



REPRESENTATIONS

to the

EALING LOCAL PLAN
REGULATION 19 CONSULTATION
28 February – 10 April 2024

10 April 2024

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Introduction

Ealing Matters' representations were all made using the original model representation form or the Ealing Council version of it and are provided below as written, minus the Section A Personal details information. The representations are set out broadly in the order in which they can be found in the Regulation 19 Local Plan document.

1. Legal non-compliance of the Plan

Part B – Please use a separate sheet for each representation

Name or Organisation: Ealing Matters

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

Paragraph Policy Policies Map

4. Do you consider the Local Plan is:

4.(1) Legally compliant	Yes	<input type="text"/>	No	<input type="text" value="No"/>
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.

The Plan has not been produced in accordance with legislative requirements. In particular:

1. This plan is the second to have been prepared by LBE under the Planning and Compulsory Purchase Act 2004. The first was adopted in 2012. The Act and its associated Regulations make no provision for sequential plan-making. To the contrary, Regulation 10A provides that plans must be reviewed at least every 5 years to take into account changing circumstances affecting the area or changes in national policy. Notwithstanding many changes both in local circumstances and national policy, Ealing’s 2012 Plan has never been reviewed. Progress on its implementation has not even been reported on – see 4 below. Instead, para 0.49 provides that under the current exercise, the 2012 Plan as well as a suite of DPDs and the Southall OAPF are to be ditched with no consideration for their performance or their continued relevance. Planning Authorities have no incentive to take ownership of their plans if they can set them aside at will and without ever accounting for what they have achieved.

Southall’s Opportunity Area Planning Framework requires particular mention. This RTP1 award-winning plan was jointly drawn up by LBE and the GLA after a wide ranging local consultation exercise called ‘Southall’s Big Conversation’. The OAPF was adopted as an SPD by the Council as ‘a development framework within which

proposals are assessed to secure the highest quality development and ensure a comprehensive approach to the revitalisation of Southall'. The OAPF did indeed offer a good framework for managing the considerable changes confronting Southall including the development of its large Gas Works site and the coming of Crossrail. It carries well-researched chapters with 5 strategic principles, 6 character areas, and a review of infrastructure funding and delivery.

The OAPF remains (at least for the time being) the adopted Plan for Southall, yet unaccountably (and contrary to the Regulations) it no longer appears in full either on LBE's or the GLA's websites and it has never been reviewed. It would be a betrayal for those who placed their faith in plan-making under the 2004 Act and participated in the Big Conversation for it to be discarded as appears the intention and replaced by the vastly inferior proposals for Southall in Chapter 4 of the current plan.

2. Regulations 18.1 and 18.2 of the Town and Country Planning (Local Planning) (England) Regulations 2012 requires that a Local Planning Authority must notify persons, including residents *'of the subject of a local plan which the local planning authority propose to prepare'*, and to invite them *'to make representations to the local planning authority about what a local plan with that subject ought to contain'*.

Ealing Council did not invite any representations under Regulation 18 about what the plan should contain and so there was no opportunity for residents to make representations as to the things that should be in it.

Ealing Council's Shaping Ealing survey, which preceded the Regulation 18 consultation, garnered many thousands of responses, but it too did not invite residents to make representations regarding the content of the plan. Had they been invited they may well for example have proposed, as Regulation 18 entitles them to, that the plan include planning frameworks for parts of the Borough such as Ealing, Southall and Acton which are proposed to be subject to major change, or that it respond to London plan policies by including policies on the conservation and enjoyment of the historic environment, or on amenity and play space standards in large developments, or on tourism and the night economy, the strategic opportunities of the River Brent and our canal network, or on bio-diversity and access to nature or on back garden developments.

Instead, the document that residents were consulted on under Regulation 18 was a fully drafted local plan that has been barely changed in scope or content in the Regulation 19 Plan to be examined. Having drafted it before the Regulation 18 consultation, the Council self-evidently had no opportunity to take account, as it is required to, of any representations from local residents with regards what it should contain. It does not therefore meet the requirements of Regulation 18.

3. Notwithstanding point 2 above, the Plan fails to comply with Regulation 18 (3) which states that *'in preparing the local plan, the local planning authority must take into account any representation made to them in response to invitations under paragraph (1)'*. According to Ealing Council, the Regulation 18 consultation garnered 13,000 representations from more than 6,000 individuals. Yet its Statement of Consultation at Regulation 18, referred to in para 0.18 of the Leader's foreword, describes itself as *'a brief summary of some of the issues raised during the regulation 18 public and stakeholder consultation'*. The document is unacceptably thin. It reduces all the

comments to just 39 bullet points which fail to capture the richness, range or relative weight of opinion expressed in the consultation, the flavour of which can be seen in the [raw responses from 35 community groups](#) gathered and published by Ealing Matters. The Plan appears to take very few of these into account as Regulation 18 (3) requires.

4. The plan is not based on information that Government legislation and regulations require it to be based on:

- Section 35 of the 2004 Act requires planning authorities to prepare and publish Authority Monitoring Reports (AMRs) over no more than a 12-month period which describe *'the extent to which the policies set out in the local development documents are being achieved'*. Regulation 34 of the Town and Country Planning Regulations 2012 requires that AMRs showing progress with policy implementation must be published every year. No AMRs for Ealing to inform this plan with regards essential housing delivery data have been published since the year 2013-2014.
- With an 'interim' and incomplete AMR covering the years between 2014/15 and 2018/19 published in 2021, no AMRs of any description covering the past 4 years inform this draft plan.
- Regulation 3 of the Town and Country Planning (Brownfield Land Register) Regulations 2017 requires local planning authorities in England to prepare, maintain and publish registers of previously developed (brownfield) land. These should form part of the SHLAA. Ealing has not produced a brownfield land register since 2017. Information on brownfield sites required by the Regulations is not therefore available.

(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.

I am not sure. I do not know how the very serious omissions described above can be legally remedied. I want Ealing to have an up to date development plan, but I am disturbed that this one has not been prepared in accordance with legislation requiring plans to be based on:

1. reviews of past plan performance
2. genuine engagement with local communities
3. relevant evidence, not least with regard to house building

Without remedying these problems, it is hard to see how the Plan can be accepted as being legally compliant.

(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:

I think it is important to press the need for planning to comply with Government legislation. Whether it does so or not should not be optional.

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.

2. Policy SP2.2 Tackling the climate crisis

Part B – Please use a separate sheet for each representation

Name or Organisation: Ealing Matters

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

Paragraph Policy Policies Map

4. Do you consider the Local Plan is:

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

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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Tackling the climate crisis is a high priority for many people, but Policy SP2.2 is not likely to do this in planning policy terms because it is aspirational and because its land-use policies too vague are unspecific.

The objective for the Borough to be carbon neutral is a most worthy one, but there is no evidence base at all to demonstrate how it can be achieved and no monitoring framework is proposed to measure whether the policy is succeeding.

Furthermore, the plan's overall focus on the widespread redevelopment of buildings that were erected relatively recently (i.e. in the past 40 years) is fundamentally at odds with best practice guidance for carbon reduction being promulgated by UK professional bodies like RIBA and RICS. These highlight the construction industry's huge environmental impact, and urge us to 'think reuse first, new build second'. They show that the construction industry is responsible for:

- 35-40% of the UK's **total** emissions
- almost all the planet's carbon-hungry cement
- 50% of its steel production
- 25% of all plastics

And they argue that tearing down and replacing existing buildings is particularly wasteful. Almost two-thirds of all UK waste is construction debris. More than 90% of the resulting waste material is recovered, but most is recycled into a less valuable material which means more carbon is spent manufacturing the new materials that new buildings require.

A [Royal Institute of Chartered Surveyors report](#) shows that 51% of the whole-life carbon of a typical new residential development is spent before it is even occupied. This means that it will take decades before any carbon debt is repaid with efficiency savings over the buildings it replaced. And these are the decades when carbon must be most sharply reduced.

An [Architects' Journal campaign](#) is very clear. *'Replacement of a large building every 30 years or so must entail considerably more energy than maintaining a building that lasts for centuries ... reusing an existing building and upgrading it to be as efficient as possible is almost always the best choice regardless of building type and climate.'*

The embodied energy savings from repurposing existing buildings is so much better than the ultra-high embodied energy costs of demolition and rebuild. Policy SP2.2 ignores all this, as does the Plan's overall approach which favours the widespread redevelopment of buildings in town centres, especially Ealing and West Ealing and in many residential areas, in Acton, Greenford and Southall.

The Regulation 19 draft plan proposes to redevelop almost the whole of Ealing, particularly buildings that were only erected in the 1980s and which continue to be economically viable. No justification is provided as to why this should happen or what benefits will accrue to the Borough, its residents or the wider economy.

The proposed redevelopment of 5 settled residential estates in Northolt, 2 in Acton and 1 in Southall is equally unjustified. The information provided in the Plan awakens the problems that were created in the 1960s by the sweeping away of communities in the name of slum clearance. The qualification in the design principles for some of the estates that *'as a first option proposals consider retrofitting/refurbishment with infill development and adding additional storeys to the existing 4 storey blocks, although this could limit improved layout options'* are not greatly reassuring. It is not clear on what basis the consideration will be made and what weight should be given to the 'improved layout options' as against the embodied carbon savings of a retrofit first approach.

(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.

Policy SP2.2 is unsound by virtue of its verbosity and its lack of precision. It needs to be re-written to ensure it deals only with the land use planning concerns of the Local Plan. The Plan overall will not succeed in achieving Policy SP2.2's stated aim of tackling the climate crisis because it is overly concerned with redeveloping viable buildings that have many years of productive use left in them. A clear policy that prioritises retrofitting existing buildings over redeveloping them is required including metrics that ordinary people can understand in weighing the benefits of one over the other.

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

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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:

This is an important area that the current Plan fails to address. Ideally, we would invite a fully qualified climate change expert working in the field to represent us on this matter.

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.

