

Old Oak and Park Royal Local Plan examination

Initial questions 13 November 2018

Q1 Typographical Points

The third sentence of paragraph 3.27 has some duplicated/garbled text. Could the OPDC confirm a correction as a minor modification, please?

In the copy of the plan which has been submitted to me the colour registration of figures 3.10, 3.15, 3.16, 4.5 and 10.3 is unclear. On figure 3.10 the key shows Old Oak Street as lime green but it appears yellow on the figure itself. Similarly, on figure 3.16, the key shows ongoing industrial intensification as a lime green but on the figure itself it appears yellow. On figure 3.15, the key for areas where tall buildings are an appropriate form of development in principle and the specific locations where tall buildings are an appropriate form of development in principle are both the same dark purple but on the figure itself they are shown in differing shades of purple. The key to figure 4.5 indicates three different kinds of frontage but only one appears on the figure itself. Is that correct? On figure 10.3 the colouration of Clusters and of Metropolitan Town Centre appears indistinguishable in the key but appears on the figure itself as two different shades of purple.

The map base for figures 3.3, 4.13 and 4.17 appears to show the route of the spur from the Elizabeth Line to the overground route from Euston to Watford Junction. Is that an error?

Policy EU8(h) appears to duplicate policy EU7.

In the Glossary, the definition against the term Place repeats the definition against the term Permitted Development.

Q2 I am not clear about the relationship between the various figures within the plan and the Policies Map; for example, the mixed use area on figure 3.7 does not appear on the Policies Map, the provisions of figure 3.13 do not appear to be translated to the Policies Map, nor do the tall buildings provisions of figure 3.15, the Local Nature Reserve provisions of figure 6.3, the Metropolitan town centre provisions of figure 10.3 or some of the detailed provisions of figures 4.2, 4.5, 4.6, 4.7, 4.10, 4.13, 4.15, 4.17, 4.19, 4.21, 4.23, 4.25, 4.27, 4.30, 4.32, 4.34, 4.36, 4.38, 4.40, 4.42, 4.44 and 4.45. To what extent are the figures within the text to be regarded as inset maps to the Policies Map?

Q3 Many of the policies in the plan set process requirements rather than performance requirements, by which I mean that they require a planning application to be validated by being accompanied with certain documents rather than requiring a completed development to fulfil certain criteria.

Examples are:

- Policy SP3(d) "Proposals should undertake Health Impact Assessments (HIAs) as part of major development proposals, to assess the development's impacts on health. HIAs should include recommendations to mitigate any negative impacts of major developments on health and should be conducted early enough in

the planning process to influence the design and/or implementation of the proposal.” (Comment; this places no obligation on a development actually to minimize adverse effects on health, it simply requires the production of a document to assess the matter).

- Policy SP8(d) “Proposals should deliver and/or positively contribute towards a varied, well-designed, integrated and high quality green infrastructure and open space network, by ensuring that major development proposals are delivered in accordance with an appropriate Green Infrastructure and Open Space Strategy and Management Plan.” (Comment; there is no specific requirement for any development to achieve any level of performance in relation to the assessment criteria set out in paragraph 3.68 which describes what matters must be covered in the GIOSSMP).
- Policy SP10(i) “Proposals should enable a comprehensive and integrated approach to the delivery of development and infrastructure that, where appropriate, is accompanied by an Infrastructure Delivery Strategy.” (Comment; an Infrastructure Delivery Strategy is simply a document presumably required for validation purposes; there is no requirement here for any particular infrastructure to be delivered by any particular development.)
- Policy D1 (Comment; the requirements of this policy are entirely related to the process of drawing up a planning application, there is nothing substantive with which the development as built is to comply).
- Policy D3(c) “Proposals will be supported where they engage with relevant stakeholders to inform proposals at the earliest opportunity.” (Comment; a proposal is inanimate and so cannot engage; only its proponents can engage, so this policy would be judging applicants, not developments; playing the man, not the ball.)
- Policy D5(c) and (d) “Proposals for tall buildings will be supported as an appropriate form of development in principle where they undertake proactive engagement with the community and other relevant stakeholders, including the Greater London Authority and Historic England; and accord with relevant guidance for RAF Northolt safeguarding zones including consulting with the Defence Infrastructure Organisation on any proposals of 91.4m above ground level.” (Comment; other than the compliance with the RAF safeguarding zones, this policy judges the applicants, not the application. Paragraph 5.40 gives some indications of the kind of policy considerations that should be taken into account but it does not go so far as saying what the policy should be).
- Policy D6(a), (h(i)) and (i(i)) “Proposals will be required to deliver an appropriate standard of amenity by: (a) submitting a Daylight, Sunlight and Microclimate Assessment where the scale of proposed buildings has the potential to affect the amenity of sensitive neighbouring uses; (h) minimising the effects of the urban heat island effect by: (i) requiring proposals referable to the Mayor of London to undertake modelling to identify potential impacts on the urban heat island effect; and (i) minimising excessive wind speeds generated by development by (i) requiring proposals referable to the Mayor of London to undertake wind tunnel modelling early in the design process.” (Comment; the requirement to submit an assessment or model is simply an application validation requirement which says nothing about the standards of daylight,

