

AGENDA

Meeting: Planning Committee
Date: Tuesday 23 February 2021
Time: 4.30 pm
Place: Virtual Microsoft Teams Meeting

Members of the Planning Committee are hereby notified and requested to attend the meeting of the Planning Committee at 4.30 pm on Tuesday 23 February 2021 to transact the business set out below.

The meeting will be webcast here: <https://www.london.gov.uk/media-centre/mayoral>

This meeting will be open to the public, except for where exempt information is being discussed as noted on the agenda. A guide for the press and public on attending and reporting meetings of local government bodies, including the use of film, photography, social media and other means is available at

<http://www.london.gov.uk/sites/default/files/openness-in-meetings.pdf>

David Lunts, Executive Officer
Monday 15 February 2021

Members of the Planning Committee:

William Hill (Chair)
Sandra Fryer
Gordon Adams

Councillor Matt Kelcher
Councillor Wesley Harcourt
Councillor Peter Mason
Councillor Natalia Perez

- 1 **Apologies for Absence**
- 2 **Declarations of Interest**
- 3 **Minutes of Previous Meeting** (Pages 1 - 10)
- 4 **Matters Arising**
- 5 **Wormwood Scrubs Application** (Pages 11 - 38)

6 Redesignation of Harlesden Neighbourhood Forum (Pages 39 - 88)

7 Local Plan Modifications (Pages 89 - 108)

8 Any Urgent Business

9 Date of the Next Meeting

11 March 2021

MINUTES



Meeting: Planning Committee

Date: Thursday 14 January 2021

Time: 4.30 pm

Place: Virtual Microsoft Teams Meeting

Present: William Hill (Chair)
Councillor Wesley Harcourt
Councillor Matt Kelcher
Councillor Peter Mason
Councillor Natalia Perez
Gordon Adams
Sandra Fryer

In Attendance: Emma Williamson (Director of Planning)
Tom Cardis (Head of Planning Policy)
Roz Johnson (Head of Planning – Development Management)
Peter Farnham (Principal Policy Planner)
Laura White (Senior Planner)
Sophie Lee (Senior Planner)
Kevin Twomey (Senior Planner)
Stephen Gardiner (Legal Representative)
Leanne Crabb (GLA Committee Secretary)

1 Apologies for Absence (Item 1)

1.1 Apologies were received from Karen Cooksley.

2 Declarations of Interest (Item 2)

2.1 Item 5 – Councillor Peter Mason was socially associated with Gary Sacks, Chair and CEO of City & Docklands. Councillor Peter Mason had no pecuniary interest and had not discussed the application with Gary Sacks. It was agreed that Councillor Peter Mason could take part in the discussions for that item.

3 Minutes of Previous Meeting (Item 3)

3.1 Sandra Fryer proposed that the minutes be approved and this was seconded by Gordon Adams.

3.2 The minutes of the meeting held on 12 November 2020 were approved and the Chair was authorised to sign them.

4 Matters Arising (Item 4)

4.1 There were no matters arising.

5 North Kensington Gate South, 115-129A Scrubs Lane Planning Application 20/0088/FUMOPDC (Item 5)

5.1 The Senior Planner introduced the report and presentation.

5.2 The planning application was for the demolition of the existing buildings on the site and their replacement with a part-7, part-8, and part-24 storey development of 208 residential homes and 678sq.m (GIA) of commercial floorspace at ground floor. It was considered to be significant in nature and should be determined by OPDC Planning Committee.

5.3 The site was located within the Local Plan place of Scrubs Lane. Scrubs Lane sits as a hinge between a series of surrounding neighbourhoods that were undergoing significant change and growth. Scrubs Lane had the ability to deliver enhanced connections which tie together these surrounding neighbourhoods and deliver a high quality place which makes a significant contribution to local homes and jobs provision in its own right. The site would sit at one of these connections, linking Old Oak Common Station with Kensal Canalside Opportunity Area where 3,500 new homes and town centre uses would be delivered.

5.4 Officers advised that this was a site with an extant consent and the application was very similar in height to the previous application. It had an improved affordable housing offer and was an acceptable development in its current context and in its future context in relation to the Local Plan. It would cause harm to the local conservation area but it was considered to be less than substantial harm and had a similar impact to the previous application and the benefits of this application were greater than the previous application. The benefits of the application were considered to outweigh the harm. All issues the GLA previously had with the proposed scheme were now resolved.

5.5 The Committee asked about the housing allocation in terms of what the housing need for the area was. Officers advised that the allocation in the draft Local Plan were for a minimum of 164 homes on the site.

5.6 The Committee asked for clarification on the extant scheme and whether that could be implemented. Officers advised that the extant scheme could be implemented. The Committee asked how the developers fitted the extra units into the new scheme. Officers advised there was a floor to floor reduction in height. The floor to ceiling height of the units themselves had not been reduced. The size of the units had remained the same as the extant permission. In each block there

would be an additional storey or two.

- 5.7 The Committee asked if officers were aware of the applicant's intentions should permission be granted as the previous owners sold the site once the previous planning permission was granted. Officers believed the applicant's intentions were to build on the site.
- 5.8 The Committee asked how Cargiant staying in the area changed the context of the area as residential would be built next to industrial land. Officers advised that there was a modified plan looking at industrial intensification. Scrubs Lane was a new place in its own right that was being created including homes.
- 5.9 The Committee asked about transport restructure in the area. They had concerns that some people may be reluctant to move there due to the distance to the nearest stations and the estimated walking times. Officers advised that the estimated walking times to stations were taken from Google Maps. There would be no material impact on the capacity of the bus routes. The s.106 contribution would be towards bus improvements in the future. Discussions were still underway with TfL on transport planning in the area looking at a frequency increase of the local buses.
- 5.10 The Committee raised concerns on the less than substantial harm mentioned in the report relating to conservation areas, especially in the cemeteries. They considered the site to be in a 'sensitive edge' area where more consideration should be given to building heights.
- 5.11 The Committee asked for more information on the sustainable living in the area, especially for the residents without access to cars. Officers advised there were other measures proposed with regards to Blue Badge parking. It was accepted that due to the constraints of the site that there was an acceptable level of parking. There was also a car club and the ability to have electric charging for scooters.
- 5.12 The Committee asked about the education provisions and why it would go to secondary and not primary education. Officers advised they had been in discussion with Hammersmith and Fulham and there were spaces in that area in local primary schools for a number of years. The secondary school contributions were based on a formula.
- 5.13 The Committee asked about local facilities such as health and school facilities now the Cargiant site was not being developed. Officers advised that local schools had capacity available. Regarding health there were local practices and officers were working with the North West London Clinical Commissioning Group to understand what the impacts would be of the planned development. Health centres could be expanded to meet needs.
- 5.14 The Committee asked if the concerns regarding the Grenfell Tower tragedy had been addressed. Officers advised the development had been designed to meet the appropriate building regulations in relation to fire safety and a fire strategy plan had been submitted. The applicant had upgraded a second evacuation lift. The

commercial units would be subjected to their own application regulations.

- 5.15 The Committee asked if the shortage of affordable housing in the area had been addressed. Officers advised that there was 30% London Affordable Rents in the scheme which was an increase on the applicant's first offer as requested by the GLA.
- 5.16 The Committee asked if the pandemic and Brexit were taken into account when looking at the viability of the scheme. Officers advised it was hard to quantify the impact of the pandemic in a viability assessment. It was taken into account and there would be a review mechanism.
- 5.17 Henry Peterson (resident) spoke in objection to the planning application. He advised the Committee that the basis for the objections were that it was the wrong location for the scheme and the wrong type of development. The site was inappropriate for high rise residential towers and that the application was contrary to the new London Plan which states "Tall buildings should only be developed in locations that are identified as suitable in Development Plans.". He also objected to the lack of connectivity of the site.
- 5.18 Given the difficulties with presenting on Teams the Chair asked Mr Peterson if he felt that he had been afforded an adequate opportunity to make his representations. Mr Peterson confirmed that this was the case. The Committee asked what Mr Peterson would like to see built at the site. Mr Peterson advised that there were good examples of good lower housing schemes.
- 5.19 The applicant spoke to the Committee. They gave assurance that they were not developing for short term gain and wanted to invest.
- 5.20 The Committee asked the applicant about ground floor spaces and if they would be supported until long term leases were put into effect. The applicant advised they understood they needed to make the development attractive in order to make money. Work was currently being done looking at the 'meanwhile' spaces and looking at how they could become permanent spaces.
- 5.21 The Committee asked for a clause in the s.106 agreement be added to ensure that a build to rent development has to remain a build to rent development or a build to sell development remained as a build to sale development and so the decision would be locked in and could not later be changed. Officers advised that this could be done. The applicant confirmed this was a build for sale development.
- 5.22 The Committee welcomed the additional affordable housing and felt it was a well-designed scheme.
- 5.23 The Committee asked if officers felt OPDC would win an appeal if the application was refused. Officers felt that they would have little chance of winning an appeal given the extant permission.
- 5.24 The Chair reminded the Committee that this was a site identified for tall buildings

and residential use and that there was already an extant permission for a scheme. He acknowledged that there were concerns within the community regarding the development but that these had been considered by officers and mitigations had been put into the recommendations. It was a location in need of regeneration and there was a dire need for housing in the area.

5.25 Resolved: The Committee resolved:

5.25.1 to GRANT conditional planning permission subject to:

- a) **Stage II referral to the Mayor of London;**
- b) **The satisfactory completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:**
 - 1) **Affordable Housing**
 - a. **The provision of 58 affordable housing units (17 London Affordable Rent, 18 shared ownership and 23 London Living Rent) (30% by habitable room);**
 - b. **A review mechanism:**
 - i. **A full re-appraisal of scheme viability to be triggered if the permission is not substantially implemented within 24 months after the grant of planning permission;**
 - ii. **A late review to secure a financial contribution towards off-site affordable housing in OPDC's administrative area in the event viability has improved since the application stage.**
 - c. **Nomination rights to be allocated as follows:**
 - i. **Affordable rent: 70% to LBHF, 10% to LBE, 10% to LBB, and 10% to GLA;**
 - ii. **Intermediate: 100% to LBHF.**
 - d. **The applicant would need to apply to convert the scheme from a private for sale scheme to a build to rent scheme.**
 - 2) **Transport**
 - a. **Contribution to improve the accessibility of the site including:**
 - i. **£114,000 towards increasing the capacity of the local bus network;**
 - ii. **£312,142 towards measures to improve the accessibility of the site including walking, cycling and public realm improvements in the vicinity of the site, to be paid prior to the commencement of development;**
 - b. **Occupants of the development to be prevented from applying for parking permits in existing and future Controlled Parking Zones.**
 - c. **Payment of car club membership for each future residential occupiers of each residential unit for 3 years;**
 - d. **Provision of 12 parking spaces for Blue Badge holders;**
 - e. **Provision of a residential Travel Plan Framework and**

- £1,000 per year monitoring costs for 5 years following first occupation;
- f. Applicant to enter into a Section 278 agreement to secure highway works including provision of the loading bay, the car club parking space, the pavement/public realm reinstatement on Scrubs Lane, removal of street furniture, amendments to Traffic Management Orders and amendments to ensure compatibility with LBHF Streetscape Guidance
- 3) **Education**
- a. A financial contribution of £195,000 towards the refurbishment and expansion of secondary schools in the vicinity of the site to address the demand arising from the development for education services (with provision to redirect the contribution towards additional public realm improvements if not required for education within an agreed timeframe).
- 4) **Healthcare**
- a. A financial contribution of £250,019 towards expanding the primary care facility at the Hammersmith Centre for Health, Hammersmith Hospital to address the demand arising from the development for healthcare services.
- 5) **Training and skills**
- a. Construction pre-employment training and apprenticeships comprising:
- i. A target of 15% of labour required for the construction phase to be sourced from the boroughs of Brent, Ealing and Hammersmith and Fulham;
 - ii. Reasonable endeavours to encourage local sub-contracting;
 - iii. A minimum number of apprenticeships during the construction phase to be agreed with OPDC, paying the London Living Wage;
 - iv. Financial contributions of £184,300 towards the OPDC Skills and Employment Hub;
 - v. Requirements for end user jobs.
- 6) **Open space and play space**
- a. Provision of the on-site open space and play space shown in the application drawings.
- 7) **Safeguarding of Land for Pavilion Building**
- a. Safeguarding of land for a pavilion building in the event the Mitre Wharf site comes forward for development.
- 8) **Energy**
- a. Provision for connection to a future Decentralised Energy network;
 - b. Carbon off-set payment of £95 per tonne over a 30 year period.
- 9) **Wind Assessment/Mitigation**
- a. Updated Wind Assessment prior to implementation of

development to take account of any additional planning consents;

b. Implementation of wind mitigation identified as being required.

10) Design monitoring

a. A design monitoring contribution of £50,000 towards meeting the costs of independently reviewing any subsequent amendment applications or applications for the discharge of planning conditions only payable in the event that the original architects for the scheme are not retained for such work.

11) Legal costs reasonably incurred by OPDC in connection with the application.

12) All contributions to be index-linked (upwards-only).

(c) the planning conditions as set out in part 13 of the report.

5.25.2 Delegate authority to Director of Planning to:

(a) Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Director of Planning considers reasonably necessary; provided that the Director of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee.

(b) Finalise the legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) including refining, amending, adding to or deleting the obligations described in the Heads of Terms set out in paragraph 2.1(b) of this report as the Director of Planning considers reasonably necessary, (noting the agreement will be signed and executed by one of the Chief Executive Officer or Chief Finance Officer, in accordance with the OPDC Scheme of Delegation);

(c) If the section 106 agreement has not been completed by April 2021 or within such other extended time as the Director of Planning may consider appropriate, to consider whether planning permission should be refused on the grounds that the proposals are unacceptable in the absence of a legal agreement to secure planning obligations that mitigate the impacts of the development. If so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under delegated powers.

6 HS2 Schedule 17 application for works relating to the realignment and lowering of Old Oak Common Lane and replacement bridges (Item 6)

6.1 The Senior Planner introduced the report and presentation.

- 6.2 The Schedule 17 application related to the realignment and lowering of Old Oak Common Lane and the realignment of the Great Western Main Line (GWML) tracks which would run over Old Oak Common Lane and the Central Line. The application was integral to the operation and functioning of the new Old Oak Common station which was significant in nature given its strategic importance as part of a major national infrastructure project. Furthermore, there had been a number of objections from local residents and resident associations and therefore the application should be decided by Planning Committee.
- 6.3 The Committee asked for more information on the cycling plan and if the bridge could be made a couple of meters wider to make the cycling safer with segregated cycling and pedestrians. Officers advised there would always be a pinch point at the bridge where only a two way segregated cycle lane could pass through. Different options were being considered. The Committee had concerns regarding the cycling and pedestrian safety around the IEP Depot bridge. The applicant advised there was no intention of altering the bridge in the plans. The existing bridges were low headroom so the aim was to lower the roads at the end of the scheme so that the headroom was increased.
- 6.4 The Committee asked if the cycle lane crossed over from the west side to the other side and how that would work. The applicant advised that was not for determination as it would come under the highway works approval to Ealing Council as Highway Authority, at a later stage. The reason for the cycle lane swapping sides was due to constraints on the signalised junction access, if cyclists stayed on one side of the road there would need to be an extended phase added which would put a delay on work and would have other impacts.
- 6.5 The Committee commented that although the cycle lanes were part of a different application it would have been useful to have a more advanced view of the cycle lane plans when making a decision on the Schedule 17 application today. The Committee had concerns that works in the area which were not included in the Schedule 17 application would have an impact on the area and that they should be looked at holistically. Officers advised that the works on the bridges were due to start in Q1 2021 and the foundations of the bridges and retaining walls were all interlinked so there was some urgency for the Schedule 17 application.
- 6.6 The Committee asked about the consultations and what the engagement was like. Officers advised that there had been objections from the London and Ealing Cycling Campaign which came forward in the original consultation period which raised concerns about cyclists using the road with vehicles under the bridges and the lack of segregated cycle lanes. HS2 then gave their revised plans and a second round of consultations took place. No comments were received from the London Cycling Campaign but comments were received from the Ealing Cycling Campaign stating they were pleased to see that the cycle lane was now included and they had wanted it to be included as part of today's application rather than leave it as part of the Schedule 4.
- 6.7 The Committee asked if there was a conservation and environmental management plan. Officers advised that there had not been one as part of this application there

would be a construction management plan put in place by HS2 in terms of any works in the area. There is already a local environmental management plan in place for the area.

- 6.8 The Committee asked what would happen to all the traffic during the works. Officers advised that there had been a number of undertakings and assurances with HS2 that they had committed to maintaining a pedestrian footway through Old Oak Lane during construction and agreeing with TfL alternative bus route options and clear signage for bus passengers. There would be discussions and advice through the local community engagement forums which were already set up.
- 6.9 John Cox (resident) spoke to the Committee raising his concerns regarding lack of provisions for pedestrians and asked for a wider bridge to be considered. Mr Cox asked the Committee to defer the application.
- 6.10 The applicant advised that even if one bridge were made wider there would still be a pinch point at the second bridge. A lot of options had been considered with regards to cyclists and pedestrians. HS2 were not funded to make changes to the bridge. Widening the bridge would cause a significant disruption.
- 6.11 The Chair acknowledged that the Committee was quite constrained in what it could ask for through the schedule 17 application process. The advice from officers was that all the appropriate boxes at this stage had been ticked. He also acknowledged that there was frustration from Committee Members that there was not more detail on the end design but that was outside the scope of this application.
- 6.12 Resolved: The Committee resolved:**
- 6.12.1 To GRANT conditional approval and delegate authority to the Director of Planning to:**
- a) **Finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Director of Planning considers reasonably necessary provided that the Director of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee.**

7 Development Management Update (Item 7)

7.1 The Head of Planning introduced the report.

7.2 Resolved: The Committee:

7.2.1 Noted the list of planning applications received since 28 October 2020, contained in Table 1 of Appendix A to the report;

7.2.2 Noted the update on strategic planning applications, contained in Table 2 of Appendix A to the report; and

7.2.3 Noted the update on pre-application proposals, contained in Table 3 of Appendix A to the report.

8 Any Urgent Business (Item 8)

8.1 No urgent business was raised.

9 Date of the Next Meeting (Item 9)

9.1 The next meeting was scheduled for 23 February 2021 at 4.30pm via Microsoft Teams.

Chair

Date

Contact Officer: Leanne Crabb, Secretariat Officer; email:
leanne.crabb@london.gov.uk; Minicom: 020 7983 5526

Subject: Wormwood Scrubs Alternative Construction Access Road (Application Reference Number 21/0001/FULOPDC)

Meeting date: 23 February 2021

Report to: Planning Committee

Report of: Director of Planning

For Decision

This report will be considered in public

1 Summary

Application reference	21/0001/FULOPDC
Site address	Wormwood Scrubs, Old Oak Common Lane, London W3
Proposal	Temporary planning permission for 18 months for the construction of a temporary construction access road to the Stamford Brook Sewer satellite compound from Old Oak Common Lane; and temporary ancillary development to include the creation of earthworks, erection of fencing, creation of a drainage swale and the laying of subsurface drainage pipes.
Applicant/agent	London Borough of Hammersmith & Fulham
London Borough	Hammersmith and Fulham
Validation date	18 January 2021

- 1.1 The Old Oak and Park Royal Development Corporation (OPDC) Scheme of Planning Delegations states that planning applications should be referred to Planning Committee where, in the opinion of the Director of Planning, the application: ‘is of a significant or potentially contentious nature.’ The planning application is for a temporary construction access road from Old Oak Common Lane to the HS2 Stamford Brook Sewer satellite compound (‘SBS compound’). This access road is proposed as an alternative to a construction access road from Braybrook Street to the SBS compound which has been

consented by the High Speed Rail (London – West Midlands) Act 2017 (the ‘HS2 Act’). The planning application is considered to be significant in nature due to the level of public interest in the proposal and therefore the Director considers that the application should be determined by OPDC Planning Committee.

- 1.2 The application site sits within the north-western corner of Wormwood Scrubs which is designated as Metropolitan Open Land (MOL), a metropolitan park, a Site of Importance for Nature Conservation (SINC) and a Local Nature Reserve (LNR).
- 1.3 The proposal is for a construction access road from Old Oak Common Lane to the HS2 Stamford Brook Sewer Satellite Compound (‘SBS Compound’) to be used for a temporary period of 18 months. Temporary earthworks, fencing, a drainage swale and the laying of subsurface drainage pipes are also proposed as ancillary works. Following its use, the proposed road and ancillary works will be removed, and the land returned to its original state ready for future enhancements. The future enhancements will be delivered by London Borough of Hammersmith & Fulham (LBHF) through their Wormwood Scrubs Ecological Masterplan.
- 1.4 The HS2 Act grants deemed consent for a temporary construction road across Wormwood Scrubs, starting at Braybrook Street travelling north to join the SBS Compound. The access route between Braybrook Street and the SBS Compound which has been consented by the HS2 Act represents a fallback position and is a material consideration in the decision-making process.
- 1.5 The key planning issues considered in reaching the recommendation to approve this application are summarised below:
 - The principle of development – development on designated MOL and metropolitan park;
 - Environment – ecological and arboricultural impacts, drainage and air quality;
 - Neighbouring amenity – noise and vibration;
 - Transport impacts and road safety; and
 - Design and heritage impacts.
- 1.6 The principle of undertaking development on MOL and a metropolitan park may not be inappropriate in the case of engineering operations provided they preserve the openness of the land and do not conflict with the purposes of including the land within the designation. Engineering operations include activities that alter the profile of the land or will change the character of the surface of the land such as the laying of a new road. The proposed development (road and associated drainage) is therefore considered to be an ‘engineering operation’. The proposed fencing will be temporary, will not be fixed into the ground and will not constitute development in its own right and therefore is considered to be an ancillary work associated with the main engineering operation. The impacts of the proposal on the openness and purpose of Wormwood Scrubs as MOL has been considered and it is concluded that the works would not constitute inappropriate development as defined within the National Planning Policy Framework (NPPF). Notwithstanding this, it is considered that there are very special circumstances which would outweigh the harm had officers concluded that the works constituted inappropriate development. Whilst the proposal is not considered to be inappropriate development, the proposed construction road and ancillary works will present some temporary harm to the MOL in terms of sectioning off a small part of Wormwood Scrubs

and introducing construction activity to this area. However, this harm is considered to be minimal by reason of the proposal's temporary nature and remediability and taking into account the fallback position which would result in greater severance of the Scrubs.

- 1.7 The proposal would impact upon the application site's ecology and biodiversity and will result in the removal of two B-grade trees. However, this impact will be temporary and will be mitigated as far as practicable including the replacement of any trees. In addition, the proposed access route appears to have a lesser impact upon ecology within Wormwood Scrubs compared to the fallback position, by reason of a reduced land take, less severance of Wormwood Scrubs as a whole and the location of the proposed road away from A-grade trees. Planning conditions are recommended to ensure that the development is constructed in line with the mitigation strategy contained within the submitted Ecological Appraisal and Arboricultural Report and to require the submission of a detailed lighting plan to ensure that the proposed mitigation measures towards bats are incorporated. Subject to these conditions, the ecological and arboricultural impacts of the proposal are considered acceptable.
- 1.8 The proposed development will be for a temporary period of 18 months and the road will solely be used as a means of access for HS2's Large Goods Vehicles (LGVs). There will be a maximum of 24 daily LGV trips on the proposed road. By reason of the limited number of LGV trips and the temporary nature of the proposal, the noise/ vibration impacts and the impacts to the local road network are considered to be acceptable.
- 1.9 A Road Safety Audit (RSA) has been undertaken and submitted alongside the application. Ten potential issues were raised in the RSA; however, these have all been modified and/or addressed to ensure that the proposed development does not present significant road safety issues. The proposal is therefore considered to be acceptable with respect to road safety.
- 1.10 The proposed access road will have a relatively flat topography and will be integrated into the landscape as far as possible. The road will have temporary green mesh fencing on both sides to ensure the safety of users of Wormwood Scrubs, whilst maintaining visual permeability and minimising its visual impact within the Scrubs. Overall, the design of the proposed road along with its ancillary fencing is acceptable and will not present a significant visual impact given its design and temporary reversible nature.
- 1.11 Overall, the proposed temporary development is considered to be acceptable, subject to the identified mitigation measures which will be secured by planning conditions. Furthermore, the proposed route is considered to be an improvement over the fallback position of accessing the SBS Compound from Braybrook Street, by reducing the amount of land take and severance of Wormwood Scrubs and moving the access route away from nearby residential receptors and having less impact on ecology. The application is therefore recommended for approval subject to conditions relating to ecological and arboricultural mitigation.

2 Recommendation

The Planning Committee is invited to:

- 2.1 **Resolve to grant conditional planning permission and delegate authority to the Director of Planning to:**

(a) Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Director of Planning considers reasonably necessary provided that the Director of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee.

3 Background Information

Location Plan

3.1 The application site is outlined in red on the map below.

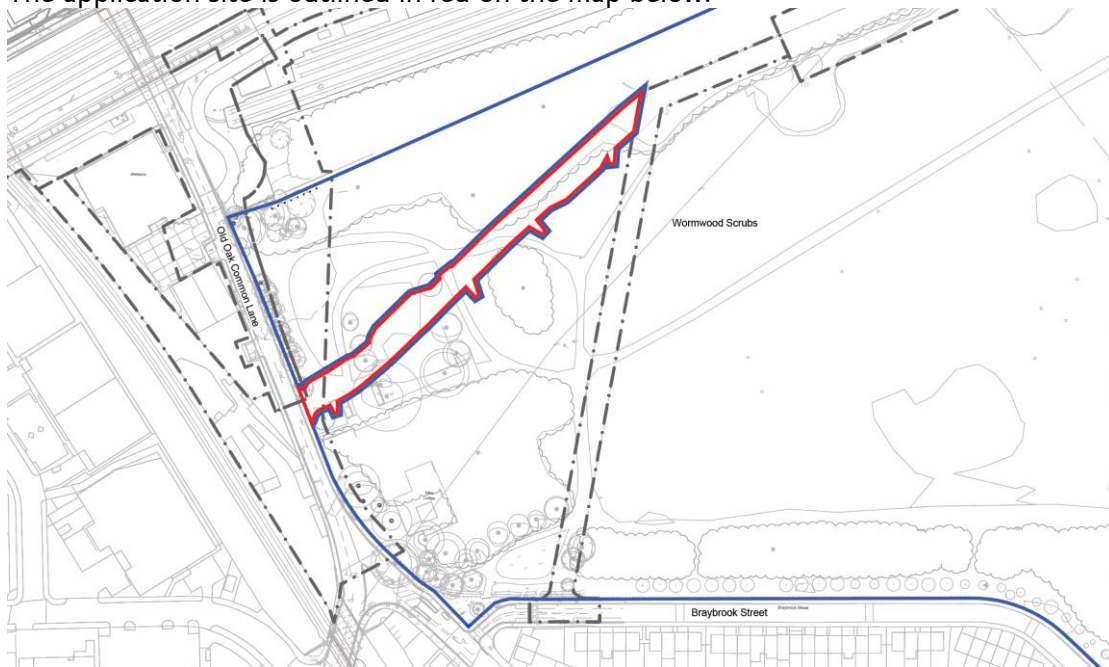


Figure 1 – Application site highlighted in red.

Application Site

- 3.2 The application site is located within the London Borough of Hammersmith & Fulham and lies within Wormwood Scrubs which is designated as Metropolitan Open Land (MOL), Site of Importance for Nature Conservation (SINC) and parts are designated as a Local Nature Reserve (LNR). The application site is 0.23 hectares in size and is occupied by scrubland, trees and a patch of hardstanding.
- 3.3 The application site consists of a small portion of Wormwood Scrubs and therefore the immediate surrounding land to the north, east and south is the remaining area of Wormwood Scrubs. To the west of the site is Old Oak Common Lane and several industrial units including Walking on Wood and Jewsons. Further beyond Wormwood Scrubs, the High Speed Two (HS2) construction worksite for the station is located to the north and further to the south is the Wormholt & Old Oak conservation area which consists of a residential area including Braybrook Street and Wulfstan Street.

