

Old Oak and Park Royal Local Plan examination

Agenda Session 2 Positively Prepared

Participants: Inspector, Corporation. Grand Union Alliance (Hammersmith Society, Wells House Road Residents Association, and 11 residents), Just Space and HBH Consulting on behalf of QPR FC and Stadium Capital Developments.

Summary of issues

- 1 Whether the requirements for Sustainability Appraisal have been met (representation from Just Space)
- 2 Whether the Plan has been positively prepared
 - a) in the light of alternative, community-led visions. The alternative Community-led Vision and Objectives suggested by the Hammersmith Society are still relevant. (derived from the second Key Issue of table 5 of Key document 5 identified at Regulation 19(1) stage).
 - b) in the absence of proposals for the Elizabeth Line spur and of proposals to redevelop the Elizabeth Line depot (derived from the eighth and tenth Key Issues of table 5 of Key document 5 identified at Regulation 19(1) stage and the ninth Key Issue of table 7 of Key document 5 identified at Regulation 19(2) stage and representations from TfL (2/SV/7 and 2/SP5/9) and from St Quintin & Woodlands NF amongst others (2/SP4/11)). Hammersmith Society, Wells House Road Residents Association and thirteen local residents argue that the Crossrail depots cannot be redeveloped and the HS2 station site cannot accommodate significant capacity without being decked which HS2 do not support. Without these two issues being addressed, the Plan is unsound. Midland Terrace RA argues that proposals for the 'heart' of a new Old Oak (a high density commercial development around the HS2/Queen Elizabeth Line station) no longer feature in the document and have been pushed back beyond the 2018-38 plan period. On the other, a housing target dating from the 2015 OAPF and included in a brief annexe to the 2015 Further Alterations to the London Plan has continued to be treated as sacrosanct.
 - c) in terms of the need for facilities for sport, leisure and open space (derived from the fourteenth, twentieth and thirty-fifth Key Issues of table 5 of Key document 5 identified at Regulation 19(1) stage and the eleventh Key Issue of table 7 of Key document 5 identified at Regulation 19(2) stage and representations 2/G12 by Sport England, Old Oak Park Ltd and Grand Union Alliance amongst others) Sport England, Hammersmith and Fulham Council, Grand Union Alliance,

Wells House Road Residents Association and 11 residents suggest amendments to the policy to give stronger protection to existing facilities, to align more closely to the NPPF and for playing fields to be appropriately addressed in the policy. Amendments to the policy were suggested to give stronger protection to existing facilities, to align more closely to the NPPF and for playing fields to be appropriately addressed in the policy.

- d) in terms of a positive strategy for the conservation and enjoyment of heritage assets (derived from the seventeenth Key Issue of table 5 of Key document 5 identified at Regulation 19(1) stage and from Inspector's Q3 re policy D8). Hammersmith Society, Grand Union Alliance, Wells House Road Residents Association and thirteen local residents consider the area should build on the existing cultural heritage and industrial legacy. Bernie Timmins considers the Spatial Vision narrative on environmental and heritage assets is unsound
- e) in terms of the effects of the Plan's proposals and policies on Air Quality (derived from the eighteenth Key Issue of table 5 of Key document 5 identified at Regulation 19(1) stage and representations 2/T5/19-20 and 2/T6/6-7 from LBH&F). London Borough of Hammersmith & Fulham, Grand Union Alliance, Wells House Road Residents Association and 11 residents express a concern that the air quality policy is weak and ineffective. Robert Covell observes that there is no mention of how it is planned to reduce pollution levels.
- f) in terms of Design (derived from the fifteenth, nineteenth, twenty-first and twenty-second Key Issues of table 5 of Key document 5 identified at Regulation 19(1) stage, Inspector's Q3 relating to policy D1 and representation 2/D5/3 from LBH&F). G U Alliance, Wells House Rd RA & local residents argue that further consideration of how high quality design is measured is required. The Hammersmith Society, Wells House Rd RA and local residents support principle of policy but design is subjective and they have not been impressed with schemes granted to date. Grand Union Alliance considers that Policy D6 does not deliver an integrated approach or reflect recommendations of supporting studies. Additional wording is required to deliver a high standard of amenity.
- g) in terms of provision for Gypsies and Travellers (derived from the twenty-sixth Key Issue of table 5 of Key document 5 identified at Regulation 19(1) stage and the seventh Key Issue of table 7 of Key document 5 identified at Regulation 19(2) stage and representations 2/H8/1 & 2 by RBK&C, 2/H8/3 from London Gypsies and Travellers and 2/H8/7 from Grand Union Alliance amongst others)
- h) in relation to waste facilities (derived from the thirtieth Key Issue of table 5 of Key document 5 identified at Regulation 19(1) stage and the eighth Key Issue of table 7 of Key