3. Policy SP4.1 Infrastructure

Part B – Please use a separate sheet for each representation

Name or Organisation: Ealing Matters

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

Paragraph	Tables SS1, A1, E1, G1, H1, N1, P1 and S1	Policy		Policies Map	
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4. Do you consider the Local Plan is:

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

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.

Infrastructure

NPPF Para 20. Requires that:
'Strategic policies should set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision for:
 b) *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).*

NPPF Para 34 requires that:
'Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure).'

London Plan Policy D1.B states that:

'In preparing Development Plans, boroughs should plan to meet borough-wide growth requirements, including their overall housing targets, by:

- 2. assessing the capacity of existing and planned physical, environmental and social infrastructure to support the required level of growth and, where necessary, improvements to infrastructure capacity should be planned in infrastructure delivery plans or programmes to support growth;*

London Plan Policy S1.A states that:

When preparing Development Plans, boroughs should ensure the social infrastructure needs of London's diverse communities are met, informed by a needs assessment of social infrastructure.

London Plan Policy D2B Infrastructure requirements for sustainable densities states:

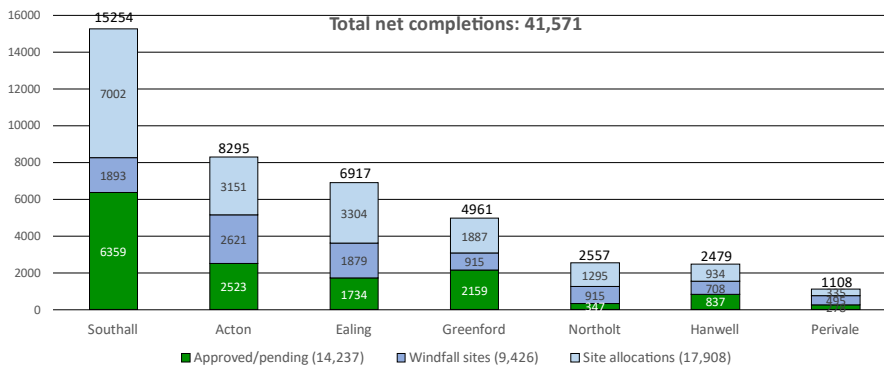
'Where there is currently insufficient capacity of existing infrastructure to support proposed densities (including the impact of cumulative development), boroughs should work with applicants and infrastructure providers to ensure that sufficient capacity will exist at the appropriate time. This may mean that if the development is contingent on the provision of new infrastructure, including public transport services, it will be appropriate that the development is phased accordingly.'

The kind of infrastructure planning envisaged by both the NPPF and the London Plan is entirely absent from the Regulation 19 plan. No attempt at all is made to get to grips with the type or the scale of the infrastructure support Ealing's housebuilding targets will require. In this regard the Plan is inconsistent with national policy and therefore unsound.

While the plan itself omits to say how many new homes will be provided over the plan period, the Housing trajectory in the Council's evidence base puts the figure at 41,571. This figure is close to London Plan expectations if current targets are carried forward beyond the end of the London Plan horizon as the housing trajectory assumes. The Plan and the evidence base both fail even to consider what this might mean in terms of the growth of the population that will need to be supported by additional physical and social infrastructure. The best evidence of what it might be can perhaps be found in the GLA's population forecasts. These use Borough housing targets to predict that if Ealing's housing stock grows at the London Plan's target rate the Borough will be housing 80,317 additional people by 2041 – more than the current population of the City of Guildford! Among London Boroughs, only Tower Hamlets (marginally) and Newham will grow faster.

The Plan acknowledges that this growth will be concentrated in a few areas of the Borough, but it doesn't describe the extent of this. An analysis by Ealing Matters of the Five Year Housing Land Supply Position Statement & Housing Trajectory summarised below shows that the main burden in terms of the additional population growth will fall on Southall and Acton and Ealing, but the plain does not consider the implications in terms of the consequential infrastructure requirements.

Ealing net housing completions by town 2023/24 – 2037/38



Source: Five Year Housing Land Supply Position Statement & Housing Trajectory, November 2023

An Infrastructure topic paper prepared for the Council by Ove Arup published in October 2022 as part of the regulation consultation found huge existing gaps in most of the Borough's infrastructure which it attributed to the age of Ealing's existing infrastructure as well as recent population growth. Recognising this, the Regulation 18 consultation promised that an infrastructure delivery plan (IDP) would be published in early 2023. This only appeared, and without good notice, in February 2024 along with thousands of pages of other new documents in the Regulation 19 evidence base, allowing no time at all for the public to comment on or input into it.

Part 1 of the IDP reviews the provision of different infrastructure categories. It seems to have been written by individual service providers, and there was no public input. This is unfortunate as it makes for self-congratulatory and uncritical reading. For instance, while the opening of the Elizabeth line is noted, the public had no chance to say that just a year into its operation the service is already operating at above capacity so that, at the smaller stations like Hanwell and West Ealing, passengers are unable to board at peak times. Had they had a chance to comment, people would say that with the situation as it is now, things look like being much worse at the end of the plan period when 15,000 new homes in Southall alone will significantly increase commuter demand. With no input from the public, the plan cannot be deemed to have been positively prepared and is therefore unsound. Or they would talk about a growing number of incidents on the Elizabeth Line, which close the line and disrupt their journeys. Is the line capable, they would want to know, of handling the growing number of new passengers generated by the new residential developments but whose numbers have not been forecast?

Another concern that would doubtless emerge from a proper public consultation is the extent to which the Part 1 baseline report downplays the significance of road infrastructure compared with other transport modes. While the majority of the population no doubt acknowledges the need to reduce our dependency on the petrol engine, many communities and our economy as a whole have grown around it and it will continue to be the dominant mode for moving goods and vehicles for years to come. The IDP should acknowledge and reflect on this, if only to manage the transition to more sustainable modes and a carbon free environment as Policy SP2: Tackling the Climate Crisis requires.

This baseline report covers most other key areas of infrastructure inadequately. To take just three examples:

- Section 2.10.2 notes that 'Flooding and sewer overflows are major issues in Ealing' without quantifying the extent of the problem or the trajectory of its growth. Roadworks by Thames Water contractors are already a considerable nuisance yet there is no recognition how much worse they will get with the additional pressure on the sewer network that the construction of so many new homes will impose.
- Well publicised capacity constraints in the supply and distribution of electricity in West London threaten to prevent connections for new development are noted but their description is heavily fudged. This is not good enough. If these problems are not addressed and Ealing's targets are to be met, the Plan needs to be confident that they can be connected to the grid.
- Coverage of community centres is extremely narrow and ignores the closure by the Council of many existing facilities that will no longer be available to incoming residents many of whom will arrive from foreign countries with no links to the existing community.

These examples (many others could be cited) show that the area's infrastructure needs have not been adequately and objectively assessed. This makes the plan unsound.

Part 2 of the IDP sets out what is called an Infrastructure Delivery Schedule that culminates in a long list of projects which carry into Chapters 3 and 4 of the Regulation 19 Plan. These projects appear to have been identified by the individual service providers with no public input of any kind. There is no evidence how the projects fit with the systematic needs assessments that London Plan Policies D1B and S1 require. There is no discussion of levels and shortfalls in existing provision, let alone the demands that will be placed on the borough when 80,000 more people live here. Most are uncoded, have no secure funding and the delivery phasing of most of them is described as TBC (does this mean to be confirmed?). There is very little prospect of them being delivered which means the Plan will not be effective and so must be deemed unsound.

Perhaps the most serious omission in the plan is the absence of a clear funding strategy to meet the considerable infrastructure spending demands to support the construction of 40,000 new homes over the plan period. Policy SP4.1 refers to the Borough's parallel consultation on the introduction of CIL which is intended to be a means for funding the social infrastructure to support the developments that the Plan requires. The documentation supporting the consultation appeared without any prior public notice or comment. It comprises a 4-page announcement stating the levy developers will be charged. This is supplemented by BNP Paribas's 200-page Local Plan Viability Assessment and offer no revenue forecasts, and no explanation of how the Levy will be applied or reported on. Unfortunately, the CIL proposals are not to be examined separately and not with the rest of the Plan. This means it will not be possible for these matters to be considered in the context of the overall plan.

(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 Plan needs to be informed by an assessment of the Borough's physical and social infrastructure needs as London Plan Policies D1 and S1 require.

Working with local people as NPPF Para 15 requires, the Plan then needs to make provision for infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, and energy (including heat) as NPPF Para 20(b) requires.

In accordance with NPPF Para 34 the Plan should set out the contributions expected from development. Along with setting out the levels and types of affordable housing provision required this should include that needed for education, health, transport, flood and water management, green and digital infrastructure and it should form part of this plan, and not a separate document.

Policy DAA of the Plan also needs to respond to London Plan Policy D2B by making clear that development must be contingent on the provision of required new infrastructure, including public transport services, and that, if necessary, it must be phased accordingly.

Reflecting NPPF Para 34 CIL proposals ought to be considered as part of this plan and not through a separate process which risks the two processes becoming detached from one another.

(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, 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:

I would like to elaborate on the problems that will arise in Ealing without an adequate infrastructure plan to support the delivery of over 40,000 new homes.

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.

4. Policy SP4.3 Genuinely affordable housing

Part B (Please use a separate sheet for each representation).

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

Paragraph:

Policy: Policy SP4.3

Policies Map:

4. Do you consider the Local Plan is: (please tick)

4.(1) Legally compliant

No

4.(2) Sound

No

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 set out your comments below.

This representation on SP4.3 Genuinely affordable homes should be read in conjunction with Ealing Matters' comments on Policy HOU: Affordable Housing – Ealing LPA – local policy.

Issue 1:

The title of Policy SP4.3 Genuinely affordable homes is misleading and its content vague. The policy fails to define what LBE means by or to quantify its targets for genuinely affordable homes despite all paragraphs of the policy seemingly deriving from LBE's aspiration to build them. In fact, only paras C. and D. specifically refer to affordable housing (though not genuinely affordable housing), so it is by no means clear how LBE's aspiration will be met.