Planning History

3.4 Planning history relevant to the application site is summarised in the table below.

Reference	Description of Proposal	Decision
1979/00167/FUL	Temporary use of open space at Old Oak Common as a tourists tented camp for period 01.06.79 – 05.09.79.	Granted 05.03.1979
1984/02436/OBS	Temporary use of open space at Old Oak Common as a tourists tented camp for the period 1 June to 5 September 1985.	Granted 07.12.1984
1985/02484/OBS	Temporary use of open space at Old Oak Common as a tourists tented city.	Granted 08.01.1986
1994/00402/FUL	Temporary use of open space at Old Oak Common as a tourists tented city.	Granted 12.05.1994
1995/00530/FUL	Temporary use of land as a tourists' tented city between 1st June and 30th September each year.	Granted 26.06.1995

4 Proposal

- 4.1 The application proposes a construction access road from Old Oak Common Lane to the HS2 Stamford Brook Sewer Satellite Compound ('SBS Compound') to be used for a temporary period of 18 months. The access road is proposed as an alternative to the construction route consented by the High Speed Rail (London – West Midlands) Act 2017 (the 'HS2 Act') which would run between Braybrook Street and the SBS Compound. Figures 2 & 3 below show the location of both the proposed access road subject of this planning application and the access road consented by the HS2 Act.
- 4.2 Temporary earthworks, fencing, a drainage swale and the laying of subsurface drainage pipes are also proposed as ancillary works to the proposed access road.
- 4.3 Following the development's use, the access road and its ancillary features will be removed from the site and the land will be restored to its previous state ready for future enhancements. The future enhancements to the site will be delivered by the London Borough of Hammersmith & Fulham (LBHF) through their Wormwood Scrubs Ecological Masterplan.



Figure 2 – Consented Access Road (HS2 Act) from Braybrook Street (red)



Figure 3 – Proposed Alternative Access Road from Old Oak Common Lane (blue)

5 Policy

- 5.1 The adopted development plan for this part of the OPDC area comprises:
- London Plan (March 2016)
- 5.2 The following planning documents are also relevant material considerations:
- National Planning Policy Framework (NPPF) (2019);
 - National Planning Practice Guidance (NPPG);
 - Old Oak and Park Royal Opportunity Area Planning Framework (OAPF) 2015;
 - OPDC Second Revised Draft Regulation 19 Local Plan (June 2018) with minor modifications, which should be taken into account on the basis explained in the NPPF (paragraph 48);
 - Publication London Plan (December 2020) which should be taken into account on the basis explained in the NPPF (paragraph 48); and
 - LBHF's core strategy background paper for 'Metropolitan Open Land and other open space boundary changes'.
- 5.3 The OAPF was adopted as supplementary planning guidance to the London Plan in November 2015 and therefore holds material weight in the determination of this application.
- 5.4 The OPDC draft Local Plan completed its first round (Regulation 18) of public consultation on 31 March 2016. Having considered the representations received, OPDC developed a Regulation 19 version of the Local Plan and this was issued for public consultation on 29 June 2017. This round of public consultation concluded on 11 September 2017. Due to further changes to the Regulation 19 Local Plan, a second round of public consultation on a Second Revised Draft Regulation 19 Local Plan was undertaken between 14 June 2018 to 30 July 2018. The Local Plan was submitted to the Planning Inspectorate for examination on 4 October 2018. The Local Plan examination commenced in November 2018 and examination hearings began on 2 April 2019. Hearings were adjourned on 18 April 2019, with further hearing sessions held on 6 June 2019 and on 18 July 2019. The Inspector's Interim Findings (10 September 2019) have suggested that the Cargiant site, comprising the Cargiant site allocation and the Triangle Business Centre site allocation, should be removed from the Local Plan, resulting in a decrease of 5,900 homes and 2,810 jobs. OPDC is working up modifications to the Local Plan to respond to the Interim Findings and this approach ('Western Lands') was endorsed by the OPDC Board on 13 October 2020. The Post Submission Modified draft Local Plan (PSMDLP) will be presented to OPDC Planning Committee on 23 February 2021 and then to OPDC Board on 4 March 2021. It is anticipated that the modifications will be submitted to the Inspector in March 2021 subject to Board approval. As the Local Plan moves through the Examination process, greater weight should be afforded to the draft policies which are not subject to modifications or unresolved objections.
- 5.5 The draft London Plan was consulted on between December 2017 and March 2018. Minor Suggested Changes were published in August 2018 and the draft London Plan Examination in Public (EiP) commenced in January 2019 and closed May 2019. The Panel of Inspectors appointed by the Secretary of State issued their report and

recommendations to the Mayor on 8 October 2019. The Mayor considered the Inspectors’ recommendations and, on 9 December 2019 submitted the Intend to Publish London Plan to the Secretary of State. On 13 March 2020 and subsequently on 10 December 2020, the Secretary of State issued a set of Directions to the Mayor. Having taken these into account, on 21 December 2020, the Mayor submitted a revised ‘Publication London Plan’ (December 2020) to the Secretary of State for his consideration. The Secretary of State on 29 January 2021 confirmed he is content for the Mayor to formally publish the Publication London Plan. As it is now in the final stage before formal adoption, substantial weight should be given to the latest policies in the determination of this planning application.

6 Consultations

Statutory Public Consultation

- 6.1 Statutory consultation has been undertaken on the application by OPDC for a minimum of 21 days. The statutory public consultation comprised:
- Letters/ emails to statutory consultees and local interest groups;
 - Letters to 389 neighbouring properties;
 - Five site notices around the site;
 - A press notice was published in the Brent and Kilburn Times on 20 January 2021 and the West London Gazette on 27 January 2021.
- 6.2 The consultation deadline for the letters and emails to neighbouring properties and consultees, site notices and the press notice within the Brent and Kilburn Times was the 11 February 2021. The consultation deadline for the press notice within the West London Gazette is the 17 February 2021. Any representations that are received after the publishing of this report will be reported to Planning Committee in an addendum.

Public Responses

- 6.3 In response to public consultation a total of 17 responses have been received. 16 responses are in support of the application and 1 response was neither in support nor objection to the application. A summary of key issues raised have been summarised below. Copies of the full representations have been circulated to Members and are available on the OPDC website at:

<http://planningregister.opdc.london.gov.uk/oak/apas/run/wchvarylogin.display>

Key Issue	Officer Response
Appears to be least destructive option in comparison to the consented route from Braybrook Street.	The fallback position of the consented HS2 access route from Braybrook Street is a material consideration in the assessment of the application.

Requests that loss of space and ecology is kept to a minimum during the works.	The amount of land take and impacts upon ecology has been minimised and mitigated as far as practicable.
Wormwood Scrubs is an important green space within the area for its biodiversity, landscape and recreational use.	An assessment of the impacts to Wormwood Scrubs as metropolitan open land, a metropolitan park, and a site of importance for nature conservation has been considered at paragraphs 7.7-7.27, 7.28-7.32, 7.34-7.51 respectively.
Minimises damage to the Old Oak and Wormholt conservation area.	An assessment of impacts to the Old Oak and Wormholt conservation area is considered at paragraph 7.73.

Consultee and Stakeholder Responses

- 6.4 The following consultees and stakeholders were consulted on the application and their responses are summarised below. Copies of the full representations have been circulated to Members and are available on the OPDC website at:

<http://planningregister.opdc.london.gov.uk/oak/apas/run/wchvarylogin.display>

Consultee	Summary of Response	Officer Response
Environment Agency	No response received.	n/a
Natural England	No comments on the application with regards to designated sites. Advises to consider the impacts of the proposed development on any local wildlife or geodiversity sites in line with paragraphs 171 and 174 of the NPPF and any relevant development plan policy.	An assessment has been made with respect to ecological impacts at paragraphs 7.33-7.51. The application site is not identified as a geodiversity site. Notwithstanding this, the proposed development by reason of its minor scale will not present a significant impact upon geodiversity.
Historic England – Greater London Archaeology Advisory Service	The proposal is unlikely to have a significant effect on heritage assets of archaeological interest because the application is located in an area that is disturbed by railway construction and does not affect heritage assets recorded on the Greater London Historic Environment	An assessment has been made with respect to archaeological impacts at paragraph 7.74.

	Record. No further assessment or conditions are necessary.	
Historic England – Built Environment	Does not wish to comment on the application.	Noted.
London Borough of Ealing – Planning Authority	No response received.	n/a
London Borough of Ealing – Highway Authority	No response received.	n/a
College Park and Old Oak Ward Councillors	No response received.	n/a
London Borough of Hammersmith & Fulham Lead Local Flood Authority	No response received.	n/a
HS2 Safeguarding Manager	No response received.	n/a
Transport for London	No response received.	n/a
Friends of Wormwood Scrubs	<p>Strongly supports the application. Whilst disappointed that no alternative site for the Stamford Brook Sewer relocation could be found, the alternative construction access road is clearly the least destructive option for the wildlife, ecology and designated nature reserve areas of the scrubs and will minimise impacts for users of this vital community asset at a time when access to our green spaces is more essential than ever.</p> <p>Details of a public petition relating to the use of the alternative access road from Old Oak Common Lane instead of Braybrook Street</p>	<p>An assessment has been made with respect to ecological impacts at paragraphs 7.33-7.51.</p> <p>An assessment has been made with respect to the impacts of the development on the openness of Wormwood Scrubs at paragraphs 7.11-7.17.</p>

	has been provided. Petition has over 5,000 signatures.	
Old Oak Neighbourhood Forum	No response received.	n/a
Wells House Road Residents Association	No response received.	n/a
Grand Union Alliance	No response received.	n/a
Hammersmith Society	No response received.	n/a
Wormwood Scrubs Charitable Trust	No response received.	n/a
The East Acton Golf Links Residents Association	No response received.	n/a
St Helens Residents Association	Strongly support the application and share the view of the Friends of Wormwood Scrubs that this route will be the least damaging option in terms of the nature reserve area, ecology and wildlife of the Scrubs. This is a large area of open space and is hugely valued for its rare quality of an area 'more wild than tamed' lying within inner London. In the past year levels of usage have been very high due to the pandemic.	An assessment has been made with respect to ecological impacts at paragraphs 7.33-7.51. An assessment has been made with respect to the impacts of the development on the openness of Wormwood Scrubs at paragraphs 7.11-7.17.
St Quintin and Woodlands Neighbourhood Forum	No response received.	n/a
Wormholt Residents Association	No response received.	n/a

7 Assessment

7.1 The following reports and assessments were submitted with the application:

- Planning Statement

- Transport Statement
- Ecological Appraisal
- Route Options Ecological Assessment Report
- Arboricultural Impact Assessment and Tree Protection Plan
- Biodiversity Net Gain Calculation Letter

7.2 In reaching a recommendation on the application, officers have had regard to the key material planning considerations set out below, which are addressed in this report:

- Principle of development: development on designated Metropolitan Open Land (MOL) and a Metropolitan Park.
- Environment: ecological and arboricultural impacts, drainage and air quality;
- Neighbouring amenity: noise and vibration;
- Transport impacts and road safety; and
- Design and heritage impacts.

7.3 Section 38(6) Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise. The HS2 Act grants deemed consent for a temporary construction road across Wormwood Scrubs, starting at Braybrook Street travelling north to join the HS2 Stamford Brook Satellite Compound ('SBS Compound'). During the parliamentary process a legal undertaking was agreed between the Secretary of State for Transport and London Borough of Hammersmith and Fulham (LBHF) that upon request from LBHF an alternative construction access route will be used by HS2 Ltd providing that LBHF obtain the required consents. This planning application proposal is for the alternative construction access route (from Old Oak Common Lane to the SBS Compound). The access route between Braybrook Street and the SBS Compound which has been consented by the HS2 Act represents a fallback position and is a material consideration in the decision-making process.

Principle of Development

- 7.4 London Plan policy 2.13 and Publication London Plan policy SD1 (Opportunity areas) identify Old Oak Common and Park Royal as opportunity areas where regeneration would centre on a new strategic public transport infrastructure hub at Old Oak Common on the HS2 line and Crossrail interchange. These policies highlight that development proposals should support the strategic policy directions and the wider regeneration of opportunity areas by assisting in delivering specific infrastructure requirements.
- 7.5 Policy SP1 (Catalyst for Growth) of OPDC's Second Revised Draft Regulation 19 Local Plan (June 2018) with minor modifications (the 'draft Local Plan') sets out that proposals should support the delivery of the new strategic transport hub and interchange at Old Oak Common.
- 7.6 The proposed temporary construction road is necessary to allow access to the Stamford Brook Sewer which will be diverted in order to deliver the Old Oak Common station. The proposed works therefore align with the policy objectives which seek to support the delivery of strategic transport infrastructure.

Principle of Developing Metropolitan Open Land (MOL)

- 7.7 The application site sits within Metropolitan Open Land (MOL) which covers the extent of Wormwood Scrubs. London Plan policy 7.17 (Metropolitan open land) and Publication London Plan policies GG2 (Making the best use of land) and G3 (Metropolitan open land) set out that development proposals should protect and enhance London's open spaces (including MOLs), and afford the same level of protection to MOLs as the Green Belt. The London Plan and Publication London Plan green belt policies (policies 7.16 and G2 respectively) give green belt the strongest protection in accordance with the national planning policy tests and national guidance.
- 7.8 Policy P12 (Wormwood Scrubs) of the draft Local Plan provides specific guidance for the protection of Wormwood Scrubs, including its vision, connections and open space. In particular, this policy states that development proposals should conserve and enhance Wormwood Scrubs' role as a Metropolitan Park and MOL as well as supporting its long-term management and maintenance. Draft Local Plan policy EU1 (Open Space) states proposals that result in loss or harm (including the erosion in the quality) of MOL will only be permitted in very special circumstances as set out in the National Planning Policy Framework (NPPF), and where at least an equivalent quantum, quality, access and function of MOL is provided. Therefore, an assessment must be made against the aims and objectives of Green Belt development as set out in Chapter 13 (Paragraphs 133-147) of the NPPF.
- 7.9 Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 sets out that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 7.10 Paragraphs 145 and 146 of the NPPF set out exceptions where development within Green Belt (or MOL in this instance) may be acceptable. Paragraph 145 provides exceptions relating to buildings and paragraph 146 sets out exceptions relating to other forms of development. Specifically, paragraph 146 states that certain other forms of development, such as engineering operations, are not inappropriate in the Green Belt (or MOL in this instance) provided they preserve its openness and do not conflict with the purposes of including land within the designation. Engineering operations include activities that alter the profile of the land or will change the character of the surface of the land such as the laying of a new road. The proposed development (road and associated drainage) is therefore considered to be an 'engineering operation'. The proposed fencing will be temporary, will not be fixed into the ground and will not constitute development in its own right and therefore is considered to be an ancillary work associated with the main engineering operation. Overall, the proposal subject of this application would fall to be an 'engineering operation' and therefore its impact to the openness of Wormwood Scrubs and the purposes of including the land within the MOL designation will need to be considered.
- 7.11 With respect to preserving the openness of green belt land (or MOL), the National Planning Practice Guidance (NPPG) highlights a number of matters identified in the

courts which should be taken into account during the assessment, where it is relevant to do so. These include, but are not limited to:

- Openness is capable of having both spatial and visual aspects;
- The duration of the development, and its remediability; and
- The degree of activity likely to be generated, such as traffic generation.

- 7.12 The application site has a temporary land take of 0.23ha, which is a negligible amount of land when considering the total land available at Wormwood Scrubs (68ha). The proposed access road will have a relatively flat topography and parts would extend over existing hardstanding. The location of the proposed road which will run from Old Oak Common Lane eastwards to the SBS Compound, will create a physical spatial barrier between the north-western corner of Wormwood Scrubs and the rest of the Scrubs. However, the proposed road will have a pedestrian and cyclist crossing to allow for movement between these two areas.
- 7.13 Whilst the road would be a physical barrier to the north-western corner of Wormwood Scrubs, considering that access will still be possible to this corner, along with the presence of HS2 construction worksites in this area (SBS compound and UTX compound), the impact of the proposal on Wormwood Scrubs' spatial openness is considered to be minimal. Furthermore, when considering the fallback position, the location of the proposed road in the north-western corner will have a lesser impact on the spatial openness by reason of separating a smaller section from the main area of Wormwood Scrubs.
- 7.14 The proposed road itself will not impact upon Wormwood Scrubs visual openness given its relatively flat topography. The ancillary fencing associated with the proposed road will be a green open mesh design which will provide visual permeability and minimise its visual impact upon the surrounding landscape. Considering the location of the proposed road along with the visual permeability of the proposed fencing and the existing vegetation cover which will provide a level of screening, the proposed development is not considered to impact significantly upon the visual openness of Wormwood Scrubs.
- 7.15 The proposed development is temporary in nature and will only be required for a maximum of 18 months to allow HS2's construction vehicles to access the SBS Compound where works to divert the Stamford Brook Sewer will be undertaken. Following its use, the proposed development will be removed, and the land will be returned to its former state. Officers also note the future intentions of the applicant who have produced an ecological masterplan for Wormwood Scrubs which will result in an overall enhancement to ecology and biodiversity in this part of the Scrubs. This planning application will not impact upon the delivery of this future ecological masterplan.
- 7.16 The degree of activity at the site as a result of the proposed development, will see the access road used by HS2's Large Goods Vehicles (LGVs). The maximum number of LGV movements per day will be 24. The proposed development itself will not produce any other activities except for transport to and from the SBS Compound.
- 7.17 Overall, when considering the visual and spatial impacts and degree of activity associated with the proposed road along with its temporary and reversible nature, the proposed development is considered to preserve the openness of Wormwood Scrubs.

- 7.18 When considering whether the proposal would conflict with the purposes of designating Wormwood Scrubs as MOL, the NPPF at paragraph 134 sets out that the Green Belt designation generally serves five purposes:
- To check the unrestricted sprawl of large built-up areas;
 - To prevent neighbouring towns merging into one another;
 - To assist in safeguarding the countryside from encroachment;
 - To preserve the setting and special character of historic towns; and
 - To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 7.19 Specifically, Wormwood Scrubs has been designated as MOL and identified in development plans for the area since 1981. LBHF's core strategy background paper for 'Metropolitan Open Land and other open space boundary changes' sets out that Wormwood Scrubs is used for formal and informal recreation (with sports function) and also contains the borough's only designated local nature reserves. Officers therefore consider that the site also serves a purpose in its designation as MOL in terms of its recreation and sports function and its nature reserves. These purposes have been considered below in conjunction with the five main purposes detailed in the NPPF.
- 7.20 The proposed development by reason of its temporary and reversible nature will not result in the urban sprawl of large built-up areas or the merging of neighbouring towns. Whilst the proposed development will temporarily encroach into the park, there will be no permanent effects and the site will be restored to its former state which will allow for the future delivery of the Wormwood Scrubs Ecological Masterplan by LBHF.
- 7.21 To the south of the application site is the Old Oak and Wormholt conservation area. The proposed development by reason of its temporary nature, minor scale and location in relation to the conservation area, is not considered to impact upon the setting nor the special characteristics of this historic area.
- 7.22 The proposed access road is required to enable the diversion of the Stamford Brook Sewer which is a key work associated with the delivery of the new Old Oak Common station. Given its purpose and the temporary nature of the works, the proposed development will assist in urban regeneration by enabling the delivery of a nationally significant infrastructure project which will act as a catalyst for wider regeneration of the area.
- 7.23 The application site would not impact upon Wormwood Scrubs' sports function since the football pitches and other sports facilities are located on the eastern side of the Scrubs. The proposed development by reason of its location on the Scrubs will take land which can be used for informal recreational purposes. It will also create a physical barrier to the north-western corner of Wormwood Scrubs. However, there will be a pedestrian and cyclist crossing to allow for movement to this part of the Scrubs. Considering that the proposal is temporary and will involve a minimal amount of land take, the impact to Wormwood Scrubs' recreational purpose is negligible.
- 7.24 The application site will pass through part of the LNR which runs around the edges of Wormwood Scrubs. It is considered that as a result of the temporary nature of the development, the minimal land take from LNRs and the intention to restore the application site to a state suitable for future enhancements (by way of LBHF's Ecological

Masterplan) the proposal will not conflict with the purposes of designating Wormwood Scrubs as a MOL on the basis of its provision of LNRs.

- 7.25 In consideration of the above points, the proposed development would not conflict with the purposes of designating Wormwood Scrubs as MOL.
- 7.26 To conclude, having considered the impacts of the proposal on the openness of the land and the impact upon the purposes of designating Wormwood Scrubs as MOL, it is considered that the works would not constitute inappropriate development as defined within the NPPF. Whilst the proposal is not considered to be inappropriate development, the proposed construction road and ancillary works will present some temporary harm to the MOL in terms of sectioning off a small part of Wormwood Scrubs and introducing construction activity to this area. However, this harm is considered to be minimal by reason of the proposal's temporary nature and remediability and taking into account the fallback position which will result in greater severance of the Scrubs.
- 7.27 Should members take the view that the works would constitute inappropriate development, it is considered that there are 'very special circumstances' that exist. Those being that the development is necessary to allow for HS2 LGVs to access the SBS Compound to undertake works to divert the Stamford Brook Sewer. These diversion works are critical in the delivery of Old Oak Common Station which is part of a nationally significant infrastructure project which will act as a catalyst for regeneration within the OPDC area. Furthermore, the proposed development is considered to present a better access solution than the route consented by the HS2 Act in terms of the amount of land take (and therefore land affected) by the works, the amount of the Scrubs that would be fenced off from the rest of the Scrubs and reduces the impacts to nearby residential properties along Braybrook Street. As mentioned throughout the report, the works will also be temporary and will be remediated. Overall, it is considered that there are very special circumstances which exist that would outweigh any harm to Wormwood Scrubs.

Principle of Developing Public Open Space

- 7.28 In addition to being designated as MOL, Wormwood Scrubs is a public open space defined as a Metropolitan Park in OPDC's draft Local Plan. The application site is located within the open space designation.
- 7.29 Paragraph 97 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
- 7.30 London Plan policy 7.18 (Protecting open space and addressing deficiency) states that the loss of protected open spaces must be resisted unless equivalent or better-quality provision is made within the local catchment area. Publication London Plan policy G4 (Open Space) also states that development proposals should not result in the loss of protected open space.

- 7.31 Draft Local Plan policy SP8 (Green Infrastructure and Open Space) states that any loss or relocation of existing green infrastructure or open space should accord with the requirements of Policy EU1 (Open Space). Policy EU1 states proposals that result in a loss or erosion in the quality of existing open space will only be permitted where at least an equivalent quantum and quality of open space is provided.
- 7.32 The proposed development will result in the loss of public open space for a temporary period of 18 months. The applicant is not proposing to make alternative provision during this time. However, the site will be fully remediated following its use. As with the consideration of the MOL designation above, there are very special circumstances relevant to the application which are material considerations in this decision. The key circumstance being that the works are necessary to allow for the delivery of Old Oak Common Station which is part of a nationally significant infrastructure project. Officers also have had regard to the fact that there are no other alternatives to accessing the Stamford Brook Sewer without affecting Wormwood Scrubs. Overall, it is considered that there are material considerations of an exceptional nature that justify the construction of a temporary access road across existing designated open space and that the principle of development in this instance is acceptable.

Environment

- 7.33 The key environmental issues to consider with the proposal is the ecological and arboricultural impacts, drainage and air quality.

Ecological and Arboricultural Impacts

- 7.34 The application site sits within Wormwood Scrubs which is designated as a Site of Importance for Nature Conservation (SINC) and parts are designated as a Local Nature Reserve (LNR) (Figure 4). The proposed development will go through part of the western Local Nature Reserve.

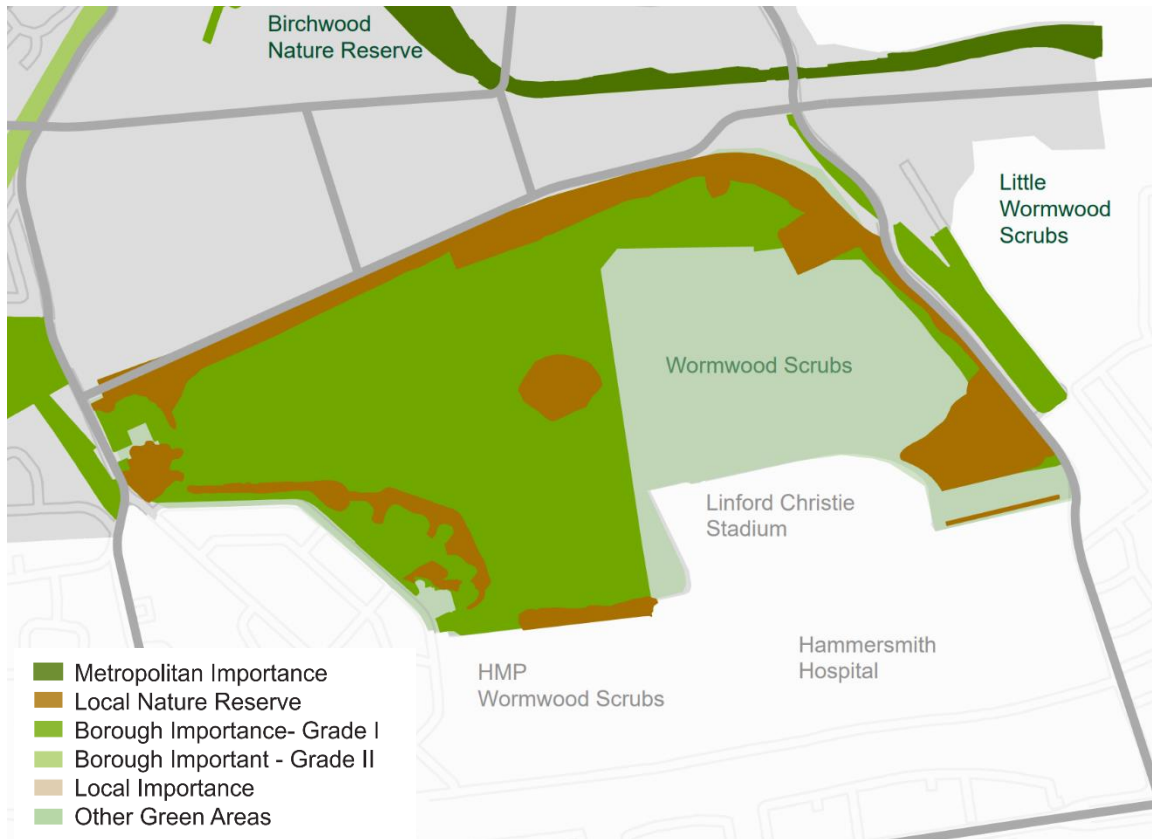


Figure 4 – Wormwood Scrubs Designations

- 7.35 Chapter 15 of the NPPF sets out the overarching aims and objectives for conserving and enhancing the natural environment. London Plan policy 2.18 (Green Infrastructure: the multi-functional network of green and open spaces) seeks enhancements to London’s green infrastructure from development. Policy 7.19 (Biodiversity and access to nature) of the London Plan provides protection and enhancement of biodiversity. This policy also sets out a hierarchy for proposals affecting a SINIC: 1) avoid adverse impact to the biodiversity interest; 2) minimise impact and seek mitigation; 3) only in exceptional cases where the benefits of the proposal clearly outweigh the biodiversity impacts, seek appropriate compensation.
- 7.36 Publication London Plan policy G1 (Green infrastructure) states that green and open spaces should be protected and enhanced. Policy G6 (Biodiversity and access to nature) of the Publication London Plan provides protection to SINICs and states that if harm is unavoidable and benefits outweigh impacts to biodiversity, the mitigation hierarchy should be followed.
- 7.37 Draft Local Plan policy SP8 (Green Infrastructure and Open Space) sets out that development proposals should conserve and enhance green infrastructure/ open spaces and existing biodiversity habitats, and any loss or relocation should accord with the requirements of policy EU1 (Open Space) and EU2 (Urban Greening and Biodiversity) respectively. Policy EU2 (Urban Greening and Biodiversity) states that development should secure an overall increase in green cover and a net gain in biodiversity where they would not result in a loss of existing biodiversity unless either an equivalent type and equal or greater amount of biodiversity is provided onsite. Policy EU2 also states

that environmental disturbance to biodiversity during and post construction should be avoided and where disturbance cannot be avoided appropriate and necessary mitigation measures will need to be utilised.

