

Appendix A



**Old Oak Park Royal
Development Corporation
(OPDC)**

Submission Local Plan

**Review of
Integrated Impact Assessment (IIA)
June 2018**

on behalf of
Old Oak Park Ltd

February 2019

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Annex 1 – Stages of IIA and Compliance with SEA Regulations

Executive Summary

- ES.1 This document has been prepared by **Jam Consult Ltd** on behalf of **Old Oak Park Ltd** with regards to a 46 acre (18.6 ha) site within Old Oak Common known as Old Oak Park, currently home to Cargiant. The site has been identified for release from Strategic Industrial Land (SIL) and re-designation in order to deliver new homes and jobs for the Old Oak Park Royal Opportunity area.
- ES.2 The report provides a review of the Integrated Impact Assessment (IIA), which incorporates the Sustainability Appraisal, of the Council's Submission Local Plan, June 2018. Sustainability Appraisal (SA) is mandatory for new or revised Development Plan Documents (DPDs), which includes the Local Plan under section **19(5) of the Planning and Compulsory Purchase Act 2004**. When conducting an SA of DPDs an environmental assessment must also be conducted in accordance with the requirements of **European Directive 2001/42/EC** (The Strategic Environmental Assessment Directive), transposed into the UK legislation by the **Environmental Assessment of Plans and Programmes Regulations 2004, Section 12**.
- ES.3 The OPDC has previously consulted on the following IIA documents, which have also been considered in this review, as it is necessary to look at the SA process as a whole, given the iterative nature of the process:
- Scoping Report, 2015
 - Regulation 18, IIA February 2016
 - Regulation 19 (1), June 2017
 - Regulation 19 (2), June 2018
- ES.4 This report identifies the Regulations and Guidance that are applicable to the Local Plan preparation and Sustainability Appraisal (SA) process. The document then sets out consideration of the SA process to date. The report draws attention to the significant flaws identified in the SA process, in relation to the Opportunity Area.
- ES.5 The review has shown that the IIA is completely deficient, particularly in respect of the assessment of 'reasonable alternatives' available as well as substantial flaws in the application of the IIA methodology itself. The IIA process has failed to include an assessment of all reasonable alternatives in relation to the Spatial Strategy; Policy Options; and Site Allocations, fundamental to the development of the Local Plan strategy.

- ES.6 The only options considered in relation to the Spatial Strategy concern affordable housing provision. The reason given for this approach is set out in **Section 3.4** of the **Regulation 19(2) IIA pp12-13**, which states that the Further Alterations to the London Plan (FALP) 2015 identified a target to deliver 25,500 homes and 65,000 new jobs, which has been carried forward in to the latest draft New London Plan 2017.
- ES.7 The FALP sets out the Policy for the Opportunity Areas in **Policy 2.13, pp76-77**. Particular attention is drawn to **part B (c) Planning Decisions**:
“Development proposals within opportunity areas and intensifications areas should:
c Contribute towards meeting (or where appropriate), exceeding the minimum guidelines for housing and/or estimates for employment capacity set out in Annex 1, **tested as appropriate** through opportunity area planning frameworks and/or local development frameworks.” **[emphasis added]**
- ES.8 The OAPF also states at para 1.23:
“Initial assessments undertaken by OPDC suggest that Old Oak and Park Royal combined could accommodate the delivery of 25,500 homes and 65,000 jobs. OPDC will, through it’s Local Plan, carry out work to further consider the deliverable quantum of development.”
- ES.9 An IIA of the OAPF was carried out in November 2015 but did not carry out any formal testing of alternatives as required by the Regulations and guidance. Two possible scenarios for the quantum of residential and commercial space were considered but they were not assessed against the IIA framework and therefore did not assess the necessary social, economic and environmental implications of the different options against the baseline. **(OAPF IIA, Section 5, pp91-94)**
- ES.10 A Transport Strategy for the OAPF was also prepared in 2015, however, the following should be noted:
“The study didn’t consider the impacts of the number of homes being proposed nor the number of jobs. As such this needs careful consideration in the Local Plan” **Appendix B, B.13.1 (p151 PDF)**
- ES.11 The OPDC Local Plan sets out an ambitious Spatial Vision & Strategic Policies for the regeneration of the area, which aim to deliver: high density; commercial; industrial and residential development; including new mixed-use development; significant new infrastructure and services; and the provision of new open space.