sunlight or microclimate which the completed development must achieve.)

- Policy D7(b) "Proposals that impact on a key view will be supported where they define, assess and justify their impact on any other views relevant to the proposal and clearly demonstrate how it delivers a positive contribution to the relevant key views" (Comment; the first part of this policy seems to be judging a proposal by whether it has supporting justification rather than by whether it would adversely affect a key view in actuality).
- Policy D8 requires a justification to be submitted with an application, a sequential approach to be followed in its formulation and a Heritage Impact Assessment to be submitted. (Comment; these are all process requirements; they say nothing about the qualities which the development itself has to achieve).
- Policy EU3(c) and (e) "Development proposals will be supported where they ensure sufficient capacity within the sewerage network by, as part of applicants' Water Efficiency, SuDS and Drainage Statement, demonstrating how the development will enable capacity to be released within the existing combined sewer network to accommodate additional foul water flows, without compromising the ability of other developers to meet future development needs and undertake Flood Risk Assessments (FRAs) for schemes meeting the thresholds set out in DEFRA and EA guidance." (Comment; If the sewerage network has sufficient capacity but a Drainage Statement has not been submitted, would planning permission be refused? Conversely, would a development be supported simply because a FRA has been undertaken, regardless of the actual likelihood of it being flooded?)
- Policy EU4 (a) and (b) "Development proposals will be supported where they appropriately minimise air pollution and make a positive contribution to overall improvement in air quality by (a) submitting an Air Quality Assessment (i) for all major planning applications; and/or (ii) where the proposed development includes new uses or buildings that have the potential to generate air pollution; and/or (iii) where a sensitive use is proposed in close proximity to an existing source of air pollution; (b) ensuring the Air Quality Assessment required under (a) considers: (i) the potential impacts of pollution from the development on the site and on neighbouring sites; (ii) potential exposure to pollution above the Government's air quality objective concentration targets; and (iii) the impacts of demolition, construction and operational phases of development". (Comment; other than the requirement to minimize air pollution, this policy sets out no substantive requirements for a development to achieve, only processes for an application to go through; the meat of the policy is in subsequent sections (c) to (k)).
- Policy EU5(a) "Development proposals will be supported where they: (a) submit a Noise and Vibration Assessment (NVA) which will be required for all major developments and in respect of all applications where the location is likely to be particularly sensitive to noise. The NVA should cover both the construction and operation phases of development and include predictive noise and vibration modelling to: (i) avoid significant adverse impacts of noise and vibration on health and quality of life as a result of new development; (ii) demonstrate development complies with the most relevant and current building standards (BS); and (iii) identify unacceptable impacts and secure the appropriate delivery of

mitigation measures” (Comment; presumably, what the development is to achieve is to avoid significant adverse impacts of noise and vibration on health and quality of life; the rest just sets a process requirement for an application to follow).