- 7.38 An Ecological Appraisal has been submitted with the application, along with a high-level assessment comparing the proposed construction route (from Old Oak Common Lane) and the route consented by the HS2 Act (from Braybrook Street). The proposed development will require the removal of and/or disturbance to semi-improved neutral grassland with scattered scrub (693sqm), dense scrub (1360sqm), amenity grassland (233sqm) and hardstanding (285sqm).
- 7.39 The appraisal identifies the habitats and species that could potentially be affected by the proposed development and provides mitigation measures to minimise any impacts as far as possible.
- 7.40 With respect to bats, five trees have been identified within the site survey which have potential to support bat roosts (two with low potential, two with medium potential and one with high potential). These trees fall outside of the application site and will therefore be retained. To minimise adverse effects to potential foraging and commuting bat corridors, any lighting will be spaced every 5-10m and will use the lowest possible lux, amber coloured lighting, LED lighting (with no UV) and will have wave lengths higher than 550mm.
- 7.41 The application site has the potential to support suitable habitat opportunities for reptiles (such as common lizards and slow worms). Mitigation measures to avoid injuring or killing reptiles have been provided, which include supervision by an ecologist and a sensitively timed phased construction approach to allow for reptiles to be relocated. In addition, the proposed boundary fencing will have gaps big enough for reptiles to pass through and therefore fragmentation of the species will not be impacted.
- 7.42 With respect to badgers, no setts were recorded within 30m of the proposed access road. However, given the mobility of badgers there is potential for new setts to be established prior to works commencing. Therefore, a pre-works check by an ecologist will be undertaken. If a badger sett is identified within 30m of the proposed works and there is potential for disturbance, a licence from Natural England will be sought prior to works commencing.
- 7.43 The proposed development has the potential to temporarily fragment the site (north to south) and restrict the movement of badgers and hedgehogs. Whilst mobility will be restricted, movement will still be possible through the proposed pedestrian crossing which will be left open at night when hedgehogs and badgers are most active.
- 7.44 The application site comprises habitats suitable for a variety of nesting birds. To mitigate against the impacts to nesting birds, any removal of vegetation will be undertaken outside of bird nesting season as far as possible. Where clearance is programmed during bird breeding season, a suitably qualified ecologist will undertake a survey to determine whether birds are nesting in the area. If a nest is discovered, clearance or construction works will be delayed within an exclusion zone until the nest is no longer in use.
- 7.45 The applicant has also undertaken Biodiversity Net Gain Calculations (using the latest version of the DEFRA Biodiversity Metric 2.0) for both the proposed and consented route to provide a comparison on ecological impacts. Whilst both routes will result in a

- biodiversity net loss (temporarily), the proposed route will result in a loss of -16.46% compared to a greater net loss of -22.08% for the consented route from Braybrook Street. This document also identifies that the proposed route will not result in the direct loss of woodland habitat which would take 30+ years to re-establish upon reinstatement.
- 7.46 OPDC have sought advice from Essex County Council Place Services to provide an independent review of the Ecological Appraisal. Their advice agreed with the submission that the proposed route will have lower ecological impact than the consented route and recommended conditions securing the mitigation measures set out in the appraisal, preparation of a lighting plan and a mechanism to ensure delivery of a net gain for biodiversity.
- 7.47 Overall, it is considered that whilst the proposed development will impact upon the site's ecology and biodiversity, this impact will be temporary and will be mitigated as far as practicable. Given the fallback position, the proposed access route will have a lesser impact upon ecology within Wormwood Scrubs by reason of reduced land take and the location of the proposed road. Therefore, the proposed works are considered to be acceptable in this instance. Planning conditions 4 and 5 are recommended to ensure that the development is constructed in line with the mitigation strategy set out within the Ecological Appraisal and to require the submission of a detailed lighting plan to ensure that the mitigation measures towards bats are incorporated. Planning condition 3 is also recommended to secure details relating to the restoration of the site to ensure the delivery of a net gain in biodiversity following the removal of the development.
- 7.48 London Plan policy 7.21 (Trees and woodlands) protects trees of value and states that any loss should be replaced, particularly large-canopied species. Publication London plan policy G7 (Trees and woodlands) sets out that trees of value should be replaced.
- 7.49 An Arboricultural Assessment and Tree Protection Plan has been submitted with the application. The proposed development will require the removal of two B-grade trees and two B-grade tree-groups will need to be cut back. The temporary fencing on either side of the proposed road will also function as tree protection fencing. Mitigation is proposed for trees close to the proposed drainage swale, by requiring any excavations within the root protection zones to be carried out by hand and any significant roots retained and worked around.
- 7.50 OPDC has sought advice from Essex County Council Place Services to provide an independent review of the Arboricultural Assessment and Tree Protection Plan. Their advice concluded that the proposed access route is less detrimental to the canopy cover of Wormwood Scrubs and that the arboricultural impacts have been suitably considered within the submission in line with British Standard 5837:2012. It is recommended that the two category trees proposed for removal should be replaced to maintain the tree stock on site. Officers have included condition 3 which will require details of any replacement trees to be planted during the restoration of the site.
- 7.51 Overall, it is considered that the route has been proposed to minimise impacts on trees within Wormwood Scrubs and whilst the development will result in the loss of two B-grade trees, this impact is less than the fallback position which would have resulted in the loss of two A-grade trees which are of higher arboricultural value. In order to mitigate the loss of trees, a condition is recommended requiring the submission of a detailed restoration plan including details of replacement trees. Planning conditions are

also recommended requiring compliance with the arboricultural report method and arboricultural supervision during certain construction works. Subject to the imposition of conditions, it is considered that the proposed development is acceptable with respect to arboricultural impacts.

Drainage

- 7.52 London Plan policy 5.13 and Publication London Plan policy SI 13 (Sustainable drainage) set out that proposals should incorporate SuDS (Sustainable Drainage Systems) unless there are practical reasons for not doing so. Proposals should also ensure that surface water run-off is managed as close to its source as possible in line with the drainage hierarchy.
- 7.53 Draft Local Plan policy EU3 (Water) requires proposals to deal with surface water drainage with particular attention to areas identified as at risk of surface water flooding. The draft policies map associated with the draft Local Plan identifies part of the application site as being at risk of surface water flooding (1 in 200 year surface water flood risk > 0.1m).
- 7.54 The proposed access road has been designed with a 2.5% crossfall to allow water to drain into the adjacent land and follow the existing ground profile. A swale drain is proposed along the northern side of the road to capture water runoff flowing north to south and distribute it to the south of the road through underground pipes. Following the use of the road, the road and drainage swale (and associated pipes) will be removed from the application site and the ground returned to its original state.
- 7.55 Overall, the proposed drainage strategy manages surface water run-off as close to its source as possible and is considered to be acceptable.

Air Quality

- 7.56 London Plan policy 7.14 and Publication London Plan policy SI 1 (Improving air quality) state that development proposals should minimise increased exposure to existing poor air quality and make provision to address local problems of air quality (particularly within Air Quality Management Areas). Draft Local Plan policy EU4 (Air Quality) states that development proposals will be supported where they appropriately minimise air pollution and make a positive contribution to overall improvement in air quality.
- 7.57 The application site is located within an Air Quality Management Area (AQMA). LBHF declared the entire borough an AQMA due to exceedances of the nitrogen dioxide (NO₂) and particulate (PM10) annual mean objectives.
- 7.58 The proposed development will result in a maximum of 24 daily LGV movements. As part of HS2's Environmental Minimum Requirements (EMRs), their vehicles must comply with the relevant vehicle emission standard. For this area this will be the London Low Emission Zone requiring heavy road vehicles to be powered by EURO VI (or cleaner) engines. The construction works will also be undertaken in accordance with HS2's Code of Construction Practice which provides mitigation measures such as covering materials on-site and on LGVs to control dust emissions.
- 7.59 By reason of the development's temporary nature and limited traffic flows, it is considered that the proposed development will not present a significant permanent effect on air quality in the area. Furthermore, the proposed access road will not lead to additional vehicle movements or activities when compared to the fallback position and

will therefore have the same impact to air quality as the already consented scheme. Overall, the proposed development is considered to be acceptable with respect to air quality impacts.

Impacts upon Neighbouring Amenity

- 7.60 London Plan policy 7.15 (Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes) and Publication London Plan policy D14 (Noise) aim to reduce, manage and mitigate noise impacts to improve health and quality of life. Draft Local Plan policy EU5 (Noise and Vibration) also states that development proposals should ensure noise and vibration is minimised and include features of positive soundscape interest.
- 7.61 The construction of the road is anticipated to be over a two-week period and the road will be in use for a temporary period of 18 months. The proposed development will be used by HS2 Large Goods Vehicles (LGVs) which are required to comply with the HS2 Code of Construction Practice, including measures relating to sound, noise and vibration. The proposed road is solely a means of access to the SBS Compound and will not involve any other activity within the application site.
- 7.62 Commonly the introduction of LGVs to a site has the potential to generate noise and vibration. There will be a maximum of 24 daily LGV movements on the proposed road (12 entering the site and 12 exiting the site).
- 7.63 Officers are also cognisant of the fallback position which allows for the construction of a road from Braybrook Street to the SBS Compound. Braybrook Street contains the closest residential receptors who will be impacted by the consented/proposed works. The proposed access road (from Old Oak Common Lane) will be located further away from the residential properties along Braybrook Street and will therefore have a lesser impact than the consented route in terms of noise and vibration.
- 7.64 Overall, by reason of the limited number of LGVs using the road per day and the limited period that the road will be in place, the noise and vibration impacts of the proposed access road are considered to be acceptable.

Transport and Road Safety

- 7.65 London Plan policy 6.3 (Assessing effects of development on transport capacity) states that development should not adversely affect safety on the transport network. Publication London Plan policy T4 (Assessing and mitigating transport impacts) states that development proposals should address impacts on the transport network and proposals should not increase road danger. Draft Local Plan policy T1 (Roads and Streets) requires proposals to mitigate the impact of development on the surrounding local and strategic road network.
- 7.66 The temporary junction between the proposed access road and Old Oak Common Lane is not sought for approval under this planning application. The junction is located within HS2 Act Limits and therefore consent will be sought by HS2 under Schedule 4 of the HS2 Act (submitted to local highway authority - Ealing). Notwithstanding this,

consideration has been had to the principle of the junction and the general use of the proposed access road.

- 7.67 A Transport Statement, a Road Safety Audit and vehicle tracking diagrams have been submitted to support the application.
- 7.68 The maximum number of LGVs using the proposed road will be the same as the consented route from Braybrook Street (no more than 24 daily trips). Given the proposed route will not produce additional vehicle movements above those considered with the consented route, it is not considered that the proposed development will present a significant impact to the local transport network.
- 7.69 With respect to road safety, the proposed road will have a 20mph speed limit and will not be accessible to the public (inclusive of pedestrians, cyclists and vehicles). The Road Safety Audit (RSA) submitted highlighted 10 potential safety problems. These include: restricted driver visibility from existing tree canopies; mobile crane will need to encroach onto opposing traffic lane on Old Oak Common Lane to access the site; the location of the proposed layby is too close to the junction; width of the proposed road is restrictive meaning there is a risk of side swipes between larger vehicles; lack of clarity as to whether the proposed footway is accessible to the public; measures required to prevent users of the scrubs entering the access road/ construction site; appropriate signage for users will need to be put in place. In order to address the issues highlighted within the RSA: tree canopies have been surveyed and where necessary trimmed to ensure driver visibility; mobile cranes using the site will be very infrequent and will be marshalled by a qualified contractor to ensure safe entry/exit from the site; the layby location has been modified; the flow of traffic on the proposed road will be marshalled at all times with only one vehicle using the road at a time to avoid side swipes; the proposed footway will only be accessible to HS2 contractors; boundary fencing is proposed to prevent users of the Scrubs accessing the construction road along with the presence of security/safety marshals; temporary signs will be in place to navigate Scrub users to pedestrian crossing locations. Overall, by reason of the proposed road having a single user (HS2 and its contractors) with a limited number of vehicles, it is considered that the proposed development does not present a significant impact in terms of road safety.
- 7.70 Therefore, officers are satisfied that the proposed road will not present an unacceptable impact upon the local road network and the potential road safety issues have been resolved satisfactorily.

Design and Heritage Impacts

- 7.71 The proposed access road will have a relatively flat topography with a maximum 2.5% gradient from north to south to allow for sufficient drainage and will be integrated into the landscape as far as possible. The road will be either slightly below the existing ground level or level with the existing ground profile. The road will have temporary green mesh fencing on both sides to provide visual permeability and to minimise its visual impact within Wormwood Scrubs. Overall, the design of the proposed road along with its ancillary fencing is considered to be acceptable and will not present a significant visual impact given its temporary and reversible nature.

- 7.72 London Plan policy 7.8 (Heritage assets and archaeology) and Publication London Plan policy HC1 (Heritage conservation and growth) state that development affecting the setting of a heritage asset should conserve their significance. Draft Local Plan policy D8 (Heritage) sets out that development proposals should be assessed in line with the policy tests within the NPPF (Chapter 16).
- 7.73 To the south of the application site is the Old Oak & Wormholt conservation area (located around Braybrook Street). The proposed access route will be located in the north-western corner of Wormwood Scrubs and is c. 120m from the conservation area. Given the temporary and minor nature of the works and the presence of existing trees and woodland which would screen the majority of the development, it is considered that the proposal would not impact upon the setting of this heritage asset.
- 7.74 The draft Local Plan does not identify any sites of archaeological interest within the area. Policy D8 (Heritage) of the draft Local Plan states that proposals that affect or have the potential to affect archaeological heritage assets will be supported where they demonstrate the appropriate level of investigation and recording within an Archaeology Impact Statement (AIS). Given that the site is not within, or close to, any sites of archaeological interest, the proposals would not affect or have the potential to affect archaeological heritage assets and an AIS is not required in this instance. Greater London Archaeology Advisory Service (Historic England) have been consulted on the application and consider that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest given its location in an area probably disturbed by railway construction.

8 Human Rights and Equalities

- 8.1 Planning Committee Members should take account of the provisions of the Human Rights Act 1998 as they relate to the application and the conflicting interests of the applicants and any third party opposing the application in reaching their decisions.
- 8.2 The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report. In particular, Article 6 (1), of the European Convention on Human Rights (ECHR) in relation to civil rights and a fair hearing; Article 8 of the ECHR in relation to the right to respect for private and family life and Article 1 Protocol 1 of the ECHR in relation to the protection of property have all been taken into account.
- 8.3 In addition, the Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics namely: age, disability, gender reassignment, pregnancy and maternity, race, religion, or beliefs and sex and sexual orientation. It places the local planning authority under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and Members must be mindful of this duty inter alia when determining all planning applications. In particular, Members must pay due regard to the need to:
- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act;
 - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and;

- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.4 Officers are satisfied that the application material and officers' assessment have taken these issues into account. Particular matters of consideration include the provision of a level pedestrian/ cycle crossing at a location that ties in with an existing path through Wormwood Scrubs and the location of the development away from the residential receptors along Braybrook Street. Overall, the proposal will not present a disproportionate impact to those with a protected characteristic.

9 Financial Implications

- 9.1 There are no direct financial implications arising from this report. Expenditure and income are subject to the Corporation's decision-making process.

10 Legal Implications

- 10.1 No legal implications arise from the report and it is consistent with the Corporation's legal framework.

11 Other Matters

- 11.1 Whilst an Environmental Impact Assessment (EIA) screening opinion was not requested by the applicant, OPDC considered it necessary to issue an opinion on the proposed development in accordance with Regulation 8 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended). The screening opinion concluded that an EIA was not required for the following reasons:
- 11.2 The proposed development as described would not constitute Schedule 1 development as defined by the Regulations. Although the proposed development is considered to be within the category of 'changes and extensions' to Schedule 1 development in paragraph 13(a) of Schedule 2 of the Regulations, the development falls below the indicative thresholds for this type of development which may be more likely to require EIA. Having regard to the temporary nature, minor scale, location of the proposal, the alternative access road consented under the High Speed Rail (London – West Midlands) Act 2017, and the criteria set out in Schedule 3 of the Regulations, it is considered that the proposed temporary access road is unlikely to have significant environmental effects and an Environmental Impact Assessment is therefore not required.

12 Conclusion

- 12.1 The proposal for a temporary road from Old Oak Common Lane to the SBS Compound will allow access to HS2's LGVs to undertake works to divert the Stamford Brook Sewer. The diversion of the sewer is a critical work in the delivery of Old Oak Common station which is part of a nationally significant infrastructure project.
- 12.2 The proposed development is located on Wormwood Scrubs which is identified as Metropolitan Open Land (MOL) and is a metropolitan park. The impacts of the proposal on the openness and purpose of Wormwood Scrubs as a MOL have been considered and it is concluded that the works would not constitute inappropriate development as

defined within the NPPF. Notwithstanding this, it is considered that there are very special circumstances which would outweigh the harm had officers concluded that the works constituted inappropriate development. Whilst the proposal would not constitute inappropriate development, the works will present temporary harm to Wormwood Scrubs in terms of sectioning off a small part and introducing construction activity to this area. However, this harm is considered to be minimal by reason of the proposal's temporary nature and remediability and taking into account the fallback position which would result in greater severance of the Scrubs.

- 12.3 Overall, it is considered that whilst the proposed development will impact upon the site's ecology and biodiversity, this impact will be temporary and will be mitigated as far as practicable. Given the fallback position, the proposed access route will have a lesser impact upon ecology within Wormwood Scrubs by reason of reduced land take and the location of the proposed road.
- 12.4 Having considered the temporary nature and reversibility of the works and having appropriate regard to the fallback position of a route from Braybrook Street, the proposed development is considered to be acceptable with respect to ecology, biodiversity, arboricultural impact, drainage, air quality, noise/ vibration, traffic, road safety and design/ heritage. Therefore, the application is recommended for approval subject to conditions relating to ecological and arboricultural mitigation.

13 Recommended Planning Conditions

13.1 COMPLIANCE – Approved Plans

The development hereby permitted shall be carried out in accordance with the following approved drawings and documents:

Drawings

- Old Oak Common Lane Off-Site Works Temporary Construction Access Road Existing Site Plan (1CP02-BVS_WSP-HW-DGA-SS07-000001 P01.1)
- Old Oak Common Lane Off-Site Works Temporary Construction Access Road Proposed General Arrangement Plan (1CP02-BVS_WSP-HW-DGA-SS07-000002 P01.1)
- Old Oak Common Lane Off-Site Works Temporary Construction Access Road Proposed Tree and Fence Plan (1CP02-BVS_WSP-HW-DGA-SS07-000003 P01.1)
- Old Oak Common Lane Off-Site Works Temporary Construction Access Road Typical Cross Sections (1CP02-BVS_WSP-HW-DGA-SS07-000006 P01.1)
- Old Oak Common Lane Off-Site Works Temporary Construction Access Road Vehicle Tracking Layout Sheet 1 (1CP02-BVS_WSP-HW-DGA-SS07-000007 P01.1)
- Old Oak Common Lane Off-Site Works Temporary Construction Access Road Vehicle Tracking Layout Sheet 2 (1CP02-BVS_WSP-HW-DGA-SS07-000008 P01.1)
- Old Oak Common Lane Off-Site Works Temporary Construction Access Road Vehicle Tracking Layout Sheet 3 (1CP02-BVS_WSP-HW-DGA-SS07-000009 P01.1)
- Old Oak Common Lane Off-Site Works Temporary Construction Access Road Proposed Drainage Layout (1CP02-BVS_WSP-HW-DGA-SS07-000010 P01.1)
- Old Oak Common Lane Off-Site Works Temporary Construction Access Road Site Location Plan (1CP02-BVS_WSP-HW-DGA-SS07-000011 P01.1)

- Old Oak Common Lane Off-Site Works Temporary Construction Access Road Site Clearance and Soil Stripping Plan (1CP02-BVS_WSP-LS-DGA-SS07-000001 P01.1)
- Old Oak Common Lane Off-Site Works Temporary Construction Access Road Site Restoration Plan (1CP02-BVS_WSP-LS-DGA-SS07-000002 P01.1)

Documents

- Stamford Brook Sewer Alternative Old Oak Common Lane Construction Access Route Transport Statement (1CP02-BVS_WSP-TM-STA-SS07-000001 P01)
- Stamford Brook Sewer Alternative Old Oak Common Lane Construction Access Route Planning Statement (1CP02-BVS_WSP-TM-STA-SS07-000003 P01)
- Arboricultural Impact Assessment & Tree Protection Plan (Dated: 15th January 2021)
- Wormwood Scrubs Haul Route: Ecological Appraisal (Dated: 14th January 2021)
- Wormwood Scrubs Haul Route Options (Dated: December 2020)

Reason: For the avoidance of doubt and in the interests of proper planning.

13.2 **COMPLIANCE – Time Limit**

The development hereby permitted shall be removed and the land restored to its former condition on or before 24 August 2022, in accordance with the restoration plan approved pursuant to Condition 3 (below).

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended). The development is of a temporary nature which the Local Planning Authority would not be prepared to approve on a permanent basis, having regard to its siting on Metropolitan Open Land and designated open space.

13.3 **PRIOR TO EXPIRATION OF PERMISSION – Restoration Plan**

Notwithstanding the approved drawings, no later than 24th February 2022, or 6 months prior to the intended removal of the development (whichever is the sooner), details of the site restoration scheme, including soft and hard landscaping for all areas within the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall include as necessary, but not be limited to:

- planting schedules and details of the species, height and maturity of any trees and shrubs, including sections through the planting areas;
- depth of tree pits, containers and shrub beds;
- details relating to pedestrian surfaces, wayfinding, materials, external steps and seating, furniture, bins and lighting columns that ensure a safe and convenient environment for blind and partially sighted people, and any proposed boundary treatments;
- the timing of proposed planting; and
- planting maintenance arrangements.

The landscaping works shall be carried out in accordance with the approved details.

Reason: In the interests of the character and appearance of the area, to ensure appropriate accessibility and to support biodiversity in accordance with London Plan

(2016) policies 7.19 'Biodiversity and Access to Nature' and 7.4 'Local Character' and OPDC Regulation 19 (2) Local Plan (2018) policies D2 'Public realm' and EU2 'Urban Greening and Biodiversity'.

13.4 PRIOR TO FIRST USE – Lighting Plan

Prior to the first use of any lighting, a lighting plan incorporating relevant ecological mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall then only be used in accordance with the approved details.

Reason: In the interests of supporting biodiversity in accordance with London Plan (2016) policy 7.19 'Biodiversity and Access to Nature' and OPDC Regulation 19 (2) Local Plan (2018) policy EU2 'Urban Greening and Biodiversity'.

13.5 COMPLIANCE – Ecological Mitigation Strategy

The development hereby permitted shall be carried out in accordance with the mitigation measures identified at Chapter 4 of the Wormwood Scrubs Haul Route: Ecological Appraisal dated 12 February 2021.

Reason: In the interests of supporting biodiversity in accordance with London Plan (2016) policy 7.19 'Biodiversity and Access to Nature' and OPDC Regulation 19 (2) Local Plan (2018) policy EU2 'Urban Greening and Biodiversity'.

13.6 COMPLIANCE – Arboricultural Report Method

The development hereby permitted shall be carried out in accordance with the mitigation measures and recommendations identified at Sections 3 & 4 in the Arboricultural Impact Assessment & Tree Protection Plan dated 15th January 2021, including the requirement for certain works to be carried out under arboricultural supervision.

Reason: In the interests of supporting biodiversity in accordance with London Plan (2016) policy 7.19 'Biodiversity and Access to Nature' and OPDC Regulation 19 (2) Local Plan (2018) policy EU2 'Urban Greening and Biodiversity'.

List of Background Papers:

- Stakeholder and consultee representations received from consultation
- Public representations received from consultation
- Essex County Council Place Services independent review comments

Report originator: Laura White, Senior Planner, OPDC
Telephone: 020 7084 2977
Email: laura.white@opdc.london.gov.uk

Subject: Re-designation of the Harlesden Neighbourhood Forum
Meeting date: 23 February 2021
Report to: Planning Committee
Report of: Director of Planning

FOR RECOMMENDATION

This report will be considered in public

1 Summary

- 1.1 The Harlesden Neighbourhood Forum and Area is located within both the Old Oak and Park Royal Development Corporation (OPDC) and London Borough of Brent (LBB). The Forum was the first Neighbourhood Area and Forum to be designated by OPDC on 26 November 2015. The Town and Country Planning Act 1990 (as amended) requires designated Neighbourhood Forums to apply to their respective Local Planning Authority (LPA) for re-designation every five-years and Harlesden Neighbourhood Forum has applied to OPDC and LBB to be re-designated.
- 1.2 The application material was publicly consulted on by OPDC and LBB from 10 December 2020 to 4 February 2021.
- 1.3 Officers have considered the application documentation and public consultation responses and consider that the application meets the requirements of the Town and Country Planning Act 1990 (as amended) and invite OPDC Planning Committee to recommend that OPDC Board approve the re-designation of the forum.

2 Recommendations

The Planning Committee is invited to:

- 2.1 **Recommend** that OPDC Board approve the re-designation of the Harlesden Neighbourhood Forum.

3 Background

Neighbourhood Planning overview

- 3.1 Neighbourhood planning is a community led process intended to shape and promote development at the neighbourhood (i.e. local) level.
- 3.2 It was introduced through the Localism Act (2011) to enable communities to define Neighbourhood Areas and establish Neighbourhood Forums to draw up a Neighbourhood Plan and/or Neighbourhood Development Orders. It is guided by a range of legislation and national guidance. LPAs are required by law to support the neighbourhood planning process.

Neighbourhood Forums designation/re-designation application and consultation

- 3.3 Neighbourhood Forums are community-led groups which seek to help shape growth and development within their relevant neighbourhood areas. Groups must apply to their LPA to be designated as a Neighbourhood Forum.
- 3.4 The Neighbourhood Planning (General) Regulations 2012 require that application material submitted to the LPA must include:
 - a) the name of the proposed neighbourhood forum;
 - b) a copy of the written constitution of the proposed neighbourhood forum;
 - c) the name of the neighbourhood area to which the application relates and a map which identifies the area;
 - d) the contact details of at least one member of the proposed neighbourhood forum to be made public under regulations 9 and 10; and
 - e) a statement which explains how the proposed neighbourhood forum meets the conditions contained in section 61F(5) of the Town and Country Planning Act 1990 (as amended).
- 3.5 The Regulations also require that once the application material is submitted, the LPA must as soon as possible publish on their website and in other manners considered appropriate the following:
 - a) a copy of the application;
 - b) a statement that if a designation is made no other organisation or body may be designated for that neighbourhood area until that designation expires or is withdrawn;
 - c) details of how to make representations; and
 - d) the date by which those representations must be received, being not less than 6 weeks from the date on which the application is first publicised.
- 3.6 In accordance with OPDC's Statement of Community Involvement, upon receipt of an application, OPDC publishes on its website a copy of the application made by the forum and details about how to comment. It also notifies and seeks comments from the community.

Determining an application for a Neighbourhood Forum

- 3.7 The Town and Country Planning Act 1990 (as amended) section 61F(5) sets out four criteria that a prospective Neighbourhood Forum needs to meet if it is to be designated:

- a) It is established for the express purpose of promoting or improving the social, economic and environmental wellbeing of an area that consists of or includes the neighbourhood area concerned;
- b) Its membership is open to individuals who live in the neighbourhood area, individuals who work there (whether for businesses carried on there or otherwise) and individuals who are elected members (for London in respect of a London borough council) any of whose area falls within the neighbourhood area concerned;
- c) Its membership includes a minimum of 21 individuals each of whom live in the area, work in the area or are elected members for the area; and
- d) It has a written constitution.