- ES.12 The Local Plan sets out the key ‘challenges’ (p13) to achieving the vision as:
- The Role of Park Royal and Old Oak and Strategic Industrial Land
 - Higher Density Development
 - Climate Change and infrastructure provision
 - Deliverability and viability of development and infrastructure
 - Diversity of Housing
 - Competing demand for space – including open space and services
 - Adaptability and phasing
 - Managing traffic and construction and the need for ne transport infrastructure.
- ES.13 Yet, despite the significant challenges identified in delivering the Local Plan, the only spatial issue to be considered at all within the IIA has been affordable housing provision. It is clear from the London Plan policy, OAPF and the SA regulations and guidance that different Spatial Options needed to be tested to ensure the selection of the most appropriate strategy for the regeneration of the area. Such options should have included the following suggested alternatives or combinations of options:
- ‘Business as usual’ or ‘do nothing’ approach
 - Extent of SIL re-designation and industrial intensification
 - Quantum/mix of development
 - Location of development
 - Variation in densities/locations for tall buildings
 - Infrastructure requirements – transport, open space
 - Phasing and deliverability
- ES.14 The above spatial options have not been tested at any stage of the SA process, including the ‘business as usual’ or ‘do nothing’ approach, which is of particular relevance for a regeneration area. It can therefore not be determined whether any of the identified ‘challenges’ can be overcome. The IIA therefore shows a complete lack of transparency in how decisions in the Plan have been made.
- ES.15 Owing to the significance of the Strategic Industrial Land within the Opportunity Area, alternatives to its release and re-designation were essential issues for consideration. Other options should also have tested whether the proposed quantum, mix, distribution and density of development or the proposed transport and open space infrastructure, would deliver the most appropriate strategy.

- ES.16 In addition, the quantum of development that is proposed for allocation within the Local Plan period (20,100 homes and 40,400 jobs) is actually lower than the London Plan target, and is in effect a reasonable alternative, which contradicts the reasons given in the IIA for not testing other alternative options.
- ES.17 An assessment of some policy options was carried out in the Regulation 18 version of the IIA. However, there is no explanation within the IIA of what those policy options were or the reasons for their selection. There is also no explanation of the reason alternatives were rejected.
- ES.18 With regard to the site allocations, the Local Plan includes 34 site allocations out of a total 55 sites that were originally considered. The IIA has only considered the allocated sites in its assessment. All of the sites should have been assessed against the IIA framework and reasons for the selection and rejection of alternatives provided. The assessment results provide generic, optimistic assumptions, which have not considered the baseline scenario or the evidence base available.
- ES.19 Different scenarios should have been tested within the IIA to understand the social, economic and environmental impacts of alternative policies and proposals, in order for the SA to demonstrate how it has informed the development of the Plan. **Paragraph 018** of the National Planning Practice Guidance sets out how the SA should assess alternatives and identify likely significant effects. The SA has failed to carry out the assessment according to the regulations and guidance above, particularly in respect of the following:
- No consideration of key 'challenges' to inform the selection of options
 - Failure to assess all reasonable alternatives, in particular the Spatial Strategy Options, Policy Options and Site Options for the Plan
 - Failure to provide an outline of the reasons the alternatives were selected, the reasons the rejected options were not taken forward and the reasons for selecting the preferred approach in the light of the alternatives
 - Failure to provide conclusions on the overall sustainability of the different alternatives
 - Inadequate prediction and evaluation of the effects
 - Failure to link to the appropriate evidence to support the decisions taken
 - Inadequate assessment of cumulative effects
 - Failure to suitably identify potential mitigation measures
 - Failure to show how the SA has informed the Local Plan
 - Failure to demonstrate a transparent process.

