

## **MATTER 1, OVERALL APPROACH.**

**Representor DS 55  
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### **Introduction**

1. I would like to start with a few words to introduce SEC:
  - SEC is an alliance of 27 local residents associations and community groups.
  - SEC came together in 2007, as a platform to voice community concerns about plans to redevelop Ealing Town Centre's Arcadia site.
  - LBE approved the Arcadia proposals. In doing so it disregarded over 2500 written objections from local people, as well as those of English Heritage.
  - The Scheme was called in by the SOS and a 3 week public inquiry held in 2009. LBE sat alongside and worked with the developer to justify the approval.
  - SEC raised £30,000 from local people to pay a junior Counsel help SEC make its case. He found himself up against 2 QCs working together to represent the developer and LBE.
  - The Inspector found against the LBE approval. The letter from the SoS (Annex 1) that withdrew planning consent explained that LBE was on the wrong track particularly with regard to impact on heritage and local character.
2. This pretty unprecedented background has demonstrated two points:
  - Large sections of the Ealing community want to get involved in major planning debates about local places that are important to them. Ealing is their home and the place where they have chosen to live. They care about the place and strongly supported the case that SEC made.
  - LBE's judgements on some of the big planning issues can be unsound, particularly when they relate to heritage and townscape matters.
3. Since the Arcadia Inquiry SEC has sought at every opportunity to engage with the Council in its planmaking. We want to ensure that the views of the community continue to receive the kind of fair hearing shown by the Inspector during the public inquiry.
4. We also hold that the conclusions arrived at by the Inspector after hearing evidence from expert witnesses over the 3 week Inquiry is material to many of the sites – including the Arcadia site (EAL3) – to be considered at this Examination.
5. Finally, I want to emphasise in these introductory comments that, while the statements I make and opinions I express are as accurate and true as possible, this has been a challenge due to the sheer quantity of documentation, much of which has kept changing. Without engaging in the material on a full time basis it is very difficult to keep abreast of the current situation. Though I suspect my general sentiments will remain unaltered, where it is shown that any inaccuracies have crept into what I say, I shall be happy for it to be corrected.

### **Matter 1.1**

***Overall, have the two DPDs been prepared in accordance with relevant legal requirements, and the procedural requirements of the National Planning Policy Framework (NPPF)?***

6. SEC does not believe the two DPDs were prepared in accordance with the requirements of the NPPF, nor are they consistent with it.
7. As we will explain under Matter 3, we do not think the Sites document aims to achieve for Ealing Metropolitan Centre each of the economic, social and environmental dimensions of sustainable development, and net gains across all three as the NPPF requires.
8. Under this Matter, Matter 1, we want to explain why we do not think the documents have been prepared in accordance with the procedures for local engagement described in Para 155 of the NPPF. Nor do they satisfy the London Plan in which Policy 7.1 calls on boroughs in their local plan preparation to '*work with their local communities to set goals for their neighbourhoods and strategies for achieving them*'. Processes suggested in PAS's Plan Making Manual have not been followed. Unfortunately, this means that the two documents before this examination cannot be deemed sound.
9. The kind of frontloaded engagement that the NPPF envisages and that the Council's own SCI describes more fully has not occurred. The practice has been for voluminous documents to be published as consultation documents only after the substantive work on them has been done and conclusions that prove immutable have been arrived at. Minimal explanation is provided about what purpose the consultation aims to achieve. The public is only able to comment on conclusions the council has already arrived at, for the consultation documents never seek views about priorities or alternative options. All substantive questioning of the consultation's conclusions are then summarily dismissed without serious consideration.
10. As a result, the strong interest within the community in how the Borough is changing has remained unrecognised, and the plan preparation process has failed to capture the desire by local people to input into these changes – at least not in and around Ealing metropolitan centre. There is great danger that this approach will lead the Ealing community to lose all confidence in the preparedness of the planning system to pay any attention to local opinion.
11. The 2012 consultations on the documents before this Examination provide an example of what was no more than a 'tick-box approach' to local engagement. Over 800 pages of consultation material were published on the Council's website with almost no explanation about what they were for or how they fitted into the kind of planmaking the NPPF describes. Public announcements about the consultation were minimal and no hard copies of any of the 800 pages of documents, or even any summaries of them, were available for the public to obtain. Many of the documents will have a major impact on places that are the home for tens of thousands of Ealing residents, but they are technical and full of professional jargon that makes it difficult even for professional planners to understand. The format of the consultation and the rigid way responses had to be submitted made it very hard to formulate comments that might question the overall approach the Council was taking. Months after the consultation ended, submitted comments were then dumped piecemeal onto a spreadsheet with their major points dismissed. Their thought processes cannot be held to be the views of the LDF advisory committee of elected members, as the spreadsheet listing the responses to the consultation (Annex 2) was only given to the Committee for information at its 3 April 2013 meeting – 6 weeks after the final documents were submitted to PINS - and there was no discussion of them.
12. It is impossible to adduce anywhere out of this process the argument SEC has made consistently that the Council must recognise the massive changes confronting the Metropolitan Centre and that, with due local input, it should prepare strategies to guide