3.8 The Town and Country Planning Act 1990 (as amended) section 61F(7) also requires the OPDC, in considering whether to designate a neighbourhood forum, to consider whether the:

- a) Forum has secured, or taken reasonable steps to secure, membership that includes at least one individual from the three categories i.e. people who live, work or are elected members for the area;
- b) Membership is drawn from different places in the area and different sections of the community in the area; and
- c) The purpose of the forum reflects (in general terms) the character of the area.

3.9 After 5-years, the Town and Country Planning Act 1990 (as amended) section 61F(8) identifies that a designated Forum ceases to have effect. This does not affect any adopted Neighbourhood Plan. Therefore, the Neighbourhood Forum must apply to the LPA for re-designation following the same process as for their application for initial designation.

Harlesden Neighbourhood Forum, Area and Plan overview

3.10 The Harlesden Neighbourhood Forum and Area were the first Neighbourhood Area and Forum to be designated by OPDC on 26 November 2015.

3.11 The Harlesden Neighbourhood Area includes areas in both OPDC and the LBB and is shown in figure 1:

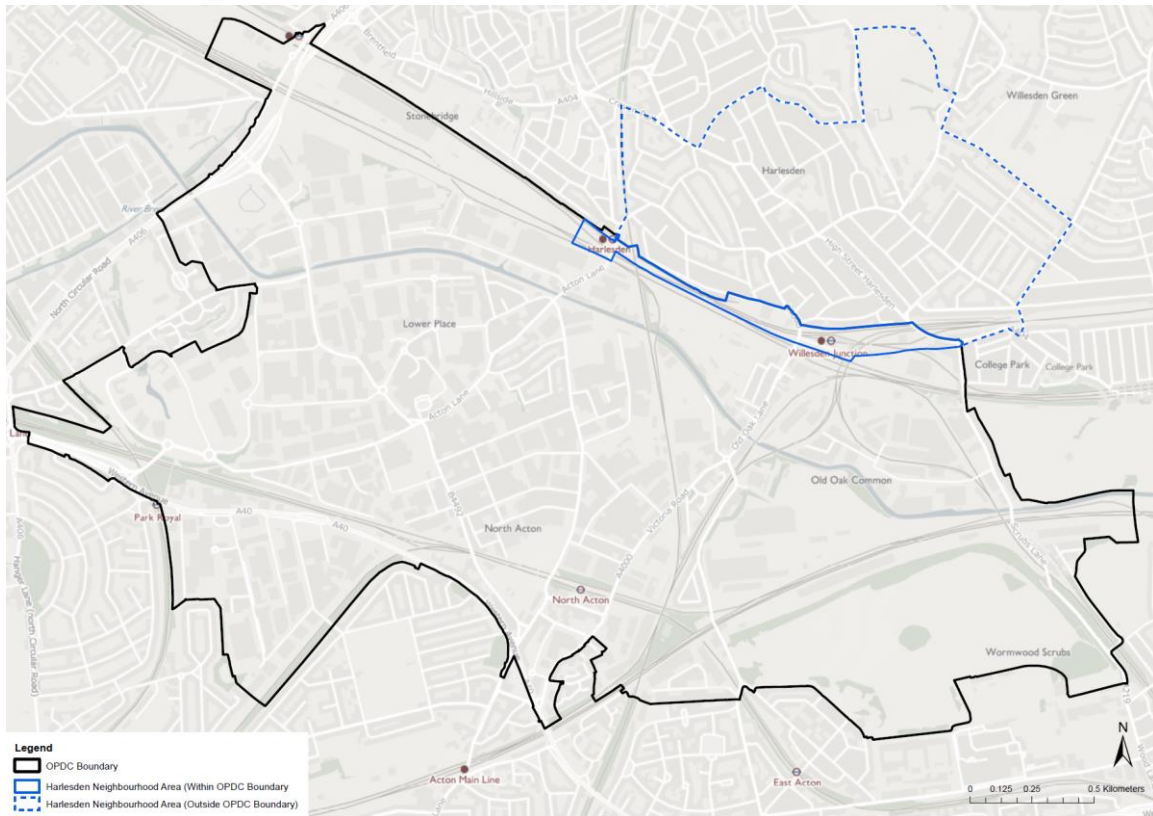


Figure 1: Harlesden Neighbourhood Area within the OPDC area and London Borough of Brent

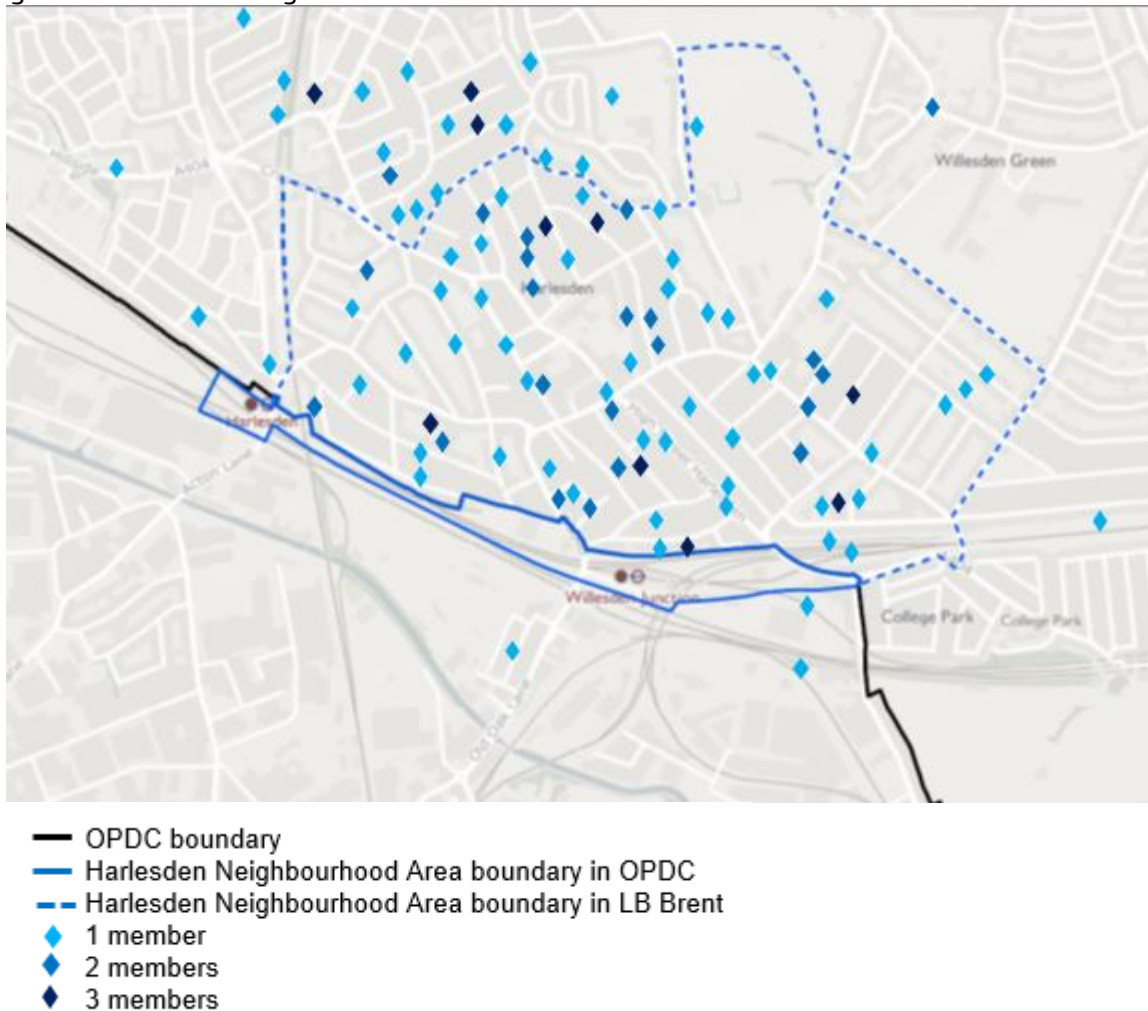
- 3.12 Following establishment, the Forum progressed with development of its Neighbourhood Plan. On 30 May 2019, a local referendum on adopting the Harlesden Neighbourhood Plan within the Neighbourhood Area was held. The turnout was 11%, with 89.61% voting in favour of the Plan.
- 3.13 OPDC adopted the Harlesden Neighbourhood Plan on 25 July 2019 and the Neighbourhood Plan forms part of OPDC’s development plan for the area that it covers within the OPDC boundary.
- 3.14 The Harlesden Neighbourhood Plan provides guidance which is in general conformity with OPDC’s draft Local Plan and the Mayor’s London Plan (2016) and draft Publication London Plan (2020).

Overview of Harlesden Neighbourhood Forum re-designation application material

- 3.15 The Harlesden Neighbourhood Forum submitted the application material required by the Neighbourhood Planning (General) Regulations 2012 as set out in paragraph 3.4 above, for a public consultation to take place on their proposed re-designation as a Neighbourhood Forum. The application material was submitted to OPDC and LBB on 14 October 2020. The submitted application material can found in Appendix A.
- 3.16 Figure 2 shows the approximate addresses of the neighbourhood forum members. The application identifies the forum has 220 forum members. Of which, 161 members agreed

for their postcodes to be made available. Of these, 120 members live or work within the Harlesden Neighbourhood Area.

Figure 2: Harlesden Neighbourhood Area and location of forum members



Overview of Harlesden Neighbourhood Forum re-designation public consultation

- 3.17 The majority of the Harlesden Neighbourhood Area falls within LBB. Therefore, LBB acted as the lead authority for receiving consultation responses. This approach was taken for the initial designation of the forum in 2015. Both OPDC and LBB carried out their individual consultation activities in accordance with the requirement of the Neighbourhood Planning (General) Regulations 2012.
- 3.18 Public consultation by OPDC and LBB was coordinated and carried out concurrently for an 8 week period from 10 December 2020 to 4 February 2021. The minimum consultation period is 6 weeks as required by the Regulations and OPDC’s Statement of Community Involvement (SCI) (2020). The public consultation was extended to 8 weeks to account for it overlapping with the festive period.
- 3.19 The following engagement activities were undertaken as part of the public consultation:

- a) Application documents were made available on OPDC's website (hardcopies were available upon requested in accordance with OPDC's SCI);
 - b) Public notices were published in local newspapers; and
 - c) Emails were sent out to stakeholders on OPDC's and LBB's consultation databases.
- 3.20 Consultation was carried out in accordance with OPDC's SCI that includes guidance for undertaking consultation reflecting the latest government guidance for COVID-19 restrictions.
- 3.21 3 responses were received from Highways England, Natural England and Sport England. None of the responses provided comments regarding the redesignation of the Harlesden Neighbourhood Forum. Responses comprised the following comments:
- a) Highways England – overview of role and confirmation that comments on the application are not provided;
 - b) Natural England – overview of role, identification of general information sources to support neighbourhood planning and confirmation that comments on the application are not provided; and
 - c) Sport England - overview of role and identification of general information sources to support neighbourhood planning.

4 Officer application assessment

- 4.1 Officers have assessed the proposed Forum in relation to designated Harlesden Neighbourhood Area. Officers consider that the application material successfully demonstrates how the forum meets the requirements of the four criteria of the Town and Country Planning Act 1990 (as amended) set out in paragraph 3.7 by demonstrating within the application material that:
- it is established for the express purpose of promoting or improving the social, economic and environmental wellbeing of the Harlesden Neighbourhood Area (set out in section 5 of the application material);
 - its membership is open to individuals who live in the neighbourhood area, individuals who work there (whether for businesses carried on there or otherwise) and individuals who are elected members within the Harlesden Neighbourhood Area (set out in section 5 of the application material);
 - its membership exceeds the minimum 21 members with 220 members in total. Of the 161 members who agreed for their postcodes to be made available, 120 of these live, work or represent the Harlesden Neighbourhood Area (set out in appendix 4 of the application material);
 - it has a written constitution reflecting the Forum's status as a Charitable Incorporated Organisation (set out in Appendix 2 of the application material).
- 4.2 Officers also consider that the forum meets the requirements of the Town and Country Planning Act 1990 (as amended) set out in paragraph 3.8 by demonstrating within the application material that:
- it has undertaken reasonable steps to successfully secure members who live, work or are elected members for the area (set out in section 5 of the application material);

- its membership is drawn from different places and sections of the community in the Harlesden Neighbourhood Area (shown in figure 2 of this report and in section 5 of the application material); and
- the forum reflects the character of the area (set out in section 5 of the application material).

4.3 Having regard to the above assessment, officers recommend that the Harlesden Neighbourhood Forum is re-designated.

5 Next steps

- 5.1 In accordance with the Neighbourhood Planning (General) (Amendment) Regulations 2015, as a cross-boundary neighbourhood area, OPDC and LBB have 20 weeks from the start of consultation in which to re-designate the forum. This 20 weeks period ends on 29 April 2021.
- 5.2 The redesignation will be considered by OPDC Board on 4 March 2021, together with Planning Committee's comments. Should Board approve the re-designation of the forum, OPDC will publish on its website the redesignation within a decision document as soon as practically possible.
- 5.3 LBB are undertaking their own determination process via a delegated decision. This is scheduled for 26 March 2021.

6 Equality Comments

- 6.1 Neighbourhood planning is a community led process intended to shape and promote development at the neighbourhood (i.e. local) level. Officers consider that the application material submitted to OPDC demonstrates that the Forum is effectively engaging with a wide range of communities include those with protected characteristics.

7 Financial Implications

- 7.1 Any subsequent financial implications arising from this report are subject to the Corporation's decision-making process.

8 Legal Implications

- 8.1 No legal implications arise from the report as it reflects the statutory requirements on the application to re-designate a neighbourhood forum and it is consistent with the Corporation's legal framework.

Appendices

Appendix A: Harlesden Neighbourhood Forum re-designation application material

Report originator: Peter Farnham, Principal Planner, OPDC
Telephone: 020 7983 5549
Email: peter.farnham@opdc.london.gov.uk

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Peter Farnham
Principal Planner
Old Oak and Park Royal Development Corporation (OPDC)
Office address: 169 Union Street, London SE1 0LL

14th October 2020

Dear Peter,

Re: Harlesden Neighbourhood Forum redesignation

Please find enclosed an application to you as local planning authorities for redesignation of the Harlesden neighbourhood area and Forum.

This application includes:

1. The name of the proposed neighbourhood forum (**Appendix 1**)
2. A copy of the written Constitution of the proposed neighbourhood forum (**Appendix 2**)
3. Neighbourhood Areas
 - a) The name of the neighbourhood area to which the application relates and a map which identifies the area (this can be found in **Appendix 3**)
 - b) A description of the consultative process undertaken to identify the neighbourhood area boundary
 - c) A statement explaining why this area is considered appropriate to be designated.
4. The contact details of at least one member of the proposed neighbourhood forum (which will be made public)
5. A statement that we are a relevant body for the purposes of S61G of the 1990 Act, demonstrating that:
 - a) the aim of the Neighbourhood Forum is to improve and promote the social, economic, and environmental well-being of the defined neighbourhood area
 - b) the purpose of the Neighbourhood Forum is in keeping with the character of the neighbourhood area
 - c) the membership of the Neighbourhood Forum is open to those who live in, work in or are elected members for the defined neighbourhood area.
6. A list of members (**Appendix 4**) showing that the Neighbourhood Forum has a minimum of 21 individual members who
 - live in the neighbourhood area
 - work in the area
 - are elected members for that area*
 - are from different places in the area
 - are from different sections of the community in that area, and inclusive in terms of age, disability, gender, race, religion, sex and sexual orientation.

The named contact to be listed on consultation documents is:
Ilaria Esposito – Coordinator of Harlesden Neighbourhood Forum
Unit 2, Ajax House
16a St Thomas's Road
London NW10 4AJ
Telephone: 07518058060

Email: info@harlesdenneighbourhoodforum.com

Do get in contact if you require anything else at this stage. I look forward to hearing from you.

Yours sincerely,

Madeleine Jennings

Chair of Harlesden Neighbourhood Forum

3.b Description of the consultative process undertaken to identify a Neighbourhood Area boundary

The Harlesden neighbourhood plan area (or Neighbourhood Forum boundary) is part of suburban London based on Harlesden town centre with its residential hinterland as shown below. The area is almost wholly within the London Borough of Brent, but small parts are also in the boroughs of Ealing and Hammersmith & Fulham. The local planning authority for most of the area is Brent Council. However, a small part of the area to the south is the responsibility of the Old Oak and Park Royal Development Corporation (OPDC), this includes Willesden Junction Station. This area boundaries were adopted within the Neighbourhood Plan in May 2019.

Consultation with the community to establish the Harlesden Neighbourhood Forum (HNF) boundaries has been extensive during the neighbourhood plan development and consultation between 2015 and 2019, and every effort has been made to contact all residents, businesses and community groups in the area. Detailed information about the consultative process undertaken initially to identify the neighbourhood area boundary can be consulted in [HNF Statement of Consultation NP 2018 - 2033](#) also available on our website.

The Harlesden Neighbourhood Plan has been a milestone for locals and for positive future development in Harlesden. We have spoken to the community and local stakeholders about their views and created a full document detailing our policies and aspirations for: housing, local economy, community facilities, transport and access, environment and open space, community infrastructure projects, local assets, and buildings and sites with development potential.

Our Neighbourhood Plan gained the consent of local people in the official vote. **1,274** voted in the **Neighbourhood Plan referendum on 30th May 2019**, with approximately 90% endorsing the plan. It has subsequently been adopted as a statutory planning policy document to guide development in the local area and formally give Harlesden access to more funding and opportunities for community-focused schemes.

Since the Neighbourhood Plan was adopted, HNF carried 2 additional consultations:

- **COVID -19 and Social Distancing Survey** – during the early stages of the Coronavirus pandemic.
- **Harlesden Neighbourhood Forum CIO Community Involvement consultation 2020** – to inform members and residents that were not included in the previous consultation about the Forum, its work and the process of redesignation. Consultation included the following actions:
 - An online survey
 - Put posters in library and town noticeboards
 - Talking to residents during clean up events
 - Distributing flyers to businesses and organisations
 - Using social media and website to let them know about the existence and redesignation of HNF

NOW WE ARE



The Harlesden Neighbourhood Forum is five years old.

By law we have to re-register with our local authorities for the next five years. To begin, we are informally consulting our members plus other Harlesden residents and businesses before the formal consultation by Brent Council starts later in the autumn.

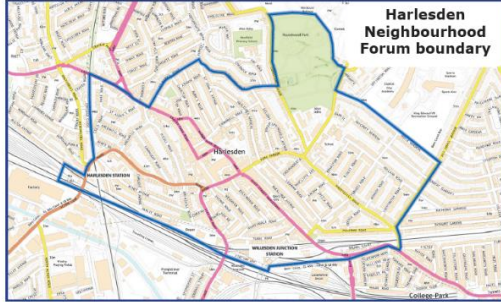
Since 2015 we have written a comprehensive **Neighbourhood Plan** for Harlesden. You can find out all about it, the consultation and future ideas for the Harlesden community on our website.

And if you're not a member yet (it's free) you can join at the website too.

HarlesdenNeighbourhoodForum.com



Harlesden Neighbourhood Forum



To be a member of Harlesden Neighbourhood Forum you must live or have a business in the area shown on the map. Residents outside the area can still become Associate Members with all member benefits except they cannot vote in meeting or elections.

The Harlesden Neighbourhood Forum was designated in November 2015 by the London Borough of Brent and the Old Oak and Park Royal Development Corporation.

The **Harlesden Neighbourhood Plan 2019-2034** was approved through a local referendum in May 2019.

Join today at HarlesdenNeighbourhoodForum.com



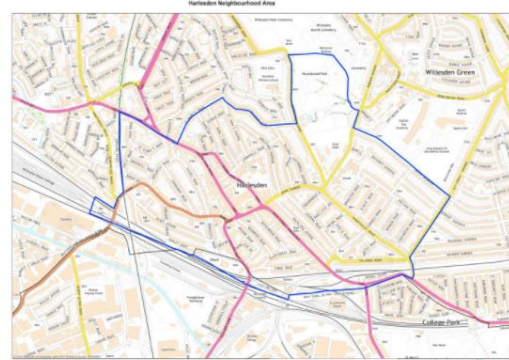
Harlesden Neighbourhood Forum CIO consultation 2020

Questions Responses 20

Neighbourhood Area

The Harlesden Neighbourhood Plan Area (or Neighbourhood Forum boundary) is part of suburban London based on Harlesden town centre with its residential hinterland as shown below. The Area is almost wholly within the London Borough of Brent but small parts are also in the boroughs of Ealing and Hammersmith & Fulham. The local planning authority for most of the Area is Brent Council, although a small part of the Area to the south is the responsibility of the Old Oak and Park Royal Development Corporation (OPDC), this includes Willesden Junction Station. This area boundaries were adopted within the Neighbourhood Plan in May 2019.

Harlesden Neighbourhood Area



Please tell us your thoughts on the proposed boundary of the Forum area (see map above)

The online survey was open to members and non-members. We used social media channels to reach out to those who may be less familiar with the Forum. For example, we approached the Facebook group 'Harlesden Mums & Dads'.

17 out of 20 respondents gave an opinion on the current boundaries. 14 think this boundary is a good representation of what should be considered "Harlesden". 3 respondents out of 17 had different ideas

concerning the boundaries:

1. A respondent said that HNF boundary should match the boundary for the new council wards. Because the area was split between Harlesden and Kensal Green, for long-time things have become unclear. It leads to the complicated situation where a resident may experience something in their area, speak to the HNF about it, who then have to speak to a councillor from a different ward about it - with each of these groups being aligned with different areas.
2. A respondent felt that it would be good to include part of the canal.
3. A respondent said that both sides of St Mary's Road should be included.

Furthermore, we had interest expressed by some residents to expand the area further around the remainder of Roundwood Road, the stretch of Church Road that joins Craven Park and the grid of roads between them.

Some residents live in a part of the area that was assigned once to the Unity Neighbourhood Forum area, but who feel that they should be in the Harlesden neighbourhood area. To accommodate these interested residents and other potential stakeholders, the Harlesden Neighbourhood Forum has an associate membership category for those who wish to take part.

Given the continued interest from residents in HNF expanding its boundaries in that particular area, the Forum has included the discussion in its AGM agenda on 21st October 2020.

3.c Statement explaining why this area is considered appropriate to be designated

The area above has been carefully chosen to accommodate the requirements of the neighbourhood planning regulations and provision of the Localism Act 2011.

Before initial designation in 2015, the intention was to test the appetite for and suitability of neighbourhood planning with residents, councillors, businesses and other organisations before agreeing to a neighbourhood area and becoming designated. HNF subsequently successfully applied for a grant to take forward the process of developing a neighbourhood plan after identifying through its work that there was potential for addressing both needs and opportunities in the area through the neighbourhood planning process.

This paragraph describes the consultative process and the efforts that have been made by the HNF that took forward this process to ensure that it was inclusive of all local interests and that the Neighbourhood Area boundary addressed all the current and potential future change and development in the area.

The Harlesden neighbourhood plan area (or Neighbourhood Forum boundary) is part of suburban London based on Harlesden town centre with its residential hinterland as shown below. The area is almost wholly within the London Borough of Brent, but small parts are also in the boroughs of Ealing and Hammersmith & Fulham. The local planning authority for most of the area is Brent Council. However, a small part of the area to the south is the responsibility of the Old Oak and Park Royal Development Corporation (OPDC), this includes Willesden Junction Station.

The currently designated neighbourhood area shares part of its boundary with the area formerly designated as the Unity Neighbourhood Area. This is because borough and electoral ward boundaries take little account of the considerable severance effects of the railway lines and stations to the south of Harlesden and the views of local residents and businesses about where they feel their neighbourhood extends in terms of their use of local facilities and their social and civic networks.

The principal boundaries of the neighbourhood area to which this designation application relates are as follows:

East

Junction of Harrow Road north up Wrotesley Road to the junction with All Souls Avenue. Up All Souls Avenue to Doyle Gardens.

North

Westward along with Doyle Gardens to the junction with Harlesden Road, then north to the junction with Robson Avenue. Then along the northern boundary of Roundwood Park to Roundwood Road. South on Roundwood Road to the junction with Drayton Road, along Drayton Road via St John's Avenue to St. Mary's Road. South down St. Mary's Road to Craven Park Road. West along Craven Park Road/Craven Park to the railway bridge before Craven Road.

West

South down the freight line to Acton Lane. South down Acton lane to just before Harlesden Station. West to the end of Greenwood Terrace. South across the tracks at the end of Harlesden Station.

South

East along the southern boundary of the tracks to join up with and then follow the Brent borough boundary until the north side of the West Coast Main Line (WCML) tracks. Continue east along the north side of the WCML tracks until the east side of Willesden Junction station. East/northeast along the Brent boundary to the junction of Harrow Road and Wrotesley Road.

The length of the boundary is 5728m.

This area, based on the consultative process that has been undertaken, defines what most people in the area recognise as the neighbourhood of Harlesden. It includes its main commercial areas with the highest footfall (for example Station Road and the High Street), sites of most significant development potential and the main residential areas and streets of Harlesden.

The area also incorporates vital social and community infrastructure including open spaces, schools, health services, community centres and places of worship. It also reflects the remit and operations of many well-

established neighbourhood groups and structures, including local tenant and residents' associations, churches, town management organisations and civic groups.

Members treat the neighbourhood as defined above as a 'natural neighbourhood' and have an aspiration to develop and improve the neighbourhood for the benefit of businesses and residents.

Willesden Junction and Harlesden Station in their entirety are included since for many people who visit, live and work in the Neighbourhood Area they are the key transport nodes within it. Also, Willesden Junction is to be the focus of considerable development.

The remainder of Roundwood Road, the stretch of Church Rd that joins Craven Park and the grid of roads between them are not included at the moment. Still, there is the possibility of exploring the inclusion of this area considering a medium - long term plan (3-5 years) from October 2020 onwards.

4. The contact details of at least one member of the proposed neighbourhood forum (which will be made public)

The named contact to be listed on consultation documents are:

- Ilaria Esposito – Coordinator of Harlesden Neighbourhood Forum
Unit 2, Ajax House
16a St Thomas's Road
London NW10 4AJ

Telephone: 07518 058060

Email: info@harlesdenneighbourhoodforum.com

- Madeleine Jennings- Chair of Harlesden Neighbourhood Forum
Telephone: 07803 494802
Email: maddiejennings@googlemail.com

5. Statement of Relevant body

Harlesden Neighbourhood Forum meets the following conditions: 61F 1990 Act (5) b - Localism Act 2011

- It is established to promote or improve the social, economic and environmental well-being of the neighbourhood area
- It has 220 individual members (data registered on 30/09/2020)
- Membership is open to people who live, work, carry out business or are elected members in the area
- It has 336 mailing list subscribers
- It has 76 community and stakeholder members.

Harlesden Neighbourhood Forum (HNF) is a neighbourhood planning form established under the Localism Act 2011 and a Charitable Incorporated Organisation (registered in England - Charity Registration No. 1188490). HNF has the following objectives:

- The prevention or relief of poverty in Harlesden.
- To develop the capacity and skills of the members of the socially and economically disadvantaged community of Harlesden in such a way that they are better able to identify, and help meet, their needs and to participate more fully in society;
- The provision of housing for those who are in conditions of need and the improvement of housing (provided that such power shall not extend to relieving any local authorities or other bodies of a statutory duty to provide or improve housing);
- To promote for the benefit of the inhabitants of the area of benefit the provision of facilities and activities in the interest of social welfare for recreation and leisure time occupation with the object of improving their conditions of life.
- To promote high standards of planning or architecture in or affecting the area of benefit.
- To secure the preservation, protection, development, and improvement of features of historic or public interest and public amenities in the area of benefit.

Engagement of children and young people

One of the past examples is the **Colourful Wayfinding project 2019**, which involved children and young people and local schools in taking part in the design competition about their views of Harlesden. Several designs were submitted, and 8 were chosen to be printed on a total of 30 banners welcoming, leading and saying good-bye to people passing by the town centre. More information can be found [here](#).



