

## **Comments on the Council document dated Nov 2011 on UDP policies saved or superseded**

We are very concerned about this document because we believed the statement about saved policies on the web site submitted as Eal 8. This is:

"The policies that have not been saved are policies 1.1, 1.2, 1.3, 1.4, 1.5, 1.6, 1.7, 1.8, 1.9, 1.11 (from part one of the 2004 adopted UDP), and 5.1 on Housing Supply. These policies expired on the 11 October 2007.

It should be noted that policy 1.10 and all other policies in the UDP have been saved, and will remain adopted development plan policies until the adoption of new policies in the [Local Development Framework](#). This is programmed for 2013."

The preparation of comments on this new information is complex and we feel a more considered version is needed from the council to superseding policies. We appreciated that the London Plan has been adopted since the CS was submitted but we understand the Inspector will only considers those that are superseded by the Core Strategy. The few that are identified as such are starred below.

Our general comment on most of the policies recorded as superseded by the London Plan is that **some of the material in the UDP is covered by the London Plan but not all of it**. UDP policies should be retained until the Sites Development DPD and the Development Management Docs are adopted. **The Council should keep to its original commitment to retain UDP policies until 2013**

## **Chapter 1 Strategy**

1.1-1.9 and 1.11 are already superseded

**1.10 Legal agreements**- stated to be superseded by LP policies 8.2 and 8.3 but 8.2F says that boroughs must set out a clear frame work for negotiations on planning obligations in DPDs and refer to planning obligations that would be sought in the relevant parts of the DPDs such as transport and housing policies. Where are these? Policy 6.4 does not seem to follow LP policy. This should not be deleted until local CIL is adopted especially as the IDP can be changed as Council's access to finance changes. We doubt the deliverability of much of the infrastructure needed which will depend on a forthcoming SPD9. We understand the DNPPF is discouraging the proliferation of SPDs

**2.1 Environmental and other Sustainability Impacts** - The checklist is only largely superseded. It is useful to residents and many applications achieve poor scores and should not masquerade as sustainable.

<b>UDP Policy</b>
2.1 Environmental and other Sustainability Impacts
*2.2 Regeneration of Special Opportunity Sites Superseded by CS- our comments depends on proposed changes which safeguards: - grade 1 Nature conservation site at Glade Lane, - protection of MOL at Horsenden Hill from height of buildings on Greenford Green and, - open space proposed at Southern Gateway.
2.3 Land – Mineral Development -Saved and it should be retained until an adequate DM dpd is adopted.
2.4 Land – Mineral Aggregates Distribution- Saved and it should be retained until an adequate DM dpd is adopted.
2.5 Water – Drainage Environment, Flood Prevention –LP 5.12E requires actions and policy approaches aimed at reducing flood risk. EB19 shows where these are but they are not yet part of the LDF. One of EB19 proposals is that the functional floodplain is protected from future development. The floodplain of the River Brent has suffered major loss of capacity in the past between Gurnell Pool car park and Mayfield School and PPS 25-D16c requires the accumulative impact of even minor changes be taken into account. This section of the flood plain should not take any further minor developments and the UDP policy should be retained until replaced by a DM dpd policy.
2.6 Air Pollution and Quality.-LP 7.14C is not is not covered so that UDP2.6.2 should be retained until replaced by a development management policy. UDP Table 2A provides the requirements for Air Quality Assessments not covered in the LP policies
2.7 Contaminated Land -Saved
2.8 Hazardous Substances- LP policy 5.22C is not covered and UDP 2.8.2 is therefore needed until DM dpd is adopted (ie development proposed near to uses involving hazardous substances will either be refused, or permitted only where there is an acceptable residual risk, after mitigation measures have been carried out)
2.9 Energy- No comment
2.10 Waste Minimisation and Management -Not all policy points are cover by the London Plan and LP 5.17 e is inadequate for the protection of Park Royal residents who are very concerned about consultations on waste management plan. The retention of UDP Tables 2B and 2C is essential until the policy is replaced by the DM dpd
2.11 Waste Environmental Impacts- as above
3.1 MOAs -not all policy points are in the LP. We would be particularly concerned about the loss of points 3-5 and table 3 A which should not be superseded (There is no LP policy reason to have separate GB and MOL policies as they are regarded as the same).
3.2 Green Corridor & the Waterway Network –The LP blue ribbon policies do not replace UDP 3.2 clauses 2 and 3 LP Policy 7.28 b does refer to increasing habitat value and refusing development that reduces biodiversity but does not refer to the points made in UDP 3.2.2 ; 3.2. 3.and Table 3 B provides a good summary some points of which are spread amongst a range of Blue Ribbon

