

Model Representation Form for Local Plans

LPA Logo	Local Plan Publication Stage Representation Form	Ref: (For official use only)
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Name of the Local Plan to which this representation relates:

LB Ealing Council New Local Plan

Please return to [name of LPA] BY [time/ date/year]

NB - LPA to include data protection / privacy notice, see para 4 of Explanatory Note

This form has two parts –

Part A – Personal Details: need only be completed once.

Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

Part A

1. Personal Details*

2. Agent's Details (if applicable)

**If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) boxes below but complete the full contact details of the agent in 2.*

Title	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>
First Name	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>
Last Name	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>
Job Title	Chair of Central Ealing Residents' Association (CERA)	<input style="width: 95%;" type="text"/>
(where relevant) Organisation	CERA	<input style="width: 95%;" type="text"/>
(where relevant) Address Line 1	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>
Line 2	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>
Line 3	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>
Line 4	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>
Post Code	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>

Telephone Number

E-mail Address (where relevant)

Part B – Please use a separate sheet for each representation

Name or Organisation:

3. To which part of the Local Plan does this representation relate?

Paragraph	<input type="text"/>	Policy	Policy ENA: Enabling Development - Ealing LPA - local policy	Policies Map	<input type="text"/>
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4. Do you consider the Local Plan is :

4.(1) Legally compliant	Yes	<input type="text"/>	No	<input type="text"/>
4.(2) Sound	Yes	<input type="text"/>	No	<input type="text"/>
4 (3) Complies with the Duty to co-operate	Yes	<input type="text"/>	No	<input type="text"/>

Please tick as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Proposed Policy ENA lacks reasoned justification, and therefore does not comply with section 8(2) of the Town and Country Planning (Local Planning) (England) Regulations 2012. It is therefore not legally compliant and unsound.

Historic England summarises enabling development as *'development that would not be in compliance with local and/or national planning policies, and not normally be given planning permission, except for the fact that it would secure the future conservation of a heritage asset.'* The NPPF uses the term only in connection with conserving the historic environment, saying that *'Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.'*

Application of the concept of enabling development to permit development on MOL sites thus appears a novel idea. Its use to develop Metropolitan Open Land in

general would depart considerably from the principles that apply in the context of protecting historic assets. Enabling development policies do not appear to feature in the NPPG or and in the NPPF's terminology they seem to constitute neither a strategic policy (para 20ff), nor a non-strategic one (para 28ff).

MOL falls under the aegis of the London Plan which safeguards it to the same extent as the Green Belt which means that inappropriate development on it is only permissible in 'very exceptional circumstances'. If it is endorsed, the policy would remove this higher level protection and allow the Council to override London Plan policies and grant itself planning permission for developments not otherwise acceptable. This risks unacceptably politicising the planning system. It would be particularly unfortunate in a Borough like Ealing whose very strong single party administration allows, in practice, for little oversight or scrutiny.

Loss of MOL

Valuable areas of MOL are due to be lost by the Ealing Local Plan. A new policy of 'enabling development' will be used by the Council to justify developing them in the Council's interests, but this justification will not work in practice. This means that a considerable amount of enabling residential development will have to be built on MOL to lessen/offset the cost of large and expensive leisure developments, such as a replacement Gurnell leisure/swimming pool development. This assumes that such residential development would be viable and sufficiently extensive and viable to achieve this objective.

However, as the Council's aim in the new Local Plan is to have a target of more than 40,000 new homes/80,000 people over the next 15 years and to maximise the amount of affordable housing this means that a high proportion of new residential development will be affordable housing. By definition this will be of low viability and so will not produce a financial surplus to offset the cost of expensive new leisure development such as the Gurnell Centre in Ealing, or will severely limit any financial surplus that could be achieved. This will mean that large amounts of residential development will be required to produce any significant financial surplus and so large amounts of MOL would be lost to ensure enabling development achieves its objective. This is not acceptable as the large amount of new proposed residential development will require more POS/MOL not less. All MOL should, therefore, be retained.

(Continue on a separate sheet /expand box if necessary)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The policy should be deleted. A full strategy and specific policies are required to be considered to ensure no use of enabling development is allowed and to ensure no loss of MOL close to the central Ealing area (covered by CERA) is permitted.

(Continue on a separate sheet /expand box if necessary)

Please note In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in hearing session(s)

yes

Yes, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

There is a very important point of principle at stake here that needs to be thoroughly aired.