The Neighbourhood Forum is promoting and is committed to improving the social well-being of the neighbourhood area by ensuring that it is fully considered during every stage of the implementation of the Neighbourhood Plan and that any proposals that arise from the plan consider the impact on local residents' social well-being and aim to improve it. Despite the current pandemic, the Forum will achieve this by identifying social, economic and environmental priorities for local people through extensive consultation and engagement.

A recent example of community engagement: COVID -19 and social distancing consultation

Harlesden is a densely populated, relatively deprived area with a substantial BAME population, making it particularly vulnerable to COVID-19. The Office for National Statistics reports that Church End leads London for deaths with 36 fatalities, with some other neighbouring areas also relatively high, including Stonebridge with 26 and Harlesden with 19 to 31st May 2020.

Brent Council introduced measures across the borough to make it easier to maintain social distancing. Between 11th June and 4th July 2020, HNF carried out a survey using targeted convenience sampling to gauge opinions on the impact and effectiveness of social distancing. We sought the views of and suggestions about these measures from everyone who comes to Harlesden, including residents, local workers, and people with children in local schools. Where people were able to identify problems, they were asked to explain the location, if the problem occurred at particular times of the day, and any remedies that they could think of.

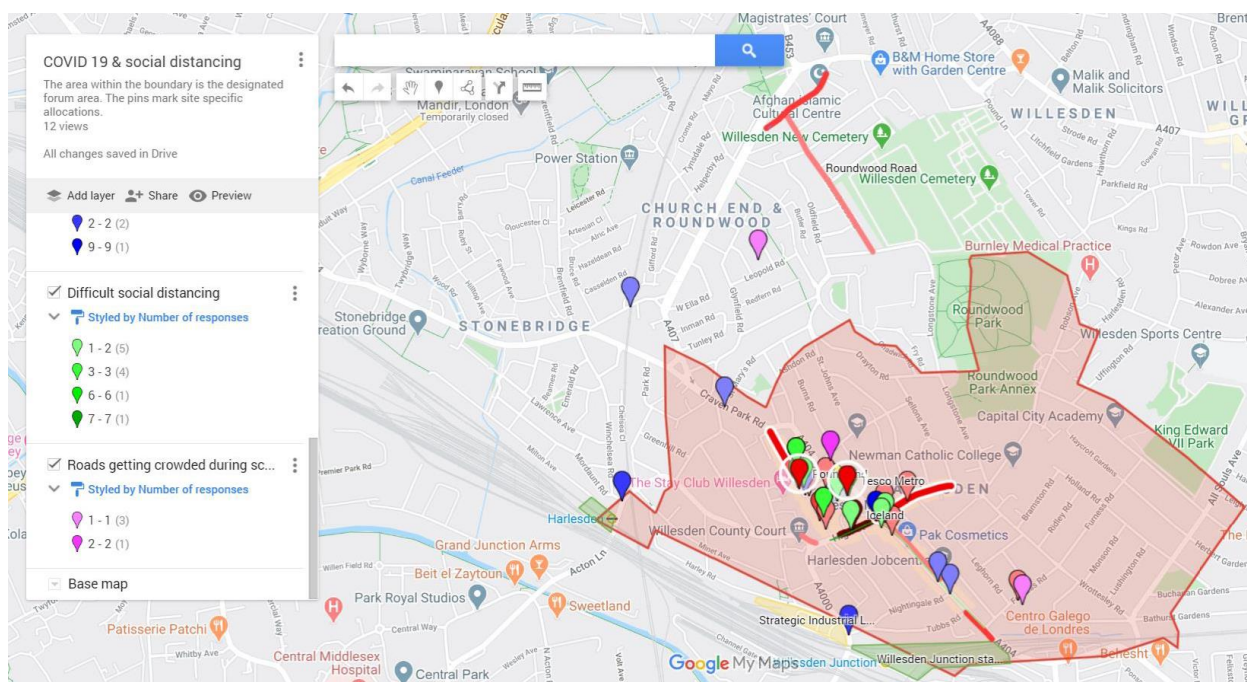
The survey was sent via the HNF newsletter and social media channels and had 53 responses registered on 4th July 2020.

All problems identified and remedies proposed were included in a report submitted to Brent Council and relevant departments. More than two-thirds of the respondents wanted to report issues about social distancing, with a third indicating ASBS and crime and open spaces as the primary concern. Respondents mainly concentrated on issues such as overcrowded pavements and difficult social distancing.

The following key themes came out of the responses:

- Concerns about bus stops
- Concerns about crossings
- Concern about the way shops apply or can maintain social distance guidelines
- Concern about large groups of people gathering or shops trading on pavements
- Concern about cars parking on pavements
- Concern about narrow multi-unit shops and pavements

Then we asked the respondents to give us more details which are visible here or more in detail following the link on [Google Maps](#).



The Forum knows the struggle and difficulties created by the Coronavirus Pandemic as also highlighted in the COVID 19 and social distancing consultation, and is looking forward to helping the community to bounce back thanks to ad hoc events in different green spaces, support from Veolia and partnerships with local organisations. The Forum is seeking to improve Harlesden's environmental well-being by identifying areas for improvement and protection and by aiming to improve the sustainability and environmental quality of public spaces. The Forum is working with local partners to ensure that the Neighbourhood Plan area meets or exceeds environmental standards.

Between July and September 2020, the Forum launched the Harlesden Neighbourhood Forum CIO Community Involvement consultation 2020 – to inform members and residents that were not included in the previous consultation about the Forum, its work, and the process of redesignation.

As a result of the online consultation, we approached people that did not know about the Forum before, and that became members later eventually. (figure 1)

We also captured the perception of the HNF to understand how we can do better. (figure 2)

Figure 1

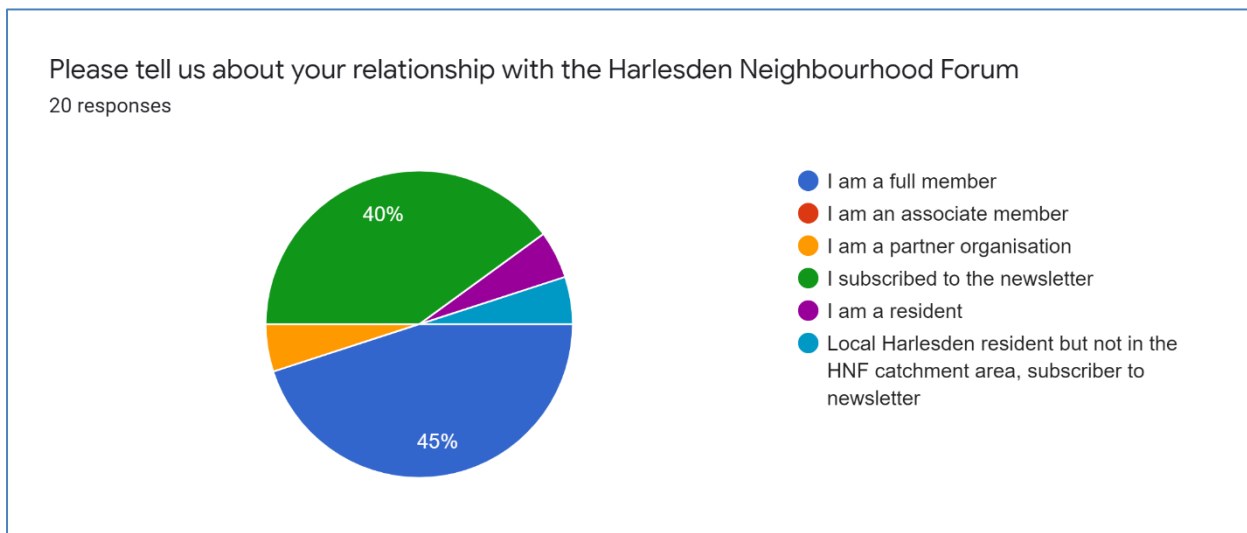
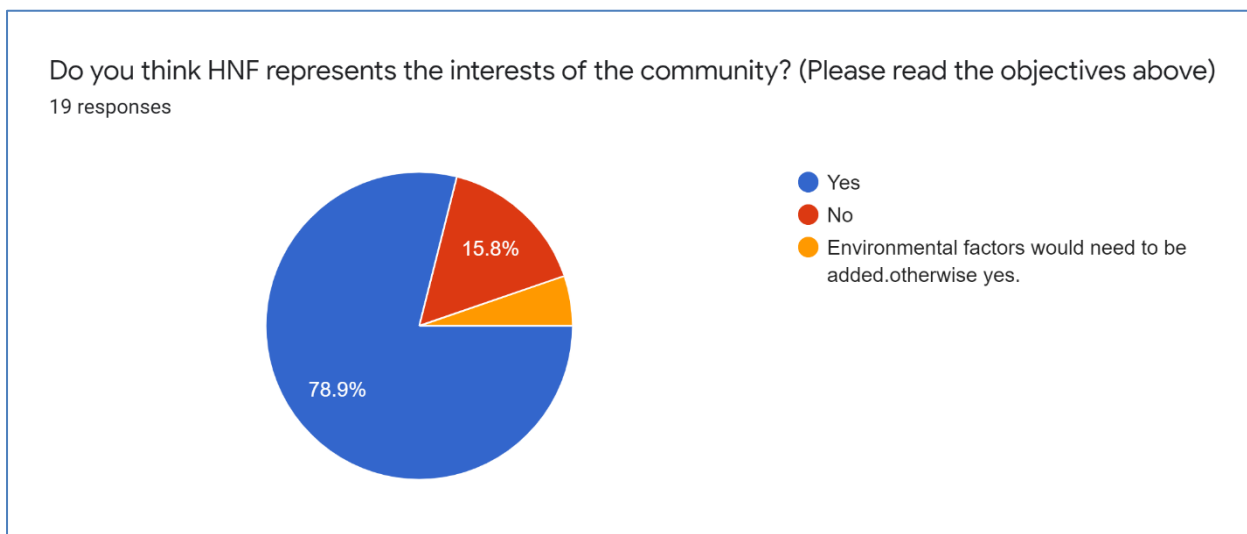


Figure 2



The respondent thought that it is essential to be part of the HNF for the following reasons:

- To have my voice heard and help develop a firm plan for the future of Harlesden

- To improve the place where I live
- To increase partnership work
- I am interested in the past, present and future of Harlesden and our communities.
- To support the Forum and the residents and businesses of Harlesden to improve the neighbourhood and improve opportunities for all - jobs, housing, transport, health,
- To ensure Harlesden benefits from local development and historical and recent heritage and cultures are celebrated
- To help positive change in the area
- Local Involvement and improvement
- To observe the implementation of the Neighbourhood Plan as voted for in 2019
- I take a keen interest in bettering the area for all of us to enjoy
- Because Harlesden has the potential to be as pleasant as anywhere in London but needs more love, encouragement, support, and grassroots activism, it also needs governmental support to bring talent into this dense and chaotic urban area.
- To be informed and support local planning initiatives.

Respondents also thought that more people should join for the same reasons, and 85% of them would like to be involved in the implementation of the Neighbourhood Plan.

The Forum's ambition is also that the process of implementing a Neighbourhood Plan will, even more, bring local people together including children and young people views, improving community cohesion, fostering civic pride and strengthening local networks.

Cooperation with OPDC and updates on the Harlesden and Grand Union Canal

The Forum is taking part in all the consultations happening around the Grand Union and Harlesden canal regeneration involving members into the conversation and residents to join the Forum to have a voice in this regard. HNF also had a meeting with Roz Henville Joint Head of Communications and Engagement (OPDC) about HNF vision concerning such development.

The Great British September Clean Up 2020

The Harlesden Neighbourhood Forum (HNF) is joining forces with residents around the Bramshill open space to improve the park for all ages and to create a haven for wildlife. The Forum has joined Renette Cronje, who is spearheading the project on the ground. The Forum will deliver activities for the community between October 2020 and the new year to increase interest in conservation and natural heritage. HNF applied for a September Clean Up pack; we engaged residents and families around Minet Avenue and Harley Road on 12th September. The Forum is investing in a more comprehensive clean streets project hopefully in partnership with Veolia.



The Forum is seeking to promote and improve

economic well-being in Harlesden by developing policies in partnership with local businesses, employers and training and skills agencies. The Forum will be particularly keen to ensure that the economic benefits arising from the regeneration at Old Oak also flow to the Harlesden community through ongoing liaison with the OPDC, developers, etc., and by promoting improved pedestrian and public transport links. The Forum provides a platform for networking and collaboration between local businesses.

Partnership with Veolia

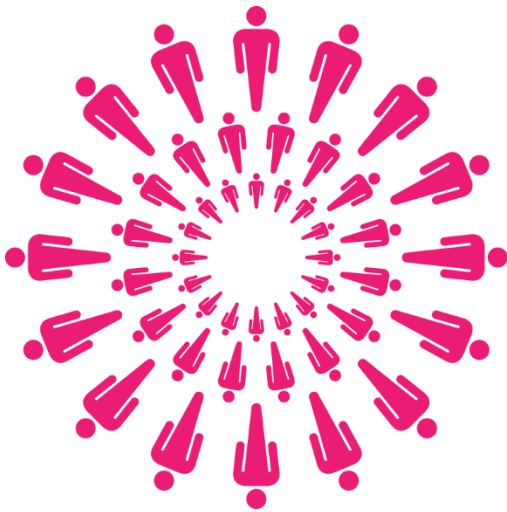
As part of its clean air and environment strategy, the HNF has partnered with Veolia to work on the following matters.

Supporting the #BuildBackBetter agenda, HNF had a meeting with Veolia's Brent Coordinator James Mason to work on proposals that set out to revive the vital community groups, services and spaces that have suffered in recent months. HNF will implement projects that connect people and communities and encourage people to reduce their environmental footprint, by the use of recycled, reused or reclaimed materials, the promotion of protection and preservation of resources, the enhancement of local environments

HNF is determined to help the community to bounce back from the pandemic, taking one step at the time. On 7th October 2020, we started a series of rounds to help Veolia to collect textiles in Harlesden. With our support, Veolia's team were able to collect 220Kg of textiles just covering 3 roads in Harlesden. Other actions will include educational and informative resources for residents in different languages.

APPENDIX 1

Name of the Proposed Neighbourhood Forum



HARLESDEN
NEIGHBOURHOOD
FORUM
shaping . planning . living

APPENDIX 2

A copy of the written Constitution of the proposed neighbourhood forum.

Harlesden Neighbourhood Forum registered as CIO on 11th March 2020. The following is the Forum adopted Constitution at its meeting on 11th June 2019.

CHARITABLE INCORPORATED ORGANISATION

CONSTITUTION

of

HARLESDEN NEIGHBOURHOOD FORUM

Date of Constitution (last amended):

11 June 2019

1. Name

1.1 The name of the Charitable Incorporated Organisation ("the CIO") is Harlesden Neighbourhood Forum.

2. National location of principal office

2.1 The CIO must have a principal office in England or Wales. The principal office of the CIO is in England.

3. Objects

3.1 The objects of the CIO are:

3.1.1 The prevention or relief of poverty in Harlesden;

3.1.2 To develop the capacity and skills of the members of the socially and economically disadvantaged community of Harlesden in such a way that they are better able to identify, and help meet, their needs and to participate more fully in society;

3.1.3 The provision of housing for those who are in conditions of need and the improvement of housing (provided that such power shall not extend to relieving any local authorities or other bodies of a statutory duty to provide or improve housing);

3.1.4 To promote for the benefit of the inhabitants of the area of benefit the provision of facilities and activities in the interest of social welfare for recreation and leisure time occupation with the object of improving their conditions of life;

3.1.5 To promote high standards of planning or architecture in or affecting the area of benefit;

3.1.6 To secure the preservation, protection, development and improvement of features of historic or public interest and public amenities in the area of benefit.

In furtherance of the above objects but not otherwise the trustees shall have the power to establish and/or maintain a neighbourhood forum for the area of benefit to promote and or improve the social, economic and environmental well-being of the area.

The area of benefit is Harlesden and immediate surroundings with a particular focus on the area defined by the Harlesden Neighbourhood Forum boundary in the Neighbourhood Plan 2018. (map appended)

4. **Powers**

4.1 The CIO has power to do anything which is calculated to further its objects or is conducive or incidental to doing so. In particular, the CIO has power:

Acquisition, management and disposal of assets

- 4.1.1 to buy, take on lease, share, hire or otherwise acquire property of any sort;
- 4.1.2 to sell, lease or otherwise dispose of all or any part of the property belonging to the CIO, provided that, where applicable, the CIO, and its Trustees, comply with s.117 to 123 of the Charities Act;
- 4.1.3 to borrow money and to charge the whole or any part of the property belonging to the CIO as security, provided that if the CIO wishes to mortgage land, the CIO and its Trustees comply with s.124 to 126 of the Charities Act;
- 4.1.4 to construct, alter, provide, manage, maintain, furnish and fit with all the necessary furniture and other equipment any buildings and any other premises or structures or land;

Employees and others

- 4.1.5 subject to Articles 6 and 7, to employ and pay any employees and other staff, consultants, agents and advisers;
- 4.1.6 to make provision for the payment of pensions and other benefits to or on behalf of employees and their dependants;

Funding

- 4.1.7 to invite and receive contributions or grants, enter into contracts, seek subscriptions and raise funds in any way including by carrying on trade but not by means of Taxable Trading;
- 4.1.8 to give or receive guarantees or indemnities;

Activities

- 4.1.9 to promote or undertake study or research and disseminate the useful results of such research;
- 4.1.10 to produce, print and publish anything in or on any media;
- 4.1.11 to provide grants, scholarships, awards or materials in kind and to provide or procure the provision of services, education, training, consultancy, advice, support, counselling or guidance;
- 4.1.12 To run or commission events, training and other community development activities;
- 4.1.13 to promote and advertise the CIO's activities and to seek to influence public opinion and policy and regulation implemented or proposed to be implemented by government or statutory authorities or other public bodies by undertaking campaigning and, to the extent permitted by law, political activities;
- 4.1.14 to undertake the administration or management (whether as trustee, agent or otherwise) of any charitable trust;
- 4.1.15 to accept any property upon or on any special trusts, or for any institutions or purposes either specified or to be specified by some person other than the Trustees;

Collaboration

- 4.1.16 to establish, promote and otherwise assist in any way any limited company or companies or other bodies for the purpose of furthering in any way the Objects or to acquire property or to undertake any form of trading activity, and to establish the same either as wholly owned subsidiaries of the CIO or jointly with other persons (including government departments or statutory authorities) and to finance them by way of loan or share subscription or other means;
- 4.1.17 to take control of, support, co-operate, federate, merge, join or amalgamate with any other persons;
- 4.1.18 to transfer to or to purchase or otherwise acquire from any person with or without consideration, any property, assets or liabilities, and to perform any of their engagements;
- 4.1.19 to co-operate and enter into any arrangements with any person (including any government department or statutory authority);

Banking and Insurance

- 4.1.20 to open and operate bank accounts and other banking facilities including by using internet banking or other electronic authentication methods;
- 4.1.21 to insure any risks arising from the CIO's activities;
- 4.1.22 to purchase indemnity insurance for the Trustees in accordance with and to the extent permitted by the Charities Act;

Investment and Social Investment

- 4.1.23 to make social investments in accordance with Part 14 A of the Charities Act;
- 4.1.24 to invest any money in any investments, securities or properties; and to accumulate and set aside funds for special purposes or as reserves in accordance with a reserves policy; and to accumulate expendable endowment;
- 4.1.25 to delegate upon such terms and at such reasonable remuneration as the CIO may think fit to an individual, company or firm who is authorised to give investment advice under the Financial Services and Markets Act 2000 ("the Managers") the management of investments (being assets capable of producing income which may also increase in capital value), provided that:-
 - (a) the delegated powers shall be exercisable only within clear policy guidelines set by the Trustees;
 - (b) the Managers are under an obligation to report promptly to the Trustees every transaction carried out by the Managers and the performance of investments managed by them;
 - (c) the Trustees are entitled at any time to review, alter or terminate the delegation arrangement;
 - (d) the Trustees review the arrangements for delegation at intervals but so that any failure by the CIO to undertake such reviews shall not invalidate the delegation; and
 - (e) the Managers must not do anything outside the powers of the CIO.
- 4.1.26 to arrange for investments or other property of the CIO to be held in the name of a nominee company acting under the control of the Trustees or of a financial expert acting under their instructions, and to pay any reasonable fee required;

Other matters

4.1.27 to pay all the expenses and costs of establishing the CIO; and

4.1.28 to do anything else within the law which promotes or helps to promote the Objects.

5. Application of income and property

5.1 The income and property of the CIO must be applied solely towards the promotion of the Objects.

5.2 A Trustee, employee, or member of a committee is entitled to be reimbursed from the property of the CIO or may pay out of such property reasonable expenses properly incurred by him or her when acting on behalf of the CIO.

5.3 A Trustee may benefit from Trustee indemnity insurance cover purchased at the CIO's expense in accordance with, and subject to the conditions in, section 189 of the Charities Act.

5.4 None of the income or property of the CIO may be paid or transferred directly or indirectly by way of dividend, bonus or otherwise by way of profit to any member of the CIO. This does not prevent a Member receiving:

5.4.1 a benefit from the CIO as a beneficiary of the CIO;

5.4.2 reasonable and proper remuneration for any goods or services supplied to the CIO (subject to clause 6 below in regard to Trustees).

5.5 Nothing in clause 5.4 shall prevent a Trustee or connected person receiving any benefit or payment which is authorised by Clause 6 or by the Charity Commission ("Commission").

6. Benefits and payments to trustees and connected persons

6.1 General provisions

6.1.1 No trustee or connected person may:

- (a) buy or receive any goods or services from the CIO on terms preferential to those applicable to members of the public;
- (b) sell goods, services, or any interest in land to the CIO;
- (c) be employed by, or receive any remuneration from, the CIO;
- (d) receive any other financial benefit from the CIO,

unless the payment or benefit is permitted by clause 6.2, or authorised by the court or the Commission. In this clause, a "financial benefit" means a benefit, direct or indirect, which is either money or has a monetary value.

6.2 Scope and powers permitting trustees' or connected persons' benefits

6.2.1 A trustee or connected person may receive a benefit from the CIO as a beneficiary of the CIO provided that it is available generally to the beneficiaries of the CIO.

6.2.2 A trustee or connected person may enter into a contract for the supply of services, or of goods that are supplied in connection with the provision of services, to the CIO where that is permitted in accordance with, and subject to the conditions in, section 185 to 188 of the Charities Act.

- 6.2.3 Subject to clause 6.3 a trustee or connected person may provide the CIO with goods that are not supplied in connection with services provided to the CIO by the trustee or connected person.
- 6.2.4 A trustee or connected person may receive interest on money lent to the CIO at a reasonable and proper rate which must be not more than the Bank of England bank rate (also known as the base rate).
- 6.2.5 A trustee or connected person may receive rent for premises let by the trustee or connected person to the CIO. The amount of the rent and the other terms of the lease must be reasonable and proper. The trustee concerned must withdraw from any meeting at which such a proposal or the rent or other terms of the lease are under discussion.
- 6.2.6 A trustee or connected person may take part in the normal trading and fundraising activities of the CIO on the same terms as members of the public.

6.3 Payment for supply of goods only - controls

- 6.3.1 The CIO and its trustees may only rely upon the authority provided by clause 6.2.3 above if each of the following conditions is satisfied:
 - (a) The amount or maximum amount of the payment for the goods is set out in a written agreement between the CIO and the trustee or connected person supplying the goods ("the supplier").
 - (b) The amount or maximum amount of the payment for the goods does not exceed what is reasonable in the circumstances for the supply of the goods in question.
 - (c) The other trustees are satisfied that it is in the best interests of the CIO to contract with the supplier rather than with someone who is not a trustee or connected person. In reaching that decision the trustees must balance the advantage of contracting with a trustee or connected person against the disadvantages of doing so.
 - (d) The supplier is absent from the part of any meeting at which there is discussion of the proposal to enter into a contract or arrangement with him or her or it with regard to the supply of goods to the CIO.
 - (e) The supplier does not vote on any such matter and is not to be counted when calculating whether a quorum of trustees is present at the meeting.
 - (f) The reason for their decision is recorded by the trustees in the minute book.
 - (g) A majority of the trustees then in office are not in receipt of remuneration or payments authorised by clause 4.1

6.4 In clauses 6.1 and 6.3 above:

- 6.4.1 "the CIO" includes any company in which the CIO:
 - (a) holds more than 50% of the shares; or
 - (b) controls more than 50% of the voting rights attached to the shares; or
 - (c) has the right to appoint one or more directors to the board of the company.

6.4.2 "connected person" includes any person within the definition set out in clause 33 (Interpretation);

7. **Conflicts of interest and conflicts of loyalty**

7.1 A trustee must:

7.1.1 declare the nature and extent of any interest, direct or indirect, which he or she has in a proposed transaction or arrangement with the CIO or in any transaction or arrangement entered into by the CIO which has not previously been declared; and

7.1.2 absent himself or herself from any discussions of the trustees in which it is possible that a conflict of interest will arise between his or her duty to act solely in the interests of the CIO and any personal interest (including but not limited to any financial interest).

7.2 Any trustee absenting himself or herself from any discussions in accordance with this clause 7 must not vote or be counted as part of the quorum in any decision of the trustees on the matter.

8. **Liability of members to contribute to the assets of the CIO if it is wound up**

8.1 If the CIO is wound up, the members of the CIO have no liability to contribute to its assets and no personal responsibility for settling its debts and liabilities.

9. **Membership of the CIO**

9.1 Admission of new members

9.1.1 Eligibility

(a) Membership of the CIO is open to:

- (i) anyone over the age of 16 years old who lives, or works as employees of a business, in the area of benefit;
- (ii) any business operator in the area of benefit;
- (iii) any constituted voluntary and community groups which operate in the area of benefit;
- (iv) any elected London Borough Council members who represent wards in the area of benefit;

provided that all members, by applying for membership, indicate their agreement to become a member and their acceptance of the duty of members set out in clause 9.5.

(b) Each member which is an organisation has the right to appoint two representatives. At any time by giving notice in writing to the CIO, that member can cancel the appointment of its representatives and appoint others instead. The member must confirm the names of its representatives at the CIO's request. Subject to clause 9.1.1(c) the representatives have the right to attend, vote and speak at general meetings of the CIO and any vote given shall be valid unless prior to the vote the CIO receives written notice ending the representatives' authority.

(c) Each member, whether an individual or an organisation, shall have one vote.

9.2 Number of members

(a) The CIO shall have a minimum of 21 (twenty one) members.

9.3 Admission procedure

(a) The trustees:

- (i) may require applications for membership to be made in any reasonable way that they decide;
- (ii) may refuse an application for membership if they believe that it is in the best interests of the CIO for them to do so;
- (iii) shall, if they decide to refuse an application for membership, give the applicant their reasons for doing so, within 21 days of the decision being taken, and give the applicant the opportunity to appeal against the refusal; and
- (iv) shall give fair consideration to any such appeal, and shall inform the applicant of their decision, but any decision to confirm refusal of the application for membership shall be final.

(b) The trustees may delegate the power to admit members.

9.4 Transfer of membership

9.4.1 Membership of the CIO cannot be transferred to anyone else.

9.5 Duty of members

9.5.1 It is the duty of each member of the CIO to exercise his or her or its powers as a member of the CIO in the way he or she or it decides in good faith would be most likely to further the purposes of the CIO.

9.6 Termination of membership

9.6.1 Membership of the CIO comes to an end if:

- (a) the member dies, or, in the case of an organisation that organisation ceases to exist; or
- (b) the member sends a notice of resignation to the trustees; or
- (c) any sum of money owed by the member to the CIO is not paid in full within six months of its falling due; or
- (d) the trustees decide that it is in the best interests of the CIO that the member in question should be removed from membership, and pass a resolution to that effect.

9.6.2 Before the trustees take any decision to remove someone from membership of the CIO they must:

- (a) inform the member of the reasons why it is proposed to remove him, her or it from membership;
- (b) give the member at least 21 clear days notice in which to make representations to the trustees as to why he, she or it should not be removed from membership;
- (c) at a duly constituted meeting of the trustees, consider whether or not the member should be removed from membership;

- (d) consider at that meeting any representations which the member makes as to why the member should not be removed; and
- (e) allow the member, or the member's representative, to make those representations in person at that meeting, if the member so chooses.