The remainder of this representation relates to para A, LBE's housing supply target.

Issue 2:

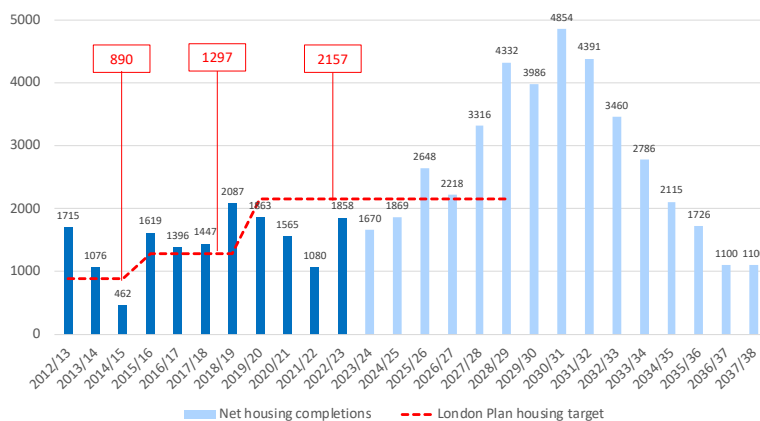
Policy SP4.3 A. is not legally compliant as Ealing Council has failed to make publicly accessible the results of its assessment of land availability as required under National Planning Practice Guidance, Housing and economic land availability assessment, July 2019. Information on indicative site capacities has been and continues to be withheld despite requests from Ealing Matters for these data as part of its Reg 18 response (EM6 para 4.3) and at a subsequent meeting with the Council (EM5 item 4.d).

Issue 3:

This policy is not effective as the housing supply target identified at SP4.3 A. is not deliverable over the Plan period.

The 2021 London Plan marked an effective doubling of LBE's housing supply target from 2019-20 although the justification in terms of Ealing's site availability is not known. Whereas LBE delivered surplus new housing against its previous annualised target of 1,297 units per annum (+26%), it has fallen short of its new annualised target of 2,157 units per annum for the four years since the new London Plan was adopted and is projected to continue to fall short for the next two years.

Ealing net housing completions



* Net housing completions include non-self contained accommodation and long-term empty homes returned to use as well as conventional housing

Source: 2012-13 – 2018-19 London Plan AMRs
2019-20 – 2022-23 Housing Trajectory 2023

This means that, LBE will have to concentrate its housing delivery into the last thirteen years of the Plan, and implies an annual completion rate of more than 2,000 units per year for a decade and of more than 4,000 units per year for four of those years.

We do not believe that this overall rate of completion is deliverable for the following reasons:

- LBE has not achieved its current target rate of housing delivery in the first four years of its London Plan 2021 target, and has never got anywhere near delivering the annual volumes that years 6-10 of the Plan pre-suppose.
- Market signals also preclude this happening:
 - While some of LBE's shortfall may be attributable to the effects of Covid-19, the economic headwinds of high interest rates, high materials costs and a lack of skilled labour persist.
 - Two construction companies active on multiple sites in Ealing (Henry Construction Projects and REAL Contracting) have gone into administration.
 - Many sites with extant planning permission pre-dating Covid-19 continue to show no signs of being built out, e.g. Southall Gas Works (outline planning permission granted 29 September 2010).

Issue 4:

We also believe that LBE will not be able to satisfy its objectively assessed need for affordable homes within its overall housing target. LBE’s overall housing target at SP4.3 A., would require 66% of all housing units to be affordable and 46% to be offered as social rent tenure to satisfy identified affordable housing need according to Figure 5 of LBE’s Local Housing Need Assessment updated in November 2022 and reproduced below.

Figure 5: Overall Dwelling need for Affordable Housing (including households aspiring to home ownership) and Market Housing by property size based upon the GLA Capacity Target of 2,769 dpa (Source: ORS Housing Model. Note: Figures may not sum due to rounding)

	Unable to afford market social rents	Unable to afford London Living rents	Aspiring to Home Ownership and Affordable Home Ownership	Total Affordable Housing	Total Market Housing	Total
1 bedroom	4,521	455	1,726	6,703	1,224	7,927
2 bedrooms	6,074	1,145	1,718	8,938	2,148	11,086
3 bedrooms	6,099	1,408	910	8,418	9,089	17,506
4+ bedrooms	2,707	559	410	3,675	960	4,635
DWELLINGS	19,401	3,568	4,764	27,733	13,421	41,154
C2 Dwellings	-	-	-	-	573	573
LHN	19,401	3,568	4,764	27,733	13,993	41,727

The only data on the share of affordable housing completed in LBE to which Ealing Matters has access is from the London AMRs 10-16 (2012-13 to 2018-19), which show that affordable housing units as a share of total net conventional completions for the period were 22%. LBE has not published equivalent figures for affordable housing since then.

Issue 5:

LBE’s total housing target at SP4.3 A. from 2019-20 to the end of the Local Plan period (which its housing trajectory places at 2037-38) would amount to 40,983 housing units. This figure is many thousands greater than the Local Housing Needs Assessment identifies as necessary to fulfil Ealing’s own objectively assessed housing needs as set out in Figure 4 below. (While the LHNA figures cover a slightly different time period (2021-2041), it should be noted that they also include the area of LBE administered by OPDC, which has its own planning target. In other words, the figure of 31,837 should be reduced by around 22% pro rata to take account of this.)

Figure 4: Overall Dwelling need for Affordable Housing (including households aspiring to home ownership) and Market Housing by property size (Source: ORS Housing Model. Note: Figures may not sum due to rounding)

	Unable to afford market social rents	Unable to afford London Living rents	Aspiring to Home Ownership and Affordable Home Ownership	Total Affordable Housing	Total Market Housing	Total
1 bedroom	2,724	149	1,510	4,382	1,534	5,916
2 bedrooms	3,202	0	1,503	4,704	3,400	8,104
3 bedrooms	3,861	107	796	4,764	8,957	13,722
4+ bedrooms	2,485	58	358	2,901	622	3,523
C2 Dwellings	-	-	-	-	573	573
TOTAL	12,271	314	4,166	16,751	15,086	31,837
1 bedroom	22.2%	47.4%	36.2%	26.2%	10.2%	18.6%
2 bedrooms	26.1%	0.0%	36.1%	28.1%	22.5%	25.5%
3 bedrooms	31.5%	34.2%	19.1%	28.4%	59.4%	43.1%
4+ bedrooms	20.2%	18.4%	8.6%	17.3%	4.1%	11.1%
C2 Dwellings	-	-	-	-	3.8%	1.8%

Many thousands of housing units have been added to Ealing’s locally identified need in order to meet the wider needs of London. On the basis of our analysis of total and affordable housing delivery, we believe that it is not practical for LBE to meet the unmet need from neighbouring areas that the housing target set out in SP4.3 A. presupposes.

The references in brackets refer to the following evidence, which can be provided on request:

[EM5 Minutes of a meeting between community groups and Ealing Council, 23 January 2024](#)

[EM6 Ealing Local Plan Regulation 18 Consultation, 30 November – 8 February 2023, Submission by Ealing Matters](#)

(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.

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.

Modification 1:

Accept that it is impractical for the Borough to accommodate unmet housing need from neighbouring areas, and focus on identified local housing need only. That would reduce the total and affordable housing targets to a level that is deliverable, while remaining in general conformity with the London Plan 2021. A new London Plan is already in its early preparation stages. This would be a timely moment to engage with the Mayor of London and argue for such a reduction.

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:

Housing is a very complex and controversial subject in Ealing. I would therefore like to be able to hear and respond to any arguments offered by Ealing Council in response to this representation.

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.*

5. Policy DAA: Design and Amenity – Ealing LPA – local policy

Part B – Please use a separate sheet for each representation

Name or Organisation: Ealing Matters

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

Paragraph	<input type="text"/>	Policy	DAA Design and Amenity – Ealing LPA	Policies Map	<input type="text"/>
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4. Do you consider the Local Plan is:

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

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.

Note that this representation concerns the need for the plan to work with communities to understand local aspirations and to reflect them better to achieve well-designed and beautiful places

The National Planning Policy Framework Chapter 12 establishes that ‘creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this.’

NPPF Para 132 states ‘Plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area’s defining characteristics. Neighbourhood planning groups can play an important role in identifying the

special qualities of each area and explaining how this should be reflected in development, both through their own plans and by engaging in the production of design policy, guidance and codes by local planning authorities and developers.'

London Plan Policy D1A: London's form, character and capacity for growth (Defining an area's character to understand its capacity for growth) *requires that 'Boroughs should undertake area assessments to define the characteristics, qualities and value of different places within the plan area to develop an understanding of different areas' capacity for growth. Area assessments should cover (12 listed) elements'.*

Policy DAA in the Regulation 19 Plan does not respond either to the NPPF's or the London Plan's requirements. It is therefore inconsistent with national policy and therefore unsound. The Policy has not been developed with local communities, does not respond to local aspirations and shows no understanding of Ealing's defining characteristics. While some useful studies of the Borough appear in the evidence base – those by Allies and Morrison look very interesting – they have not been drawn together in any coherent way, e.g. through the preparation of design codes, the public has been given no opportunity to comment on them and it is hard to discern their findings reflected in any way in the Plan Policy.

Instead, the text that supports Policy DAA is unacceptably vague – so much so that it sets no design expectations to guide developers in the Borough.

(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.

