

**Publication Stage Representation Form  
LB Ealing Council New Local Plan  
Consultation dates: 28 February to 6pm 10 April 2024**

Please email back to: [localplan@ealing.gov.uk](mailto:localplan@ealing.gov.uk) or post to: Strategic Planning Team, Perceval House, 14-16 Uxbridge Road, London, W5 2HL

More information on the New Local Plan and consultation documents can be found here:

[https://www.ealing.gov.uk/info/201164/local\\_plan/3125/new\\_local\\_plan](https://www.ealing.gov.uk/info/201164/local_plan/3125/new_local_plan)

Refer to our privacy notice (also attached) for how we process your data:  
[https://www.ealing.gov.uk/info/201164/local\\_plan/3125/new\\_local\\_plan/4](https://www.ealing.gov.uk/info/201164/local_plan/3125/new_local_plan/4)

This form has two parts:

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

**Part B** – Your representation(s). Please fill in a separate sheet for each representation you wish to make and attached all the papers together.

**Part A**

**1. Personal Details (\*Mandatory fields if you wish to be part of the next stage of the new local plan, please provide at least one contact information).**

*If an agent is appointed, please complete only the Title, Name and Organisation (if applicable)*

Title\*:

First Name\*:

Last Name\*:

Job Title: ADVISER (I am a DLUHC accredited Neighbourhood Planning Champion)

Address Line 1:

Line 2:

Line 3:

Line 4:

Post Code:

Telephone Number: [REDACTED]

E-mail Address\*: [REDACTED]

Name of Organisation: OLD OAK NEIGHBOURHOOD FORUM

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

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

Paragraph: **See for each Part B representation**

Policy: See for each Part B representation

Policies Map:

4. Do you consider the Local Plan is: (please tick) No, for reasons stated in our third representation below.

4.(1) Legally compliant No

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.*

**See Part B representations on four matters as set out below and on attached separate pages.**

**1. Neighbourhood planning (Paragraph 1.2. of Reg 19 Draft)**

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

**3. Inadequate LB Ealing response to representations made at Regulation 18 stage**

**4. Draft Policy A6 North Acton and Park Royal – lack of effectiveness**



**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.*

**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.**

**Modifications considered necessary are explained on each Part B below.**

**At the stage of Regulation 19 consultation and prior to Examination hearings, it is not reasonable to expect precise wording changes to be provided in most cases.**

**Assuming the Planning Inspector requires the Council to draft suggested modifications, and that these are of significance requiring a further public consultation (as seems likely) specific wording changes will be proposed at that stage.**

**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:**

**We wish to participate because our experience of the EIP on the OPDC Draft Local Plan demonstrated to us that hearings allow for oral evidence in support of written evidence and that this can influence the Inspector's views on the need for modifications.**

**Our oral evidence on the content of OPDC's Regulation 19.2 Draft Local Plan led to the Inspector requiring significant changes to be made to the draft plan.**

*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.*



## LB EALING REGULATION 19 DRAFT LOCAL PLAN PART B REPRESENTATION FROM THE OLD OAK NEIGHBOURHOOD FORUM

### Paragraph 1.2.1 on neighbourhood planning

This paragraph reads in full *1.21 For the purposes of neighbourhood planning, all the policies in Ealing's Local Plan are considered to be strategic policies.*

This approach of simply deeming all local plan policies to be 'strategic' without any evidence has become a hallmark of those planning authorities which wish to minimise the scope for neighbourhood planning in their area. This tactic is designed to maximise the scope for use of the basic condition on 'general conformity' to block neighbourhood forums from coming forwards with any variation or fine-tuning of local plan policies.

NPPF paragraph 21 states *Plans should make explicit which policies are strategic policies. **These should be limited to those necessary to address the strategic priorities of the area (and any relevant cross-boundary issues), to provide a clear starting point for any non-strategic policies that are needed. Strategic policies should not extend to detailed matters that are more appropriately dealt with through neighbourhood plans or other non-strategic policies.***

LB Ealing has made no effort to 'limit' the extent of 'strategic' policies within its Draft Local Plan. It is not evident that any thought or officer time has been given to questioning which policies should be deemed 'strategic'.

