

## **LBE not fulfilling statutory duties**

Planning is a quasi-judicial process, which places certain obligations on local planning authorities. Ealing Council is failing in its statutory duties regarding planning.

- Para 062 of the gov.uk's Guidance on plan-making states that:

*Under regulation 10A of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) local planning authorities must review local plans and Statements of Community Involvement at least once every 5 years from their adoption date to ensure that policies remain relevant and effectively address the needs of the local community.*

- Ealing's Local Plan has not been reviewed or updated since the core strategy was adopted in 2012, more than ten years ago.
  - A revised Statement of Community Involvement was only published in March 2022, almost seven years after the previous SCI.
- Para 065 of the Guidance states that one of the items of information that local authorities can consider in their review is:

*the success of policies against indicators in the Development Plan as set out in their Authority Monitoring Report*

Para 073 of the Guidance states that:

*Local planning authorities must publish information at least annually that shows progress with local plan preparation... This information should be made available publicly.*

- Prior to October 2021, the most recent AMR on the Council's website had been published in 2015 and related to 2013/14.
- The Council published an interim AMR in October 2021 covering in a single report the years 2014/15 to 2018/19.
- This interim AMR was only published following repeated attempts by residents (32 that I am aware of since September 2016) to get the Council to fulfil their statutory duty, and a complaint to the Local Government Ombudsman (LGO) as a last resort. The LGO ruled in our favour on 15 September 2021.
- While the interim report was published as required by the LGO, it did not contain crucial housing data, namely LBE's housing trajectory since 2013/14 nor a five-year housing land supply figure.
- The LGO also required the Council to produce a final AMR to cover 2019/20 including the missing housing data within three months of their decision notice, i.e. by 15 December 2022. This has not been done despite more resident requests since the LGO ruling.
- Ealing Council blames this failure on problems with migrating pipeline data into the GLA's Planning London Datahub, which replaced the GLA's London Development Database in 2020. Worse still, it is now using this excuse to apply the NPPF

presumption in favour of sustainable development (see Friary Park planning application ref 221747HYBRID (Appendix 2 of the officer's report) due to be decided at Planning Committee on 19 October).

- We dispute the Council's account of the reasons for the lack of a 5-year housing land supply figure.
  - The figures provided to the GLA's Planning London Datahub originate from Ealing Council. If the Council has been aware of this data migration problem since 2020, why has it not taken steps to analyse its own data in the meantime as most other local authorities across the country have to do?
  - Indeed, why is it that by July 2021 (it may well be more now), 15 London boroughs, including the largest (Barnet) have been able to produce AMRs including 5-year housing land supply for 2019/20 when Ealing hasn't?
  - When we enquired directly with the GLA on 28 September, we received by return an email from Peter Kemp, the Head of Change and Delivery, Planning saying that:

*'You will be pleased to hear that the Datahub is now fully operational for Ealing, and as such any data that you are now looking for is now accessible, plus significant amounts more.'*

Why is it that the Council, knowing the significance of the 5-year housing land supply, has not used the almost three weeks since the GLA's confirmation to calculate that as a matter of urgency?

- It seems to us that the Council's withholding of a 5-year housing land supply figure betrays its own desire to collude with the developer in tipping the balance in favour of the development.