and manage these changes. Lacking any response from the Council to our repeated calls to prepare such a plan, SEC has worked very hard to try to get the process started. For example SEC has:

- Drafted our 'Vision for Ealing Town Centre' to try to trigger the debate. We launched our Vision in the town hall before 350+ people and there was keen debate about it (Annex 4).
- Organised a hustings session before the 2010 national and provincial elections, attended by 300+ people. (Annex 5)
- Together with the Ealing BidCo, through meetings that it arranged with planning Minister Greg Clark SEC has taken the lead in establishing Neighbourhood Forums for Ealing and West Ealing. (Annex 6)
- SEC has responded to every consultation on the Town Centre, emphasising the need for drawing up a statement of goals and strategy.

13. None of these efforts are acknowledged by any mention anywhere in the planning documents before this Examination, let alone responded to.
14. Perhaps most disappointing has been the failure of the planning process to respond to the opportunities that are being created by the introduction of Neighbourhood Planning. SEC's very active involvement in the formation of 2 Neighbourhood Forums covering the Metropolitan Centre – one for Ealing Town Centre and one for West Ealing Town Centre - was expressly intended to kick start some overall planning for the Metropolitan Area.
15. To its credit, LBE responded to early approaches from SEC and the Ealing BIDco on this matter. In June 2011 it organised a public meeting at which some of the key issues were aired. Later that year, it then submitted two successful bids to CLG for front runner funding to assist the two neighbourhood forums to establish themselves and commence in the preparation of Neighbourhood Plans.
16. Unfortunately, since then, LBE has not used the fledgling Forums, in the way that both have requested, as a vehicle through which to engage the wider community in its planmaking. Instead, its involvement seems to have become restricted to that of passive observer. Though it has always been invited to and attended some of the early meetings of the interim forums, it has never briefed the meetings on work underway, for instance on upcoming consultations.
17. From a number of possible examples available, one will help to illustrate the point. In October 2012, the Council released for consultation a draft SPD and a separate Invitation to Tender document to potential developers on the Cinema site (EAL 6) that contained quite significant new planning policy positions about this highly strategic site. The Central Ealing Forum were given no information that work on these documents was underway even though regular meetings were being held to which LBE was invited and generally attended. EAL6 is one of the key sites that can help set the course for the town centre as a whole. It forms the heart of the area that the Tibbalds consultants considered could be Ealing's cultural quarter, and the need for an improved leisure and cultural offer in the town centre is a theme that has run strongly throughout the Forum's activities. The chance of securing some form of frontloaded community input like that described in the SCI was missed in this case, as it has been for many other sites within Ealing.
18. What we appear to have now both in Central Ealing and West Ealing centre, are two quite parallel processes of planmaking covering the Metropolitan Town Centre. On the one hand there are two Neighbourhood Plans underway, and on the other, LBE has drawn up its site plans that are now the subject of this Examination.