9.7 Membership fees

9.7.1 The CIO may require members to pay reasonable membership fees to the CIO.

9.8 Informal or associate (non-voting) membership

9.8.1 The trustees may create associate or other classes of non-voting membership, and may determine the rights and obligations of any such members (including payment of membership fees), and the conditions for admission to, and termination of membership of any such class of members.

9.8.2 Other references in this Constitution to "members" and "membership" do not apply to non-voting members, and non-voting members do not qualify as members for any purpose under the Charities Acts, General Regulations or Dissolution Regulations.

10. **Members' decisions**

10.1 General provisions

10.1.1 Except for those decisions that must be taken in a particular way as indicated in clause 10.5 below, decisions of the members of the CIO may be taken either by vote at a general meeting as provided in clause 10.2 or by written resolution as provided in clause 10.3.

10.2 Taking ordinary decisions by vote

10.2.1 Subject to clause 10.5 below, any decision of the members of the CIO may be taken by means of a resolution at a general meeting. Such a resolution may be passed by a simple majority of votes cast at the meeting including votes cast by postal or email ballot, and proxy votes.

10.3 Taking ordinary decisions by written resolution without a general meeting

10.3.1 Subject to clause 10.5, a resolution in writing agreed by a simple majority of all the members who would have been entitled to vote upon it had it been proposed at a general meeting shall be effective, provided that:

- (a) a copy of the proposed resolution has been sent to all the members eligible to vote; and
- (b) a simple majority of members has signified its agreement to the resolution in a document or documents which are received at the principal office within the period of 28 days beginning with the circulation date. The document signifying a member's agreement must be authenticated by their signature (or in the case of an organisation which is a member, by execution according to its usual procedure), by a statement of their identity accompanying the document, or in such other manner as the CIO has specified.

10.3.2 The resolution in writing may comprise several copies to which one or more members has signified their agreement.

10.3.3 Eligibility to vote on the resolution is limited to members who are members of the CIO on the date when the proposal is first circulated in accordance with paragraph (a) above.

10.4 Members' Power to Request Resolutions

- 10.4.1 Not less than 10% of the members of the CIO may request the trustees to make a proposal for decision by the members.
- 10.4.2 The trustees must within 21 days of receiving such a request comply with it if:
- (a) the proposal is not frivolous or vexatious, and does not involve the publication of defamatory material;
 - (b) the proposal is stated with sufficient clarity to enable effect to be given to it if it is agreed by the members; and
 - (c) effect can lawfully be given to the proposal if it is so agreed.
- 10.4.3 Clauses 10.3.1 to 10.3.3 apply to a proposal made at the request of members.

10.5 Decisions that must be taken in a particular way

- 10.5.1 Any decision by the members to remove a trustee must be taken in accordance with clause 16.2.
- 10.5.2 Any decision to amend this Constitution must be taken in accordance with clause 30 of this Constitution (Amendment of Constitution).
- 10.5.3 Any decision to wind up or dissolve the CIO must be taken in accordance with clause 31 of this Constitution (Voluntary winding up or dissolution).
- 10.5.4 Any decision to amalgamate or transfer the undertaking of the CIO to one or more other CIOs must be taken in accordance with the provisions of the Charities Act.

11. **General meetings of members**

11.1 Types of general meeting

- 11.1.1 There must be an annual general meeting (AGM) of the members of the CIO. The first AGM must be held within 18 months of the registration of the CIO, and subsequent AGMs must be held at intervals of not more than 15 months. The AGM must receive the annual statement of accounts (duly audited or examined where applicable) and the trustees' annual report, and must elect trustees as required under clause 14.
- 11.1.2 Other general meetings of the members of the CIO may be held at any time.
- 11.1.3 All general meetings must be held in accordance with the provisions below.
- 11.1.4 The CIO must hold at least two general meetings (including the AGM) per annum.

11.2 Calling general meetings

- 11.2.1 The trustees:
- (a) must call the annual general meeting of the members of the CIO in accordance with clause 11.1.1, and identify it as such in the notice of the meeting; and
 - (b) may call any other general meeting of the members at any time.
- 11.2.2 The trustees must, within 21 days, call a general meeting of the members of the CIO if:
- (a) they receive a request to do so from at least 10% of the members of the CIO; and

(b) the request states the general nature of the business to be dealt with at the meeting, and is authenticated by the member(s) making the request.

11.2.3 If, at the time of any such request, there has not been any general meeting of the members of the CIO for more than 12 months, then clause 11.2.2(a) shall have effect as if 5% were substituted for 10%.

11.2.4 Any such request may include particulars of a resolution that may properly be proposed, and is intended to be proposed, at the meeting.

11.2.5 A resolution may only properly be proposed if it is lawful, and is not defamatory, frivolous or vexatious.

11.2.6 Any general meeting called by the trustees at the request of the members of the CIO must be held within 28 days from the date on which it is called.

11.2.7 If the trustees fail to comply with the obligation to call a general meeting at the request of its members, then the members who requested the meeting may themselves call a general meeting.

11.2.8 A general meeting called by the members must be held not more than 3 months after the date when the members first requested the meeting.

11.2.9 The CIO must reimburse any reasonable expenses incurred by the members calling a general meeting by reason of the failure of the trustees to duly call the meeting, but the CIO shall be entitled to be indemnified by the trustees who were responsible for such failure.

11.3 Notice of general meetings

11.3.1 The trustees, or, as the case may be, the relevant members of the CIO, must give at least 14 clear days notice of any (annual) general meeting to all of the members, and to any trustee of the CIO who is not a member.

11.3.2 If it is agreed by not less than 90% of all members of the CIO, any resolution may be proposed and passed at any (annual) general meeting even though the requirements of clause 11.3.1 have not been met. This sub-clause does not apply where a specified period of notice is strictly required by another clause in this Constitution, by the Charities Act or by the General Regulations.

11.3.3 The notice of any (annual) general meeting must:

(a) state the time and date of the meeting;

(b) give the address at which the meeting is to take place;

(c) give particulars of any resolution which is to be moved at the meeting, and of the general nature of any other business to be dealt with at the meeting; and

(d) if a proposal to alter the Constitution of the CIO is to be considered at the meeting, include the text of the proposed alteration;

(e) include, with the notice for the AGM, the annual statement of accounts and trustees' annual report, details of persons standing for election or reelection as trustee, or where allowed under clause 23 (Use of electronic communication), details of where the information may be found on the CIO's website.

- 11.3.4 Proof that an envelope containing a notice was properly addressed, prepaid and posted; or that an electronic form of notice was properly addressed and sent, shall be conclusive evidence that the notice was given.
- 11.3.5 Notice shall be deemed to be given 48 hours after it was posted or sent.
- 11.3.6 The proceedings of a meeting shall not be invalidated because a member who was entitled to receive notice of the meeting did not receive it because of accidental omission by the CIO.
- 11.4 Chairing of general meetings
- 11.4.1 The person nominated as chair by the trustees under clause 20.2 (Chairing of meetings), shall, if present at the general meeting and willing to act, preside as chair of the meeting. Subject to that, the members of the CIO who are present at a general meeting shall elect a chair to preside at the meeting.
- 11.5 Quorum at general meetings
- 11.5.1 No business may be transacted at any general meeting of the members of the CIO unless a quorum is present whether in person or by proxy when the meeting starts.
- 11.5.2 Subject to the following provisions, the quorum for general meetings shall be the greater of 10% or eight members. An organisation represented by a person present at the meeting in accordance with clause 11.8, is counted as being present in person.
- 11.5.3 If the meeting has been called by or at the request of the members and a quorum is not present within 15 minutes of the starting time specified in the notice of the meeting, the meeting is closed.
- 11.5.4 If the meeting has been called in any other way and a quorum is not present within 15 minutes of the starting time specified in the notice of the meeting, the chair must adjourn the meeting. The date, time and place at which the meeting will resume must either be announced by the chair or be notified to the CIO's members at least seven clear days before the date on which it will resume.
- 11.5.5 If a quorum is not present within 15 minutes of the start time of the adjourned meeting, the member or members present at the meeting constitute a quorum.
- 11.5.6 If at any time during the meeting a quorum ceases to be present, the meeting may discuss issues and make recommendations to the trustees but may not make any decisions. If decisions are required which must be made by a meeting of the members, the meeting must be adjourned.
- 11.6 Proxy voting
- 11.6.1 Any member of the CIO may appoint another member as a proxy to exercise all or any of that member's rights to attend, speak and vote at a general meeting of the CIO. Proxies must be appointed by a notice in writing (a "proxy notice") which:
- (a) states the name and address of the member appointing the proxy;
 - (b) identifies the member appointed to be that member's proxy and the general meeting in relation to which that person is appointed;

- (c) is signed by or on behalf of the member appointing the proxy, or is authenticated in such manner as the CIO may determine; and
- (d) is delivered to the CIO in accordance with the Constitution and any instructions contained in the notice of the general meeting to which they relate.

11.6.2 The CIO may require proxy notices to be delivered in a particular form, and may specify different forms for different purposes.

11.6.3 Proxy notices may (but do not have to) specify how the proxy appointed under them is to vote (or that the proxy is to abstain from voting) on one or more resolutions.

11.6.4 Unless a proxy notice indicates otherwise, it must be treated as:

- (a) allowing the member appointed under it as a proxy discretion as to how to vote on any ancillary or procedural resolutions put to the meeting; and
- (b) appointing that member as a proxy in relation to any adjournment of the general meeting to which it relates as well as the meeting itself.

11.6.5 A member who is entitled to attend, speak or vote (either on a show of hands or on a poll) at a general meeting remains so entitled in respect of that meeting or any adjournment of it, even though a valid proxy notice has been delivered to the CIO by or on behalf of that member.

11.6.6 An appointment under a proxy notice may be revoked by delivering to the CIO a notice in writing given by or on behalf of the member by whom or on whose behalf the proxy notice was given.

11.6.7 A notice revoking a proxy appointment only takes effect if it is delivered before the start of the meeting or adjourned meeting to which it relates.

11.6.8 If a proxy notice is not signed or authenticated by the member appointing the proxy, it must be accompanied by written evidence that the person who signed or authenticated it on that member's behalf had authority to do so.

11.7 Voting at general meetings

11.7.1 Any decision other than one falling within clause 10.5 (Decisions that must be taken in a particular way) shall be taken by a simple majority of votes cast at the meeting including proxy and postal votes. Every member has one vote.

11.7.2 A resolution put to the vote of a meeting shall be decided on a show of hands, unless (before or on the declaration of the result of the show of hands) a poll is duly demanded. A poll may be demanded by the chair or by at least 10% of the members present in person or by proxy at the meeting.

11.7.3 A poll demanded on the election of a person to chair the meeting or on a question of adjournment must be taken immediately. A poll on any other matter shall be taken, and the result of the poll shall be announced, in such manner as the chair of the meeting shall decide, provided that the poll must be taken, and the result of the poll announced, within 30 days of the demand for the poll.

11.7.4 A poll may be taken:

- (a) at the meeting at which it was demanded; or
- (b) at some other time and place specified by the chair; or

(c) through the use of postal or electronic communications.

11.7.5 In the event of an equality of votes, whether on a show of hands or on a poll, the chair of the meeting shall not have a second, or casting vote.

11.7.6 Any objection to the qualification of any voter must be raised at the meeting at which the vote is cast and the decision of the chair of the meeting shall be final.

11.8 Representation of organisations

11.8.1 An organisation that is a member of the CIO may, in accordance with its usual decision-making process, authorise two persons to act as its representatives at any general meeting of the CIO.

11.8.2 The representatives are entitled to exercise the same powers on behalf of the organisation it could exercise as an individual member of the CIO.

11.8.3 The representative is entitled to appoint a proxy to attend any general meeting on his or her behalf should he or she so choose.

11.9 Adjournment of meetings

11.9.1 The chair may at meeting at which a quorum is present (and shall if so directed by the meeting) adjourn the meeting to another time and/or place. No business may be transacted at an adjourned meeting except business which could properly have been transacted at the original meeting.

12. **Postal Voting**

12.1 The CIO may, if the trustees so decide, allow the members to vote by post or electronic mail ("email") to elect trustees or to make a decision on any matter that is being decided at a general meeting of the members.

12.2 The trustees must appoint at least two persons independent of the CIO to serve as scrutineers to supervise the conduct of the postal/email ballot and the counting of votes.

12.3 If postal and/or email voting is to be allowed on a matter, the CIO must send to members of the CIO not less than 21 days before the deadline for receipt of votes cast in this way:

12.3.1 a notice by email, if the member has agreed to receive notices in this way under clause 23 (Use of electronic communication, including an explanation of the purpose of the vote and the voting procedure to be followed by the member, and a voting form capable of being returned by email or post to the CIO, containing details of the resolution being put to a vote, or of the candidates for election, as applicable;

12.3.2 a notice by post to all other members, including a written explanation of the purpose of the postal vote and the voting procedure to be followed by the member; and a postal voting form containing details of the resolution being put to a vote, or of the candidates for election, as applicable.

12.4 The voting procedure must require all forms returned by post to be in an envelope with the member's name and signature, and nothing else, on the outside, inside another envelope addressed to 'The Scrutineers for Harlesden Neighbourhood Forum', at the CIO's principal office or such other postal address as is specified in the voting procedure.

12.5 The voting procedure for votes cast by email must require the member's name to be at the top of the email, and the email must be authenticated in the manner specified in the voting procedure.

- 12.6 Email votes must be returned to an email address used only for this purpose and must be accessed only by a scrutineer.
- 12.7 The voting procedure must specify the closing date and time for receipt of votes, and must state that any votes received after the closing date or not complying with the voting procedure will be invalid and not be counted.
- 12.8 The scrutineers must make a list of names of members casting valid votes, and a separate list of members casting votes which were invalid. These lists must be provided to a trustee or other person overseeing admission to, and voting at, the general meeting. A member who has cast a valid postal or email vote must not vote at the meeting, and must not be counted in the quorum for any part of the meeting on which he, she or it has already cast a valid vote. A member who has cast an invalid vote by post or email is allowed to vote at the meeting and counts towards the quorum.
- 12.9 For postal votes, the scrutineers must retain the internal envelopes (with the member's name and signature). For email votes, the scrutineers must cut off and retain any part of the email that includes the member's name. In each case, a scrutineer must record on this evidence of the member's name that the vote has been counted, or if the vote has been declared invalid, the reason for such declaration.
- 12.10 Votes cast by post or email must be counted by all the scrutineers before the meeting at which the vote is to be taken. The scrutineers must provide to the person chairing the meeting written confirmation of the number of valid votes received by post and email and the number of votes received which were invalid.
- 12.11 The scrutineers must not disclose the result of the postal/email ballot until after votes taken by hand or by poll at the meeting, or by poll after the meeting, have been counted. Only at this point shall the scrutineers declare the result of the valid votes received, and these votes shall be included in the declaration of the result of the vote.
- 12.12 Following the final declaration of the result of the vote, the scrutineers must provide to a trustee or other authorised person bundles containing the evidence of members submitting valid postal votes; evidence of members submitting valid email votes; evidence of invalid votes; the valid votes; and the invalid votes.
- 12.13 Any dispute about the conduct of a postal or email ballot must be referred initially to a panel set up by the trustees, to consist of two trustees and two persons independent of the CIO. If the dispute cannot be satisfactorily resolved by the panel, it must be referred to the Electoral Reform Society.

13. **Trustees**

13.1 Functions and duties of trustees

13.1.1 The trustees shall manage the affairs of the CIO and may for that purpose exercise all the powers of the CIO. It is the duty of each trustee:

- (a) to exercise his or her powers and to perform his or her functions as a trustee of the CIO in the way he or she decides in good faith would be most likely to further the purposes of the CIO; and
- (b) to exercise, in the performance of those functions, such care and skill as is reasonable in the circumstances having regard in particular to:
 - (i) any special knowledge or experience that he or she has or holds himself or herself out as having; and

- (ii) if he or she acts as a trustee of the CIO in the course of a business or profession, to any special knowledge or experience that it is reasonable to expect of a person acting in the course of that kind of business or profession.

13.2 Eligibility for trusteeship

13.2.1 Every trustee must be a natural person and a member of the CIO.

13.2.2 No one may be appointed as a trustee:

- (a) if he or she is under the age of 16 years; or
- (b) if he or she is disqualified from acting as a Trustee by virtue of sections 178-180 of the Charities Act (or any statutory re-enactment or modification of that provision).

13.2.3 No one is entitled to act as a trustee whether on appointment or on any re-appointment until he or she has expressly acknowledged, in whatever way the trustees decide, his or her acceptance of the office of trustee.

13.2.4 At least one of the trustees of the CIO must be 18 years of age or over. If there is no trustee aged at least 18 years, the remaining trustee or trustees may act only to call a meeting of the trustees, or appoint a new trustee.

13.3 Number of trustees

13.3.1 There must be at least 6 trustees. If the number falls below this minimum, the remaining trustee or trustees may act only to call a meeting of the trustees, or appoint a new trustee.

13.3.2 The maximum number of trustees is 12. The trustees may not appoint any trustee if as a result the number of trustees would exceed the maximum.

13.4 First trustees

13.4.1 The first trustees of the CIO are

- (a) Atara Fridler
- (b) James Powney
- (c) Nick Jones
- (d) Paul Anders
- (e) Margaret Cox
- (f) Colin George
- (g) Madeleine Jennings

14. **Appointment of trustees**

14.1 At every annual general meeting of the members of the CIO, one-third of the trustees shall retire from office. If the number of trustees is not three or a multiple of three, then the number nearest to one-third shall retire from office, but if there is only one trustee, he or she shall retire;

14.2 The trustees to retire by rotation shall be those who have been longest in office since their last appointment or reappointment. If any trustees were last appointed or reappointed on the same day those to retire shall (unless they otherwise agree among themselves) be determined by lot;

- 14.3 The vacancies so arising may be filled by the decision of the members at the annual general meeting; any vacancies not filled at the annual general meeting may be filled as provided in clause 14.4;
- 14.4 The members or the trustees may at any time decide to appoint a new trustee, whether in place of a trustee who has retired or been removed in accordance with clause 16 (Retirement and removal of trustees), or as an additional trustee, provided that the limit specified in clause 13.3 on the number of trustees would not as a result be exceeded;
- 14.5 A person so appointed by the members of the CIO shall retire in accordance with the provisions of clauses 14.1 and 14.2. A person so appointed by the trustees shall retire at the conclusion of the next annual general meeting after the date of his or her appointment, and shall not be counted for the purpose of determining which of the trustees is to retire by rotation at that meeting.
- 15. Information for new trustees**
- 15.1 The trustees will make available to each new trustee, on or before his or her first appointment:
- 15.1.1 a copy of this Constitution and any amendments made to it; and
- 15.1.2 a copy of the CIO's latest trustees' annual report and statement of accounts.
- 16. Retirement and removal of trustees**
- 16.1 A trustee ceases to hold office if he or she :
- 16.1.1 retires by notifying the CIO in writing (but only if enough trustees will remain in office when the notice of resignation takes effect to form a quorum for meetings);
- 16.1.2 is absent without the permission of the trustees from all their meetings held within a period of six months and the trustees resolve that his or her office be vacated;
- 16.1.3 dies;
- 16.1.4 becomes incapable by reason of mental disorder, illness or injury of managing and administering his or her own affairs;
- 16.1.5 is removed by the members of the CIO in accordance with clause 16.2;
- 16.1.6 is disqualified from acting as a trustee by virtue of section 178-180 of the Charities Act (or any statutory re-enactment or modification of that provision); or
- 16.1.7 is removed by a vote of a two-thirds majority of the other trustees present and voting at a Board meeting at which at least half of the serving trustees are present, provided that
- (a) prior to such a meeting the trustee in question has been given written notice of the intention to propose such a resolution at the meeting; and
- (b) the trustee in question is given an opportunity to make representations prior to a vote being held.
- 16.2 A trustee shall be removed from office if a resolution to remove that trustee is proposed at a general meeting of the members called for that purpose and properly convened in accordance with clause 11, and the resolution is passed by a two-thirds majority of votes cast at the meeting.
- 16.3 A resolution to remove a trustee in accordance with clause 16.2 shall not take effect unless the individual concerned has been given at least 14 clear days' notice in writing that the resolution is to be proposed, specifying the circumstances alleged to justify removal from office, and has been given a reasonable opportunity of making oral and/or written representations to the members of the CIO.

17. **Reappointment of trustees**

17.1 Any person who retires as a trustee by rotation or by giving notice to the CIO is eligible for reappointment. A trustee who has served for three consecutive terms may not be reappointed for a fourth consecutive term but may be reappointed for one more term after an interval of at least three years.

18. **Taking of decisions by trustees**

18.1 Any decision may be taken either:

18.1.1 at a meeting of the trustees; or

18.1.2 by resolution in writing or electronic form agreed by all of the trustees, which may comprise either a single document or several documents containing the text of the resolution in like form to each of which one or more trustees has signified their agreement.

19. **Delegation by trustees**

19.1 The trustees may delegate any of their powers or functions to a committee or committees, and, if they do, they must determine the terms and conditions on which the delegation is made. The trustees may at any time alter those terms and conditions, or revoke the delegation.

19.2 This power is in addition to the power of delegation in the General Regulations and any other power of delegation available to the trustees, but is subject to the following requirements –

19.2.1 a committee may consist of two or more persons, but at least one member of each committee must be a trustee;

19.2.2 the acts and proceedings of any committee must be brought to the attention of the trustees as a whole as soon as is reasonably practicable; and

19.2.3 the trustees shall from time to time review the arrangements which they have made for the delegation of their powers.

20. **Meetings and proceedings of trustees**

20.1 Calling meetings

20.1.1 The chair or any 4 trustees may call a meeting of the trustees.

20.1.2 Subject to that, the trustees shall decide how their meetings are to be called, and what notice is required.

20.2 Chairing of meetings

20.2.1 The trustees may appoint one of their number to chair their meetings and may at any time revoke such appointment. If no-one has been so appointed, or if the person appointed is unwilling to preside or is not present within 10 minutes after the time of the meeting, the trustees present may appoint one of their number to chair that meeting.

20.3 Procedure at meetings

20.3.1 No decision shall be taken at a meeting unless a quorum is present at the time when the decision is taken. The quorum is three or 50%, whichever is the greater. A trustee shall not be counted in the quorum present when any decision is made about a matter upon which he or she is not entitled to vote.

20.3.2 Questions arising at a meeting shall be decided by a majority of those eligible to vote.

20.3.3 In the case of an equality of votes, the chair shall have a second or casting vote.

20.4 Participation in meetings by electronic means

20.4.1 A meeting may be held by suitable electronic means agreed by the trustees in which each participant may communicate with all the other participants.

20.4.2 Any trustee participating at a meeting by suitable electronic means agreed by the trustees in which a participant or participants may communicate with all the other participants shall qualify as being present at the meeting.

20.4.3 Meetings held by electronic means must comply with rules for meetings, including chairing and the taking of minutes.

21. **Saving provisions**

21.1 Subject to clause 21.2, all decisions of the trustees, or of a committee of trustees, shall be valid notwithstanding the participation in any vote of a trustee:

21.1.1 who was disqualified from holding office;

21.1.2 who had previously retired or who had been obliged by the Constitution to vacate office;

21.1.3 who was not entitled to vote on the matter, whether by reason of a conflict of interest or otherwise;

21.1.4 if, without the vote of that trustee and that trustee being counted in the quorum, the decision has been made by a majority of the trustees at a quorate meeting.

21.2 Clause 21.1 does not permit a trustee to keep any benefit that may be conferred upon him or her by a resolution of the trustees or of a committee of trustees if, but for clause 21.1, the resolution would have been void, or if the trustee has not complied with clause 7 (Conflicts of interest).

22. **Execution of documents**

22.1 The CIO shall execute deeds either by signature or by affixing its seal (if it has one).

22.2 A deed is validly executed by signature if it is signed by at least two of the trustees.

23. **Use of electronic communications**

23.1 General

23.1.1 The CIO will comply with the requirements of the Communications Provisions in the General Regulations and in particular:

(a) the requirement to provide within 21 days to any member on request a hard copy of any document or information sent to the member otherwise than in hard copy form;

(b) any requirements to provide information to the Commission in a particular form or manner.

23.2 To the CIO

23.2.1 Any member or trustee of the CIO may communicate electronically with the CIO to an address specified by the CIO for the purpose, so long as the communication is authenticated in a manner which is satisfactory to the CIO.

23.3 By the CIO

23.3.1 Any member or trustee of the CIO, by providing the CIO with his or her email address or similar, is taken to have agreed to receive communications from the CIO in electronic form at that address, unless the member has indicated to the CIO his or her unwillingness to receive such communications in that form.

23.3.2 The trustees may, subject to compliance with any legal requirements, by means of publication on its website:

- (a) provide the members with the notice referred to in clause 11.3 (Notice of general meetings);
- (b) give trustees notice of their meetings in accordance with clause 20.1 (Calling meetings); and
- (c) submit any proposal to the members or trustees for decision by written resolution or postal vote in accordance with the CIO's powers under clause 10 (Members' decisions), 10.3 (Decisions taken by resolution in writing), or clause 12 (Postal voting).

23.3.3 trustees must:

- (a) take reasonable steps to ensure that members and trustees are promptly notified of the publication of any such notice or proposal;
- (b) send any such notice or proposal in hard copy form to any member or trustee who has not consented to receive communications in electronic form.

24. **Keeping of Registers**

24.1 The CIO must comply with its obligations under the General Regulations in relation to the keeping of, and provision of access to, registers of its members and trustees.

25. **Minutes**

25.1 The trustees must keep minutes of all:

25.1.1 appointments of officers made by the trustees;

25.1.2 proceedings at general meetings of the CIO;

25.1.3 meetings of the trustees and committees of trustees including:

- (a) the names of the trustees present at the meeting;
- (b) the decisions made at the meetings; and
- (c) where appropriate the reasons for the decisions;

25.1.4 decisions made by the trustees otherwise than in meetings.

26. **Accounting records, accounts, annual reports and returns, register maintenance**

26.1 The trustees must comply with the requirements of the Charities Act with regard to the keeping of accounting records, to the preparation and scrutiny of statements of accounts, and to the preparation

of annual reports and returns. The statements of accounts, reports and returns must be sent to the Charity Commission, regardless of the income of the CIO, within 10 months of the financial year end.

26.2 The trustees must comply with their obligation to inform the Commission within 28 days of any change in the particulars of the CIO entered on the Central Register of Charities.

27. **Rules**

27.1 The trustees may from time to time make such reasonable and proper rules or bye laws as they may deem necessary or expedient for the proper conduct and management of the CIO, but such rules or bye laws must not be inconsistent with any provision of this Constitution. Copies of any such rules or bye laws currently in force must be made available to any member of the CIO on request.

28. **Honorary Positions**

28.1 The Board may appoint and remove any person for such terms as they think fit as the President, Vice President or Patron of the CIO. Such posts are honorary only and carry no vote or other rights.

29. **Disputes**

29.1 If a dispute arises between members of the CIO about the validity or propriety of anything done by the members under this Constitution, and the dispute cannot be resolved by agreement, the parties to the dispute must first try in good faith to settle the dispute by mediation before resorting to litigation.

30. **Amendment of Constitution**

30.1 As provided by clauses 224-227 of the Charities Act:

30.1.1 This Constitution can only be amended:

- (a) by resolution agreed in writing by all members of the CIO; or
- (b) by a resolution passed by a 75% majority of votes cast at a general meeting of the members of the CIO.

30.2 Any alteration of clause 3 (Objects), clause 31 (Voluntary winding up or dissolution), this clause, or of any provision where the alteration would provide authorisation for any benefit to be obtained by trustees or members of the CIO or persons connected with them, requires the prior written consent of the Charity Commission.

30.3 No amendment that is inconsistent with the provisions of the Charities Act or the General Regulations shall be valid.