NPPF paragraph 28 reads *Non-strategic policies should be used by local planning authorities and communities **to set out more detailed policies for specific areas, neighbourhoods or types of development.** This can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies.*

(our emphasis in both the above paragraphs).

National Planning Practice Guidance provides further information as below:



### **How is a strategic policy determined?**

Strategic policies will be different in each area. When reaching a view on whether a policy is a strategic policy the following are useful considerations:

- whether the policy sets out an overarching direction or objective
- whether the policy seeks to shape the broad characteristics of development
- the scale at which the policy is intended to operate
- whether the policy sets a framework for decisions on how competing priorities should be balanced
- whether the policy sets a standard or other requirement that is essential to achieving the wider vision and aspirations in the local plan or spatial development strategy
- in the case of site allocations, whether bringing the site forward is central to achieving the vision and aspirations of the local plan or spatial development strategy
- whether the local plan or spatial development strategy identifies the policy as being strategic

Planning practice guidance on [plan-making](#) provides further advice on strategic policies.

Paragraph: 076 Reference ID: 41-076-20190509

Revision date: 09 05 2019 See [previous version](#)

The Regulation 19 Ealing Draft Local Plan contains development management policies which apply across the Borough (excluding the OPDC area). It also includes a ‘spatial strategy’ and a set of locality-based policies for the seven individual ‘towns’ in the Borough.

In our view, these ‘town policies’ are clearly ‘non-strategic’ in the terms defined in the NPPF and NPPG. Many of these policies are detailed and site specific. They cannot be defended as ‘over-arching’ policies.

Ealing’s existing Core Strategy dates from 2012 and is silent on the subject of neighbourhood planning, and on the distinction between ‘strategic’ and ‘non strategic’ policies.



**The approach adopted in this Regulation 2019 Draft Local Plan is not compliant with the NPPF and needs to be changed prior to the Plan's submission to the Secretary of State for Examination.**

**Modification required: as provided in Local Plans adopted by other London Boroughs, a schedule identifying 'strategic' and 'non-strategic' policies as part of the local plan document with an explanation of the distinction between the two and its significance for existing neighbourhood plans and any further neighbourhood plans in the Borough.**

Old Oak Neighbourhood Forum  
April 2024



## LB EALING REGULATION 19 DRAFT LOCAL PLAN PART B REPRESENTATION FROM THE OLD OAK NEIGHBOURHOOD FORUM

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

This draft policy is presented as a variation of Policy D9 in the 2021 London Plan. The London Plan policy was itself modified following a Direction issued by Secretary of State Robert Jenrick to the Mayor of London in December 2020<sup>1</sup>. Ealing’s proposed ‘variation’ must be examined against this background.

We argue that the ordinary meaning of the words in London Plan Policy D9, read as a whole, in the light of its context and objectives, sets out a clear process for the grant of planning permission for tall buildings. It gives primacy to the planning judgment of the local planning authority at the plan-making stage in terms of the definition and location of tall buildings.

This makes it essential that Local Plans as prepared by local planning authorities in London are clear on *‘suitable locations’* and on *‘appropriate heights’* as referred to in D9 Part B. Different local plan policies and site allocations on tall buildings may co-exist across London, but these need to be made explicit within individual local plans (and during preparation of these documents) so that Londoners can participate in plan preparation and can also understand the implications of such policies and site allocations for tall buildings once a local plan is adopted.

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<sup>1</sup> The 2021 London Plan was formally adopted on March 2nd 2021. Policy D9 addresses ‘tall buildings’. It states materially as follows: Policy D9 Tall buildings Definition: A Based on local context, Development Plans should define what is considered a tall building for specific localities, the height of which will vary between and within different parts of London but should not be less than 6 storeys or 18 metres measured from ground to the floor level of the uppermost storey. Locations B Boroughs should determine if there are locations where tall buildings may be an appropriate form of development, subject to meeting the other requirements of the Plan. This process should include engagement with neighbouring boroughs that may be affected by tall building developments in identified locations. Any such locations and appropriate tall building heights should be identified on maps in Development Plans. **Tall buildings should only be developed in locations that are identified as suitable in Development Plans.** (our emphasis).