document 5 identified at Regulation 19(2) stage and representations 2/P2/4, 2/EU6/3 & 7 from local residents amongst others). Some representations oppose the retention and intensification of the Powerday (Old Oak Sidings)site. Others seek compensatory capacity for the release of the European Metal Recycling site.

- i) in terms of social infrastructure such as education and health facilities (derived from the third and thirty-fourth Key Issues of table 5 of Key document 5 identified at Regulation 19(1) stage and the tenth Key Issue of table 7 of Key document 5 identified at Regulation 19(2) stage and representations by LBB and Old Oak Park Ltd (2/SIN/1) amongst others).

The Corporation's response

The following is just a summary; fuller responses can be found in Key Document 5 and in the OPDC's responses to individual matters and issues

- 1) and 2(a). The IIA and Local Plan have been developed in full accordance with the requirements of legislation, national guidance and good practice recommendations to assess reasonable alternatives and strategic options within the IIA of the Regulation 18 Local Plan. The IIA of the Regulation 19 did not assess reasonable alternatives in accordance with NPPG paragraph 013 Reference ID: 11-013-20140306.

NPPG Paragraph: 001 Reference ID: 11-001-20140306 confirms that "Section 19 of the Planning and Compulsory Purchase Act 2004 requires a local planning authority to carry out a sustainability appraisal of each of the proposals in a Local Plan during its preparation."

Government guidance advises that only reasonable alternatives to proposals should be considered. NPPG Paragraph: 018 Reference ID: 11-018-20140306 identifies that reasonable alternatives are "the different realistic options considered by the plan-maker in developing the policies in its plan. They must be sufficiently distinct to highlight the different sustainability implications of each so that meaningful comparisons can be made. The alternatives must be realistic and deliverable."

The Further Alterations to the London Plan (FALP) (2015) IIA tested four pan-London options for London's growth (para. 2.3.1) and this identified the preferred option as being to accommodate growth within London's boundaries and as part of this, to consider flexibility for enhanced growth in town centres and Opportunity Areas with good public transport accessibility. Old Oak and Park Royal are specifically referenced as an example of this in the supporting text. The published FALP (2015) identified a target for the Old Oak and Park Royal area to deliver a minimum 25,500 homes and 65,000 new jobs. Following the publication of the FALP in 2015, the GLA developed the Old Oak and Park Royal Opportunity Area Planning Framework (OAPF) covering the entirety of the OPDC area. This was published in November 2015. The FALP, together with the OAPF set a strategic development capacity target for the OPDC area

and it would therefore not have been appropriate to test lower development capacities as reasonable alternatives, particularly as these would have not have been in general conformity with the London Plan. OPDC have also undertaken a Development Capacity Study, in accordance with NPPG guidance, which shows that the London Plan Opportunity Area targets are achievable.

OPDC's IIA carries out a proportionate approach in its assessment in accordance with NPPF paragraph 167. Specifically, the spatial vision and narratives have been subject to a qualitative review in light of the IIA Framework objectives and an objective compatibility exercise has been used to determine if there are any key conflicts between the Local Plan Objectives and IIA Objectives. A more detailed assessment of the policies has been undertaken using an assessment matrix. These assessments are then considered in the round to provide a summary of the assessment which is set out on page iv of the IIA.

However, an assessment of strategic options was carried out in the IIA for the Regulation 18 consultation following recommendations of good practice guidance. OPDC considered that the approach to affordable housing warranted assessment as a strategic option. This reflects the potential impact of the different approaches to affordable housing may have on wider placemaking and infrastructure requirements.

