

5TH APRIL 2024

Save Gurnell are a community group of Ealing residents, and we are writing to submit our feedback on the Ealing draft Local Plan Stage 2 (Regulation 19.) Due to the sheer volume of documents and limited time, we have commented on the topics that pertain to our area of focus (the Gurnell Area) as well as topics that impact the plans for that area. More specifically, we have commented on the areas that we disagree and should be challenged.

## 1. General comments about the Stage 2 consultation

Before we get into the details of our feedback, we wanted to leave a few general comments about the plan and consultation itself:

- With over 500 pages the plan is enormous, even though a “wayfinding guide” has been produced it is extremely difficult and time consuming to navigate.
- Changes from the Regulation 18 version are very hard to spot which has made it very time consuming to verify if our Reg 18 comments had any impact or not.
- The timing of the consultation is poor, spanning over the Easter holiday period when everyone has their children out of school and is taking time to be with family and friends. There seems to be a theme with Ealing Council choosing major holiday periods for key public consultations. The Reg 18 happened over Christmas of 2022 and only after significant public pressure, Ealing Council extended the consultation deadline.

The purpose of the points raised above is to highlight that the overall management of the Local Plan process (including the Reg 18) has felt reactive and poorly planned when compared to other London councils (regardless of political party.) It feels like Ealing Council are rushing it through the minimum viable process, making it extra challenging for residents to provide their feedback.

## 2. Gurnell historical facts and comments about MOL de-designation

Before we provide our Stage 2 feedback on the Gurnell area, we wanted to comment on the approach being used to de-designate MOL. It is worth noting the following historical facts having a bearing on the planning arguments presented in our feedback. It is therefore relative to consider these.

1. Ealing Council cabinet gave initial approval to redevelop the Gurnell Leisure Centre and its carpark in 2015. The objective was to redevelop the leisure centre and build a facilitating housing development on the adjacent car park footprint. All the land in scope was MOL. Since then, there have been numerous cabinet decisions to continue the project regardless of the risk of building on MOL.
2. The planning application was finally submitted in 2021 and was **rejected** by Ealing Council Planning Committee due to inappropriate development on MOL.
3. Ealing Council initiated a new project in early 2022 which had the same scope and objective, but with a different architect.
4. Save Gurnell was a Sounding Board member along with representatives from other key community groups. Over the course of a year, the risk of building housing on MOL was raised on multiple occasions by numerous Board members. Ealing Council cabinet voted in favour of pursuing the plans in Feb 2023.
5. The proposal to de-designate the Gurnell Leisure Centre and adjacent car park within MOL12 was **not included in the Stage 1 Reg 18 consultation**. This is also true of the other 6 MOL de-designations in Stage 2.

Why wasn't the Gurnell Leisure Centre and carpark de-designation part of the Stage 1 since it's been the Council's ambition to redevelop it with housing since 2016?

We believe it was added to the Stage 2 as a reactive opportunity to develop MOL on the path of least resistance. Ealing council want to avoid following the more stringent NPPF and London Plan policies for developments on MOL and Green Belt. It seems like manipulation or 'cheating' of planning policy to establish Ealing's own 'Exceptional Circumstances' which have "no set definition" and "no uniform approach" to justify de-designating of MOL and Green Belt.

Apart from the Gurnell area, there are six more major de-designations planned in Ealing. If this approach is allowed, it would set a dangerous precedent for losing even more MOL and Green Belt in Ealing. All councils around the country would follow this approach.

### 3. Exceptional circumstances and boundary changes

In this next section, we would like to set out the key areas which we feel provide a strong argument against de-designating MOL and Green Belt. Our arguments are set out in the following sections:

- a. Establishing exceptional circumstances
- b. Boundary changes – Gurnell Leisure Centre
- c. Boundary changes – Enterprise Lodge

Our feedback will be framed in line with the NPPF criteria for evaluating a Local Plan to assess whether it passes the 'tests of soundness:

- **Positively prepared** –providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence.
- **Consistent with national policy** –enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy where relevant.

