in Policy D9 Part B was not addressed in the Hillingdon judgment, currently the only decision of the Courts on the interpretation of London Plan D9. This raises the question of whether the various maps included in the Ealing Draft Local Plan are sufficiently specific in identifying ‘locations’ as opposed to wider areas of ‘appropriateness’ for tall buildings?

OONF members do not have a detailed knowledge of all parts of the Borough. Ealing Matters, Ealing Civic Society are better placed to answer this question. Representations from other local residents associations and amenity groups will cover particular ‘town plans’ within the Draft Local Plan.

In relation to the section of the Local Plan on ‘Acton Development Sites’ we question whether the red-lined areas shown are sufficiently specific to be defined as ‘locations’. **The clear purpose of the Secretary of States Direction to the Mayor of London in December 2020 was to enable the public to foresee, at the earliest possible stage of local plan preparation, how their immediate location might be impacted on by one or more tall buildings.**

We do not see that this aim is met (in particular) in relation to areas *AC01 Acton Gateway, AC02 The Steyne Estate, AC04 Acton Gardens (a large area including many existing streets at a distance from one another), AC08 Salisbury Street Car Park & Neville Close, Site Plan: AC11 Friary Park Estate*. While described as ‘sites’ the areas involved are of sizes up to 10 hectares.

In other ‘towns’ in the Regulation 18 Draft, site areas of 11.39 hectares (Northolt – NO09 Yeading Lane), 4.58 hectares (Medlar Farm Estate), and 4.5 hectares (Northolt – NO06 Northolt Driving Range are examples). We do not believe that the Planning Inspectorate will in future accept that areas of this size can be described as ‘suitable locations’ in the context of Policy D9 as a whole. The policy is clearly intended to be more ‘locationally specific’.

Use of ‘heat maps’ or shaded areas can give a clearer indication to the public of where within a larger is deemed to be a ‘suitable location’ for a tall building. We understand why planning departments like to keep options open in discussions with developers. LB Ealing has long displayed much flexibility in justifying specific sites as being ‘appropriate’ for tall buildings, when making recommendations to the Council’s Planning Committee. Now that the Council has undertaken character studies and looked at detail at spatial plans for each ‘town’ it should be in a position to be much more specific on ‘suitable locations’ for tall buildings.

We say this because we believe that an era of identifying large and generalised areas of ‘appropriateness’ has ended, as far as local plans in London are concerned. Apart from the December 2020 intervention, a clear direction of travel was set out in the Secretary of State’s letter of December 5<sup>th</sup> 2022 and the proposed changes to the NPPF. His stated intention is *My changes will instruct the Planning Inspectorate that they should no longer override sensible local decision making, which is sensitive to and reflects local constraints and concerns.*

**In preparing its new local plan, the responsibility is now placed firmly on the Council to pay heed to ‘local constraints and concerns’ and to achieve ‘sensible local decision-making’. A set of Tall Building policies and accompanying maps is needed in a new local plan, which are clear, transparent, and with consequences that can be foreseen by the public as well as giving guidance to developers and applicants.**

In our view the current Regulation 18 Draft falls well short of this aim. Given the length of time it has taken for the LBE Planning Department to reach this stage of plan preparation, the Council needs for once to be ahead of other London Boroughs in working to national planning policies emerging in 2023.

Old Oak Neighbourhood Forum  
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