30.4 A copy of any resolution altering the Constitution, together with a copy of the CIO's Constitution as amended, must be sent to the Commission within 15 days from the date on which the resolution is passed. The amendment does not take effect until it has been recorded in the Register of Charities.

31. **Voluntary winding up or dissolution**

31.1 As provided by the Dissolution Regulations, the CIO may be dissolved by resolution of its members. Any decision by the members to wind up or dissolve the CIO can only be made:

31.1.1 at a general meeting of the members of the CIO called in accordance with clause 11 (Meetings of Members), of which not less than 14 days' notice has been given to those eligible to attend and vote by a resolution passed by a 75% majority of those voting, or

31.1.2 by a resolution agreed in writing by all members of the CIO.

31.2 Subject to the payment of all the CIO's debts:

- 31.2.1 any resolution for the winding up of the CIO, or for the dissolution of the CIO without winding up, may contain a provision directing how any remaining assets of the CIO shall be applied;
 - 31.2.2 if the resolution does not contain such a provision, the trustees must decide how any remaining assets of the CIO shall be applied;
 - 31.2.3 in either case the remaining assets must be applied for charitable purposes the same as or similar to those of the CIO.
- 31.3 The CIO must observe the requirements of the Dissolution Regulations in applying to the Commission for the CIO to be removed from the Register of Charities, and in particular:
- 31.3.1 the trustees must send with their application to the Commission:
 - (a) a copy of the resolution passed by the members of the CIO;
 - (b) a declaration by the trustees that any debts and other liabilities of the CIO have been settled or otherwise provided for in full; and
 - (c) a statement by the trustees setting out the way in which any property of the CIO has been or is to be applied prior to its dissolution in accordance with this Constitution.
 - 31.3.2 the trustees must ensure that a copy of the application is sent within 7 days to every member and employee of the CIO, and to any trustee of the CIO who was not privy to the application.
- 31.4 If the CIO is to be wound up or dissolved in any other circumstances, the provisions of the Dissolution Regulations must be followed.

32. Indemnity of trustees

- 32.1 To the extent permitted by law from time to time, but without prejudice to any indemnity to which a member of the board of trustees or other officer may otherwise be entitled the CIO may indemnify every trustee or other officer out of the assets of the CIO against all costs and liabilities incurred by him or her which relate to anything done or omitted or alleged to have been done or omitted by him or her as a trustee or other officer save that no trustee may be entitled to be indemnified:
- 32.1.1 for any liability incurred by him or her to the CIO or any associated company of the CIO;
 - 32.1.2 for any fine imposed in criminal proceedings;
 - 32.1.3 for any sum payable to a regulatory authority by way of a penalty in respect of non-compliance with any requirement of a regulatory nature howsoever arising;
 - 32.1.4 for any liability which he or she has incurred in defending any criminal proceedings in which he or she is convicted and such conviction has become final; and
 - 32.1.5 for any liability which he or she has incurred in defending any civil proceedings brought by the CIO or an associated company in which a final judgment has been given against him or her.
- 32.2 To the extent permitted by law from time to time, but without prejudice to any indemnity to which the trustees or other officer may otherwise be entitled, the CIO may provide funds to every trustee or other officer to meet expenditure incurred or to be incurred by him or her in any proceedings (whether civil or criminal) brought by any party which relate to anything done or omitted or alleged to have been done or omitted by him or her as a trustee or officer, provided that he or she will be obliged to repay such amounts no later than:
- 32.2.1 in the event he or she is convicted in proceedings, the date when the conviction becomes final; or

32.2.2 in the event of judgment being given against him or her in proceedings, the date when the judgment becomes final.

33. Interpretation

33.1 In this Constitution:

33.1.1 "**Charities Act**" means the Charities Acts 1992 to 2011;

33.1.2 "**connected person**" means:

- (a) a child, parent, grandchild, grandparent, brother or sister of the trustee;
- (b) the spouse or civil partner of the trustee or of any person falling within clause 33.1.2(a) above;
- (c) a person carrying on business in partnership with the trustee or with any person falling within clause 33.1.2(a) or 33.1.2(b) above;
- (d) an institution which is controlled -
 - (i) by the trustee or any connected person falling within clauses 33.1.2(a), 33.1.2(b), or 33.1.2(c) above; or
 - (ii) by two or more persons falling within clause 33.1.2(d)(i), when taken together
- (e) a body corporate in which -
 - (i) the trustee or any connected person falling within clauses 33.1.2(a) to 33.1.2(c) has a substantial interest; or
 - (ii) two or more persons falling within 33.1.2(e)(i) who, when taken together, have a substantial interest.

33.2 Section 118 of the Charities Act 2011 apply for the purposes of interpreting the terms used in this Constitution.

33.3 "**General Regulations**" means the Charitable Incorporated Organisations (General) Regulations 2012.

33.4 "**Dissolution Regulations**" means the Charitable Incorporated Organisations (Insolvency and Dissolution) Regulations 2012.

33.5 The "**Communications Provisions**" means the Communications Provisions in Part 10, Chapter 4 of the General Regulations.

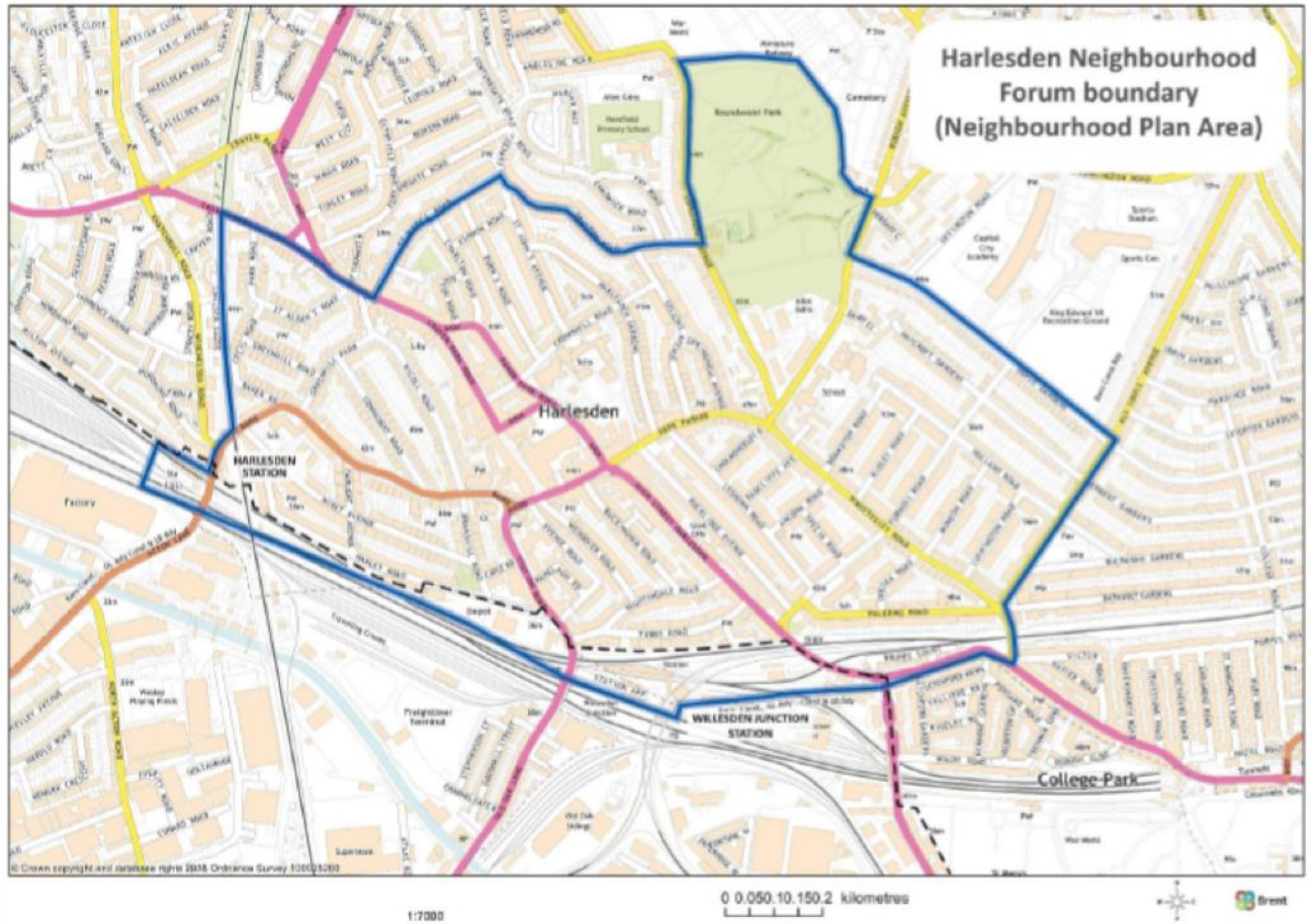
33.6 "**Taxable Trading**" means carrying on a trade or business for the principal purpose of raising funds and not for the purpose of actually carrying out the Objects, the profits of which are subject to corporation tax;

33.7 "**trustee**" means a trustee of the CIO.

33.8 "**poll**" means a counted vote or ballot, usually (but not necessarily) in writing.

APPENDIX 3

The name of the neighbourhood area to which the application relates and a map which identifies the area



APPENDIX 4

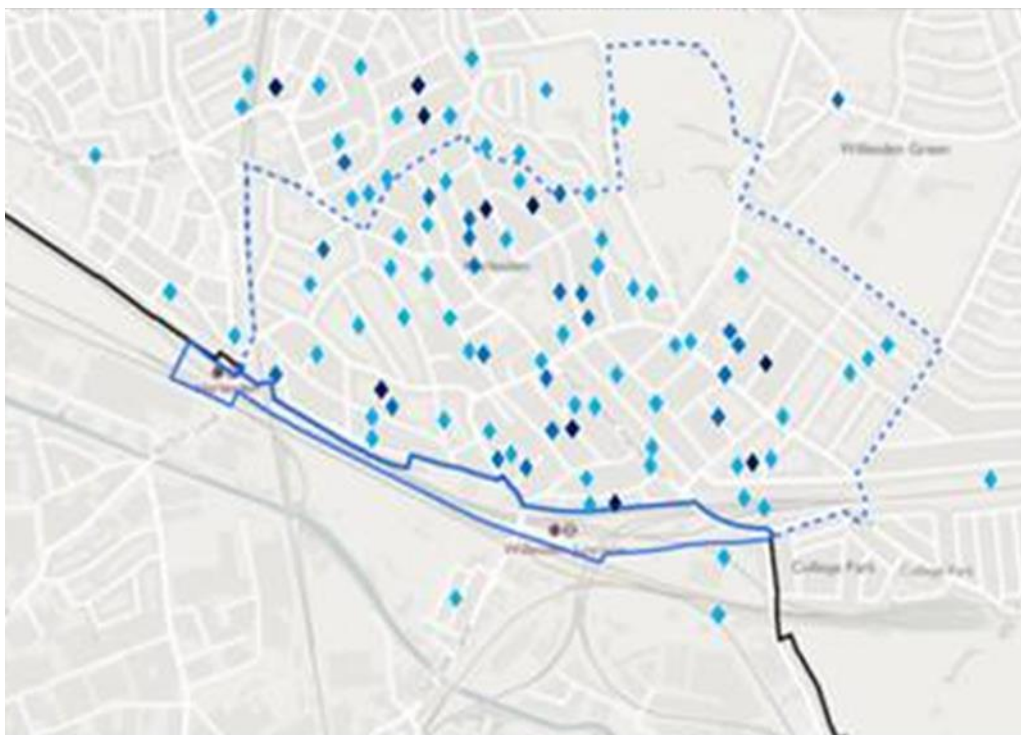
The Harlesden Neighbourhood Forum constitution and list of members follows: List of members who gave consent to use their data for membership purpose

- the Neighbourhood Forum has It has 220 individual members
- Full Membership is open to people who live, work, carry out business or are elected members in the area, whilst Associate membership is open to people who live outside the designated area
- It has 336 mailing list subscribers
- It has 76 Community and Stakeholders members

Members are from different sections of the community in that area, and inclusive in terms of age, disability, gender, race, religion, sex, and sexual orientation.

- 25% of our membership is between the age of 25- 40, 35% between the age of 50-60, whilst 10% is between the age of 60-70. However, 30 % of our members did not mention their age.
- Only 46 Members have declared their gender to be Female and 37 declared to identify as Male, whilst the rest did prefer not to say.
- In terms of ethnicity, 7 members declared to identify as African black or Caribbean, 28 identify as white /British, 16 identify as any other White background, 5 identify as Asian. The rest of the members preferred not to say.
- Only 2 members declared their disability.

The inclusion and cohesion within our community are of paramount importance, and we give extra attention to this element in our [Equality and Diversity Policy](#). The map and list below show where the forum members are located in relation to the boundary of the Harlesden Neighbourhood Area.



- OPDC boundary
- Harlesden Neighbourhood Area boundary in OPDC
- - Harlesden Neighbourhood Area boundary in LB Brent
- ◆ 1 member
- ◆ 2 members
- ◆ 3 members

Member	Postcode
1	Nw10 4ED
2	NW10 8AE
3	NW10 8AX
4	Nw10 5YP
5	NW109AZ
6	NW10 4UP
7	NW10 8UG
8	NW10 8AJ
9	NW102AT
10	NW10 4AL
11	NW10 4DY
12	NW10 9AJ
13	NW10 8RA
14	NW10 8QR
15	NW10 4EN
16	HA9 0BP
17	Nw10 4ax
18	N1C4DD
19	NW10 4DE
20	NW10 4EL
21	NW105XR
22	NW10 6RA
23	NW10 9QT
24	NW10 4UJ
25	NW10 5UL
26	NW10 4DT
27	NW105TX
28	NW10 4RG
29	NW10 4UR
30	NW10 4DG
31	NW10 5TU
32	NW10 8PD
33	NW10 9RG
34	NW10 8UX
35	NW10 4EX
36	Nw10 4dh
37	NW10 3UD
38	HA9 9PE
39	NW10 8AJ
40	NW10 8AX
41	NW10 4RN
42	NW10 4HP
43	NW10 5TY
44	NW10 9JY
45	NW10 6TT
46	NW10 6RB
47	NW10 9LB
48	NW10 3UG
49	HA9 0FJ
50	NW10 4HJ
51	NW10 3BP
52	E9 7QL
53	NW10 9AZ

54	NW10 4HH
55	NW10 9AP
56	NW10 4DH
57	NW10 9PX
58	NW10 6DS
59	NW10 4QJ
60	NW10 4PG
61	NW10 9UE
62	nw10 4uu
63	NW10 4HB
64	NW10 4QJ
65	NW10 5TY
66	NW10 9RH
67	NW10 4AX
68	NW10 9JT
69	NW10 5YJ
70	NW10 9AZ
71	NW10 4HB
72	NW10 8GQ
73	NW10 4AH
74	NW10 4HB
75	NW10 8UG
76	NW10 5UB
77	NW10 8BA
78	NW10 4ee
79	NW104DT
80	Nw10 4jp
81	NW10 4BG
82	NW10 9AU
83	NW10 4UP
84	NW10 4DY
85	NW10 9JT
86	NW10 9QL
87	NW10 9RN
88	NW10 4JG
89	NW10 3sa
90	NW10 9LB
91	NW10 4ED
92	NW104RJ
93	NW10 8QL
94	NW10 5YH
95	NW10 8TG
96	NW 10 5YH
97	NW10 9RH
98	NW10 4AJ
99	NW10 3RL
100	NW10 4NX
101	NW10 4NX
102	NW10 4PL
103	NW10 4RJ
104	NW10 4ED
105	NW10 9LB
106	NW10 4AX
107	NW10 4QB

108	NW10 8UX
109	NW10 5NB
110	NW10 4RA
111	NW10 4BB
112	NW10 5JH
113	NW10 4SL
114	NW10 4RA
115	NW10 4RJ
116	NW10 4LT
117	NW10 5UB
118	NW10 4JH
119	NW10 4SL
120	NW10 4JG
121	NW10 8NW
122	NW10 3BH
123	NW10 8UX
124	NW10 3SA
125	NW10 4JP
126	NW10 4AJ
127	NW10 4EY
128	NW10 4RR
129	NW10 8AS
130	NW10 4NE
131	NW10 3RJ
132	NW10 4UU
133	NW10 5UL
134	NW10 4TR
135	NW10 4RA
136	NW10 5YH
137	NW10 4AX
138	NW10 4BB
139	NW10 5TX
140	NW10 8NU
141	NW10 4RA
142	NW10 9AB
143	NW10 4RR
144	NW10 5TU
145	NW10 5GJ
146	NW10 4LX
147	NW10 5YH
148	NW10 4EX
149	NW10 4DU
150	NW10 4EY
151	NW10 4TE
152	NW10 8TG
153	NW10 5AT
154	NW10 8AH
155	NW10 4NE
156	NW10 5UB
157	NW10 4AE
158	NW10 5TS
159	NW10 8SE
160	NW10 9RH
161	NW10 1BR

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Subject: Post Submission Modified draft submission Local Plan
Meeting date: 23 February 2021
Report to: Planning Committee
Report of: Emma Williamson, Director of Planning

For Recommendation

This report will be considered in public

1. Summary

- 1.1 This report seeks Planning Committee's recommendation that OPDC Board agree to submit the Post Submission Modified Draft Local Plan (PSMDLP) (Appendix A) and associated documents and evidence outlined within this report to OPDC's planning inspector as part of the ongoing Examination in Public on OPDC's draft Local Plan.
- 1.2 The modifications seek to respond to the inspector's interim findings, ensure the draft Local Plan is in general conformity with the Publication London Plan, ensure the draft Local Plan is aligned with the Government's newly published changes to the Use Class Order, address requested modifications made by the planning inspector during the examination prior to issuing the interim findings and where relevant, update facts and statistics.
- 1.3 Subject to the recommendation of the Planning Committee and agreement of the Board, OPDC officers will submit the PSMDLP and associated documents to the planning inspector, who would then conduct a fact-check of the modifications before instructing OPDC to undertake a main modifications public consultation.

2. Recommendation

The Planning Committee is invited to:

- 2.1 **Comment** on the Post Submission Modified Draft Local Plan (Appendix A) and accompanying documents (appendices B-Q); and
- 2.2 **Recommend** that OPDC Board agree to submit Post Submission Modified Draft Local Plan (Appendix A) and accompanying documents (appendices B-Q) to the planning inspector.
- 2.3 **Agree** to delegate to the Director of Planning in consultation with the chair of planning committee, the making of minor modifications to text and maps, in advance of Board consideration of the Post Submission Modified Draft Local Plan (Appendix A) and associated documents (appendices B-Q).

3. Overview

Background

- 3.1 The Old Oak and Park Royal Development Corporation (OPDC), as a local planning authority, is responsible for the preparation of planning policy for the area, including a Local Plan.
- 3.2 The Local Plan, once adopted, will be OPDC's key planning policy document for the area, setting a blueprint for how OPDC will guide regeneration over the next 20 years. The Local Plan is a Development Plan Document (DPD), which is part of the Government's planning policy system introduced by the Planning and Compulsory Purchase Act 2004. It sits alongside the National Planning Policy Framework (NPPF), London Plan, West London Waste Plan and any Neighbourhood Plans, and would be used as the key planning policy document against which planning applications within the OPDC area will be assessed.
- 3.3 There are a number of steps in the production and adoption of the Local Plan:
 - Regulation 18 is the first stage of consultation
 - Regulation 19 is the second stage of consultation.
 - Regulation 22 is the submission stage, when the Regulation 19 version of the Local Plan is submitted to Secretary of State, together with relevant supporting documents and a schedule of any proposed modifications.
 - This is followed by an independent examination, which is undertaken by a planning inspector.
 - following this examination, if the document is found sound, the Local Plan is adopted by OPDC Board.
- 3.4 OPDC undertook its Regulation 18 consultation in 2016 and two rounds of Regulation 19 consultation in 2017 and 2018. OPDC submitted its Submission

draft Local Plan (SDLP) to the Secretary of State in October 2018 and the Planning Inspectorate appointed a planning inspector to oversee the examination in public of the draft Local Plan in November 2018. Public examination hearings were held between April and July 2019. In the lead up to, and during these public hearings, the planning inspector directed that modifications be made to the draft Local Plan on a number of matters. Following these hearings, the Inspector issued Interim findings in respect of two matters:

1. Old Oak North (September 2019). These found that certain site allocations within Old Oak North were not considered to be viable for housing-led mixed use development and the inspector directed that they be removed from the draft Local Plan. Their removal has had consequent impacts on OPDC's ability to meet its Mayoral housing targets and maintain general conformity with the Publication London Plan.
2. Sustainability Appraisal (October 2019). These found that OPDC had been in accord with relevant legislative requirements and required that the Sustainability Appraisal documents provided for the examination and any additional documents be subject to public consultation as part of the main modifications consultation. The interim findings also found that the approach to assessing reasonable alternatives for policies undertaken in OPDC's Integrated Impact Assessment was procedurally sound.

- 3.5 Following the inspector's interim findings, OPDC officers have compiled new and updated evidence to inform the appropriate modifications required to address the interim findings and ensure general conformity with the Mayor's London Plan. Officers reported to the OPDC Board in October 2020 on the proposed Local Plan modifications at that point in time and the Board endorsed these modifications as the basis for the next stage of landowner and community engagement. This landowner and community engagement has now been conducted, evidence compilation has been finalised and it is recommended that the PSMDLP and its accompanying evidence is submitted to the planning inspector for his consideration.

Proposed modifications

- 3.6 Proposed modifications are comprised of 'minor' and 'main' modifications. Main modifications are necessary to make the plan sound and/or legally compliant. Minor modifications are additional to main modifications and do not materially affect the plan's policies.
- 3.7 The PSMDLP includes the following main and minor modifications, which are outlined in further detail in the sections below.
1. Modifications to address the Inspector's Interim Findings for Old Oak North and to ensure general conformity with the Mayor's Publication London Plan in respect of OPDC's housing targets.

2. Other modifications required to ensure general conformity with the Mayor's Publication London Plan.
 3. Modifications to ensure that the draft Local Plan is aligned with the Government's changes to the Use Class Order introduced in September 2020.
 4. Modifications requested by the planning inspector during the examination in public, prior to the issuing of the interim findings in September 2019.
 5. Modifications made to the draft Local Plan, post Regulation 19 consultation but prior to submission of the draft Local Plan to the planning inspectorate in October 2018.
- 3.8 The PSMDLP (Appendix A) shows text changes as track changes. There is a corresponding Table of Text Modifications (Appendix B) which itemises these text modifications and provides a reasoned justification for these modifications. Modifications within Appendix A and B are coded:
- Modifications with the reference MM/PS2/OPDC/REF are main modifications that have been made to the draft Local Plan to address the inspector's interim findings, ensure general conformity with the Publication London Plan, ensure alignment with the new Use Class Order or address typographical errors or factual corrections.
 - Modifications with the reference MINOR/PS2/OPDC/REF are minor modifications that have been made to the draft Local Plan after the publication of the inspector's interim findings.
 - Modifications with the reference MINOR/GeneralREF or MINOR/2/REF are minor modifications that were made to the draft Local Plan following Regulation 19(2) public consultation in July 2018 and prior to the submission of the draft Local Plan to the Secretary of State in October 2018. These modifications have already been approved by the OPDC Board at its 28th September 2018 meeting.
 - Modifications with the reference MM(1-17)/PS/REF are main modifications made to the draft Local Plan in response to requests from the planning inspector during the examination between November 2018 and August 2019, up to the point of the Inspector's Interim findings for the IIA and Old Oak North.
 - Modifications with the reference MINOR/PS/REF are minor modifications made to the draft Local Plan in response to requests from the planning inspector during the examination between November 2018 and August 2019, up to the point of the Inspector's Interim findings for the IIA and Old Oak North.
- 3.9 The Table of Figure Modifications at Appendix C shows and describes amendments that have been made to figures/maps within the PSMDLP. Modifications within Appendix C are coded as per Appendices A and B.

- 3.10 Officers consider that the PSMDLP comprises an improved and more deliverable Local Plan for the Old Oak and Park Royal area. The reasons for this include the following:
- a) The housing allocations are spread over a larger number of sites and focus housing delivery on public sector land, where OPDC will be working positively with public sector partners to ensure a coordinated approach to the comprehensive development on these landholdings.
 - b) Key landowners have expressed their in-principle support for the new land uses and homes and jobs targets for their landholdings.
 - c) The infrastructure requirements to support the modified sites result in a smaller infrastructure funding gap and consequently, more certainty that sites will be brought forward for development.
 - d) Several of the modified housing sites have better connectivity to the main Old Oak Common station access point, the associated concourse and public realm.
 - e) The revised housing site allocations are focussed closer to existing residential communities, providing better opportunities to knit together existing and new communities in the area, provide facilities to serve these communities and support existing established centres such as Harlesden.
 - f) The modifications maintain our existing overall vision for the OPDC area as set out in the Draft Local Plan and the cross-cutting policies which require developments to deliver good growth and high standards of design, place-making, sustainable travel and energy performance.
 - g) The modifications support the delivery of a greater quantum of industrial floorspace, helping to better meet local and London-wide industrial needs and delivering a greater diversity of jobs. In Old Oak North the modifications will enable significant industrial intensification including multi-level buildings, where landowners are keen to progress with modernisation plans, which would support a greener economy and new job creation.
 - h) It accords with the requested modifications made to date by OPDC's planning inspector, whilst maintaining general conformity with the London Plan and consistency with the National Planning Policy Framework and changes to the Use Class Order.

1. Modifications to address the inspector's interim findings and ensuring general conformity with mayoral housing targets.

- 3.11 The Inspector's Interim Findings for Old Oak North found that rising industrial land values, coupled with infrastructure and policy requirements and the need to fund an alternative site for the existing landowner, rendered parts of Old Oak North unviable for housing-led development and he therefore directed OPDC to remove Site Allocations 2 (Cargiant) and 3 (Triangle Business Centre) from the draft Local Plan.
- 3.12 Following the Inspector's Interim Findings, OPDC withdrew its Housing Infrastructure Fund (HIF) bid for Phase 1a in Old Oak North. As well as parts

of Site Allocation 2 and 3, Phase 1a of our Old Oak North Plan proposals had included the European Metal Recycling (EMR) site (Site Allocation 4). Officers consider that the withdrawal of OPDC's HIF bid and the removal of housing site allocations to the south render the EMR site no longer appropriate or deliverable for housing-led development.

- 3.13 In light of the above, officers are proposing to reinstate SIL designations in Old Oak North (Site Allocations 2 (except for parts of the site allocation on Scrubs Lane which continue to be proposed for SIL release – see ID39 in table 1, figure 1), 3, and 4) to provide clear planning policies to support industrial uses. The reinstated SIL will also support industrial intensification and an increase in industrial floorspace across Old Oak and Park Royal to meet local and strategic needs.
- 3.14 The removal of housing site allocations 2, 3 and 4 coupled with the reinstatement of SIL in parts of Old Oak North would have consequent impacts on OPDC's ability to demonstrate general conformity with the Publication London Plan and help meet housing needs within OPDC's strategic housing market area. The London Plan sets OPDC a target to deliver 13,670 homes over a ten-year housing period from 2018/19 to 2028/29 and an overarching target to deliver 25,500 homes.
- 3.15 The removal of housing site allocations 2, 3 and 4 results in OPDC being short 4,219 homes and 6,000 homes respectively towards these targets and the loss of this capacity means there is a need to identify alternative sites for housing to maintain general conformity with the London Plan.
- 3.16 The modifications propose that some of this housing capacity can be met by recognising development that has occurred on windfall sites, revising the phasing for some sites that can now be delivered sooner in the plan period and amending land use splits on existing sites allocated for mixed use development. However, there is also a need to release further SIL for housing development to maintain general conformity with the London Plan. Officers have been reviewing sites for SIL release in a sequential manner, prioritising those sites considered to be deliverable/developable, close to public transport and contiguous with existing areas already proposed for SIL release. The methodology and approach to SIL release has been set out within the Industrial Land Review Addendum (Appendix I).
- 3.17 Table 1 provides a summary of the sites that are proposed to be modified, showing the development capacities within the Submission Draft Local Plan (2018) compared to their new capacities in the PSMDLP (2021). The site locations are marked on Figure 1. These modified sites when combined with the draft Local Plan's extant unmodified sites ensures that OPDC maintains general conformity with the London Plan's housing targets. The PSMDLP

delivers a minimum 13,801 homes between 2019-29 against a London Plan target to deliver a minimum 13,670 homes and a total development capacity for 26,000 homes against a London Plan target for 25,500 homes.