<p>policies. A DM dpd policy will be essential</p>
<p>*3.3 Heritage Land- saved but Map 8 does not really identify sites the scale is too small. The policy should be retained until the DM dpd is adopted</p>
<p>3.4 Public &amp; Community Open Space- LP 7.8 C a does not supersede UDP 3.4. Definitions are needed in the Glossary but policies are needed in the DM.dpd eg UDP 3.1.1-4 and table 3C and 3D.</p>
<p>*3.5 Land for Sports, Children's Play &amp; Informal Recreation- This is saved but very little is superseded by CS 5.6 which does not deal with Children's Play and is only based on an emerging strategy. Table 3 E provides an essential list of criteria for the use approval of outdoor recreation facilities any reference to being superseded by the CS should be deleted.</p>
<p>*3.6 Allotments –Saved. But CS does not mention Allotments so that it is difficult to see how it can supersede in part.</p>
<p>3.7 Burial Land--The UDP provides a specific range of environmental protection that is not covered in the London Plan, CS 5.7 is quite different from UDP 3.7 which should be retained until replaced by a DM dpd which gives similar guidance on their siting as well as the requirements of LP 7.23 B.</p>
<p>3.8 Biodiversity and Nature Conservation -.LP 7.19C c provides minimal protection for SINCS which in a borough with no European Sites are particular important for local people. The UDP policy 3.8 acknowledges their importance. CS5.4 a) protects and promotes the network of nature conservation sites but only 3 sites are identified for enhancement and 8 for improved access in the text. Deficiency areas are mentioned in LP 7.19 Fb. Neither LP 7.19 or CS 5.4 mention Nature Conservation Management Areas and it is not clear whether the Brent River Park has been considered in relation to its important role for nature conservation defined in the UDP (Proposals Map) as a Nature Conservation Management Area.(3.8 .3) . The proposed changes to the Proposals Map show much of the NCMAs as SINCS or other defined nature conservation sites. UDP Policy 3.8 1-3 provides comprehensive precise protection to the natural environment not expressed in the London Plan and should not be superseded until DM dpd is adopted.</p>
<p>3.9 Wildlife Protection-saved, but we not understand ref. to Green Corridors</p>
<p>4.1 Design of Development –The LP policies 7.1-7.7 that are listed as replacing UDP 4.1, tables 4A &amp; 4B cover some of that policy area only and add additional ones such as local character and public realm. We see no reference to natural light or visual intrusion, which are very important in the design of numerous rear extensions. The clarity and local relevance of the UDP policy so out ways the complexity of the London Plan that it should be retained until replaced by a clear adopted DM dpd. LP 7.12 does not seem relevant because none of the protected vistas relate to this borough.</p>
<p>4.2 Mixed uses- no reason is given for proposal to delete.</p>
<p>4.3 Inclusive Design – Access for All- LP policy 7.2 D requires boroughs to develop detailed policies and proposals in consultation with user groups .Existing UDP policies should be retained until the DM dpd is adopted and the Accessible SPG updated. Building regulations are not part of the planning process.</p>
<p>4.4 Community Safety- LP 7.5 Designing out crime seems a more detailed approach to safety and security than UDP 4.4. But its complexity will need to be</p>