- Policy EU6(d)(i) “Major development proposals will be supported where they demonstrate; (i) through a Site Waste Management Plan, waste will be managed, both during construction and operation, as high up the waste hierarchy as possible”. (Comment; presumably, the policy is that Major development proposals will be supported where their waste, both during construction and operation will be managed as high up the waste hierarchy as possible. The Site Waste Management Plan is simply a process requirement for an application to be validated.)
- Policy EU7. This is entirely phrased as a requirement for validating an application. (Comment; presumably the policy is that major development proposals should be built of materials capable of disassembly and re-use and using components and building systems which are leased or rented).
- Policy EU9(a)(iv), (v) and (vii). “Major development proposals will be supported where they carry out post-construction audits to demonstrate that the carbon reduction measures have been fully implemented and are achieving the calculated CO2 reduction targets; (v) demonstrate that the risks of overheating have been addressed through the design of the development. To address the risks of overheating, applicants for major developments should accord with the Mayor’s cooling hierarchy and carry out modelling in line with the most up to date guidance from the GLA and CIBSE. Modelling should take account of the predicted risks of climate change; (vii) submit an energy statement which shows compliance with this policy”. (Comment, it’s not clear how a post-construction audit, a modelling exercise or an energy statement will do more than produce documents required for validating an application; parts (i), (ii) (iii) (omitting the phrase “design buildings to”) and (vi) make it clear what the development must achieve).
- Policy EU13(e)(ii) “When development is proposed on or near a site that is known to be, or there is good reason to believe may be, contaminated, or where a sensitive use is proposed, development proposals will be required: (e) prior to permission being granted to: (i) carry out a Preliminary Risk Assessment, including a desk-top study and production of a conceptual site model; and (ii) produce a Site Investigation Scheme. (Comment; this is just a process requirement, setting out what is needed to validate an application. The policy applicable to the development itself is set out in the subsequent section (f)).
- Policy T7(a) “Development proposals will be supported where they (a) provide measures to coordinate and reduce freight, servicing and delivery trips by: (i) providing a forecast of delivery activity associated with the development and relevant movement data that OPDC and TfL can use for dynamic modelling purposes; (ii) producing and implementing a Delivery and Servicing Plan; and (iii) utilising freight consolidation centres where feasible and appropriate” (Comment; sub-clauses (i) and (ii) do not require the development to do anything; they require the applicant to provide material to allow the application to be validated.)
- Policy T8(a)(i) and (ii) “Development proposals will be supported where they: (a) provide measures to reduce construction trips by: (i) providing forecast vehicle trip information; (ii) producing and

implementing a Construction Logistics Plan and Construction Code of Practice, consistent with TfL guidance”, (Comment; by themselves, (i) and (ii) would not achieve (a)).

- Policy E1(e) “OPDC will protect, strengthen and intensify land within the designated SIL boundary by ensuring proposals demonstrate through a Design and Access Statement that they are well designed for their intended purpose having regard to providing flexibility for a range of broad industrial type activities, including appropriate identified future employment growth sectors. Adequate floor to ceiling heights should be provided having regard to relevant evidence base studies.” (Comment; to be effective, the policy should focus on the attributes of the development, not the attributes of a Design and Access Statement (which may be a validation requirement but is not actually part of the development.) Presumably the policy is that developments should provide flexibility to accommodate a wide range of broad industrial type activities and should have adequate floor to ceiling heights.)
- Policy E5. (Comment. As written this is entirely a requirement for a validation document; it does not set out clearly what a development is expected to achieve in order to be acceptable, although hints are given in the text at paragraph 9.34 but no targets are set).
- Policy TCC1 (e) and (f) “To support, complement and avoid significant adverse impacts to the role and function of OPDC’s designated town centres and the surrounding town centre hierarchy, proposals for town centre uses (e) should be supported by a Town Centre Uses Statement, where they provide over: (i) 5,000sqm of town centre uses in the Old Oak Major Town Centre; or (ii) 2,500sqm of town centre uses elsewhere; (f) should be supported by an impact assessment in accordance with the NPPF and NPPG, where proposals are providing retail, leisure or office development that exceeds the thresholds in (e)(i) and ii.” (Comment; A Statement, as required, does not of itself achieve the objectives of the policy and does not make clear what character, scale or form it is that the development itself must take to be acceptable.)
- Policy TCC2 (b) “Applications providing outdoor uses such as eating and drinking uses with outdoor seating, event space or street markets will be supported where they do not detract from residential amenity and transport connectivity. Any proposals for event space and/or street markets would need to be accompanied by an appropriate management plan” (Comment; this does not make it clear what the management plan is supposed to achieve).
- Policy TCC5(e) “OPDC will support the provision of a high quality cultural offer in the OPDC area and Cultural Quarter in Old Oak by requiring schemes providing over 2,500sqm of town centre uses to submit an appropriate Cultural Action Plan” (Comment; simply submitting a Cultural Action Plan does not necessarily achieve a high quality cultural offer; what is it that the Cultural Action Plan is expected to achieve in order to make the development acceptable?)
- Policy TCC8 (Comment; this is entirely drafted as a process requirement for a Catalyst Uses Statement as a validation requirement; it does not give any indication of how the development itself is expected to perform against the five criteria set out in part (b) of the policy).