1. Public engagement based on the work by Allies and Morrison is required to establish the Borough's design expectations as NPPF Chapter 12 and London Plan Policy D1 require.
2. Policy DAA needs to be reworded and expanded to respond to these higher-level policies. Policy D1 Design in the London Borough of Camden's plan provides a good template:
'The Council will seek to secure high quality design in development. The Council will require that development:
 - a. *respects local context and character;*
 - b. *preserves or enhances the historic environment and heritage assets;*
 - c. *is sustainable in design and construction, incorporating best practice in resource management and climate change mitigation and adaptation;*
 - d. *is of sustainable and durable construction and adaptable to different activities and land uses;*
 - e. *comprises details and materials that are of high quality and complement the local character;*
 - f. *integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage;*

- g. *is inclusive and accessible for all;*
- h. *promotes health;*
- i. *is secure and designed to minimise crime and antisocial behaviour;*
- j. *responds to natural features and preserves gardens and other open space;*
- k. *incorporates high quality landscape design (including public art, where appropriate) and maximises opportunities for greening for example through planting of trees and other soft landscaping,*
- l. *incorporates outdoor amenity space;*
- m. *preserves strategic and local views;*
- n. *for housing, provides a high standard of accommodation; and*
- o. *carefully integrates building services equipment.*

The Council will resist development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

(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:

Design in the Borough has taken something of a back seat in the past 10 years. I would like to make the case for reversing this.

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.*

6. Policy DAA: The need for policies on local heritage

Part B – Please use a separate sheet for each representation

Name or Organisation: Ealing Matters

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

Paragraph	<input type="text"/>	Policy	Policy DAA Design and Amenity – 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	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.

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.

Note that this representation concerns the need for the plan to contain polices for the conservation and enjoyment of the historic environment

Please note that this objection needs to be read in the context of Chapter 3 policies SP2.2 B (iii), SP2.2 D, SP2.2 F (i) and (vi), SP3.1 C, SP3.3 D, SP4.1 A, SP4.1 D–F.

London Plan Policy HC1B: Heritage, Conservation and Growth requires that 'Development Plans and strategies should demonstrate a clear understanding of the historic environment and the heritage values of sites or areas and their relationship with their surroundings. This knowledge should be used to inform the effective integration of London's heritage in regenerative change by:

- 1) setting out a clear vision that recognises and embeds the role of heritage in place-making
- 2) utilising the heritage significance of a site or area in the planning and design process

- 3) *integrating the conservation and enhancement of heritage assets and their settings with innovative and creative contextual architectural responses that contribute to their significance and sense of place*
- 4) *delivering positive benefits that conserve and enhance the historic environment, as well as contributing to the economic viability, accessibility and environmental quality of a place, and to social wellbeing.'*

NPPF Chapter 16: Conserving and enhancing the historic environment requires at Para 190 that:

'Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account:

- a) *the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;*
- b) *the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;*
- c) *the desirability of new development making a positive contribution to local character and distinctiveness; and*
- d) *opportunities to draw on the contribution made by the historic environment to the character of a place.'*

Beyond depicting each town's CAs in their individual 'Existing Context' maps, (Ealing's CAs are also listed but without comment) and an occasional passing reference to the borough's rich heritage without explaining the relevance for any individual policy, the Plan fails totally to meet the requirements of both the NPPF and the London Plan. It is therefore inconsistent with national policy and so it is unsound.

(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.

Recommendation

A full strategy and specific policies for heritage must be included in line with the NPPF and London Plan requirements. The Council has recently undertaken and consulted on a very comprehensive review of its Conservation Areas. Alongside the work in the evidence base by Allies and Morrison this can serve as the necessary evidence base.

(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:

The case for heritage to be part of the Borough's wider planning policies needs to be made.

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.

7. Policy DAA: The need for a policy on amenity and play space

Part B – Please use a separate sheet for each representation

Name or Organisation: Ealing Matters

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

Paragraph	<input type="text"/>	Policy	Policy DAA: Design and Amenity – 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	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.

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.

Note that this representation concerns standards for the provision of amenity and play space in new development.

London Plan Policy S4A Play and informal recreation requires Boroughs to 'prepare Development Plans that are informed by a needs assessment of children and young person's play and informal recreation facilities. Assessments should include an audit of existing play and informal recreation opportunities and the quantity, quality and accessibility of provision.' Para 5.4.6 of the supporting text describes the London Plan's approach to off-site provision.

London Plan Policy D6 sets out minimum housing space standards. This includes at AF9, minimum standards for amenity space but indicates that borough development plan documents may have higher standards.

London Plan Policy Table 3.2(iv) and (v) Qualitative design aspects to be addressed in housing developments sets out how private and communal amenity spaces should be addressed

London Plan Policy H16 on Large-scale purpose-built shared living with its supporting text sets out considerations for amenity space that should apply in shared living developments.

Table 7D.2 of Ealing’s current Development Management Plan document (adopted in December 2013) sets out the space provision requirements for new developments. These will cease to apply once the new plan is adopted:

Table 7D.2 Space provision requirements

Provision Type	Area Requirement
Private Garden Space (House)	5 sq. m. per 1-2 person unit, plus 1 sq. m. for each additional occupant*
Private Garden Space (Flat)	5 sq. m. per 1-2 person unit, plus 1 sq. m. for each additional occupant**
Amenity Space	50 sq. m per 1,000 sq. m of floorspace
Public Open Space	19.5 sq. m. per person***
Children’s Play Space	10 sq. m. per child****
Allotments	1.7 sq. m per person
Active Recreation (Outdoor)	7.3 sq. m. per person*****

Unlike in Ealing’s current Plan, the Regulation 19 Plan fails entirely to consider standards for, or the design of, amenity and play space in new developments and it should. With so many new homes proposed, many of them in large residential blocks, it is essential that due provision is made for residents to be provided with outside space to enjoy and play in. As it is not an inner city borough, and one traditionally noted for its green character and its family friendliness, these standards should not be the minimum indicated in the London Plan.

Many recently consented schemes in the borough fail even to meet the London Plan’s minimum standards. Instead, small existing areas of outside space are held as being available to thousands of new residents, many of whom have to cross main roads to access them.

The Regulation 19 Plan is not consistent with important higher level policies and the reasons for this have not been justified. To this extent the Plan is unsound.

(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 cooperate 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 needs assessment of children and young person's play and informal recreation facilities required by London Plan Policy S4A is required and should be used to inform our plan with regard to the provision of play space in new developments.

The Plan also needs to provide minimum standards for both private and communal amenity space in new developments and these should exceed the minimum standards in the London Plan.

If any departures from these standards is to be countenanced the circumstances need to be described and the justification explained. Requirements concerning the proximity and access to off-site provision should be set out.

(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:

It is a fundamental planning tenet that provision of open space and facilities for recreation underpin our quality of life. The COVID pandemic has demonstrated its importance to individual health and wellbeing, and the promotion of sustainable communities. This point needs to be made.

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.

8. Policy D9: Tall Buildings London Plan – Ealing LPA – local variation

Part B (Please use a separate sheet for each representation).

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

Paragraph:

Policy: **Policy D9: Tall Buildings London Plan – Ealing LPA – local variation**

Policies Map:

4. Do you consider the Local Plan is: (please tick)

4.(1) Legally compliant

4.(2) Sound

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.

Tall buildings are very controversial in Ealing which is essentially a low-rise residential suburb where tower blocks are widely seen as an alien urban form. Table DMP1 of the plan provides thresholds for what the Borough considers to be tall buildings across 59 different areas of the Borough. The thresholds range from 6 storeys in many parts of the Borough to 21 storeys in Ealing Town Centre.

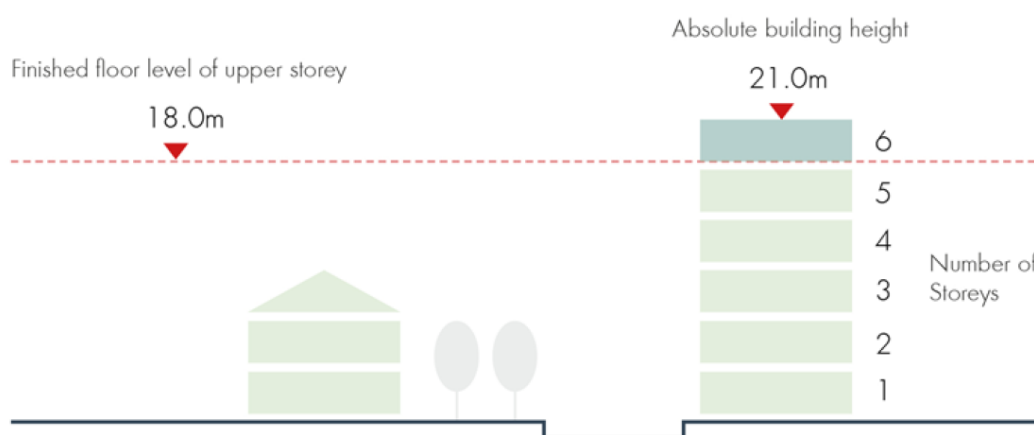
The justificatory text (para 5.14) explains that the policy ‘builds upon comprehensive evidence developed in line with the London Plan’. This evidence is not specified, but it is understood to relate to a series of reports by Allies and Morrison which culminated in a final report dated December 2023. It should be noted that the Allies and Morrison’s reports, which were not prepared with any form of public engagement and were only published in final form as part of this Regulation 19 consultation, appear to be the only evidence speaking to this part of the Plan. What’s more, they contain no proper recommendations and nowhere does LBE set out what conclusions it has drawn from them to explain how it has used the research to inform Policy D9.

We have four concerns with this tall building policy. These arise from the fact that Policy D9 is not clearly written (or otherwise presented) and is not unambiguous. This means it fails to meet the test in NPPF Para 16(d) and is unsound. The policy is also not justified because is not based on clear evidence.

1. Figure DMP1 on page 45 of Chapter 5 of the plan is of such small a scale that it is unclear in which area some streets lie. This matters because there are significant differences in the thresholds for tall building in some adjoining areas.

2. While Table DMP1 clearly defines tall buildings in terms of minimum heights in different parts of Ealing, the wording of Policy D9, is open to misinterpretation.

