

**OPEN LETTER
TO
PETER MASON, LEADER OF EALING COUNCIL
FROM
CAP THE TOWERS: ACTON**

3 May 2024

Dear Peter Mason

Cap the Towers is now revealing incontestable evidence which proves that the Ealing Council Planning Officer responsible for the Friary Park regeneration project has, on two occasions, lied to the Planning Committee and to ourselves on matters of the utmost importance. It is our view that, before the developer contemplates Phases 2 or 3 of construction at Friary Park involving yet another planning application, you and your Cabinet need to deal with these allegations of dishonesty lest a pattern of deception be allowed to continue.

The first matter (brought to your attention by us nearly 2 months ago and to which you have made no response, hence this Open Letter) concerns the Planning Officer's reply to a question from a councillor at the Planning Committee meeting of 19 October 2022. The Committee was considering an application from the developer (Mount Anvil) to build a further tower and increase the number of homes at Friary Park from 990 to 1228. The very first question from the Committee to the Planning Officer was to ask whether the initial application, launching the project in November 2019, had been financially viable. The true answer to that question would have been "No, it was not" because the viability study carried out on the initial application in 2019 had clearly stated: 'the scheme is not viable.' The Planning Officer's answer to the question was, 'Yes Councillor, it was'. A clear falsehood. You have been provided with video evidence of the exchange between the Councillor and the Planning Officer.

The Planning Committee was, therefore, seriously and deliberately misled in 2022. If they had realised that they were being asked to approve Mount Anvil's application when, for a second time, it was still financially unviable, they may well have voted differently and refused the application. They are, or should be, aware that the Government's stated position is that 'assessing the financial viability is crucial in deciding whether the project should proceed.' For them to be lied to on the matter of financial viability should be a matter of grave concern. And for you to ignore this issue runs the risk of making you complicit in that lying and deceit, rendering your claim to be leading 'an open, honest and transparent Council' pretty meaningless.

The second falsehood from this Planning Officer occurred this year and is also related to the crucial issue of financial viability. In 2019, when Mount Anvil's project at Friary Park was launched, Cap the Towers has discovered that the independent financial viability assessment which the Planning Officer used in his Report to the Planning Committee was only a draft, a draft which included a promise that a final FVA (Financial Viability Assessment) would be produced when the planning application was ready to be submitted. In an email received by Cap the Towers on 19 January this year, the Planning Officer for Friary Park asserted "I should confirm/ clarify that this draft was the only version of the FVA that was submitted by the applicant despite comment in the document that suggest a later or final version would be submitted." The officer's claim that the draft was 'the only version of the FVA that was submitted by the applicant' was a lie. The evidence for this is that Cap the Towers has seen the letter from the developer's agent which accompanied the planning application submitted in due course on 26 July, 2019. That letter states:

'Please note that the Financial Viability Assessment will be submitted under separate cover directly to you on a private and confidential basis.'

Here is clear evidence that the Planning Officer lied in stating to Cap the Towers that the draft FVA was 'the only version submitted by the applicant'. When asked by us to explain or clarify, the Planning Officer has remained silent. His line manager too, the Head of Planning, has failed to respond to our repeated enquiries. From this, it seems reasonable to conclude that our allegation about the Officer having lied is correct.

It is also worth noting, in this context, that as long ago as 1 March, 2019, (9 months before the initial Friary Park application from Mount Anvil was approved), your Council made its position concerning Financial Viability statements crystal clear:

‘As from 1st March 2019, LB Ealing will publish without redaction all viability statements and information submitted as part of a planning application.’

As this open letter has made clear, that principle was comprehensively violated by the actions of your own Planning Department in 2019, with the Planning Officer apparently having gone so far as to delete or destroy this crucial planning document, the final and official FVA. Furthermore, in 2022 the same Planning Officer totally failed to highlight, in his Report to the Committee, that both the new FVAs (from DS2 and DVS) had declared that the application under consideration in 2022 was, like the initial application approved by Ealing Council in 2019, ‘financially unviable’.

Cap the Towers understands that a third application from the Friary Park developer is imminent. Will this application, like its two predecessors, also be ‘financially unviable’? That would seem ludicrous. On the other hand, if the developer’s quest for viability involves building more flats or higher towers, that too would be ludicrous. This is because the scheme, even as it stands, has only around 9000 square metres of public open space when it is required to have over 43,000 square metres according to the GLA’s Population Yield Calculator. Any increase in population as a result of more flats and/or higher towers, would inevitably lead to gross and even dangerous overcrowding at Friary Park. The National Planning Policy Framework does not intend that viability can be delivered at the cost of sustainability.

The developer is facing an impasse. Cap the Towers stands ready to work with the Council and the developer to see if we can together find a way out of this impasse.* What we would like to propose, as a prelude to any further planning application being submitted, is an initial meeting with yourself and your Cabinet Member for Good Growth (Cllr Manro) and a senior representative of the developer, Mount Anvil (Marcus Bate comes to mind). Would this approach not be preferable to the kind of conflict which we have all had to endure for the last five years? Is it not worth a try?

Yours sincerely

Sean Fletcher
David Tennant
CAP THE TOWERS: ACTON

** Communities will be in the driving seat when it comes to regeneration in Ealing. Local communities need to lead the process of change in our Borough, not developers.’*

P. Mason, May 2021