The Council is planning to release a large amount of MOL for development as a result of the huge number of new homes planned. Due to problems relating to the viability of leisure development a new policy of enabling development is proposed by the Council which will not achieve the Council's objective due to the low viability of affordable housing which means that a much greater loss of MOL will be necessary to subsidise leisure development. This requires participation in the hearing session to make these points regarding enabling development clear, which might be seen as being counter intuitive.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

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Part A

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2. Agent's Details (if applicable)

**If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) boxes below but complete the full contact details of the agent in 2.*

Title	<input type="text" value="X"/>	<input type="text"/>
First Name	<input type="text" value="XXXX"/>	<input type="text"/>
Last Name	<input type="text" value="XXXX"/>	<input type="text"/>
Job Title	<input type="text" value="Chair of Central Ealing Residents' Association (CERA)"/>	<input type="text"/>
(where relevant) Organisation	<input type="text" value="CERA"/>	<input type="text"/>
(where relevant) Address Line 1	<input type="text" value="XXXXXXXXXXXX"/>	<input type="text"/>
Line 2	<input type="text"/>	<input type="text"/>
Line 3	<input type="text"/>	<input type="text"/>
Line 4	<input type="text"/>	<input type="text"/>
Post Code	<input type="text" value="XXXXXX"/>	<input type="text"/>

Telephone
Number

E-mail Address
(where relevant)

Part B – Please use a separate sheet for each representation

Name or Organisation: Central Ealing Residents’ Association (CERA)

3. To which part of the Local Plan does this representation relate?

Paragraph	Policy	Policies Map
<input type="text"/>	Policy D9:Tall Buildings ~London Plan – Ealing LPA – Local variation	<input type="text"/>

4. Do you consider the Local Plan is :

4.(1) Legally compliant	Yes	<input type="text"/>	No	<input type="text"/>
4.(2) Sound	Yes	<input type="text"/>	No	<input type="text" value="No"/>
4 (3) Complies with the Duty to co-operate	Yes	<input type="text"/>	No	<input type="text"/>

Please tick as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

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We have concerns that arise from the fact that Policy D9 is not clearly written and is not unambiguous, which means that it fails to meet the test in NPPF Para 16 (d) and is therefore unsound.

Table DMP1 of the Plan provides thresholds for what the Borough considers to be tall buildings across 59 different zones in the Borough. The thresholds range from 6 storeys in many parts of the Borough to 21 storeys in Ealing Town Centre. The justificatory text explains that the policy ‘builds upon comprehensive evidence developed in line with the London Plan’. Although this is not specified, this evidence is understood to relate to a series of reports by Allies and Morrison which culminated in a final report dated December 2023, posted in the evidence base on the New Plan website with all the other Regulation 19 documents. It is worth noting that the Allies and Morrison reports appear to be the only evidence speaking to this part of the Plan.

The Central Ealing Residents' Association (CERA) is primarily concerned with Ealing Town Centre as this is the area represented by CERA. Ealing Town Centre is covered by Zone D which according to Allies and Morrison has a prevailing average height of 4.4 storeys with guidance for prospective tall buildings of 9-21 storeys in height. There is a huge difference between the average existing height of Town Centre buildings of 4.4 storeys and the 9-21 storeys suggested as being appropriate for prospective tall buildings. No explanation or justification is provided for this very large difference although Allies and Morrison do explain that Ealing Town Centre is sensitive to a full representation of conservation areas, heritage buildings, areas of consistently low building scale and open space. The very tall building heights for prospective buildings proposed therefore are excessive and hard to justify and appear to be plucked out of the air resulting from somewhat vague rules of thumb. NPPF Para 137 states that '*Design quality should be considered throughout the evolution and assessment of individual proposals.* It is hard to see that design quality has been carefully considered in the consideration of permissible prospective building heights in Ealing Town Centre, particularly as most of the Town Centre is covered by conservation areas.

This is CERA's conclusion, but it should be read alongside SEC's general response on the Metropolitan Town Centre, and its overarching concerns about the extent of comprehensive redevelopment envisaged in separate Development Sites both Ealing and West Ealing Town Centres and the absence of any clear vision for what will replace them once they have been redeveloped. It should be read too in the context of the Ealing Matters representations on (i) tall buildings, (ii) the need for a heritage policy, (iii) design and (iv) infrastructure planning.

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Recommendation

Modification 1:

The boundaries of tall building threshold areas need to be depicted at a proper scale on the Interactive Policies Map.

Modification 2:

Site appraisals need to be much more carefully done. Where, in 'exceptional circumstances', a site is deemed appropriate for a tall building a proper justification is required.

Modification 3:

To avoid any dangers of it being misinterpreted, Policy D9F should be amended to read 'tall buildings **of, or** above defined thresholds are exceptional and should be located upon specified Development Sites defined in the Development Plan'.

Modification 4:

Table DMP1 needs to be replaced with the Tables from pages 9 to 11 of the December 2023 Allies and Morrison Tall Building strategy.

(Continue on a separate sheet /expand box if necessary)

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yes

Yes, I wish to participate in hearing session(s)

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8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

This is a major policy issue within the Local Plan that CERA would like to contribute to. Proposals for some of these sites in Ealing Town Centre will potentially have a major impact on the Borough and on the Metropolitan Town Centre in particular.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.