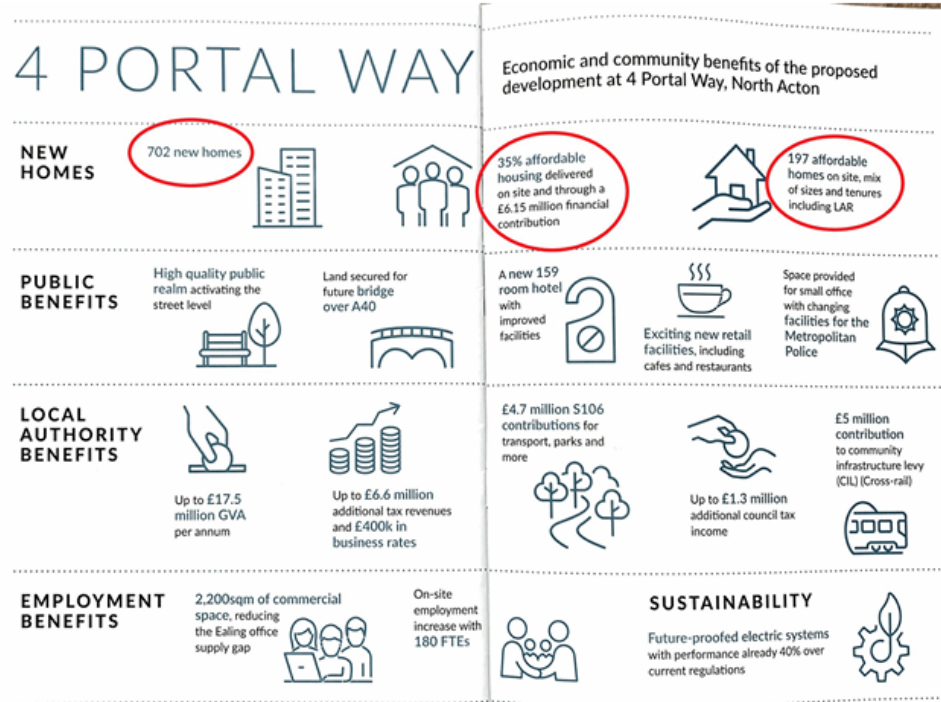
#### 3a. Establishing exceptional circumstances

In the Ealing Green Belt and MOL Review Stage 2 document (Feb 2024), the council sets out its justification that exceptional circumstances exist to allow for the de-designation of seven MOL and Green Belt areas across Ealing. While the primary focus of our comments is for the Gurnell Leisure Centre area, our comments also apply to the other six areas listed in the document.

Ealing Council's approach to establishing exceptional circumstances has three flaws.

1. Page 7 says "Objectively assessed need for housing or other uses, which **cannot be reasonably or adequately met elsewhere.**" This consideration is predominantly about Ealing's housing plans driven by affordable housing goals. One problem here, is that opportunities to meet these high goals are being passed up in our urban areas around Ealing. Evidence shows that Ealing Council allow developers to deliver low affordable housing levels (20%-35%) while opting to contribute financially in lieu of housing units. This is particularly prevalent in the North Acton OPDC area with the high-rise developments of 1-6 Portal Way. For example, in the development for 4 Portal Way, the

developer provided 28% affordable housing and covered a gap of 7% by a £6.15M financial contribution. We are providing an actual picture of the development brochure as evidence.



We argue that housing **can be reasonably or adequately met elsewhere**. It can be met within the dozens of planning applications across the borough that are in more urban areas. The problem is that Ealing Planning have been and continue to approve applications with low affordable housing levels in urban areas. Therefore, **this consideration does not pass the NPPF test for justified** and should be rejected.

- Page 7 says “Changes to the character and use of Green Belt / MOL sites since they were originally designated several decades ago.” With respect to the MOL highlighted in orange in figure 3 on page 12, the Gurnell Leisure Centre and adjacent car park were built in line with NPPF policy. According to NPPF, sports and recreation facilities can be built on Green Belt or MOL as their use does not constitute inappropriate development.

Changes to the character and use is not a valid justification as it implies that the changes and use are not in-line with accepted character or use of Green Belt/MOL according to the NPPF. Therefore, this consideration **fails to meet two NPPF criteria** (justified and consistent with national policy) and should be rejected.

- Page 7 says “ The need to ensure sustainable patterns of development, including the reuse of previously developed land and focusing development in accessible locations. In several of the 7 MOL areas in scope of de-designation, the document considers parking lots as “previously developed land.”

According to the NPPF, the definition of previously developed land is “*Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land*

*that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.”*

According to this definition, a car park without any structures on it would not be classified as previously developed land. Several of the de-designations are being pursued because they are parking lots and are deemed previously developed land. This consideration fails the test because it’s **not consistent with the NPPF**. Therefore, it should be rejected.