- ES.20 It is clear from the London Plan policy, OAPF and the SA regulations and guidance that different Spatial Options needed to be tested to ensure the selection of the most appropriate strategy for the regeneration of the area. It is evident from the findings above that a sustainability assessment of the spatial options has not been undertaken (**see Annex 1 to this report**) and the IIA cannot have informed the development of the Plan. The SA is therefore totally deficient.
- ES.21 The IIA has not been prepared in parallel to the development of the Local Plan to inform its development. A ‘retrofitting’ exercise to try and correct the failures in the IIA will therefore not be possible as it will not achieve the aims of the regulations or legal requirements.
- ES.22 The failures identified in the assessment demonstrate that the findings cannot be considered credible, justified or robust and can only lead to the conclusion that the SA is not fit for purpose or legally compliant and that the OPDC Local Plan can therefore not be considered sound.

1.0 Introduction

“A sustainability appraisal is a systematic process that must be carried out during the preparation of a Local Plan. Its role is to promote sustainable development by assessing the extent to which the emerging plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives.” **NPPG 001**

- 1.1 This document has been prepared by **Jam Consult Ltd** on behalf of **Old Oak Park Ltd** with regards to a 46 acre (18.6 ha) site within Old Oak North known as Old Oak Park, currently home to Cargiant. The site has been identified for release from Strategic Industrial Land (SIL) and re-designation in order to deliver new homes and jobs for the Old Oak Park Royal Opportunity area.
- 1.2 The report provides a review of the Integrated Impact Assessment (IIA), which incorporates the Sustainability Appraisal, of the Council’s Submission Local Plan, June 2018. The OPDC has previously consulted on the following IIA documents, which have also been considered in this review, as it is necessary to look at the assessment process as a whole, given the iterative nature of the process:
- Scoping Report, 2015
 - Regulation 18, IIA February 2016
 - Regulation 19 (1), June 2017
 - Regulation 19 (2), June 2018
- 1.3 Sustainability Appraisal (SA) is mandatory for new or revised Development Plan Documents (DPDs), which includes the Local Plan under section **19(5) of the Planning and Compulsory Purchase Act 2004**. The appraisal should include an assessment of the economic, social and environmental sustainability of the plan.
- 1.4 When conducting a SA of DPDs an environmental assessment must also be conducted in accordance with the requirements of **European Directive 2001/42/EC** (The Strategic Environmental Assessment Directive), transposed into the UK legislation by the **Environmental Assessment of Plans and Programmes Regulations 2004, Section 12**.
- 1.5 Sustainability Appraisals should be carried out in accordance with Government Guidance ‘National Planning Practice Guidance’ and the ‘National Planning Policy Framework, 2012 (updated 2018)’. Sustainability Appraisal, as defined under the Planning and Compulsory Purchase Act, fully incorporates the requirements of the SEA directive.

- 1.6 Other documents and guidance that should be referred to include:
- EC Guidance on the SEA Directive – Implementation of Directive 2001/42 on the assessment of the effects of certain plans and programmes on the environment, September 2003
 - The Planning Inspectorate - Local Development Frameworks: Examining Development Plan Documents – Learning from Experience, September 2009
 - Local Development Frameworks: Examining Development Plan Documents – Soundness Guidance, Planning Inspectorate, August 2009 and update February 2010
 - Principles of Plan Making, Chapter 6 The Role of Sustainability Appraisal, PAS April 2013.
 - RTPi Practice Advice Note, January 2018.

2.0 The SA Process

The **NPPG [001]** is clear on the purpose of the SA process:

“This process is an opportunity to consider ways by which the plan can contribute to improvements in environmental, social and economic conditions, as well as a means of identifying and mitigating any potential adverse effects that the plan might otherwise have. By doing so, it can help make sure that the **proposals in the plan are the most appropriate given the reasonable alternatives. It can be used to test the evidence underpinning the plan** and help to demonstrate how the tests of soundness have been met. Sustainability appraisal should be applied as an iterative process informing the development of the Local Plan.”
[emphasis added]

2.1 Scoping Report

- 2.1.1 The Scoping Report for the IIA was published for consultation in December 2015, which sets out the proposed methodology and scope of the assessment. Of particular note is **section 2.2.1, pp7-8**, which relates to the **‘Aspects of the Local Plan to be Assessed and how’** and **‘Assessment of Alternatives’**, as follows:

“As options emerge, each of its components will be assessed to determine sustainability performance and to provide recommendations for sustainability improvements.”

“It is a requirement of the SEA Directive that ‘reasonable alternatives’ are assessed and, therefore, alternative options will be assessed using the IIA Framework.”