The covering letter from the Secretary of State sent with the Direction states: I am issuing a new Direction regarding Policy D9 (Tall Buildings). There is clearly a place for tall buildings in London, especially where there are existing clusters. However, there are some areas where tall buildings don’t reflect the local character. I believe boroughs should be empowered to choose where tall buildings are built within their communities. Your draft policy goes some way to dealing with this concern. In my view we should go further and I am issuing a further Direction to strengthen the policy to ensure such developments are only brought forward in appropriate and clearly defined areas, as determined by the boroughs whilst still enabling gentle density across London. I am sure that you share my concern about such proposals and will make the required change which will ensure tall buildings do not come forward in inappropriate areas of the capital (our emphasis).





We submitted comments (re-attached) on how Ealing’s Regulation 18 Draft Local Plan addressed the 2021 London Plan requirements on Tall Buildings policy. It is an overly complex policy requiring the public to study and cross-refer between maps and table.

As previously suggested, we consider that it needs to be rethought to conform with London Plan Policy D9 and with the new paragraph 130 in the NPPF.<sup>2</sup>

Firstly, figure DMP1 does not meet the basic London Plan requirement that ‘Any such locations and appropriate tall buildings should be identified on maps in Development Plans’. It requires the public to cross-refer to a complicated table DMP 1 of 50 different areas in the Borough with varying parameters for building heights. **This in itself negates the clear intention of the Secretary of State in issuing his 2020 Direction – that of local plans which include a set of simple maps identifying locations where tall building are deemed ‘suitable’.**

The site allocations included in the Draft Local Plan for each ‘town’ provide information for those members of the public with the time and persistence to study a 450 page local plan. But this form of policy drafting is unnecessarily complicated. The height parameters for each of 50 areas are frequently the same.

A second issue arises with these diagrams in the ‘Town’ sections of the Draft Plan. The term ‘location’ as used in London Plan Policy D9 means in plain English ‘a particular place or position’. This is confirmed by the criteria for ‘suitability’ as used in Part C of London Plan D9, which are **location-specific** in terms of views and impacts. ‘Location’ is therefore not synonymous with ‘area’ in this context.

Many of the ‘sites’ for which allocations are included in the ‘town’ sections of the Draft Local Plan are far larger than can sensibly be identified as a ‘location’. For example Southall 18SO is 7.78 ha, Southall 11SO is 22 ha, and Southall 26SO is 33.81 ha. The site allocations give no indication of

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<sup>2</sup> The new paragraph 130 reads *In applying paragraphs 129a and b above to existing urban areas, significant uplifts in the average density of residential development may be inappropriate if the resulting built form would be wholly out of character with the existing area. Such circumstances should be evidenced through an authority-wide design code which is adopted or will be adopted as part of the development plan*

where within these large areas of land, tall buildings are deemed to be 'suitable'. **Again London Plan D9 Part B is not complied with.** Other London Boroughs used 'heat maps' or other graphic devices to indicate 'suitable locations' within a wider area.

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

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

**For all the above reasons we consider LBE's proposed policy D9 on Tall Buildings to fail to conform with 2021 London Plan Policy D9 and hence to be unsound.**

**Modifications required: In our view the necessary modifications require a rethink of how the Council's evidence base has been used and LBE policy on Tall Buildings conceived, in the context of London Plan D9 and NPPF paragraph 130.**

**This outcome needs to be presented in a way that the public and applicants can readily understand. Recent local plans prepared by other London Boroughs provide examples of how this can be done.**

Old Oak Neighbourhood Forum  
April 2024



## **LB EALING REGULATION 19 DRAFT LOCAL PLAN PART B REPRESENTATION FROM THE OLD OAK NEIGHBOURHOOD FORUM**

### **Inadequate LB Ealing response to representations made at Regulation 18 stage**

This is a representation on the procedure adopted by LBE in its handling of representations made during the consultation on the Regulation 18 draft of the Local Plan.

The Regulation 18 consultation took place between December 2022 and February 2023. The Old Oak Neighbourhood Forum submitted a 7 page response (re-attached) covering a series of points which we considered needed to be taken into account in a subsequent Regulation 19 draft plan.

We have been unable to find on the LBE website any ‘consultation statement’ with details of all representations received, and the Council’s response to these. We have found only a REGULATION 18 CONSULTATION UPDATE document listing respondents, and a *Summary of Regulation 18 Issues and Responses*.