Table DMP1 is based on the Table on pages 9-11 of the Allies and Morrison February 2024 Tall Buildings Strategy and its footnote. These say the definition of ‘tall’ in most neighbourhoods is the same as the London Plan minimum i.e. that tall buildings may not be less than 6 storeys. Allies and Morrison helpfully illustrate what this means in this diagram on page 5 of their report:



Clearly Allies and Morrison envisage that in most parts of the Borough 6 storeys would constitute a tall building. Policy D9 needs to be more clear about this.

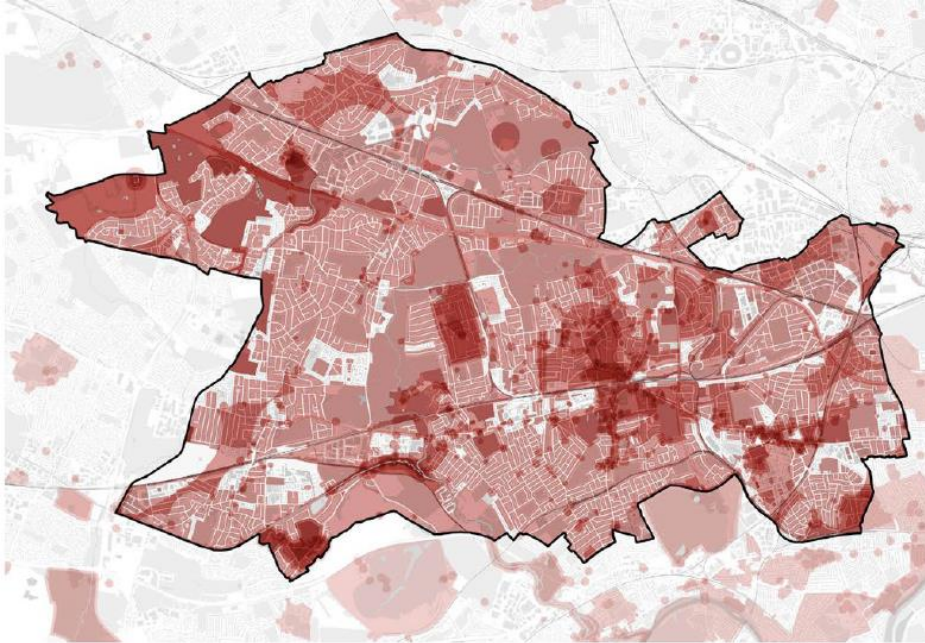
3. A few details in Table DMP1 of policy D9 depart significantly and with no justification from the tables in the Allies and Morrison report on which the policy is understood to be based. While in most parts of the Borough the thresholds are the same in both documents, in three areas they differ greatly and for no apparent reason. These three areas are identified on the table below:

Neighbourhood	Map Area	Allies & Morrison Tall Building Strategy		Policy D9 Table DMP1:
		Prevailing height (storeys)	Proposed Tall Building Threshold (storeys)	
West Acton	A2	2.3	6	14
Horn Lane	A4	2.9	6	14
Ealing Town Centre	E14	4.4	9	21

Allies and Morrison’s strategy report explains the methodology for their classification. This is based on the prevailing heights in each sub-area as well as on considerations of sensitivity (especially heritage), suitability and appropriate locations. Page 9 of their report says the prevailing heights of the two areas in Acton are 2.3 storeys and 2.9 storeys respectively while in Ealing Town Centre it is 4.4 storeys.

Ealing Town Centre, (in which there is just one 21 storey building) is also notable for being largely protected by several conservation areas.

Allies and Morrison summarise their findings on sensitivity in this map on page 15 of their 2022 tall buildings strategy. The map shows Ealing Town centre and the two areas in Acton to be amongst the most sensitive areas in the Borough for tall buildings.



Composite heat map indicating areas which are potentially sensitive for tall buildings, with the darkest areas considered most sensitive.

Disappointingly, neither the Plan itself nor any of the background papers supporting it discuss Allies and Morrison’s findings or their implications. The Council’s evidence does not justify the idea that Ealing Town Centre is suitable for tall buildings. This makes the policy unsound.

Allies and Morrison’s detailed and well researched findings in Volume 2 of their January 2022 Characterisation Studies corroborates this conclusion more fully. They say that the ‘Scale of intensification’ for Ealing Town Centre comes under the category of ‘Repair’, a view that arises from its findings that:

- ‘As the historic core of the borough, Ealing has magnificent buildings including Grade I Pitzhanger Manor at Walpole Park. ... Much of the area is covered by conservation areas, though **Ealing town centre CA is considered heritage at risk**’.
- There is an ‘Opportunity **to sensitively increase density in Ealing town centre to take advantage of Crossrail, while being mindful of its heritage at risk status**.
- There is a ‘potential to intensify along the Uxbridge Road in general, **with mansion block/flatted development**.
- Under its ‘character-based growth themes’ there are ‘opportunities for **mid-rise intensification**’, **around Ealing Town’s 9 stations** to make ‘use of good access to transport links and the services found here’. (our emphases)

These are views that Ealing Matters strongly endorses.

The plan’s identification of Ealing Town Centre as a location where tall buildings would be deemed to be buildings of 21 storeys or more is not just unjustified, but other policies in the

plan do not even support it. Policy D9 appears to suggest that in Ealing Town Centre no building of less than 21 storeys – one of 20 storeys perhaps - would be deemed tall. This does not sit with proposals for particular development sites in the town centre which are apparently suitable for tall buildings but with a maximum height much lower than 21 storeys. We are told for example that site O2EA should have a maximum height of 12 storeys.

4. Careful study of the Allies and Morrison's Tall Buildings Strategy throws up other inconsistencies that are carried forward into the Plan document itself and also render it unsound. At p3 of their study, Allies and Morrison helpfully clarify the London Plan's requirements for tall buildings. To demonstrate general conformity with the London Plan, they say Boroughs, in their Development Plans, should:
 1. define what is considered to be a tall building – that is, a threshold height above which new buildings will be considered to be tall;
 2. identify locations where tall buildings may be an appropriate form of development.
 3. within areas where tall buildings may be an appropriate form of development, define maximum heights for new development.

This Allies and Morrison proceed to do, using their 'character and context-led approach to identifying locations that may be appropriate for tall buildings'. Their findings are reported in both the main study and in their two appendices. They explain on page 4 of their study that:

- i. *'in identifying locations that might be appropriate for tall buildings, it follows that in all other locations beyond these – that is, the vast majority of the Borough – tall buildings are not considered to be an appropriate form of development*'. (para 3). Policy D9F of the Regulation 19 plan dilutes this advice by saying that tall buildings may be appropriate outside identified locations. It states that *'tall buildings above defined thresholds are exceptional and should be located upon specified Development Sites defined in the Development Plan'*. While there is no definition in the policy of the word 'exceptional' as it would be applied here, the dilution process is carried forward into the appraisal of individual sites. Roget offers such synonyms for 'exceptional' as 'rare', 'uncommon' or 'unprecedented'. This is not how the policy is being applied in Acton where 50% of development sites are identified as being suitable for tall buildings, or Southall (40%).
- ii. *'Within those areas which are identified as being potentially appropriate, a height suitable range is put forward. New development within these locations should be proposed within this height range'* (para 5). Unfortunately, on at least some sites, Allies and Morrison offer different values in different parts of their report. At Page 28 of their main report, the section on West Ealing (called Zone C), specifies the height range at 7-13 storeys, but in Appendix 1 page 43, in what they call Cluster B they put the height range at 7-21 storeys. Clearly these anomalies and the arguments that led to them should have been resolved before the public was asked to comment.

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

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.

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.

Modification 1:

To resolve Matter 1, the boundaries of tall building threshold areas need to be depicted at a proper scale on the Interactive Policies Map.

Modification 2:

To resolve Matter 2, and to avoid any dangers of it being misinterpreted, Policies D9E and D9F should be amended to read

- 'E. The minimum height at which a building is defined as tall in different parts of Ealing is set out in Table DMP1.
- F. Buildings of these heights or above are exceptional and should be located upon specified Development Sites defined in the Development Plan.
- G. The tall buildings definition in Table DMP1 is simply that and not a presumption that any height up to this is automatically acceptable.'

Modification 3:

To resolve Matter 3, Table DMP1 needs to be replaced with the Tables from the evidence in pages 9 to 11 of the December 2023 Allies and Morrison Tall Building strategy.

Modification 4:

To resolve Matter 4, site appraisals need to be revised to accord with Allies and Morrison's advice. The word 'exceptional' needs to be clarified or defined and where, 'exceptional circumstances', are deemed to exist, which make a tall building appropriate, a proper justification is required.

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:

This is a major policy issue within the Local Plan that Ealing Matters would like to contribute to.

***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.*

9. Policy HOU: Affordable Housing – LPA – local policy

Part B (Please use a separate sheet for each representation).

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

Paragraph:

Policy: Policy HOU: Affordable Housing – Ealing LPA – local policy

Policies Map:

4. Do you consider the Local Plan is: (please tick)

4.(1) Legally compliant

4.(2) Sound

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 set out your comments below.

This representation should be read in conjunction with Strategic Policy SP4.3.

London Plan Policy H4 A states that ‘*the strategic target is for 50 per cent of all new homes delivered across London to be genuinely affordable.*’

As shown below, LBE’s stated aim to address only locally identified need for affordable, while working to an overall housing target designed to serve the wider needs of London, would mean that only 40% of housing delivered in the Borough would be affordable. By failing to comply with London Plan Policy H4 A, Policy HOU: Affordable Housing – Ealing LPA – local policy is not sound.

Policy HOU A. states that ‘Affordable housing contributions must address identified needs in Ealing’, and HOU B. states that ‘Development should meet identified local needs for tenure and mix.’

Figure 4 from the Local Housing Need Assessment (LHNA) November 2022 below shows Ealing’s locally identified housing need, which in total amounts to just under 32,000 units. Within this, the figures show that 53% of units should be affordable (using the broadest definition), and 39% affordable as social rent.