“The types of alternative options to be reviewed are currently anticipated to include:

- Strategic Spatial Strategy Options;
- Possible strategic policy directions; and
- Possible site allocations.”

2.1.2 It is clear that at this stage in the process it was intended to examine reasonable alternatives to the Strategic Spatial Strategy, Policies and Site Allocations as required by the regulations and guidance.

2.2 Integrated Impact Assessment

2.2.1 An Integrated Impact Assessment (IIA) incorporating Sustainability Appraisal has been carried out at all stages of the Local Plan Development, including Regulation 18, Regulation 19 (1) and Regulation 19 (2). However, the review of the IIA has found that the assessment is inadequate and does not comply with the necessary regulations and guidance at each stage in the process.

Assessment of Spatial Options

2.2.2 The IIA process has failed to include an assessment of all reasonable alternatives in relation to the Spatial Strategy; Policy Options; and Site Allocations. The only options considered in relation to the Spatial Strategy concern affordable housing provision.

2.2.3 The reason given for this approach is set out in **Section 3.4** of the **Regulation 19(2) IIA (pp12-13)**, which states that the Further Alterations to the London Plan (FALP) 2015 identified a target to deliver 25,500 homes and 65,000 new jobs, which has been carried forward into the latest draft New London Plan 2017. “In light of these strategic planning documents defining the housing and jobs targets for the Old Oak and Park Royal, alternative development capacities are not considered to be reasonable alternatives and have therefore not been assessed.”

2.2.4 The IIA goes on to explain:
“Overarching strategic options were assessed ahead of the drafting of the Regulation 18 Local Plan. The purpose of the assessment was to determine the sustainability strengths and weaknesses of each option, such that this information would be used by the plan-makers to develop the plan’s policy options and preferred policies.”

2.2.5 There is no explanation of what the ‘overarching strategic options’, which were considered included. Such options are not provided in the Regulation 18 IIA Report and no assessment of such options has been found.

2.2.6 The above approach also clearly differs from that set out in the Scoping Report and does not comply with either the SA regulations and guidance or the policy of the London Plan.

- 2.2.7 The approach also contradicts the OAPF, which stated:
“1.23 Initial assessments undertaken by OPDC suggest that Old Oak and Park Royal combined could accommodate the delivery of 25,500 homes and 65,000 jobs. OPDC will, through its Local Plan, carry out work to further consider the deliverable quantum of development.
- 2.2.8 An IIA of the OAPF was carried out in November 2015, however, it did not carry out any formal testing of alternatives as required by the Regulations and guidance. Two possible scenarios for the quantum of residential and commercial space were considered but they were not assessed against the IIA framework and therefore did not assess the necessary social, economic and environmental implications of the different options against the baseline. **(OAPF IIA, Section 5, pp91-94)**
- 2.2.9 A Transport Strategy for the OAPF was also prepared in 2015, however, the following should be noted:
“The study didn’t consider the impacts of the number of homes being proposed nor the number of jobs. As such this needs careful consideration in the Local Plan” **Appendix B, B.13.1 (p151 PDF)**
- 2.2.10 The FALP sets out the Policy for the Opportunity Areas in **Policy 2.13, pp76-77**. Particular attention is drawn to **part B (c) Planning Decisions**:
“Development proposals within opportunity areas and intensifications areas should:
c Contribute towards meeting (or where appropriate), exceeding the minimum guidelines for housing and/or estimates for employment capacity set out in Annex 1, **tested as appropriate** through opportunity area planning frameworks and/or local development frameworks.” **[emphasis added]**
- 2.2.11 The National Planning Practice Guidance (NPPG) also provides specific advice on the assessment of alternatives:
“The sustainability appraisal needs to compare **all reasonable alternatives** including the preferred approach and assess these against the baseline environmental, economic and social characteristics of the area **and the likely situation if the Local Plan were not to be adopted.**” **NPPG 018 [emphasis added]**
- 2.2.12 Given the relatively small area of the Opportunity Area and its regeneration focus, then it would have been appropriate to test the alternative of **‘business as usual’** or **‘do nothing’** to provide a comparison of the change and scale of impact that is expected to result, particularly in relation to existing occupants and land uses.