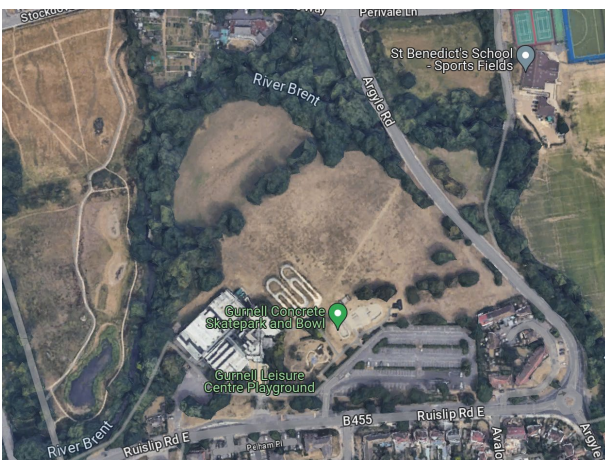
Based on the above 3 arguments, special circumstances cannot be established as they do not pass the tests set out by the NPPF. On this principle, **all 7 development sites that are planned for de-designation should be removed from the plan.**

### 3b. Boundary changes – Gurnell Leisure Centre

We strongly object to the removal of Gurnell’s MOL status as it is not in line with the NPPF and therefore not sound:

- This site serves the following MOL purposes outlined in NPPFR paragraph 143:
  - a) to check the unrestricted sprawl of large built-up areas.
  - b) to prevent neighbouring towns merging into one another.
- The site sits on the boundary of Perivale and Ealing, and any development on the site would see these areas start to merge into one another.
- It would also constitute the sprawl of the built-up area of Ruislip Road East and Gurnell Grove north into the MOL
- Removal of the MOL status would allow inappropriate development on the site.
- By NPPF definition, the car park is not previously developed land. On page 12, section 2.2.8 says “the build footprint should principally focus on existing previously developed land.” This would mean that only the existing footprint is the leisure centre itself which could be replaced in line with NPPF policy. Therefore, the other areas that have been identified are not compliant with NPPF policy.
- Section 2.2.6 on page 12 argues that enabling housing is required to financially secure viability of the replacement leisure centre. There are several problems with this:
  - While there is a requirement for 50% affordable housing on public land, the redevelop plans for Gurnell are likely to be 30-35%, according to the council’s publicly shared information. This is not in line with policy. Also, it’s not guaranteed and could be decreased depending on financial viability.
  - The enabling housing is only one avenue of funding for the Gurnell project. The plans show that Ealing Council are planning to contribute to the project by borrowing and by using available grants. Therefore, the private housing will not necessarily enable the project, but will contribute to it.
  - The argument of “we need affordable housing” is a separate objective and creates contention with the need to build private housing which will help fund the Leisure Centre.
- The Peal Gardens housing area could be de-designated since its developed with homes however the footprint should be constricted to the existing housing and not a wider scope.

Map 24: Boundary changes: removal – Gurnell Leisure Centre and Peal Gardens (MOL12); removal – Enterprise Lodge (MOL12); addition – Stockdove Way (MOL12)



### 3c. Boundary changes – Enterprise Lodge

We object to the proposed MOL boundary changes for Enterprise Lodge. The proposed changes fail two of the tests to assess whether it passes the ‘tests of soundness’:

- Justified – There is no justification or strategy as to why more MOL space is needed than the building footprint.
- Consistent with national policy – This boundary change is not in line with the NPPF.

The boundary changes should be reduced to the footprint of the existing building only.

### 4. Inclusion of Gurnell within the Development sites list

Ealing Council’s justification of including Gurnell in the Development Sites List has changed between Stage 1 and Stage 2.

- In Stage 1, the justification was based on the housing need and the financial contribution to rebuilding the leisure centre.
- In Stage 2, the justification is based on speculation that the area will be de-designated and lose its MOL protection.

In addition to our previous arguments in this document, we want to also challenge the site suitability assessment that was conducted. Again, comparing the assessments of Stage 1 and Stage 2, we can see that the assessor has changed their assessments to match the speculative de-designation.

The table below outlines the key issues with the assessment.