Figure 4: Overall Dwelling need for Affordable Housing (including households aspiring to home ownership) and Market Housing by property size (Source: ORS Housing Model. Note: Figures may not sum due to rounding)

	Unable to afford market social rents	Unable to afford London Living rents	Aspiring to Home Ownership and Affordable Home Ownership	Total Affordable Housing	Total Market Housing	Total
1 bedroom	2,724	149	1,510	4,382	1,534	5,916
2 bedrooms	3,202	0	1,503	4,704	3,400	8,104
3 bedrooms	3,861	107	796	4,764	8,957	13,722
4+ bedrooms	2,485	58	358	2,901	622	3,523
C2 Dwellings	-	-	-	-	573	573
TOTAL	12,271	314	4,166	16,751	15,086	31,837
1 bedroom	22.2%	47.4%	36.2%	26.2%	10.2%	18.6%
2 bedrooms	26.1%	0.0%	36.1%	28.1%	22.5%	25.5%
3 bedrooms	31.5%	34.2%	19.1%	28.4%	59.4%	43.1%
4+ bedrooms	20.2%	18.4%	8.6%	17.3%	4.1%	11.1%
C2 Dwellings	-	-	-	-	3.8%	1.8%

However, LBE's stated intention at Strategic Policy SP4.3 is to meet its 21,570 10-year housing supply target required by the London Plan for 2019-20 to 2028-29, and to carry this rate of supply forward for the rest of the Local Plan period. Rather than Ealing's locally identified need, these figures are based on the GLA's Capacity Target for the Borough (although the methodological details and findings as they apply to Ealing are not in the public domain). They include many thousands of housing units additional to Ealing's own needs and intended to meet the wider needs of London.

Figure 5 of the LHNA breaks down the GLA's Capacity Target for the Borough by size and tenure.

Figure 5: Overall Dwelling need for Affordable Housing (including households aspiring to home ownership) and Market Housing by property size based upon the GLA Capacity Target of 2,769 dpa (Source: ORS Housing Model. Note: Figures may not sum due to rounding)

	Unable to afford market social rents	Unable to afford London Living rents	Aspiring to Home Ownership and Affordable Home Ownership	Total Affordable Housing	Total Market Housing	Total
1 bedroom	4,521	455	1,726	6,703	1,224	7,927
2 bedrooms	6,074	1,145	1,718	8,938	2,148	11,086
3 bedrooms	6,099	1,408	910	8,418	9,089	17,506
4+ bedrooms	2,707	559	410	3,675	960	4,635
DWELLINGS	19,401	3,568	4,764	27,733	13,421	41,154
C2 Dwellings	-	-	-	-	573	573
LHN	19,401	3,568	4,764	27,733	13,993	41,727

Perversely, as the LHNA explains, the result of 'helping to meet the wider needs of London is that the overall need for affordable housing rises'. In this scenario 66% of units would have to be affordable (in the broadest sense) and 46% affordable as social rent.

Delivering only the locally identified need for affordable housing out of a total housing target that serves the wider needs of London would mean that only 40% of completions would be affordable. This means that the policy would not be in conformity with the London Plan. In addition, this must also be seen as a waste of precious land resource in Ealing, as it implies that 60% of new housing would be sold/rented at market prices, which would in no way accord with the actual pattern of need either in Ealing or London as a whole.

(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.

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.

Modification 1:

LBE's total housing target is set by the Mayor of London, and is defined in Policy SP4.3 A. In order to meet the area's objectively assessed needs, and therefore be 'sound' in terms of the requirements of the NPPF, Policy HOU A. must be re-worded to reflect the share of affordable housing implicit in this target according to Figure 5 of the Local Housing Needs Assessment as follows:

A. Affordable housing contributions must achieve:

- (i) A strategic target of 66% of new homes .*
- (ii) A split of 70% low-cost rented at social rent levels to 30% intermediate provision.*
- (iii) A mix of tenures that conforms with the LHNA.*

There would be implications in these changes for paras B. to F.

The more realistic alternative would be:

Modification 2:

Accept that it is impractical to accommodate unmet need from neighbouring areas, and reduce LBE's total housing target to the Borough's identified housing need only. If modified in this way, the other obligations of Policy HOU look would be in conformity as they stand, and the development sites assigned under Ealing's current London Plan target could be either be reduced in number or built with lower densities.

A new London Plan is already in its early preparation stages. This would be a timely moment to engage with the Mayor of London and argue for a reduction in LBE's total housing target.

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:

Housing is a very complex and controversial subject in Ealing. I would therefore like to be able to hear and respond to any arguments offered by Ealing Council in response to this representation.

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.

10. Policy H16: Large Scale Purpose Built Shared Living – London Plan – Ealing LPA – local variation

Part B (Please use a separate sheet for each representation).

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

Paragraph:

Policy: H16: Large Scale Purpose Built Shared Living – London Plan – Ealing LPA – local variation

Policies Map:

4. Do you consider the Local Plan is: (please tick)

4.(1) Legally compliant

4.(2) Sound

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 set out your comments below.

Policy H16 is an inappropriate strategy, and therefore not justified, for the following reasons:

Issue 1:

Chapter 5 para 5.19 of Ealing's Local Housing Need Assessment (LHNA) November 2022 quotes London Plan Guidance on Large-scale Purpose-built Shared Living (LSPBSL), January 2022 as saying:

Whilst LSPBSL provides an additional housing option for some people, due to the unique offer of this type of accommodation, it does not meet minimum housing standards and is not therefore considered to meet the ongoing needs of most single person households in London.

Para 5.20 goes on to say that:

Given that Ealing is projected to see a decline in single young person households, then the household projections would envisage little role for this type of dwelling,....

And in para 5.21:

Purpose built co-living could meet the needs of some single people and couples as a short-term lifestyle choice, but these individual people and couples will be looking to move to permanent accommodation of one form or another.

The LHNA thus serves the same need as HMOs, but whereas the latter can be converted back to single larger household accommodation, LSPBSL cannot. It concludes that there is a risk of an over-supply of LSPBSL. Despite this concern, and while asserting that LSPBSL would only be acceptable in certain circumstances, these remain opaque, and Policy H16 makes no attempt to quantify the amount of LSPBSL that would be appropriate.

Issue 2:

Under Policy H16 LSPBSL would only be permitted within Ealing Metropolitan Town Centre, which is a very small area within the Borough as a whole. As much of the Town Centre is commercial in nature, a proliferation of housing designed to serve a transient community in that setting would change its character, and potentially divorce it from the hinterland of family occupied housing that it is meant to serve.

Furthermore, in contrast to HMOs, which, by definition house a small number of tenants who are likely to be known to one another, the London Plan 2021 para 4.16.3 states that 'LSPBSL developments are generally of at least 50 units.' This, along with the transient and likely more anonymous status of people living there, raises concerns about the safety and security of tenants, particularly women.

Issue 3:

Both Issues 1 and 2 set Policy H16 in conflict with strategic policy SP4.3 F, which talks of:

Supporting mixed and balanced communities by avoiding over concentrations of particular tenures and managing change of use including Houses in Multiple Occupation (HMOs) according to local needs and evidence.

There is no indication of how LBE intends to achieve this.

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.

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.

Modification 1:

Based on the LHNA analysis, and the potentially detrimental effect of a concentration of LSPBSL in the centre of Ealing, we believe that this form of housing should be resisted.

The wording of Policy LP29 items C and D in LB Wandsworth's Local Plan would be a suggested form of words and is reproduced below.

- C. Development proposals for large-scale purpose-built shared living accommodation which is defined as being a 'sui generis' use will generally be resisted. Such accommodation will only be permitted where:
 - 1. It is proposed on a site which is not suitable for conventional housing;
 - 2. It is clearly demonstrated that large-scale purpose-built shared living accommodation is better suited to meeting the local housing needs than conventional housing; and
 - 3. It would not lead to an overconcentration of single-person accommodation at the neighbourhood level.
- D. Where the principle of large-scale purpose-built shared living accommodation is accepted in line with Part C, proposals must:
 - 1. Meet criteria A1-A10 of London Plan Policy H16;
 - 2. Demonstrate through the submission of a management plan that the development will be managed and maintained over its lifetime so as to ensure an acceptable level of amenity and access to facilities for its occupiers and would not give rise to unacceptable impacts on the amenities of existing residents in the neighbourhood; and
 - 3. Provide a financial contribution towards the provision of affordable housing in the borough, in accordance with the London Plan.

(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:

I wish to be able to respond to any arguments Ealing Council might present in response to this representation.

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.

11. Policy ENA: Enabling Development – Ealing LPA – local policy

Part B – Please use a separate sheet for each representation

Name or Organisation: Ealing Matters

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" value="No"/>
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.

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 for this reason neither legally compliant and it is also sound.

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 Chapter 15 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. Unlike our historic assets, MOL will continue to exist only until it is built on. Enabling development policies do not appear to feature in the NPPG 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.

(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.

(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.

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.

12. MOL 11/Development site 19EA (Gurnell)

Part B (Please use a separate sheet for each representation).

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

Paragraph:

Policy: Development Site 19EA Gurnell Leisure Centre (Chapter 4, Page 208)/MOL11

Policies Map:

4. Do you consider the Local Plan is: (please tick)

4.(1) Legally compliant

4.(2) Sound

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 set out your comments below.

NPPF para 142 states that *'the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'*.

It goes on to say in para 143 that Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*
- c) to assist in safeguarding the countryside from encroachment;*
- d) to preserve the setting and special character of historic towns; and*
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

Para 154 states that *'a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt'*, but names three exceptions that are relevant to this site:

'b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and

allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

d) the replacement of a building provided that the new building is in the same use and not materially larger than the one it replaces.'

The London Plan Policy G3 Metropolitan Open Land A states that '*Metropolitan Open Land (MOL) is afforded the same status and level of protection as Green Belt*'. It goes on to say in A1 that '*MOL should be protected from inappropriate development in accordance with national planning policy tests that apply to the Green Belt*' and in C that '*MOL boundaries should only be changed in exceptional circumstances when this is fully evidenced and justified.*'

This representation should also be read in conjunction with Ealing Matters' representation on Policy ENA: Enabling Development – Ealing LPA – local policy.

