

Mayor's Office

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Our ref: PDU/LDF##/LDD##
Date: 3 September 2012

Dear Samual,

Ealing Council Local Development Framework: Pre-submission of the Development Sites DPD, Development Management DPD and the Policies Map.

Statement of general conformity with the London Plan (Planning and Compulsory Act 2004, Section 24 (4) a)

Thank you for your letter of 4th July consulting me on the above document and requesting an opinion on general conformity.

On 3rd of September 2012 I considered a report on this matter, reference PDU/LDF32/LDD01/01. This report constitutes my formal representations to the pre-submission consultation. Please note that this includes a representation relating to general conformity with the London Plan.

As you will be aware, all development plan documents must be in general conformity with the London Plan under section 24 (1) (b) of the Planning and Compulsory Purchase Act 2004. However, it is my opinion that the submission documents are not in general conformity with my London Plan in respect of the following matter(s):

- In relation to the Greenford Green SIL, it would be more appropriate from a strategic perspective to designate land to the south of the canal as SIL rather than LSIS in terms of the London Plan policy 2.17.

If you would like to discuss any of my representations in more detail, please contact Christine Mc Goldrick (020 7983 4309) who will be happy to discuss and arrange further meetings.

Yours sincerely

Sir Edward Lister

Deputy Mayor and Chief of Staff

cc Richard Barnes London Assembly Constituency Member
Jenny Jones, Chair of London Assembly Planning and Housing Committee
Eric Pickles, Secretary of State
Ian McNally & John Pierce, DCLG
Alex Williams, TfL

3 September 2012

Ealing Pre Submission , Development Sites, Development Management DPDs and the Policies Map

(Ealing Council Local Development Framework)

Consultation on Pre-Submission Document

Town & Country Planning Act 1990 (as amended) (TCPA); Greater London Authority Acts 1999 and 2007 (“GLA Act”); Planning and Compulsory Purchase Act 2004 (as amended) (“PCPA”); Town and Country Planning (Local Development) (England) Regulations 2012 (“the Regulations”).

Strategic issues

In relation to Greenford Green Strategic Industrial Land (SIL), it would be more appropriate from a strategic perspective to designate land to the south of the canal as SIL (in the terms of London Plan policy 2.17) rather than a Locally Significant Industrial Site LSIS.

Recommendation

That the Mayor agrees to submit the comments set out in this report and in the attached appendix to Ealing Council as the formal response to the Pre-Submission consultation, and that Council be advised that the proposed Submission Documents are in general conformity with the London Plan provided that above strategic issue is addressed.

Context

1. On 4 July 2012, Ealing Council consulted the Mayor of London on the above Document. This report sets out information for the Mayor’s use in deciding what comments to make. The consultation period ends on 24th August 2012 but has been extended until 5th September for the GLA due to the holiday season.
2. The local development framework together with the London Plan and the National Planning Policy Framework (NPPF) provide the essential framework for planning at the borough level. The “development plan” in London for the purposes of section 38(6) of the PCPA is:
 - The London Plan (2011), and
 - Development plan documents produced by borough councils (and saved unitary development plan policies in transitional period).
3. There are three types of local development documents: development plan documents (DPDs); supplementary planning documents (SPDs); and statements of community

involvement. All of the documents now being consulted on are DPDs with development plan status, which will be subject to an examination to test the ‘soundness’ of the plans.

4. The NPPF states that a plan is “sound” where it is positively prepared, justified, effective and consistent with national policy.

The Mayor’s role

5 All development plan documents must be in general conformity with the London Plan, in accordance with Section 24(1) (b) of the PCPA. Section 24(4) of the PCPA requires boroughs prior to submitting it to the Secretary of State to request the opinion in writing of the Mayor of London as to the general conformity of a development plan document with the London Plan and advises that they may request the opinion in writing of the Mayor as to the general conformity of any other local development documents. The Mayor issues this opinion on DPD general conformity in accordance with Section 24(5) of the PCPA. . Further to this Regulation 19 requires general consultation at the pre-submission stage. By virtue of Regulation 21(2) of the Regulations the Mayor has 6 weeks from the date of the request to provide his opinion on whether the DPDs are in general conformity with the London Plan

6 Mayor of London’s comments will be made available on the GLA website www.london.gov.uk.

Previous representations

7 The GLA made representations on the proposals consultation stage of the plan preparation process on 30th November 2010. A number of the issues that were raised at that stage have been satisfactorily resolved.