- 2.2.13 The OPDC Local Plan sets out an ambitious Spatial Vision & Strategic Policies for the regeneration of the area, which aim to deliver: high density; commercial, industrial and residential development; new mixed-use development; significant new infrastructure and services; and the provision of new open space.
- 2.2.14 The Local Plan sets out the key ‘challenges’ (**p13**) to achieving the vision as:
- The Role of Park Royal and Old Oak and Strategic Industrial Land
 - Higher Density Development
 - Climate Change and infrastructure provision
 - Deliverability and viability of development and infrastructure
 - Diversity of Housing
 - Competing demand for space – including open space and services
 - Adaptability and phasing
 - Managing traffic and construction and the need for ne transport infrastructure.
- 2.2.15 Yet, despite the significant challenges identified in delivering the Local Plan, the only spatial issue to be considered at all within the IIA has been affordable housing provision. The Spatial Options should have included the following suggested alternatives or combinations of options:
- Extent of SIL re-designation and industrial intensification
 - Quantum/mix of development
 - Location of development
 - Variation in densities/locations for tall buildings
 - Infrastructure requirements – transport, open space
 - Phasing and deliverability
- 2.2.16 The above spatial options have not been tested at any stage of the SA process (**see Annex 1 to this report**). It can therefore not be determined whether any of the identified ‘challenges’ can be overcome. The IIA therefore shows a complete lack of transparency in how decisions in the Plan have been made.
- 2.2.17 Owing to the significance of the Strategic Industrial Land within the Opportunity Area, alternatives to its release and re-designation were essential issues for consideration. Other options should also have tested whether the proposed quantum, mix, distribution and density of development or the proposed transport and open space infrastructure, would deliver the most appropriate strategy.

- 2.2.18 The guidance also states that the alternatives considered must be realistic and deliverable. There are several issues, which are currently uncertain or untested within the Old Oak Area, particularly in relation to infrastructure provision. For example, the provision of stations, the alignment of roads and rail networks and the quantum and location of open space. Such infrastructure provision will have significant impacts upon the spatial strategy and the phasing, deliverability and viability of development, which should have been assessed through the IIA.
- 2.2.19 In addition, the quantum of development that is proposed for allocation within the Local Plan period (20,100 homes and 40,400 jobs) is actually lower than the London Plan target, and is in effect a reasonable alternative, which contradicts the reasons given in the IIA for not testing other alternative options.
- 2.2.20 An assessment of options with regard to the 'Places' identified has also not been carried out. It would appear that the 'Places' were defined through the Opportunity Area Planning Framework (a non-statutory document) but this is not explained within the IIA and the rationale has not been tested. Had an assessment of potential 'Places' been incorporated within an assessment of Spatial Strategy Options, this omission may not appear so significant. As a consequence, the reader cannot understand whether the defined 'Places' are appropriate or not.
- 2.2.21 It is clear from the London Plan policy, OAPF and the SA regulations and guidance that different Spatial Options needed to be tested to ensure the selection of the most appropriate strategy for the regeneration of the area. It is evident from the findings above that a sustainability assessment of the spatial options has not been undertaken and can therefore not have informed the development of the Plan. The SA is therefore totally deficient.

Assessment of Policy Options

2.2.22 An assessment of some policy options was carried out in the Regulation 18 version of the IIA. However, there is no explanation within the IIA of what those policy options were or the reasons for their selection. There is also no explanation of the reason alternatives were rejected.

2.2.23 Again, the regulations and guidance are clear on this issue:

“The sustainability appraisal should outline the reasons the alternatives were selected, the reasons the rejected options were not taken forward and the reasons for selecting the preferred approach in light of the alternatives. It should provide conclusions on the overall sustainability of the different alternatives, including those selected as the preferred approach in the Local Plan. Any assumptions used in assessing the significance of effects of the Local Plan should be documented.”

NPPG 018

Assessment of Site Options

2.2.24 The Local Plan includes 34 site allocations out of a total 55 sites that were originally considered. The IIA has only considered the allocated sites in its assessment. All of the sites should have been assessed against the IIA framework and reasons for the selection and rejection of alternatives provided.