19. How the two are supposed to relate to one another, and how any conflicts between them are to be resolved remains unaddressed. This is extremely wasteful of the time and energies of everyone involved, and undermine the enthusiasm of many key local people to try to get a more positive approach to development in the metropolitan Centre. All this is destined to produce sub-optimal outcomes that can only damage the fortunes of the town centre as a whole. It is also outside the letter and the spirit of the NPPF, the London Plan and the Council's own SCI. This is why SEC thinks the Sites Document is neither legal nor sound.

## **Matter 1.2:**

### ***Generally, do the two DPDs take forward the policies of the London Plan, reflecting local issues and objectives?***

20. In the light of our previous comments together with our response to Matter 3, it will be apparent that the answer to this question must be 'no'.
21. The DPDs add very little to the London Plan or the various SPDs which relate to them. They offer no local dimension to the broader strategic framework those documents have established. In fact, to a significant extent they retreat from them. For example, Table A2.1 of the London Plan distinguishes different night time clusters and different policy directions for London's town centres but these classifications and their significance are not referred to in the Sites document or anywhere else in the suite of documents forming the Local Development Framework.
22. This is particularly unfortunate as the London Plan calls on Boroughs to do more in this area. Policy 2.6 of the Plan notes that *'boroughs and other stakeholders should work to realise the potential of outer London, recognising and building upon its great diversity and varied strengths by providing locally sensitive approaches through LDFs' ... 'boroughs and other stakeholders should, enhance the quality of life in outer London for present and future residents as one of its key contributions to London as a whole. The significant differences in the nature and quality of outer London's neighbourhoods must be recognised and improvement initiatives should address these sensitively in light of local circumstances.'*
23. Policy 2.7 then enjoins boroughs to address constraints and opportunities in the economic growth of outer London through a long list of measures, but there is little evidence that any such work has helped in shaping either document. A centre like Ealing is well placed to respond to the kind of opportunities identified in Para 2.35:
- 'There is considerable potential for growth in the leisure, cultural and visitor economy sectors, with scope for encouragement of cultural quarters in outer London – particularly in town centres, the promotion, diversification and tighter management of the night time economy and possible opportunities for very large-scale commercial leisure facilities. The scope for rejuvenation of local theatres and other similar facilities and for the more positive marketing of outer London's distinct attractions should also be considered.'*

Very regrettably the two documents before this examination have not responded to the London Plan's encouragement.

We cite these as just two examples of how unimaginative the Local Plan has been in fleshing out the excellent spatial planning framework the London Plan has created.

Other examples of the extent to which London Plan Policies have not been taken forward include those that relate to Policy numbers 2.8 (Outer London Transport), 2.15d (Town Centres), 2.16 (Strategic Outer London Development Centres), 3.4 (Optimising Housing Potential) and the Density Matrix, 3.16 (Protection and Enhancement of Social Infrastructure), 3.18 (Education Facilities), 4.2b (Offices), 4.3b (Mixed Use Development and Offices), 4.5c (London's Visitor Infrastructure), 4.6c (Support for and Enhancement of Arts, Culture, Sport and Entertainment), 4.7c (Retail and Town Centre Development), 4.10 (New and Emerging Economic Sectors), 6.2c (Providing Public Transport Capacity and Safeguarding Land for Transport), 6.3d (Assessing Effects of Development on Transport Capacity), 6.7d (Better Streets and Surface Transport), 7.1g (Building London's Neighbourhoods and Communities), 7.2d (Inclusive Environment), 7.4c (Local Character), 7.7e (Location and Design of Tall and Large Buildings), 7.8f (Heritage Assets ) And 7.9c (Heritage-Led Regeneration). Each one of these policies enjoins Boroughs to develop the policies in the London Plan in their LDF preparation.

**Matter 1.3:**

***Is there a local justification for the sites and policies in both documents supported by a robust, credible and up to date evidence base?***

24. We comment on this question in our submission under Matter 2.4.

**Matter 1.4**

***Has the Plan emerged following consideration of all reasonable alternatives? Is there a clear audit trail to support the chosen/selected approach? Does the sustainability appraisal satisfactorily support the chosen/selected strategy?***

25. No alternatives have been considered in the preparation of these documents – at least none that the public has been consulted about. We believe that no audit trail will be able to support the selected approach.