Proposed representations

8 The Ealing Local Development Framework will replace the adopted 2002 Unitary Development Plan. It will set the Council’s approach to the planning of the borough up to 2026 and will consist of the Core Strategy (adopted April 2012), Policies Map, Development Management DPD and Development Sites DPD and a number of supplementary planning documents.

The Development Management DPD formatting

9 The Ealing Development Management DPD contains policies relating to the assessment of planning applications. There are two types of polices included in the DMDPD, local Variations and Local Policies. Local Variations are additions to London Plan policies which are used to adapt it for use in Ealing by making it locally specific or adding additional detail. Local Policies are new policies that are specific to Ealing.

10 The adopted version of the DM DPD will be a composite document which reproduces all of the London Plan policies alongside the new Ealing Local Policies and Local Variations. The Council intends that this will make it much easier to use these two documents and result in better

decisions on planning applications. This novel approach which combines the London Plan and the Local Policies is welcomed and supported by the GLA.

Strategic Issues

Greenford Green SIL

11 There is a loss of SIL of 9.13 ha and an increase in LSIS of 9.47 ha south of the canal proposed in the site allocation. The loss of 9.13 ha SIL to the north of the canal is acceptable in principle subject to the compensatory designation of land to the south of the canal as SIL as part of a wider reconfiguration of this strategically important area of industrial and warehousing capacity. Taking into account criteria for designation of SILs in the Mayor's Land for Industry and Transport SPG; the scale and quality of the land and associated industrial and warehousing uses on site (as evidenced in a recent local Employment Land Review); and given that the land is immediately adjacent to the existing SIL, it would be more appropriate from a strategic perspective to designate land to the south of the canal as SIL (in the terms of London Plan policy 2.17) rather than LSIS.

Total industrial land supply (designated and non-designated sites)

12 Overall the proposed total reduction in industrial land supply is 19 hectares. This is acceptable in principle in line with Ealing's 'limited' categorisation for release of surplus industrial sites to other uses (as defined in London Plan policy 4.4 and Map 4.1). However, caution is raised as the level of release accounted for in site allocations may leave limited scope for further releases that may come about through the development management process over the plan period.

Great Western - London Plan SIL 23

13 The DPD proposes the de-designation of part of this London Plan SIL. When considered against the criteria for SILs in the London Plan and associated SPG the proposed de-designation of a part of this SIL is acceptable in principle. The de-designations will support regeneration in the immediate vicinity of the new Crossrail station. The re-designation of part of the SIL as locally significant industrial site (LSIS) between Bridge Road and Glade Lane (as indicated in Map 6) is supported in principle.

Transport

14 Transport for London has no strategic comments to make.

Legal considerations

15 All local development documents must be in general conformity with the London Plan in accordance with Section 24(1) (b) of the Act. This is a key test of the soundness of

plans. The Mayor's representations made at this stage will go forward to the examination in public and must include an opinion regarding general conformity with the London Plan.

16 The fact that a development plan document is inconsistent with one or more policies in the London Plan, either directly or through the omission of a policy or proposal, does not, by itself, mean that the document is not in general conformity. Rather, the test is how significant the inconsistency is from the point of view of delivery of the London Plan.

17 Any expression of opinion from the Mayor that the development plan document is not in general conformity will be treated as a representation to be dealt with by the Inspector at the examination. The Planning Inspectorate has stated that the view of the Mayor's opinion "*will be given considerable weight*"¹ and that a lack of general conformity with the London Plan will need to be fully justified on the basis of local circumstances, based on relevant evidence.

18 The Mayor must also state why the policy is not in general conformity and his reasoning behind that opinion. The Inspector will determine whether he or she supports the opinion and recommend accordingly. The Mayor should provide the Inspector conducting the examination with any necessary additional information as appropriate, either through a representative or in writing according to the requirements of the Inspector. The examinations in the present cases are due to be held in early 2013.

Conclusion

19 The three Ealing DPDs are considered to be in general conformity with the LP provided that Strategic Industrial Land designation is applied to the Greenford Green site south of the Canal rather than the proposed designation as a Local Strategic Industrial Site.

For further information, contact the Planning Decisions Unit

Colin Wilson, Senior Manager – Planning Decisions

020 7983 4783 email colin.wilson@london.gov.uk

Christine McGoldrick, Strategic Planning Manager (Development Plans)

020 7983 4309 email christine.mcgoldrick@london.gov.uk

¹ Development Plans Examination – A Guide to the Process of Assessing the Soundness of Development Plan Documents (The Planning Inspectorate, 2005), paragraph 1.2.6