<p>applied locally to avoid gated developments and mixed uses that extend noise into the quiet of the suburban night time. The simple UDP version should be retained until replaced by a DM dpd policy.</p>
<p>4.5 Landscaping, Tree Protection &amp; Planting-trees do not appear to be mentioned in the CS but LPAs are required by LP 7.21 C to develop appropriate policies to implement their borough tree strategy. LP 5.10 is a strategic policy for urban greening. UDP 4.5 .1&amp;2 provide for planning application requirements and, 3 provides in part for requirements of LP 5.10D. They should be retained until the DM.dpd is adopted.</p>
<p>4.6 Statutory Listed Buildings –LP 7.4,7.8,7.9 provide a diffuse range of policies that protect both nationally and locally listed buildings. But UDP4.6 &amp; 4.7 is more concise and effective over the detail of this council’s intensions and should only be replaced by the DM dpd.</p>
<p>4.7 Locally Listed Buildings, Buildings with Façade Value, and Incidental Features- as above and Table 4C adds useful guidance on the identification of designated heritage assets.</p>
<p>4.8 Conservation Areas-UDP Policy 4.8 is not replaced by LP 7.4,7.8 and 7.9. The statement of common ground with EH adds further protection but this does not cover the council’s intentions in designating new conservation areas as in UDP policy 4.8 table 4D or its expressed intention of preserving and enhancing their settings in UDP 4.8.1. UDP 4.8 should be retained until adequately replaced in the DM dpd.</p>
<p>4.9 Ancient Monuments &amp; Archaeological Interest Areas This UDP policy provides a clear local policy as required by LP 7.8F until it can be replaced by the DM dpd.</p>
<p>4.10 Commercial Frontages &amp; Advertising Signs This is an important UDP policy. We can find no reference to the topic in LP 7.8 and national regulations do not cover 1 i) ii) or iii) which cover commercial frontages and table 4E provides important siting guidance. Design policies in the DM dpd are not yet finalised. UDP 4.10 and Table 4E should be retained.</p>
<p>4.11 Noise &amp; Vibration LP 7.15 Ca is in part covered by UDP 4.11.1 which should be retained until the DM dpd is adopted.</p>
<p>4.12 Light Pollution – saved- But delete reference to local policy 7A that is not likely to be adopted until 2013.</p>
<p>4.13 Mobile phone Masts. Reference to national regulations needs more explanation and justification if the policy and table 4F are to be deleted. These masts cause harm to the borough’s skyline. The 2008 National Householders Guide refers certain situations to the planning authority and therefore local policies are needed. This should be retained until adoption of the relevant DP dpd policy.</p>
<p>4.14 Satellite dishes- as above -but dishes are fixed all over buildings in this borough and more enforcement is needed. Success would depend on adequate local policies. UDP4.14 should be retained until replaced by DM dpd.</p>
<p>5.1 Housing Supply - expired</p>
<p>5.2 Affordable Housing – UDP 5.2.1 is replaced by CS1.2a so that it is not yet superseded by London Plan Policies. SHLAA is evidence not a planning policy. UDP 5.1.2 should be retained until replaced by DM dpd.</p>
<p>5.3 Lifetime Homes and Wheelchair Housing -table 5 B should be retained as a useful summary.</p>

5.4 Range of dwelling sizes and types-LP policy 3.12 only deals with affordable housing. We support saving the UDP policy.
5.5 Residential design- saved. Tables 5C, 5D,5E and 5F need saving as well.
5.6 Small Dwellings & Flats- LP 3.5 requires a suitable housing mix. Small dwelling and housing mix are not mentioned in CS (CS 1.2a mentions mixed communities) but the text does refer to the requirements of SHMAA which is not part of the LDF. The policy deals with conversions and bed sits and should be retained until replaced by suitable DM dpd
5.7 Special housing –This should be retained in full because very little is superseded by LP 3.8
5.8 Accommodation for travellers- No comment
5.9 Extensions and alterations to private houses and gardens-saved and Tables 5 G and 6 H should be retained as a very useful summary.
*6.1 Supply of Land and Property for Business Use-saved but superseded by CS 1.2 b) where employment land policy is a bit restricted. The detail is only in the text so that UDP 6.1 .1 and 2 and both contain useful policy that should be retained.
*6.2 Proposals for Office Development –superseded by CS 1.2 b) because it contains different information from UDP 6.2. Mixed uses are covered by London Plan policy 4.3
6.3 Alternative Development of Office Buildings- Although terminology has changed UDP 6.3 still provides guidance on alternative uses.LP 2.17 provides little to justify the policy being superseded.
6.4 Industry and Warehousing in Major Employment Locations-We do not understand why LP 2.17is said to supersede any of UDP 6.4. which deals with the pressure for warehousing in MELs. and which are shown on the existing proposals map. SILs are not yet mapped.
6.5 Ancillary developments in MELs- there is no explanation as to why it should be deleted. It should therefore be saved.
6.6 Workspace for Artistic and Cultural Activities -there is no explanation as to why it should be deleted. it should therefore be saved.
6.7 Hotel Development- agreed
*7.1 Promoting & Enhancing a Network of Centres & Promoting Key Sites – Only the last 4 lines of UDP policy 7.1.3 are superseded. The remainder should be retained until DM dpd is adopted. (UDP 7.1.2 should be in the CS to support the problem of empty shops)
7.2 New Shopping Development & the Sequential Approach-NPFF is not yet national policy and LP 2.5 and 4.7 are town centre policies where new shopping has only limited coverage.
7.3 Designated Shopping Frontages-saved
7.4 Non-Designated Shopping Frontages-saved
7.5 Basic Shopping Needs- saved
7.6 Eating, Drinking & Entertainment -saved
7.7 Other Shopping Centre Uses- saved
7.8 Markets & Street Trading-LP4.8 E does not include UDP 7.8. 2 ii) iv) and should not be deleted.
8.1 Existing Community Facilities – UDP .8.1 commits the Council to