2.2.25 The site allocations are not shown on a plan or listed by name within the IIA. Only a site number is provided, which makes the results very difficult to interpret. The site allocations within each ‘Place’ have all been scored the same, which is unlikely, with no description of the type or quantum of development being assessed. The assessment also fails to take account of the baseline scenario, against which the impact should be tested. Instead the assessment focuses on what could be achieved by the policy, if implemented, and is extremely broad brush.

2.2.26 The regulations and guidance are clear:

“The term ‘baseline information’ refers to the existing environmental, economic and social characteristics of the area likely to be affected by the Local Plan, and their likely evolution without implementation of new policies.

Baseline information provides the basis against which to assess the likely effects of alternative proposals in the plan.” **NPPG 011**

2.2.27 As a result of the above error, the IIA has failed to consider the impact of the policies and proposals on the existing land uses and occupants. This is particularly important given the proposed release of SIL and its re-designation for housing and commercial land uses.

Assessment Methodology

2.2.28 The assessment methodology identified for use in the IIA (p49) is in line with the regulations, however, the application of the methodology is considered flawed. Examples of some of the errors in the assessment in relation to Old Oak North are set out below.

2.2.29 A summary of the policy impacts for the Places Chapter is set out below:
“The majority of effects against each of the policies are predicted to be positive. An overarching highlight against each Place policy is listed below, with recommendations for the Places chapter provided. An intensification of development in this area and for this duration will bring about its challenges for not just the existing residents and businesses but also those who start to move in amidst the change. **How these impacts will be felt across the OPDC area and beyond it, particularly on the existing road network and to existing businesses and residents will rely heavily on strong policies elsewhere in the Local Plan so as to minimize the scale and cumulative aspects of those impacts.** As such, the direction of the Place policies, their clusters and any site allocations give have been considered in light of the other Local Plan policies being proposed.” IIA 7.4.1, p69 (emphasis added)

2.2.30 Given the identified challenges for the development of the area, it is not known how the majority of effects can be positive. The detailed assessment results show further errors. For example, the assessment of **Policy P2** and site allocations **A2, A3 and A4 (Appendix D, PDF page 199 - no page numbers are given in document)** against **Objective 3: ‘Maximise the reuse of previously developed land and existing buildings, including the remediation of contaminated land’**, are provided below:

“P2 The whole of OPDC is in an area of previously developed land. It is likely that remediation will be required given the historic uses present on site, but this isn’t stated in the policy or the supporting text. (+)

Sites: All development in the OPDC area is on previously developed land, so these allocations will score positively against this objective. (+)”

2.2.31 All of the above allocations are given a minor positive impact. Given the unknown nature of contamination, the result cannot be positive and is at best uncertain. The assessment should link to the evidence available on this matter e.g. a contaminated land study, and the implications of remediation on deliverability and viability of development. The assessment has also failed to identify any necessary mitigation measures.

2.2.32 The assessment results against **Objective 18**: ‘To encourage inward investment alongside investment within existing communities, to create sustainable economic growth’, are also flawed.

“P2 The policy wording encourages flexible workspace typologies at locations adjacent to transport or utilities infrastructure. The requirement for the Harlesden Enhancement Strategy will support the continued functioning of Harlesden District Town Centre to the north. This should help to provide benefits against this objective. Further benefits in terms of connections to Harlesden town centre, could further deliver sustainability benefits. Boroughs Providing new, high quality homes in the OPDC area can attract investment.

Sites: The whole OPDC area itself is all about regeneration, transport and jobs and will score positively against this objective.”

2.2.33 The assessment fails to consider the existing land use constraints of the specific sites being assessed or the potential need for relocation of existing employment uses; and consequences this may have upon delivery and viability.

2.2.34 The assessment results provide generic, optimistic assumptions, which have not considered the baseline scenario or the evidence base available. Another example, is with regard to **Objective 17**: ‘Maximise the social and economic wellbeing of the local and regional population and improve access to employment and training’

“It can be assumed that site allocations that contributes housing will have some associated social infrastructure contained within it. The site allocations are located near employment opportunities and sustainable transport links. This will make jobs in other locations in London more accessible.”

2.2.35 Whilst the above statement may be a fair assumption, the purpose of the IIA is to assess the likely significant impacts of implementing the Local Plan. Where information is identified, through the evidence base, it should be considered in the assessment. As a consequence, the IIA does not demonstrate that it is either robust or credible.