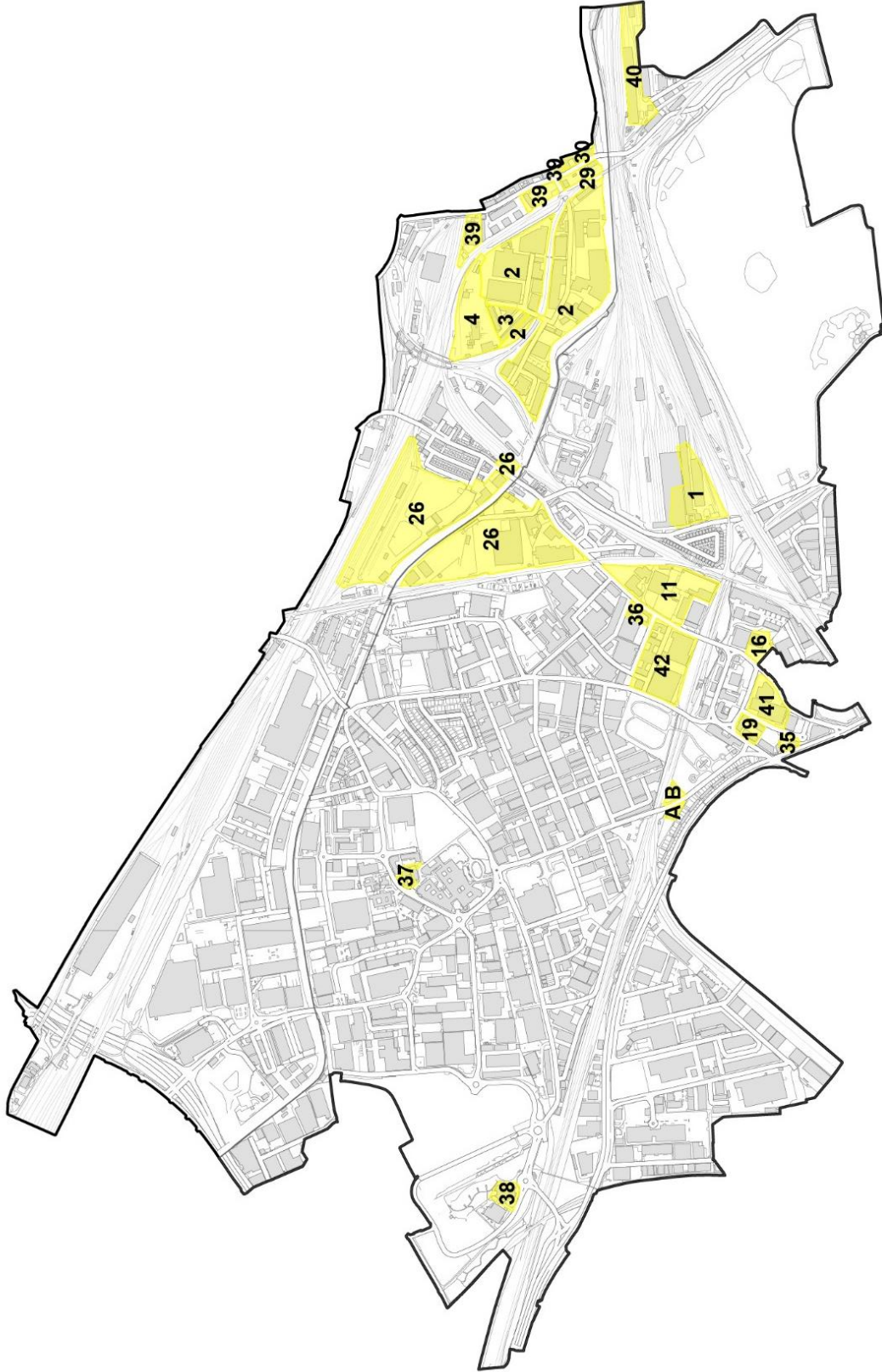
Table 1 – List of site allocations proposed for modification (NB sites A and B are not site allocations due to their development capacity being below the threshold site allocations)

ID	Site	Modification summary	Capacity		Phasing	
			2018 Submission Draft Local Plan	2021 Post Submission Modified Draft Local Plan	2018 SDLP	2021 PSMDLP
1	Old Oak Common Station Adjacent Development site	Decreased homes capacity; increased no-residential floorspace capacity	Homes: 350 Economic floorspace: 178,400 sqm	Homes: 100 Economic floorspace: 200,500 sqm	11 to 20 years	11 to 20 years
2	Cargiant Old Oak North	SIL retention for intensified industrial uses	Homes: 5,300 Economic floorspace: 48,800 sqm	Homes: 0 Economic floorspace: 170,800 sqm	6 to 20 years	Through out the plan period
3	Triangle Business Estate	SIL retention for intensified industrial uses	Homes: 600 Economic floorspace: 2,800 sqm	Homes: 0 Economic floorspace: 20,500 sqm	6 to 20 years	Through out the plan period
4	European Metal Recycling (EMR)	SIL retention for intensified industrial uses	Homes: 1,100 Economic floorspace: 21,330 sqm	Homes: 0 Economic floorspace: 21,300 sqm.	6 to 20 years	Through out the plan period
11	Acton Wells East	Increased homes capacity; decreased non-resi floorspace capacity. Phasing brought forward.	Homes: 1,200 Economic floorspace: 18,100 sqm	Homes: 1,650 Economic floorspace: 8,000 sqm	11 to 20 years	6 to 20 years
16	Perfume Factory South	Increased homes capacity reflecting London Plan methodology for recording student bed places; Phasing brought forward to 0 to 5 year period	Homes: 286 Economic floorspace: 4,970 sqm	Homes: 326 Economic floorspace: 4,970 sqm	6 to 10 years	0 to 5 years
19	6 Portal Way (Portal West)	Increased homes capacity reflecting development management information; Phasing adjusted to reflect earlier delivery	Homes: 578 Economic floorspace: 3,200 sqm	Homes: 651 Economic floorspace: 3,200 sqm	6 to 10 years	0 to 10 years

26	Channel Gate	SIL release for housing-led mixed use development	Homes: 0 Economic floorspace: 124,000 sqm	Homes: 3,100 Economic floorspace: 10,700 sqm	Through out the plan period	6 to 20 years
29	Mitre Yard	Increased homes capacity reflecting planning approval	Homes: 200 Economic floorspace: 1,123 sqm	Homes: 241 Economic floorspace: 1,123 sqm	0 to 5 years	0 to 5 years
30	North Kensington Gate South	Increased homes capacity reflecting planning approval	Homes: 164 Economic floorspace: 750 sqm	Homes: 206 Economic floorspace: 750 sqm	0 to 5 years	0 to 5 years
35	4 Portal Way	New homes and jobs capacity reflecting development management information	Homes: 0 Economic floorspace: 0 sqm	Homes: 702 Economic floorspace: 1,946 sqm	N/A new site	6 to 10 years
36	3 School Road / 99 Victoria Road	Site released from SIL with new homes and non-resi floorspace capacity	Homes: 0 Economic floorspace: 0 sqm	Homes: 250 Economic floorspace: 800 sqm	N/A new site	6 to 10 years
37	Central Middlesex Hospital North East site	New homes capacity reflecting planning approval	Homes: 0 Economic floorspace: 0 sqm	Homes: 158 Economic floorspace: 0 sqm	N/A new site	0 to 5 years
38	1 Lakeside Drive	New homes and jobs capacity	Homes: 0 Economic floorspace: 0 sqm	Homes: 300 Economic floorspace: 500 sqm	N/A new site	6 to 10 years
39	Cargiant Scrubs Lane	Increased homes capacity and decreased non-resi floorspace capacity	Previously part of Cargiant Old Oak North (DCS site 7)	Homes: 600 Economic floorspace: 2,400 sqm	Previously part of Cargiant Old Oak North (DCS site 7)	6-20 years
40	North Pole East Depot	Phasing brought forward to 0-10 year period. New homes and non-resi floorspace capacity	Homes: 0 Economic floorspace: 0 sqm	Homes: 750 Economic floorspace: 500 sqm	21+ years	0 to 10 years
41	1 Portal Way (Carphone Warehouse)	Phasing brought forward to 0-10 year period.	Homes: 764 Economic floorspace: 3,500 sqm	Homes: 764 Economic floorspace: 3,500 sqm	11 to 20 years	0 to 10 years
42	Acton Wells West	Increased homes and non-resi floorspace capacity	Homes: 100 Economic floorspace: 3,600 sqm	Homes: 555 Economic floorspace: 30,000 sqm	11 to 20 years	11 to 20 years

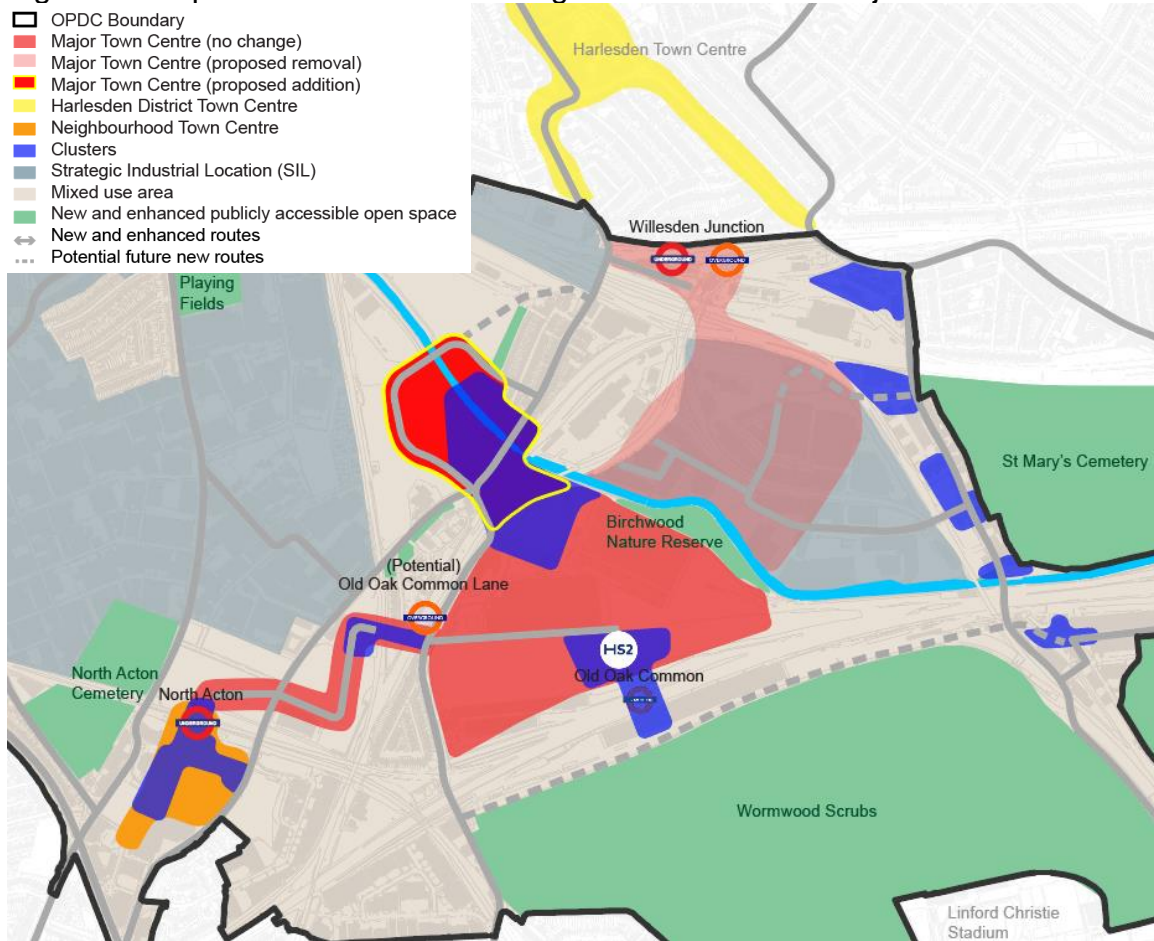
A	Park Royal Road west	Site released from SIL. New homes capacity reflecting development management information	Homes: 0 Economic floorspace: 0 sqm	Homes: 15 Economic floorspace: 0 sqm	N/A new site	0 to 5 years
B	5 to 7 Park Royal Road	Site released from SIL. New homes and non-resi floorspace capacity	Homes: 0 Economic floorspace: 0 sqm	Homes: 60 Economic floorspace: 200 sqm	N/A new site	6 to 10 years

Figure 1 – Location of sites proposed for modification



- 3.18 As a result of these site modifications other modifications have been required within the PSMDLP (2021). These include changes to:
- a) Infrastructure. There are modified infrastructure requirements to support the delivery of the new development sites within the PSMDLP (2021). This includes, inter alia, revised transport infrastructure, open space requirements, social infrastructure and utilities provision. These new infrastructure requirements have been referenced as appropriate within the PSMDLP (2021). The PSMDLP (2021) is supported by an updated Infrastructure Delivery Plan (IDP), which sets out all the area's infrastructure requirements in further detail and provides a breakdown on their location, cost, phasing, funding source and any funding that has already been committed. The IDP identifies the global infrastructure costs, the funding gap for infrastructure necessary to support the draft Local Plan and potential funding sources to address this, such as planning contributions, borrowing and government funding opportunities.
 - b) Town centres. With Old Oak North now re-instated as SIL, the previous alignment for Old Oak Major Town Centre is no longer deliverable. There remains a need to deliver a similar quantum of town centre uses to meet the needs of residents and workers. The modifications to the draft Local Plan therefore continue to identify the need for a new major town centre, but modifications have been made to the location for its delivery. Its previous alignment remains through Acton Wells and Old Oak South, but instead of extending into Old Oak North, the centre is now shown as extending through Atlas Junction and into Channel Gate. This alignment will better serve existing and planned residential neighbourhoods and is well served by bus services between Harlesden and North Acton. The Neighbourhood Centre designation for Atlas Junction has been removed as this has now been subsumed within Old Oak Major Town Centre. With the orientation of the northern portion of Old Oak Major Town Centre now moving west, amendments to the cluster policies along Scrubs Lane have been made to support small scale walk-to town centre uses. This provision will provide services for the community along Scrubs Lane and employees within Old Oak North while complementing the wider town centre hierarchy.

Figure 2: Proposed modifications to alignment of Old Oak Major Town Centre



2. *Other modifications required to ensure general conformity with the Mayor's Publication London Plan.*

3.19 OPDC's Submission Draft Local Plan (SDLP) was submitted to the Secretary of State in October 2018. OPDC officers had drafted the SDLP to ensure it was in general conformity with the draft new London Plan (2017). The new London Plan has subsequently undergone its Examination in Public and ministerial directions and as a consequence, some of the London Plan policies have been amended in the Publication London Plan (2020). OPDC officers have reviewed the draft Local Plan policies and made adjustments, where required, to ensure that the PSMDLP is in general conformity with the Publication London Plan.

3. *Modifications to ensure that the draft Local Plan is aligned with the Government's changes to the Use Class Order introduced in September 2020.*

3.20 On 1 September 2020, amendments to use classes in the Town and Country Planning (Use Classes) Order 1987 came into effect. The amendments

revoked some existing use classes and subsumed them into a new class E that includes:

- Display or retail sale of goods, other than hot food
- Sale of food and drink for consumption (mostly) on the premises
- Provision of:
 - o Financial services,
 - o Professional services (other than health or medical services), or
 - o Other appropriate services in a commercial, business or service locality
- Indoor sport, recreation or fitness (not involving motorised vehicles or firearms)
- Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)
- Creche, day nursery or day centre (not including a residential use)
- Uses which can be carried out in a residential area without detriment to its amenity:
 - o Offices to carry out any operational or administrative functions,
 - o Research and development of products or processes
 - o Industrial processes

3.21 Modifications have been made to the Plan in light of the introduction of class E. The modifications with regards to this principally focus on:

- removing references to use classes that have now been revoked and replacing them where appropriate throughout the document.
- updates to policies in the Town Centres and Community Uses chapter, including the deletion of policy TCC3 (A-Class Uses).
- updates to the definitions with the glossary.

4. Modifications requested by the planning inspector during the examination in public, prior to the issuing of the interim findings in September 2019.

3.22 OPDC submitted the draft Local Plan to the Secretary of State in October 2018 and OPDC's planning inspector was appointed in November 2018. Between November 2018 and August 2019, the planning inspector has requested that a series of modifications to be made to the draft Local Plan. These modifications primarily relate to:

- Modifications to ensure that policies deal with requirements for development rather than procedures or documentation that should be submitted by applicants.
- Modification to ensure that planning policies and figures are clearer and easier to interpret.
- Amendments to address specific issues raised in the planning inspector's pre-hearing questions and representations at the examination hearings

3.23 These modifications are preceded by the code MINOR/PS/REF and MM(1-17)/PS/REF within the PSMDLP (2021) in Appendix A, Table of Text Modifications in Appendix B and Table of Figure Modifications in Appendix C.

5. Modifications made to the draft Local Plan, post Regulation 19 consultation but prior to submission of the draft Local Plan to the planning inspectorate in October 2018

3.24 The PSMDLP (2021) also includes within it track changes that were made to the draft Local Plan following the Regulation 19 (2) public consultation in 14th June- 30th July 2018 and submission to the Secretary of State on 4th October 2018. These modifications relate to modifications proposed by OPDC in response to representations made at the Regulation 19 (2) public consultation. These modifications were approved by the OPDC Board at its 28th September 2018 meeting, prior to submission of the draft Local Plan to the Secretary of State. These modifications are preceded by the code MINOR/REF or MINOR/2/REF within the PSMDLP (2021) in Appendix A, Table of Text Modifications in Appendix B and Table of Figure Modifications in Appendix C.

Supporting evidence

3.25 Table 2 provides an overview of the new or updated supporting study documents that have been compiled to provide evidence to support the modifications contained within the PSMDLP (2021). The Summary of Supporting Studies document (Appendix D) provides a more in-depth summary for each of these studies.

Table 2: PSMDLP Supporting Studies.

App.	Title	Purpose	Key outputs/ recommendations
E	Bus Strategy Update (2021)	Update the indicative bus network and capacity requirements over the course of the Local Plan period	Indicative network, infrastructure requirements, phasing and costings.
F	Channel Gate Development Framework Principles (2021)	Provide a local vision and place guidance specific to the Channel Gate Place	The place can deliver a minimum of 3,100 homes and 10,700 sqm economic floorspace Identifies need for infrastructure including 2 ha park, a new strategic road and town centre uses
G	Development Capacity Study Update (2021)	Identifies sites with development potential for housing and non-residential land uses and sets out an indicative housing trajectory for deliverable (0 to 5 years)	Identifies development capacities for the plan period (2018-2038) of: <ul style="list-style-type: none"> • 19,850 new homes • 36,350 jobs • 871,350 sqm non-residential floorspace

		and developable (6 to 20 years) sites.	
H	Grand Union Canal Massing and Enclosure Statement Update (2021)	To establish indicative heights/massing of development facing on to the Grand Union Canal outside of Strategic Industrial Locations.	Recommends a range of generally 6 to 8 storeys for sites facing on to the Grand Union Canal with increased heights and taller buildings at key crossing points.
I	Industrial Land Review Addendum (2021)	Sets out the evidence for SIL retention and release and confirms potential across the OPDC area for a net gain in industrial floorspace over the Local Plan period.	Re-instatement of SIL in Old Oak North. Release of SIL elsewhere to maintain general conformity with OPDC's London Plan housing targets. Demonstrates potential for a net additional 250,428sqm of industrial floorspace.
J	Infrastructure Delivery Plan (2021)	Identify the infrastructure required to support the regeneration of the area, its location, phasing and funding	Infrastructure requirements are estimated to cost £2.1 billion with a funding gap of £136 million to £202 million, depending on the level of planning contributions. There are however various funding sources of alternative funding available to address this funding gap.
K	Integrated Impact Assessment (IIA) Addendum and Habitat Regulation Assessment (HRA) (2021)	Assesses the proposed modifications made to the Local Plan that with regard to sustainability, health equalities and European habitat sites.	The IIA assessment concludes that the proposed modifications to the draft Local plan have, on the whole, resulted in positive changes to the IIA outcomes. The HRA assessment concludes that the modifications are unlikely to have any significant effects on the European habitats sites and an Appropriate Assessment is not required.
L	Old Oak North Intensification Study (2021)	Provide a local vision and place guidance specific to the Old Oak North Place	Capacity to deliver 212,584 sqm of industrial floorspace. Locations for enhanced pedestrian and cycle connectivity and active frontages to support place-making.
M	Preliminary Infrastructure Design and Costing Study (2021)	Provide preliminary designs and costs for infrastructure to inform OPDC's Infrastructure Delivery Plan.	Provides designs and costs for, inter alia, new roads, pedestrian and cycle and vehicular bridges, social infrastructure, public open spaces.
N	Scrubs Lane Development Framework Principles Update (2021)	Updates the local vision and place guidance specific to the Scrubs Lane Place.	Capacity to deliver 3,500 homes and 18,400sqm of economic floorspace. Designation of the new Mitre Way Cluster and delivery of Wormwood Scrubs Street providing an all modes connection to Kensal Canalside Opportunity Area.

O	Social Infrastructure Needs Study Update (2021)	Identify social infrastructure required to support the Old Oak and Park Royal population over the Local Plan period.	Need in the Local Plan period for one 3FE primary school (2031), health hub (2024), four super-nurseries, 2 community hubs and expansion of policy and ambulance facilities.
P	Strategic Site Allocations Viability Assessment (2021)	Assesses the viability of the 4 largest modified sites within the PSMDLP: Channel Gate, Cargiant, EMR and North Pole East Depot	The industrial site allocations (Cargiant and EMR) are viable. Channel Gate can viably deliver 25-35% affordable housing without grant and up to 40% with grant. North Pole East Depot can viably deliver 5-25% affordable housing without grant and up to 35% with grant.
Q	Tall Buildings Statement Update (2021)	Provides a definition for a tall building and appropriate locations for tall buildings	Locations for tall buildings have been modified: <ul style="list-style-type: none"> • 3 School Road / 99 Victoria Road is included as an appropriate location. • Hythe Road identified as an appropriate location for two tall buildings (previously one tall building) • Mitre Way Cluster identified as an appropriate location. • Channel Gate identified as an appropriate location. • Old Oak North SIL – identified as an appropriate location. • Old Oak South – area adjusted to reflect refined development site area.

Stakeholder Engagement

- 3.26 OPDC officers have undertaken extensive engagement with a range of stakeholders to inform the modifications to the draft Local Plan. This has included the following stakeholder groups:
- Landowners. OPDC has approached and met with landowners affected by the proposed modifications to discuss the proposed modifications and to seek agreement in principle for any revisions to land use and associated development capacity and phasing. Statements of Common Ground are being agreed with key landowners and will be provided to the planning inspector.
 - Public bodies:
 - o OPDC has held fortnightly meetings with officers from the London Boroughs of Brent, Ealing and Hammersmith and Fulham to share drafts of evidence documents and the proposed modifications to the draft Local Plan

- GLA and TfL. Officers have discussed the proposed modifications and evidence with officers from the GLA and TfL, to ensure that the proposed modifications and approach to evidence ensure that OPDC maintain general conformity with the Publication London Plan. Statements of Common Ground have been agreed and will be submitted to the planning inspector.
 - Other public bodies. OPDC officers have also shared draft evidence and proposed modifications with other key public bodies, including the Royal Borough of Kensington and Chelsea, West London Alliance and the Environment Agency.
 - Residents and community groups. OPDC officers undertook community engagement on the emerging draft Local Plan modifications from 24th November to 18th December 2020. This engagement was publicised on OPDC's website and social media channels alongside advertisements in local newspapers and social media. Emails were sent to stakeholders, including community groups and a leaflet was produced to explain the proposed modifications to the draft Local Plan. OPDC officers held two virtual community meetings, these were attended by 71 residents and interested parties and also offered to meet individual resident groups to present the proposed modifications. Although this was not a formal consultation, OPDC invited community members to make comments on the proposed draft modifications. Many comments were made during the two community meetings and these were responded to during and after the meeting. Some other comments were also sent by email. These comments have been used to inform the development of evidence and proposed modifications to the draft Local Plan.
- 3.27 Following OPDC Board approval of the PSMDLP and associated evidence and the inspector's fact-checking, there will be a statutory main modifications consultation where stakeholders would be able to make formal representations on the draft Local Plan. Subject to these representations, there may be further examination hearings where stakeholders would be able to appear in front of the inspector to request modifications to the draft Local Plan.

Next Steps

- 3.28 Following consideration by the Planning Committee, the PSMDLP (2021) (Appendix A) and associated documents (appendices B-Q) will be reported to OPDC Board for approval.
- 3.29 Subject to Board approval, these documents will be submitted to OPDC's planning inspector. The programme beyond this point is in the control of the planning inspector but it is likely to comprise of the following:

- The inspector reviews the modifications to ensure that they include the modifications he had previously requested and appropriately address his interim findings.
 - A main modifications public consultation will be undertaken, which would run for a minimum of 6 weeks in accordance with OPDC's Statement of Community Involvement.
 - OPDC will then review representations made as part of this consultation, respond to comments and recommend any further modifications
 - The inspector will decide if further public hearings are required and if so, hearings will be held.
 - The inspector will then write his final report, setting out if he considers the Local Plan to be sound and directing further changes he deems necessary to make the Local Plan sound.
 - OPDC will then adopt the Local Plan.
- 3.30 Officers envisage that the above procedures would take approximately 9 months and that the draft Local Plan is likely to be considered or adoption in autumn/winter 2021.

4 Equality comments

- 4.1 An Integrated Impact Assessment (IIA) Addendum 2021 (Appendix K) has been produced as a supporting study to the PSMDLP. It incorporates the requirements for undertaking an Equalities Impact Assessment in the Equality Act 2010. The IIA concludes that the proposed modifications result in positive outcomes when assessed against the IIA objectives that consider equalities considerations.

5 Financial implications

- 5.1 There are no direct financial implications arising from this report. Expenditure and income are subject to the Corporation's decision-making process.

6 Legal implications

- 6.1 No legal implications arise from the report and it is consistent with the Corporation's legal framework.

Appendices

All appendices can be accessed online at the following webpage:

<https://www.london.gov.uk/about-us/organisations-we-work/old-oak-and-park-royal-development-corporation-opdc/get-involved-opdc/local-plan/submission-and-examination/opdc-post-submission-modified-draft-local-plan>

Appendix A: Post Submission Modified Draft Local Plan (2021)
Appendix B: Table of text modifications
Appendix C: Table of figure modifications
Appendix D: Summary of Supporting Studies (2021)
Appendix E: Bus Strategy Update (2021)
Appendix F: Channel Gate Development Framework Principles (2021)
Appendix G: Development Capacity Study Update (2021)
Appendix H: Grand Union Canal Massing and Enclosure Statement Update (2021)
Appendix I: Industrial Land Review Addendum (2021)
Appendix J: Infrastructure Delivery Plan (2021)
Appendix K: Integrated Impact Assessment Addendum and Habitat Regulation Assessment (2021)
Appendix L: Old Oak North Intensification Study (2021)
Appendix M: Preliminary Infrastructure Design and Costing Study (2021)
Appendix N: Scrubs Lane Development Framework Principles Update (2021)
Appendix O: Social Infrastructure Needs Study Update (2021)
Appendix P: Strategic Site Allocations Viability Assessment (2021)
Appendix Q: Tall Buildings Statement Update (2021)

Report originator: Tom Cardis, Head of Planning Policy, OPDC
Telephone: 020 7983 5552
Email: tom.cardis@opdc.london.gov.uk

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