Issue 1:

While proposals to re-designate/de-designate many Green Belt/MOL sites were proposed as part of the Regulation 18 consultation, many of these were rescinded following the strength of feeling expressed during that consultation. By contrast, the MOL at Gurnell was not one of these proposals, but has appeared for de-designation as part of this consultation, in which the opportunities to debate it are much more constrained.

Issue 2:

It should be noted that planning permission for a similar development proposal on the site was refused at Planning Committee in 2021 (Planning ref: 201695FUL). The reasons given were as follows:

The NPPF indicates that inappropriate development is, by definition, harmful to the Green Belt (and by implication MOL which according to the London Plan is treated in the same way) and should not be approved except in very special circumstances. In addition, there are adverse impacts on openness and by definition harm caused by the scale, massing and design of the development proposal. The benefits of the proposed development are therefore not deemed to outweigh the by definition harm to the MOL. Consequently, the very special circumstances necessary to justify the development do not exist.

Issue 3:

MOL11 continues to fulfil purposes a) and b) of para 143 of the NPPF by dividing the town of Ealing from the town of Perivale. Depending on its size, a replacement leisure centre, specifically a swimming pool, fits requirement d) of para 154 of the NPPF for exceptional development on Green Belt/MOL, so de-designation of the MOL is not necessary for this part of the project to go ahead.

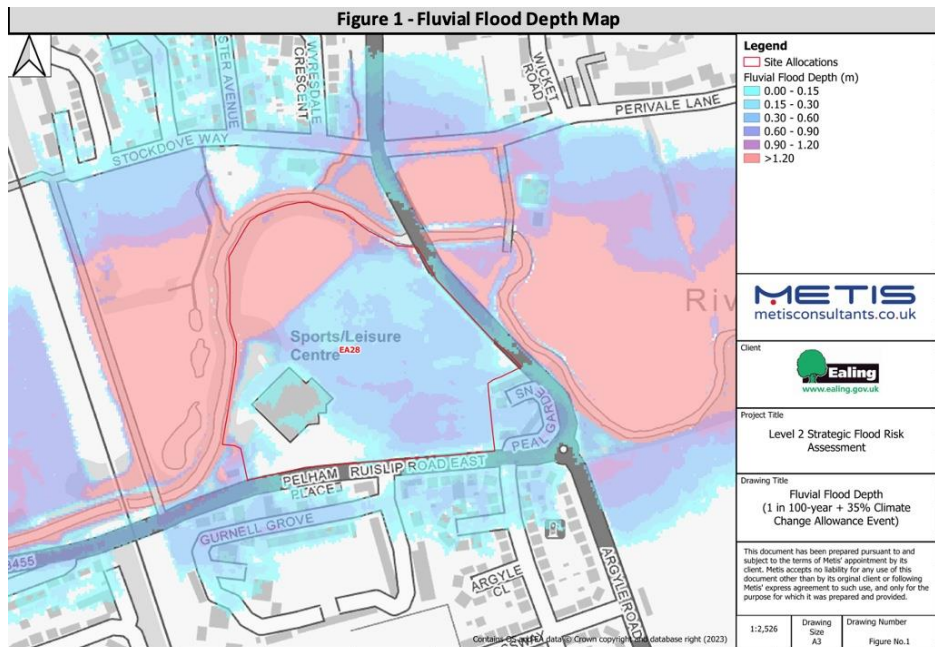
The only reason to de-designate MOL11 in this context is to allow otherwise inappropriate housing to be developed. While one of the purposes of this would be to fund the already appropriate leisure use, this does not constitute the exceptional circumstances necessary to justify de-designation as confirmed by the reasons for refusal of the previous application.

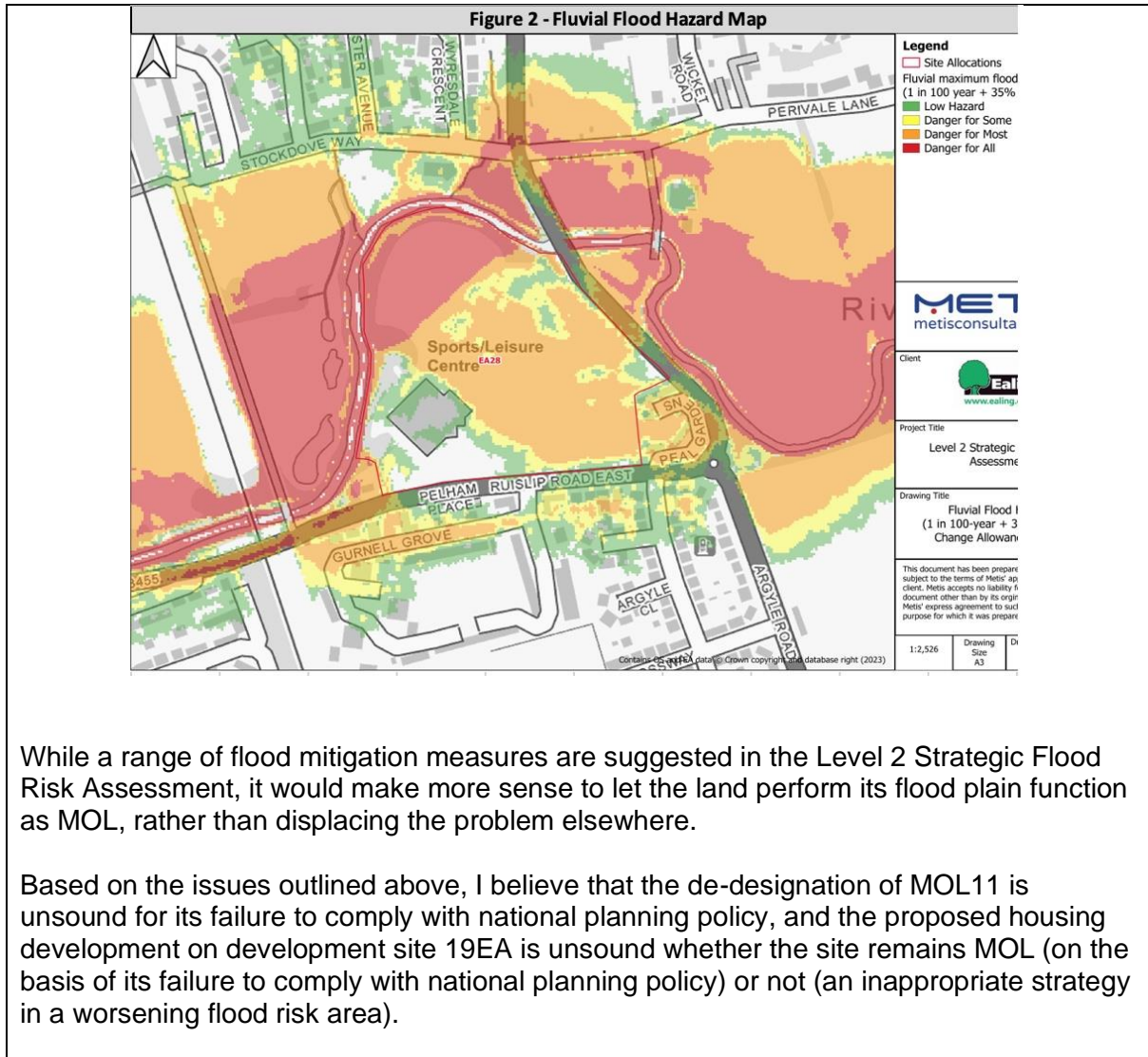
Issue 4:

A further issue with the development site proposal is the fact that the site is located on the flood plain of the River Brent.

The evidence base contains a Level 2 Strategic Flood Risk Assessment dated January 2024. The report proposes upgrading the site’s vulnerability assessment from ‘less vulnerable’ to ‘more vulnerable’, describing it as follows:

- The site is at risk from fluvial flooding from the River Brent, which flows around the northern, eastern, and western edges of the site in a westerly direction.
- The predicted flood risk extent for the climate change scenario for the River Brent covers most of the site area other than an area **in the south-western section of the site** (i.e. where the current leisure centre is located).
- Climate change is predicted to increase the flood depth and hazard in both the defended and undefended scenarios as illustrated in Figure 1: Fluvial Flood Depth Map and Figure 2: Fluvial Flood Hazard Map below.





While a range of flood mitigation measures are suggested in the Level 2 Strategic Flood Risk Assessment, it would make more sense to let the land perform its flood plain function as MOL, rather than displacing the problem elsewhere.

Based on the issues outlined above, I believe that the de-designation of MOL11 is unsound for its failure to comply with national planning policy, and the proposed housing development on development site 19EA is unsound whether the site remains MOL (on the basis of its failure to comply with national planning policy) or not (an inappropriate strategy in a worsening flood risk area).

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.

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 de-designation of MOL11 should be abandoned as should plans for housing development on the site.

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:

The issue of development on MOL is highly sensitive, and Ealing Matters was directly involved in the earlier application for development on this particular site and was a member of the Council organised Sounding Board set up to gather resident input to the new plans.

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.

13. Monitoring framework

Part B (Please use a separate sheet for each representation).

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

Paragraph: A1.1 to A1.9 and Table 1

Policy: Appendix 1: Monitoring Framework

Policies Map:

4. Do you consider the Local Plan is: (please tick)

4.(1) Legally compliant No

4.(2) Sound No

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 set out your comments below.

LBE has persistently failed to comply with national planning policy with regard to the review and monitoring of its current Local Plan.

- The NPPF December 2023 (para 33) states that:

Policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Reviews should be completed no later than five years from the adoption date of a plan, and should take into account changing circumstances affecting the area, or any relevant changes in national policy. Relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly;

There has been no published review of the current Plan since its adoption in 2012 even though LBE's annualised housing targets increased massively over the last 12 years (from 890 to 1,297 in 2015-16 and then to 2,157 in 2019-20).