We do not consider these documents to be adequate in meeting the requirements of the Town and Country Planning (Local Plan) (England) Regulations 2012. As we understand the statutory requirements, the Council will be required (as part of the submission of a revised Regulation 19 Draft Plan to the Secretary of State) to provide a ‘Regulation 22’ statement. **How is the question of feedback to respondents on the Regulation 18 consultation to be addressed?**

We also understand that the 2012 Regulations require plan making authorities to demonstrate transparently that consultation responses have been noted, understood and, where applicable, taken into account in formulating the content of the plan under preparation.

The *Summary* document as published by LBE does not get even close to responding to the representations we made on the Regulation 18 draft policy on Tall Buildings, and its relationship to London Plan Policy D9. There is no evidence that LBE officers read or understood our



representation. **If our response is one of many to be set aside and discounted, we would have expected to see a reason for this.**

By contrast, the consultation statement prepared and published by RB Kensington & Chelsea following its Regulation 18 consultation in April 2022 provides responses to all representations made. The [schedule](#) runs to 1,488 pages, and no doubt took significant resource to prepare. But this work enabled local people to understand why their views had been taken into account, or alternatively set aside in preparation of a Regulation 19 Draft.

LB Ealing's approach to a Regulation 18 consultation statement compares so poorly that we consider **a Planning Inspector may well consider the transition from Regulation 18 to Regulation 19 consultation to be fatally flawed.** The LBE approach has meant that local amenity bodies, residents associations, and individuals feel that they either have to repeat submissions previously made, or that their initial efforts have been ignored or discounted for no valid reason. We think it likely that few will then have been willing to invest yet more time and effort in making further representations at Regulation 19 stage.

Public perceptions are that this approach has been characteristic of a planning authority reluctant to listen and take on board the views of its residents. At a trivial level, we pointed out in our Regulation 18 response that 'complemented' and 'complementary' were spelt incorrectly. This same error re-occurs at paragraphs 2.20 and 4.7.14 in the Regulation 19 Draft.

Our experience of dealings with LB Ealing's planning department since 2016 has been one in which basic requirements are not met (such as publication of Authority Monitoring Reports) and key administrative tasks not followed up. The failure of the authority to make the necessary Council decision to enter into the Scheme of Delegation between OPDC and LBE in the period 2015-2020 has rendered (in our view) a series of major planning consents at North Acton open to legal challenge for want of property authority, should any party be minded to pursue this route in the future.

**Modifications required:** It is now too late to remedy this flaw in process.  
Old Oak Neighbourhood Forum, April 2024



## **LB EALING REGULATION 19 DRAFT LOCAL PLAN PART B REPRESENTATION FROM THE OLD OAK NEIGHBOURHOOD FORUM**

### **Draft Policy A6 North Acton and Park Royal - effectiveness**

Draft Policy A6 is the one point in the Draft Local Plan at which the Council sets out some aspiration for the eastern part of the Borough, for which the OPDC has been the planning authority since 2015.

In our response to the Regulation 18 version, we commented on the lack of basic information in the draft Local Plan on the impact and consequences of having a Mayoral Development Corporation act as planning authority for the eastern end of the Borough.

Our experience since 2015 as a neighbourhood forum ('interim' until designation in 2017) is that local residents still struggle to understand the relationship between OPDC and Borough. This is for several reasons:

- most people do not appreciate the role of 'planning authority' as compared with 'highways authority'. Planning consents issued by OPDC have impacted on parking and highways issues in the surrounding area. Sorting out resultant problems were slow. A potential 4 year complete closure of Old Oak Common Lane is a recent example of public uncertainty as to the roles of all the agencies involved.
- The extent of regular liaison between OPDC and the 'host Boroughs' remains opaque and non-transparent. The original Mayoral response to the 2014 consultation on establishing a MDC envisaged a multi-agency chief officer group, operating as a body with agendas and minutes available to the public. Such a body has never been established.
- Public perceptions of the workings of OPDC have changed (for the worse rather than the better) since 2017. The Corporation is viewed by our Forum members as an organisation which claims to 'engage' very successfully with local communities but which in practice falls well short of the practices of leading Boroughs Councils across London.