The regulation 18 Local Plan also proposed alternative policy options. These were considered to be reasonable alternatives and were assessed by the IIA for the regulation 18 Local Plan.

The proposed community-based vision and objectives were submitted as part of the OPDC Local Plan regulation 18 consultation. The content of the proposed vision and objectives were embedded within the spatial vision, narratives and policies of the OPDC Local Plan regulation 19 consultation. As such, OPDC did not consider the vision and objectives were reasonable alternatives as they weren't sufficiently distinct from the content of the Local Plan to highlight the different sustainability implications so that meaningful comparisons can be made. In light of this the IIA did not specifically assess the proposed community-based vision and objectives as reasonable alternatives.

A fuller response to issue 2(a) is given in the Corporations Response to Matter and Issue 2a. In response to issue 1, a narrative of the OPDC's consideration of policy options may also be found in the relevant sections of the various Policy Formation Reports (Key Documents KD12 – KD21) submitted with the Local Plan for examination

- 2(b) The Department for Transport and TfL have formally withdrawn support for this proposal. Exploration of delivering the Chiltern Line to Old Oak Common Station is underway. The delivery of this would prohibit the delivery of the WCML spur. OPDC agrees that it is unlikely that Elizabeth Line depot site will be brought forward in the Plan period. As such, the development capacity from the Elizabeth

Line has been removed from the homes and jobs targets in the Local Plan. The Old Oak South allocation has also been revised to remove the Elizabeth Line and retitled Old Oak Common station and surrounds. The Local Plan continues to support the potential for the earlier delivery of the Elizabeth Line depot during the plan period and also in the longer term. The Elizabeth Depot site is expected to continue to be delivered but after the Local Plan period (2038). Development of the sites adjacent to the Old Oak Common Station continue to be included in the plan period. The published Further Alterations to the London Plan (FALP) (2015) identified a target for the Old Oak and Park Royal area to deliver a minimum 25,500 homes and 65,000 new jobs. This target is for the total development beyond which includes phases after the plan period. This target continues to be included in the current and Draft New London Plan. To demonstrate how these targets will be met and ensure general conformity with the London Plan, OPDC's Development Capacity Study has been developed in accordance with the National Planning Practice Guidance on Housing and Economic Land Availability Assessments. The Development Capacity Study includes development capacity information set out in the Old Oak North Development Framework Principles, Park Royal Development Framework Principles, the Industrial Land Review, Future Employment Growth Sectors Study, Scrubs Lane Development Framework Principles document and the Victoria Road and Old Oak Lane Framework Principles document. OPDC's plan period overall target is for 20,100 new homes.

- 2(c) Policy has been amended to more closely align with the NPPF and give stronger protection to existing facilities. The policy has also been revised to address the need for playing fields. Policies SP8 and EU1 provide guidance for delivering multifunctional open spaces. Policy EU1 has been amended to include the need for playing fields as part of open space provision. Policy P7 provides place specific guidance for open spaces appropriate to the role of a Local Plan. Reference has been inserted in Policy TCC6 for the need for development to protect existing and contribute towards new outdoor sports space, including playing pitches.
- 2(d) Policy D8 has been amended to include policy guidance for designated heritage assets. Wording has been added to part a)i) of policy SP6 to reference 'high quality' and it is considered that the inclusion of high quality within this policy line also binds the other requirements in the policy to contribute towards the creation of high quality places. Reference to heritage informing the creation of distinctive places is already made in the supporting text to Policy SP6. The protection of heritage assets is addressed through Policy SP9 (Build Environment) and Policy D8 (Heritage). The protection of environmental assets is addressed through Strategic Policy SP8 (Green Infrastructure and Open Space) and policies EU1 (Open Space) and EU2 (Urban Greening and Biodiversity). The protection of heritage and environmental assets is also addressed throughout the places policies of chapter 4. Policies P2 (Old Oak North) and P10 (Scrubs Lane) provide guidance to conserve and enhance heritage

assets including St. Mary's Cemetery Conservation Area and Kensal Green Cemetery Grade I Listed Historic Park and Garden and their settings. A Statement of Common Ground has been agreed with Historic England and modifications to policy D8 proposed.