2.3 Cumulative Effects

2.3.1 The cumulative effects are set out in **Table 7.12, pp76-78** of the IIA. The results are very simplistic and again make very broad-brush statements, which are not linked to the baseline data or evidence. For example, the impact upon economic inclusion is regarded as positive because of the jobs that will be created. However, there is no discussion of the potential cumulative impacts of the loss of existing employment uses or the need for relocation of businesses. Similarly, the impact upon access to goods and services is regarded as positive with no discussion of the challenges for the implementation of the transport infrastructure and potential impacts upon air quality and congestion during construction, and in operation until the proposed infrastructure is complete.

2.4 Mitigation Measures

- 2.4.1 **Schedule 2 (7)** of the regulations sets out the information, which should be included within the SA report, including the requirements for mitigation measures.
- “The measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan or programme.”
- 2.4.2 The IIA states at page 67:
- “The detailed IIA of these individual policies together with recommendations for mitigation/enhancement measures is provided in Appendix D.”
- 2.4.3 The mitigation measures are not set out within the SA Report or within Appendix D but instead a general reference is made to the Local Plan policies for mitigation. It is not clear what type of mitigation measures have been identified for specific issues.

2.5 Consultation

- 2.5.1 The Consultation responses to the Reg 18 and 19(1) consultations are provided at **Appendix C** of the IIA. However, there is no explanation within the SA report on the issues raised in the consultations and how these have been taken into account in decision-making. In particular, the issue raised with regard to the need to assess alternative strategic options or reasonable alternative options, which have not been tested in the regulation 18 and 19 versions of the Local Plan. Reasonable Strategic Options, other than affordable housing provision exist (as set out in this report) and should have been considered.

3.0 Conclusions

The **National Planning Practice Guidance** on SEA/SA is clear in **Paragraph 001**:

“A sustainability appraisal is a systematic process that must be carried out during the preparation of a Local Plan. Its role is to promote sustainable development by assessing the extent to which the emerging plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives.

This process is an opportunity to consider ways by which the plan can contribute to improvements in environmental, social and economic conditions, as well as a means of identifying and mitigating any potential adverse effects that the plan might otherwise have. By doing so, it can help make sure that the proposals in the plan are the most appropriate given the reasonable alternatives. It can be used to test the evidence underpinning the plan and help to demonstrate how the tests of soundness have been met. Sustainability appraisal should be applied as an iterative process informing the development of the Local Plan.”

- 3.1.1 The review of the IIA has been prepared on behalf of **Old Oak Park Ltd** with regards to a 46 acre (18.6 ha) site within Old Oak North known as Old Oak Park, currently home to Cargiant. The site has been identified for release from Strategic Industrial Land (SIL) and re-designation in order to deliver new homes and jobs for the Old Oak Park Royal Opportunity area.
- 3.1.2 Under section **19(5) of the Planning and Compulsory Purchase Act 2004**, Sustainability Appraisal (SA) is mandatory for new or revised Development Plan Documents (DPDs), which includes the Local Plan. When conducting an SA of DPDs an environmental assessment must also be conducted in accordance with the requirements of **European Directive 2001/42/EC** (The Strategic Environmental Assessment Directive), transposed into the UK legislation by the **Environmental Assessment of Plans and Programmes Regulations 2004, Section 12**.
- 3.1.3 The review has shown that the IIA is completely deficient, particularly in respect of the assessment of ‘reasonable alternatives’ available as well as substantial flaws in the application of the IIA methodology itself. The IIA process has failed to include an assessment of all reasonable alternatives in relation to the Spatial Strategy; Policy Options; and Site Allocations, fundamental to the development of the Local Plan strategy.