We accept and understand that the ‘soundness’ of a LBE Regulation 19 Local Plan will depend only on certain aspects of the relationship between adjacent planning authorities (particularly the duty of co-operation). The brief statement published by LBE to date on this duty (February 2023) states *Ealing well (sic) prepare these statements subsequent to Regulation 19 to support the submission version of the plan.* We will comment further at that stage.

The Scheme of Delegation between OPDC and Ealing, adopted at the first meeting of the OPDC Board in April 2015, reflected a political deal between the then Borough Leader and the then Mayor of London necessary to achieve the Council’s support for a MDC. The consequences, and the way the delegation decisions were handled, has led (in public perceptions) to the ‘North Acton Cluster’ emerging as one of the least successful examples of urban renewal across London. Levels of extreme housing density, public open space per person, and quality of the public realm compare unfavourably with other regeneration areas in London<sup>3</sup>.

In terms of the content of the Regulation 19 Draft Local Plan, we repeat the comments made in our representation on the Regulation 18 version. We consider the **effectiveness** of the document to be hampered by the lack of adequate explanation for the public on the respective roles and responsibilities OPDC and LBE.

A reader of the Draft Local Plan has to reach page 37 before there is a brief explanation of the fact that the policies in the document will not apply to parts of the eastern end of the Borough, including Park Royal and the area around the Old Oak Common rail interchange.

This paragraph at 1.19 is brief and reads as follows:

*1.19 Parts of Ealing fall within the Local Planning authority area of the Old Oak and Park Royal Development Corporation (OPDC), including North Acton and Park Royal. Within its boundaries, OPDC is responsible for planning matters, including plan making and determining the majority of planning applications. As set out in the scheme of delegation between the OPDC and Ealing*

*Council, some planning applications OPDC receives are determined by Ealing Council on its behalf. OPDC’s Local Plan was adopted in June 2022.*

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<sup>3</sup> See [What is the future of high-rise housing? → Pollard Thomas Edwards](#)



We argue that for the benefit of those living in the part of the Borough affected, significantly more detail needs to be included in an adopted Local Plan.

We made similar comments in our Regulation 19 representation. The lack of any response from LBE, in the form of a detailed ‘consultation statement’ has meant that we have needed to repeat these views for a second time.

We are not aware of any other LBE document which explains or comments on this context of split responsibilities with a Mayoral Development Corporation. The relationship is one which the public are still finding hard to understand, nine years into the life of the OPDC.

**Modifications required:** Additional material could be added via the Glossary or an annexe to the Plan. The material could usefully provide the following information:

- Which of OPDC or LBE is responsible for a range of services (principally determining large and householder applications, highways matters, parking control, enforcement of planning controls, enforcement of other controls on noise nuisance, waste disposal, construction traffic management).
- Up to date information on the operation of the latest version of the Scheme of Delegation on determination of planning applications<sup>4</sup>. This ‘scheme’ has been the subject of confusion for applicants and the public since its introduction. It needs to be clear whether LBE is

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<sup>4</sup> The original 2015 Scheme of Delegation delegated to LB Ealing all applications at North Acton. This was on the basis that Ealing’s 2012 Core Strategy and 2013 Development Sites DPD had set a framework for regeneration in this part of the Borough which the Council argued that it should be allowed to bring to fruition. In November 2021 OPDC began to withhold to itself decisions on major applications at North Acton. On November 23<sup>rd</sup> 2023 the OPDC Board adopted a revised scheme (from April 1<sup>st</sup> 2024) under which *The only applications which OPDC will continue to delegate are applications to amend applications which were previously delegated to Ealing and approval of details and discharge of condition applications associated with applications previously delegated to Ealing.*

This change of approach took place after representations by OONF and other local groups that leaving LB Ealing to decide on major applications at North Acton was blurring accountability of the role of OPDC and its stated ambition to create ‘an inclusive, accessible and diverse district, displaying the best practice in social and environmental design, and making a major contribution to London’s success as a global city’.



continuing to deal with all householder applications, with OPDC handing major applications only.

The maps in the draft local plan could also be improved in terms of clarity as to which parts of the Borough lie within the OPDC boundary.

Old Oak Neighbourhood Forum  
April 2024