- 2(e) The policy requiring Air Quality Assessments has been significantly strengthened to address stakeholder comments and to conform with Local Authority approaches to air quality in AQMAs. The Local Plan sets out a series of measures aimed at reducing pollution levels. This includes, inter alia, prioritising more sustainable modes of transport, in accordance with Policy SP7, requiring development to protect existing and provide new green infrastructure in accordance with SP8, requiring development to deliver an overall improvement in air quality in accordance with Policy EU4, requiring development to meet or exceed on-site carbon emissions targets set out in the London Plan in accordance with Policy EU9 and supporting the Circular and Sharing Economy, in accordance with Policy EU7. Policy P7 provides guidance for improving air quality based on OPDC's Air Quality Study. Policy EU4 and table 6.1 provide policy for minimising air pollution and making a positive contribution to overall improvement in air quality. Policy EU5 provides policy for mitigating impacts of noise and vibration. Policies D6, P9 and P8 provide guidance.
- 2(f) OPDC is committed to developing a high quality built environment. The Local Plan contains a range of detailed policies to ensure that development delivers high quality design and high standards of sustainability. Policies SP9, D2, D4, D5, London Plan policies and national guidance will be used to delivery high quality design of development. Policy SP9 defines what the highest design quality should comprise. Relevant elements of this policy are reflected in the Local Plan Key Performance Indicators. Policy text requires proposals to achieve the benchmarks for amenity set out in table 5.1 or alternatives agreed with OPDC. These are based on robust evidence base and considered to be appropriate to deliver appropriate standards of amenity. Policy D6 provides guidance to provide an appropriate standard of amenity. This includes air and light quality. Policy EU4 provides guidance to minimise air pollution and improve air quality. Policy text requires that private and/or communal open spaces are located away from and/or designed to mitigate air, light and noise pollution. Private open space includes winter gardens. A modification to paragraph 6.52 is proposed to be amended to make reference to green infrastructure. The level of detail provided in Policy D6 for demonstrating an appropriate standard of amenity is appropriate for the role of a Local Plan. Detailed analysis of amenity at a site scale will be carried out through the development management process. OPDC considers that the need to deliver appropriate standards of amenity for existing residential areas as being an important component in the design and delivery of development proposals. These proposals will need to be considered on a case by case basis. As such Local Plan policies SP9, D4, D5 and D6 with London Plan policies and national

guidance will be used to ensure existing residential areas benefit from appropriate standards of amenity.

- 2(g) The Planning Policy for Traveller sites (PPTS 2015) amended the definitions of gypsies and travelling showpeople for planning purposes, meaning that planning authorities are no longer required to plan and provide pitches for the needs of gypsies and travellers who do not travel for an economic purpose. The need arising from 12 newly forming households who do not meet the planning definition does not have to be addressed through specific Gypsy and Traveller policies in a Local Plan and that this need should be addressed alongside that of the settled community, with consideration of providing additional pitches on which caravans can be stationed to meet equality legislation. The 12 households form part of the wider Strategic Housing Market Assessment which identifies a need for 99,000 homes. OPDC has considered in a site assessment whether there is capacity for additional pitches in the area. It identifies that there is no capacity within the OPDC area for additional pitches. OPDC has provided an Addendum to the Gypsy and Traveller Accommodation Assessment and assessed that there is no capacity for sites to deliver additional pitches. However, it is recognised in the supporting text of Policy H8 that the draft London Plan has proposed a wider definition for planning purposes in London which includes Gypsies and Travellers who live in bricks and mortar housing due to the lack of sufficient pitch provision. If this new definition has been adopted, OPDC will have to review the GTANA and this policy.
- 2(h) The Mayor's London Plan requires Local Plans to identify land/facilities to meet waste apportionment targets, and expects this to include protecting and facilitating the maximum use of existing waste sites. The existing waste facilities safeguarded in the Local Plan are needed to help meet waste management needs in Hammersmith and Fulham, Brent and Ealing. The Local Plan seeks to ensure future proposals adequately mitigate their impact on amenity. Powerday is required to meet LBHF's waste apportionment targets and therefore it will continue to be safeguarded as a waste site. The other waste sites in the Plan have been identified as safeguarded sites in the adopted West London Waste Plan. These sites provide certainty that waste apportionment targets in Brent and Ealing can be met through the implementation of the WLWP. However, policies D6, EU4, EU5, EU6 and relevant place policies seek to ensure future proposals adequately mitigate their impact on amenity.
- 2(i) Some amendments have been made to the social infrastructure policy (TCC4) to strengthen requirements for protection and support for new social infrastructure. The Education and Health Needs Study has been superseded by the Social Infrastructure Needs Study which, where appropriate, addresses the comments made on this study.