AREA	ISSUES
Missing information	<ul style="list-style-type: none"> <li>• Planning history – There should be a brief summary of the context of planning application 201695FUL. In 2021, it was a leisure-led scheme with enabling residential development. The reason for the refusal was for inappropriate housing development on MOL which serves as evidence that this site is actually <b>not appropriate for housing</b>.</li> </ul>
Tree Preservation Order	<ul style="list-style-type: none"> <li>• This criterion does not fairly measure the impact of the site with respect to trees. Just because there is no TPO for the trees impacted doesn’t mean that the trees in this site have no value or can easily be replaced.</li> <li>• A redevelopment of this site would cause a loss of around 160 mature trees. These trees were planted when the leisure centre was built so they are roughly 40 years old.</li> <li>• The intrinsic value of trees is also not being assessed. These trees provide habitats for animals and insects. Given the council’s strategic policy “SP.2: Tackling the climate crisis, part E, Maintaining,</li> </ul>

	enhancing and expanding the network of green infrastructure”, this criterion should carry more weight and be yellow.
<b>Spatial characteristics</b>	This site was inappropriately included into a Strategic Area for Regeneration. It is MOL and should be marked as red.
<b>Vehicular Access to the site</b>	<ul style="list-style-type: none"> <li>The qualitative assessment is only considering the leisure centre. It does not consider the impact of access for a residential development. It would be significantly different with a car park servicing 300 homes and a leisure centre. If you change the use to residential plus leisure centre, then there would be impact on the adjacent roads Ruislip Road East or Argyle Road, both of which suffer from major congestion and pollution over the desired thresholds established by the council. Therefore, this category should be marked as red.</li> </ul>
<b>Impact on provision of open space</b>	<ul style="list-style-type: none"> <li>The area has not been de-designated, it’s currently MOL. The qualitative assessment is speculating future de-designation. Therefore, <b>the current assessment is incorrect</b> as its MOL.</li> <li>If a residential development is placed in this location, the existing open space that development will occupy will be lost forever. This a major impact on the provision of open space. Therefore, this category should be marked as red.</li> </ul>
<b>Impact on Green Belt or Metropolitan Open Land</b>	<ul style="list-style-type: none"> <li>This criterion, probably the most important, has been marked green based on future speculation that it will be de-designated. This assessment is based on the current state which is MOL.</li> <li>We also argue that a de-designation doesn’t mean there is no impact on MOL. It would create a major negative impact on the area’s MOL because the MOL in question would be removed and lost forever.</li> <li>According to the Site Selection Report Suitability Criteria in the Reg 18, page D-70, <i>“Site is located within Green Belt/MOL. The Green Belt/MOL Review recommended site would not be suitable for release.”</i></li> <li>This criterion should be marked red as the plans would have a major negative impact on MOL.</li> </ul>
<b>Distance to nearest secondary school</b>	<ul style="list-style-type: none"> <li><i>‘Distance to nearest school’</i> is not a valuable criterion because it does not consider school capacity. If there is no capacity, then using the nearest school is not possible.</li> <li>According to the Infrastructure Topic report from November 2022 for Ealing, “Majority of secondary schools are oversubscribed and have waiting lists.” Given this evidence, the assessment result for this criterion should be Red.</li> </ul>
<b>Distance to nearest GP surgery</b>	<ul style="list-style-type: none"> <li><i>‘Distance to nearest GP’</i> is not a valuable criterion because it doesn’t consider if there is available capacity. In the Infrastructure topic paper November 2022, it states on page 44, “majority of GP surgeries in Ealing (70%) are over capacity, particularly in Hanwell (100%), Southall (90%), and Northolt (83%). Four GP practices in Ealing have more than 5,000 patients per one Full Time Equivalent (FTE) GP (the national benchmark is 1,800). Given this evidence, the assessment result for this criterion should be Red.</li> </ul>

## 5. Conclusion

In conclusion, we strongly object to the de-designation of MOL and GB for the so-called development sites around Ealing. We believe the special circumstances set out by Ealing Council are not in line with the NPPF and should be scrapped. Allowing the de-designation of MOL and GB would be detrimental to our future as it creates a loophole in planning policy which is supposed to protect our green and open spaces from urban sprawl. It would pave the road to drastic MOL and GB reductions in Ealing as well as around the country.

We also strongly object to the Gurnell site being listed as a development site due to:

- Its protected MOL status

- A recent refused planning application (201695FU in 2021) for an enabling housing development which stated that the plans constituted inappropriate development on MOL.
- Flawed impacts assessed in the Suitability Assessment

We welcome the replacement of the Gurnell Leisure Centre on the existing footprint as that's what is in-line with NPPF and London Plan planning policy as well the desires of its residents. Thank you for taking the time to read our submission and we hope that Ealing Council will rectify the major planning issues before they are reviewed by the Planning Inspectorate.

Kind regards,



On behalf of Save Gurnell