- Policy TCC9(b) "All major development proposals will be required to submit an appropriate Meanwhile Feasibility Study and if feasible, an appropriate Meanwhile Strategy" (Comment. This seems to be stating a validation requirement rather than indicating how the development itself is expected to perform against the criteria set out in paragraphs 10.66 and 10.67.)
- Policy TCC10(a)(ii) "OPDC will contribute to London's visitor infrastructure and London's overall need for hotel bedspaces by: (a) supporting proposals for new and expansions to existing visitor accommodation where they (ii) are accompanied by an appropriate management plan" (Comment; other than the hint in paragraph 10.69 there is nothing in the policy to indicate what limitations to the development would be required by the management plan to make the development acceptable. As it stands, the policy implies that the mere absence of a document would make the development unacceptable, whereas presumably all that is meant is that an application would not be validated.)
- Policy DI3(e) "OPDC will proactively engage with stakeholders and encourage active participation in the planning and delivery of development in the OPDC area by (e) requiring developers and/or management companies of major development proposals to undertake a post-occupancy survey." (Comment; it is unclear how a post-occupancy survey will so alter the development proposed as to make it acceptable where the absence of such a survey would make it unacceptable.)

Although many of these requirements for documentation may be necessary to help the OPDC evaluate an application and some are recommended by NPPF or national Guidance, the requirement to produce a document does not, of itself, alter the characteristics of a development to make it more or less acceptable. The requirement for these documents may be better expressed as part of the OPDC's registration requirements (s62(4A) of the 1990 Act and Article 11(3)(c) of the 2015 Town and Country Planning (Development Management Procedure) Order). Those requirements are not examined for their soundness as are the provisions of a Development Plan.

My concern with the inclusion of these process policies in the plan in their current form is that, in many cases, they obscure the substance of the OPDC's policy towards development itself. To discover the true meaning and effect of the policies, the reader must look beyond the stated requirement for an Assessment, Statement or Appraisal. Sometimes clues are found within the supporting text of the plan. Sometimes they must be inferred from the simple requirement for a document to be produced. This is unclear and, because it is unclear, it is unlikely to be effective. Effectiveness is one of the tests of soundness and so I invite the OPDC to reflect upon the content and wording of these policies.

- Q5 A number of policies in the plan (SP10(c) § 3.89, P1C1 § OOC.3, P2 § OON.14 and OON.23, P3 § GUC.15, P7 § NA.16 and NA.18, P7C2 § OCL2, T2(a), T3(a) and § 7.24, T5(a), T6(a) and § 7.45, TCC4 (c) and (d) and § 10.26, 10.27, 10.30-10.33 and TCC6(c)(iv)) delegate specific requirements to the OPDC's Infrastructure Delivery Plan.

National Guidance (Paragraph 018 Reference ID 12-018-20140306) accepts that the detail concerning planned infrastructure provision can be set out in a supporting document such as an infrastructure delivery

programme that can be updated regularly. However, Guidance is clear that the key infrastructure requirements on which delivery of the plan depends should be contained in the Local Plan itself.

It is not clear to me that the plan as submitted complies with this aspect of national Guidance. The Local Plan should make it clear what is intended to happen in the area over the life of the plan, where and when this will occur and how it will be delivered (Guidance paragraph 002 Reference ID 12-002-20140306). Where sites are proposed for allocation, sufficient detail should be given to provide clarity to developers, local communities and other interests about the nature and scale of development (Addressing the “what, where, when and how” questions). (Guidance paragraph 010 Reference ID: 12-010-20140306). I invite the OPDC to revisit these references to the Infrastructure Delivery Plan to ensure that there is no material left to the IDP which should in fact be included in the Local Plan itself and indicated on the policies map (or the various figures included in the text of the plan, if they are to count as insets to the Policies map).