Matters for discussion

1) Have I correctly understood the thrust of the representations?

(a)

2) In the light of the Corporation's responses, is the Corporation's approach to Sustainability Appraisal defective?

3) Which elements of the Community-led vision are said to be omitted from the OPDC

4) In what way have the community-led vision and objectives been embedded within the OPDC LP?

(b)

5) Should the plan continue to safeguard options which TfL are no longer pursuing?

6) Does the delay to the Elizabeth line depot redevelopment render the plan unsound?

(c)

7) Have the changes made in relation to sports infrastructure requirements satisfied the points made in the representations?

(d)

8) Does the plan adequately identify heritage assets most at risk through neglect, decay or other threats?

9) Does the plan adequately identify specific opportunities within the area for the conservation and enhancement of heritage?

(e)

10) Do the modifications proposed in relation to air quality policy now demonstrate that the policy has been positively prepared?

(f) (Note that the OPDC and the Inspector have an ongoing written discussion in relation to policy D1)

11) The response to representation SV21 at Regulation 19(1) stage observes that Policy SP9 defines what the highest design quality should comprise. Policy SP9 requires proposals to optimise development in a sustainable manner that

a) delivers buildings, public realm and infrastructure of the highest design quality and architecture, that:

i) positively responds to context and enhances local character and identity (elaborated in policy D4(a(i) and (ii)));

ii) responds appropriately to the setting of sensitive locations identified in figure 3.15, including designated and undesignated heritage assets, open spaces and existing residential communities and ensuring that these help shape local character and townscape (elaborated in policies D7 and D8);

iii) ensures appropriate standards of amenity (elaborated in policies D6 and D9);

iv) delivers a safe and secure environment (elaborated in D4(vi));

v) incorporates high quality public realm with active and positive street frontages (elaborated in policy D2 and D4(a(ii)));

vi) demonstrates a high standard of accessible and inclusive design (elaborated in policy D3);

vii) comprises attractive, resilient and sustainable materials (elaborated in policy D4 (a(iii) and (vi))); and

viii) demonstrates high levels of sustainable design, construction and operation (elaborated in policy D4(b) and (d));

b) delivers high densities and a range of building heights, including tall buildings in the locations identified in figure 3.15 (elaborated in policy D5).

Would policies SP9 and D2-D9 adequately fulfil the expectations of the NPPF?

- 12)** NPPF paragraph 62 advises that local planning authorities should have design review arrangements in place but does not require a planning policy in a development plan to achieve this. The requirements of policy D1 are entirely related to the process of drawing up a planning application, there is nothing substantive with which the development as built is to comply. It does not appear to be necessary to elaborate policy SP9 or to comply with the advice of NPPF. Would it be an effective part of the development plan?

(g)

- 13)** Is there a need for OPDC LP to identify additional gypsy pitches?

- 14)** Is the assertion justified that no suitable sites can be identified?

- 15)** Has the emerging version of the London Plan adopted a definition of gypsy different from the national definition?

(h)

- 16)** Is there a need to relocate Powerday which is not being met?
 - 17)** Is the release of the European Metals Recycling site justified?
 - 18)** Is there a justification for the release/retention of the Quattro site?
 - 19)** In the light of new draft London Plan waste apportionment targets; has the OPDC LP been positively prepared?
- (i)
- 20)** With the modifications proposed, would the plan be positively prepared in terms of social infrastructure?

P. W. Clark

Inspector

20.02.19