- The Planning and Compulsory Purchase Act 2004 Provision 35 states at point 2.(2)(b):

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.*

And at point 3.(3):

A report under subsection (2) must –

(a) be in respect of a period –

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

- The most recent full Authorities Monitoring Report for LBE (published in 2015) dates back to 2013-14. Residents have been asking for updates since 2016 without success. (EM1)
- An interim AMR covering 2014-2019 was published in October 2021 only after a member of Ealing Matters made a formal complaint to the Local Government Ombudsman (LGO), but its content was incomplete. The LGO directed LBE to produce a final full AMR for 2019-20 by the end of 2021 (EM2). LBE did not do so, and the LGO failed to enforce its decision (EM3).
- LBE has still not produced its AMR for 2019-20, nor has it produced AMRs for any year since, frequently citing the move from the London Development Database to the London Datahub as a reason.
- An email dated 28 September 2022 from Peter Kemp, Head of Change and Delivery, Planning at the GLA states that 'the Datahub is now fully operational for Ealing' (EM4). Furthermore, this compares with neighbouring authorities such as LB Hammersmith & Fulham and LB Hounslow, both of which have published AMRs for 2019-20, 2020-21 and 2021-22, and LB Brent, which has further published an AMR for 2022-23.

- At a meeting with LBE in January this year, Ealing Matters pointed out that AMRs are crucial to aiding community understanding of the broader picture of planning in the borough, but the Head of the Strategic Directorate for Economy and Sustainability stated that the Local Plan had been prioritised over the AMRs (EM5).

The references in brackets refer to the following evidence, which can be provided on request:

[EM1 Ealing Authority Monitoring Reports: Record of FOIs and other information requests](#)

[EM2 Local Government & Social Care Ombudsman decision notice re complaint no 21 000 857 against London Borough of Ealing \(15 September 2021\)](#)

[EM3 Email from F.DiNetimah \(LGO\) re Case ID – 21000857 to Kay Garmeson \(24 January 2022\)](#)

[EM4 Email from Peter Kemp, Head of Change and Delivery, Planning, Greater London Authority to Kay Garmeson \(28 September 2022\)](#)

[EM5 Minutes of a meeting between community groups and Ealing Council on 23 January 2024, Item 3b\)](#)

On the basis of this poor review and monitoring record, we wish to raise the following issues with regard to the proposed Monitoring Framework:

Issue 1:

It is a matter of great concern that the Monitoring Framework is an appendix to the new Local Plan and not a policy within it (in contrast to LBE's Development Plan Strategy 2012 in which it is Policy 1.2 (o) and to the Local Plans of other London boroughs, e.g. LB Camden, LB Wandsworth, and the London Plan).

Issue 2:

Paras A1.1 – A1.9 contain no indication of or commitment to the timing and frequency of publication of reviews and Authorities Monitoring Reports, despite these being clearly stipulated by the NPPF December 2023 para 33 and the Planning and Compulsory Purchase Act 2004 provision 35 respectively. It should not be necessary for members of the public to go digging around in higher level policies in order to find this out.

Issue 3:

The Town and Country Planning (Local Planning) (England) Regulations 2012 Part 8, Provision 34 requires the production of Authorities' monitoring reports, but paras A1.6 and A1.8 in LBE's Monitoring Framework refer to an 'Authorities Monitoring Framework' (a change made since the Reg 18 consultation) followed by the acronym AMR. This change in title is confusing to the public, who are a key target audience for these reports, and out of step with Provision 34.

Issue 4:

This relates to the indicator/performance measures contained in the Monitoring Framework.

With only 20 indicator/performance measures, all at a Borough-wide level, the scope of the Monitoring Framework itself (Table 1) is inadequate. (By contrast, LB Wandsworth's Monitoring Framework includes ca 200 measures.)

- The Borough-wide strategic policies SP1-4 have wide-ranging aspirations, but most of these are not reflected in relevant indicator/performance measures.

- While SP1: A Vision for Ealing B. promises to promote an inclusive economy by ‘spreading the benefits of new growth more equally across the Borough’s neighbourhoods’, none of the indicator/performance measures capture the effects of policies set out in Chapter 4 separately for each of the seven towns.

The National Planning Policy Framework December 2023 requires in para 15 that plans should be ‘succinct’ and in para 16d) ‘contain policies that are clearly written and unambiguous’. The Monitoring Framework fails to comply with these requirements in that the measures themselves are unclear:

- The reporting timeframes for each of the indicator/performance measures are not always provided.
- The units of measurement are often imprecise, unintelligible or absent.
- The targets are not always sufficiently self-explanatory.

Issue 5:

LBE appears to draw a distinction between the ‘Monitoring Framework’ for internal use (see para A1.7) and the ‘Authorities Monitoring Framework’ to be reported (see para A1.8). Para A1.6 mentions ‘new and additional measures’ that ‘may be identified over-time (sic), and these will be reported through the Authorities Monitoring Framework’, but there is no indication of what these might be or when they might be scoped out.

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.

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.

Modification 1:

We recommend that there should be a specific policy dealing with review and monitoring in the main body of the Local Plan to reinforce their status as statutory requirements. This should set out what the local planning authority can be expected to produce to what time scales. In our opinion, LB Wandsworth’s Policy is a good model and is reproduced below.

LP61 Monitoring the Local Plan

- A. The Council will complete a review of the Local Plan policies and publish its conclusions at least every five years. Conclusions from the first review will be published no later than five years from the adoption date of the Plan.
- B. The Council will have particular regard to the following factors when reviewing policies within the Local Plan and determining whether or not relevant policies require updating:
 - 1. The Monitoring Framework;
 - 2. The latest Authority Monitoring Report, including reported progress against the requirements for the planned delivery of development and infrastructure;
 - 3. Conformity of policies with national planning policy;
 - 4. Changes to local circumstances (including a change in local housing need);
 - 5. Significant local, regional or national economic changes; and
 - 6. Progress in plan-making activities by other local authorities and the Mayor of London.
- C. Where appropriate, the Council will commence an earlier review of the Local Plan to address significant changes in circumstances. The Council will promptly commence a review of the Local Plan and update relevant policies accordingly if:
 - 1. The Authority Monitoring Report demonstrates that annual housing delivery is less than 75% of the annualised requirement or the projected completion rate (whichever is the lower) for three consecutive years; or
 - 2. The Council cannot demonstrate a five-year supply of deliverable housing land against the requirements established through the Local Plan.

Modification 2:

The package of monitoring material, whether a single report or a number of datasets, should retain the title Authorities Monitoring Report to comply with the Town and Country Planning (Local Planning) (England) Regulations 2012 Part 8, Provision 34.

Modification 3:

LBE should develop, publish and consult as a matter of urgency on a separate document containing all the measures to be included in its Authorities Monitoring Framework and taking into account the deficiencies outlined at Q5. Issue 4 in the indicator/performance measures to its Monitoring Framework. This framework should include all of the information required under Regulation 34.

Modification 4:

In view of LBE's very poor track record on review and monitoring, it is essential that Ealing residents have recourse to some higher authority via a non-legal route should LBE persist in ignoring its statutory duties in respect of the review and monitoring of its Local Plan.

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:

As mentioned at Q5. Issue 5, LBE appears to draw a distinction between monitoring data for its own internal purposes (which it appears to prioritise) vs. the statutory requirement for public reporting. I believe, therefore, that it is necessary for the Inspector to hear the views and experiences of members of the public, important users of those reports, in order to arrive at a view on LBE's proposals for review and monitoring.

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.

14. The Plan's format and presentation

Part B – Please use a separate sheet for each representation

Name or Organisation: Ealing Matters

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

Paragraph Policy Policies Map

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.

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.

This representation concerns the presentation of the Plan, which Ealing Matters considers to be unsound as it fails to comply with key areas of national planning policy and guidance with regards to its accessibility.

- NPPF Paragraph 15 requires plans that are succinct.
- NPPF Paragraph 16 requires plans that contain policies that are clearly written and unambiguous and serve a clear purpose so it is evident how a decision maker should react to development proposals.
- NPPG Guidance on Plan making (Paragraph: 002 Reference ID: 61-002-20190315) requires that 'all plans need to be as focused, concise, and accessible as possible'.
- NPPG Guidance to Authorities on keeping communities informed of evidence gathering and plan-making (Paragraph: 035 Reference ID: 61-035-20190723) expects authorities 'to be mindful of the need to produce concise visual evidence, written in plain English to help ensure that it is easily accessible to local communities, to avoid them becoming disengaged with the process.'

Many Ealing residents have told Ealing Matters that they find the plan very hard to read or even to find what they want to know in it.

In Ealing Matters' view the Plan is not written with its end users in mind. This is unfortunate, as it is in everybody's interests for plans to be easily accessible to everyone and that they should contain clear policies to describe how the Borough will change.

Inclusion of a 'Wayfinding Guide' at the start does not improve things since the top line items do not relate to the plan's overall structure, and the specific policies they refer to are unlabelled. Must I really read all the London Plan's policies on Design, as the guide tells me I should, if I want to see what Ealing's Plan has to say about tall buildings?

Its highly unorthodox approach, its unnecessary repetition of the Council's higher values and aspirations, its lengthy and loosely worded strategic policies, the somewhat haphazard organisation of its policies in Chapter 5, the reliance on jargon, distracting use of irrelevant photos, inconsistent formatting and sheer length all make it a very hard document for anyone unfamiliar with it, or with planning generally, to penetrate.

In short, the Plan that we are being consulted on fails to meet the requirements for clarity in the NPPF or to follow National Planning Practice Guidelines. For these reasons it is unsound.

(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.

It is in all our interests that the Plan is clear in what it says and provides certainty to local communities and to developers as to how the borough is going to change.

The Plan requires extensive editing. Ealing Matters would like it to adopt a more conventional structure as successfully adopted by LB Camden for example.

(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:

The NPPF is very clear that local plans need to be accessible to all stakeholders including local communities, and I would like to engage in a conversation as to how this might be achieved.

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.