- Q6 Policy P1(i)(i) refers to the provision of an Old Oak South Local Park of a minimum of 2hectares in size but I cannot identify the location of this on figure 4.2 or indeed on the Policies Map itself. Should it be shown?
- Q7 Paragraph OOS.15 refers to a need to deliver one community hub, one supernursery and one sports centre in Old Oak South. But these do not appear to be shown on figure 4.2 (or indeed on the Policies Map) Should they be?
- Q8 The “vision” section of Policy P2 refers to a Grand Union Canal food and beverage quarter (also referred to later in paragraph GUC3(a)) but this does not appear to be shown on figures 4.7 or 4.10 (or indeed, the Policies Map). Should it be?
- Q9 Policy SP6 sets out the proposal to create a new town centre hierarchy. Table 10.1 quantifies the A-class floorspace requirements during the Local Plan period. Would the OPDC please direct me to the section(s) of the Retail and Lesiure Needs study which assess(es) the impact of this level of growth on other nearby centres such as White City, Brent Cross and Ealing?
- Q10 Policy SP8 requires new development outside the SIL to provide 30% of their developable area as publicly accessible open space (repeated in policy EU1). Would the OPDC please direct me to the relevant passages of the evidence base which establish the viability of this policy requirement?
- Q11 Would the OPDC please direct me to the passages in the evidence base which indicate how the housing and floorspace targets were arrived at for each site allocation listed in table 3.1.
- Q12 Paragraph OON.13 includes the final sentence; “Park Road should be designed for all modes but should not be delivered as a through route for private vehicles” but this does not appear as a requirement in policy P2(g)(ii). Should it?
- Q13 Paragraph OON.14 says “Old oak Street should be designed to be a vehicular route, where feasible but, as with Park Road, it should not be

designed as a through route for private vehicles.” but this does not appear as a requirement in policy P2(g)(ii). Should it?

- Q14 Policy P3 sets out requirements for development along the canal. Paragraph GUC.3 lists possible mooring locations. Should these be shown on figure 4.10 (and the Policies map)?
- Q15 Paragraph OPR.5 refers to two allocation sites but these are not shown on figure 4.17. Should they be? (and on the Policies map?)
- Q16 Paragraph NA.8 notes the designation of the Quattro site within the West London Waste Plan and says proposals should accord with this designation but that requirement does not appear in policy P7 or on figure 4.21. Should it?
- Q17 Paragraph NA.16 notes that the IDP identifies that there is a need for one supernursery and an on-site 9FE secondary school. But there is no indication of this on figure 4.21 (or on the Policies Map) Should there be?
- Q18 Paragraph 5.8 says that OPDC will expect a s106 monitoring contribution to be payable if the original architects are not retained for the detailed design stage. The contributions will be used to secure design advice on revisions to the scheme to ensure that the original design quality is maintained through detailed design. This is tantamount to an additional fee for processing a planning application over and above the fee allowed by regulation. The test for acceptability of a planning obligation is that it is necessary to make the development acceptable, not necessary to process the application. Can the OPDC please convince me that this provision is not ultra-vires or contrary to the statutory test for a planning obligation?
- Q19 A substantial part of paragraph 6.90 appears to be setting out policy not stated in policy EU7 (the clue is in the frequent use of the word “should”). There is a similar use of the word “should” in paragraphs 6.95 (h) and (i) setting out requirements not stated in policy EU8. Should these requirements be included in the policies themselves?
- Q20 Is the final sentence of paragraph 7.10 (“The street network must....”) setting out a policy not included in policy T1?
- Q21 Is the first sentence of paragraph 7.25 (“Investments in....”) setting out a policy not included in policy T3?
- Q22 Policy H3 encourages the provision of housing for families. Paragraph 8.33 claims that the SHMA identifies a need for 64% of new market housing to be 3 bedrooms or more. But the policy seeks a provision of only 25% family housing. How is the demand to be met? Has the OPDC obtained provision elsewhere through the Duty to Cooperate?
- Q23 is the policy of 25% family housing (policy H3) feasible when policy H4 limits family housing to ground or first floors but the places policies P1, P2, P6, P7 and P11 envisage residential buildings taller than eight floors?