encouraging improvements and 8.1 ii) or table 8 B are not covered by LP 3.16. The policy should not be deleted until replaced by a suitable DP dpd policy.
8.2 Major Developments & Community Facilities- LP 3.2 is a healthcare policy, there is no reference to CILS/section 106 and Table 8C is very useful. The UDP policy should not be superseded at this stage
8.3 Redundant Community Facilities- agreed
*8.4 Large Scale Community Facility Development – saved but claimed to be replaced by area based CS policies. We cannot locate these but may refer to the appendix which are not specific policies.
8.5 Meeting Places & Places of Worship –This short commitment by the Council should be retained until replaced by a DM dpd policy that covers the problems of lack of meeting space that the community can afford and the requirements of LP 3.16 D and E "for collaborative engagement with community organisations" and "there is adequate social infrastructure required in new developments".
8.6 Facilities for Young Children- Table 8D lists requirements, which do not appear in LP8.2; 8.3 or 3.6 .
8.7 Educational Facilities –UDP8.7i) ii) iii) iv) are not included in LP3.18.or the IDP
8.8 Healthcare Facilities UDP iii) is not covered by LP 3.17 or IDP
9.1 Development, Access & Parking – We are concerned about superseding the policy on the basis of broad similarity which does not take into account local circumstances.
9.2 Stations and Public Transport Interchange- LIP is a very short term Plan without the checks and balances of a town planning document.
9.3 Major Transport Projects -as above
9.4 Buses- as above
9.5 Walking & Streetscape- This is a concise policy that encapsulates the Ealing take on a whole list of LP policies. It should not be superseded until Dm dpd are adopted. Pedestrian route provision is poor and local consultation is needed on issues i) to iii)
9.6 Cycling – LP 6.9 is comprehensive but cycling policy will be needed in the DM dpd and UDP 9.6 should be used to inform this
9.7 Accessible Transport – This policy should be retained as it is only part superseded.
9.8 Low Car Housing & City Car Clubs –this policy is only part superseded and should be retained until replaced by the DM dpd
9.9 Highways & Traffic Management – This policy is not entirely replaced by the 3 LP policies quoted.
9.10 Freight - land use clauses i) and ii) are not adequately covered by LP 6.14
9.11 Public Car Parks & Private (non-residential) Parking Areas- why is this deleted?
SPG 1 Sustainability Checklist – this check list is useful for residents at a time when sustainability is a prime policy of the DNPPF.
SPG 2 Water, drainage and flooding (draft)- why not retain until it is updated
SPG 3 Air Quality (draft)- saved
SPG 4 Refuse and recycling facilities -saved
SPG 5 How to prepare an urban design statement-saved
SPG 6 Plot Ratio- saved

SPG 7 Accessible Ealing- saved
SPG 8 Safer Ealing -saved
SPG 9 Trees and development guidelines- saved
SPG 10 Noise and vibration—saved
SPG 12 Greening your home (draft)-deleted but it is not clear why.
SPG 13 Garden space-saved
SPG 14 Indoor living space –deletion. This SPG should be retained until Mayor’s Housing SPG is available
SPG 15 Residential care homes-saved
SPG 16 Hostels – why is this deleted. It is not replaced by any policies that we can find in the London Plan and it does provide a basic standard for hostel accommodation.
SPG 17 Babycare facilities-why delete? This is not replaced and is a useful document
SPG 18 Places for eating, drinking and entertainment and advice notes-saved
SPG 20 Sustainable transport: transport assessments-saved
SPG 21 Sustainable transport: green travel plans- saved and the policy requiring them should be saved
SPD 1 Affordable housing- deleted
SPD 2 Community facilities- deletion should be deferred until it is replaced.
SPD 3 Low car housing in controlled parking zones -saved
SPD 4 Residential extensions -saved
SPD 7 Car clubs –saved
SPD 8 Crossovers and parking in front gardens -saved
SPD 9 Legal Agreements, Planning Obligations and Planning Gain (draft) Saved
SPD 10 Conservation Areas and Listed Buildings-this should be saved. If it repeats national guidance, it may be needed if guidance/statements are abolished. It makes a useful summary borough- wide summary which is not covered by individual CA management plans/appraisals
SPG 22 A40 Green Corridor Strategy -saved
SPD 5 West London Tram - deleted
SPD 6 Twyford Avenue Community Open Space-saved
Site Briefs-saved?