- 3.1.4 The only options considered in relation to the Spatial Strategy concern affordable housing provision. The reason given for this approach is set out in **Section 3.4** of the **Regulation 19(2) IIA pp12-13**, which states that the Further Alterations to the London Plan (FALP) 2015 identified a target to deliver 25,500 homes and 65,000 new jobs, which has been carried forward in to the latest draft New London Plan 2017.
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- 3.1.6 The OAPF also states at para 1.23:
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- 3.1.8 A Transport Strategy for the OAPF was also prepared in 2015, however, the following should be noted:
“The study didn’t consider the impacts of the number of homes being proposed nor the number of jobs. As such this needs careful consideration in the Local Plan” **Appendix B, B.13.1 (p151 PDF)**

- 3.1.9 The OPDC Local Plan sets out an ambitious Spatial Vision & Strategic Policies for the regeneration of the area, which aim to deliver: high density; commercial; industrial and residential development; including new mixed-use development; significant new infrastructure and services; and the provision of new open space.
- 3.1.10 The Local Plan sets out the key ‘challenges’ (**p13**) to achieving the vision as:
- The Role of Park Royal and Old Oak and Strategic Industrial Land
 - Higher Density Development
 - Climate Change and infrastructure provision
 - Deliverability and viability of development and infrastructure
 - Diversity of Housing
 - Competing demand for space – including open space and services
 - Adaptability and phasing
 - Managing traffic and construction and the need for ne transport infrastructure.
- 3.1.11 Yet, despite the significant challenges identified in delivering the Local Plan, the only spatial issue to be considered at all within the IIA has been affordable housing provision. It is clear from the London Plan policy, OAPF and the SA regulations and guidance that different Spatial Options needed to be tested to ensure the selection of the most appropriate strategy for the regeneration of the area. Such options should have included the following suggested alternatives or combinations of options:
- ‘Business as usual’ or ‘do nothing’ approach
 - Extent of SIL re-designation and industrial intensification
 - Quantum/mix of development
 - Location of development
 - Variation in densities/locations for tall buildings
 - Infrastructure requirements – transport, open space
 - Phasing and deliverability
- 3.1.12 The above spatial options have not been tested at any stage of the SA process, including the ‘business as usual’ or ‘do nothing’ approach, which is of particular relevance for a regeneration area. It can therefore not be determined whether any of the identified ‘challenges’ can be overcome. The IIA therefore shows a complete lack of transparency in how decisions in the Plan have been made.

- 3.1.13 Owing to the significance of the Strategic Industrial Land within the Opportunity Area, alternatives to its release and re-designation were essential issues for consideration. Other options should also have tested whether the proposed quantum, mix, distribution and density of development or the proposed transport and open space infrastructure, would deliver the most appropriate strategy.
- 3.1.14 In addition, the quantum of development that is proposed for allocation within the Local Plan period (20,100 homes and 40,400 jobs) is actually lower than the London Plan target, and is in effect a reasonable alternative, which contradicts the reasons given in the IIA for not testing other alternative options.
- 3.1.15 An assessment of some policy options was carried out in the Regulation 18 version of the IIA. However, there is no explanation within the IIA of what those policy options were or the reasons for their selection. There is also no explanation of the reason alternatives were rejected.
- 3.1.16 With regard to the site allocations, the Local Plan includes 34 site allocations out of a total 55 sites that were originally considered. The IIA has only considered the allocated sites in its assessment. All of the sites should have been assessed against the IIA framework and reasons for the selection and rejection of alternatives provided. The assessment results provide generic, optimistic assumptions, which have not considered the baseline scenario or the evidence base available.
- 3.1.17 Different scenarios should have been tested within the IIA to understand the social, economic and environmental impacts of alternative policies and proposals, in order for the SA to demonstrate how it has informed the development of the Plan. **Paragraph 018** of the National Planning Practice Guidance sets out how the SA should assess alternatives and identify likely significant effects. The SA has failed to carry out the assessment according to the regulations and guidance above, particularly in respect of the following:
- No consideration of key 'challenges' to inform the selection of options
 - Failure to assess all reasonable alternatives, in particular the Spatial Strategy Options, Policy Options and Site Options for the Plan
 - Failure to provide an outline of the reasons the alternatives were selected, the reasons the rejected options were not taken forward and the reasons for selecting the preferred approach in the light of the alternatives

- Failure to provide conclusions on the overall sustainability of the different alternatives
- Inadequate prediction and evaluation of the effects
- Failure to link to the appropriate evidence to support the decisions taken
- Inadequate assessment of cumulative effects
- Failure to suitably identify potential mitigation measures
- Failure to show how the SA has informed the Local Plan
- Failure to demonstrate a transparent process.

- 3.1.18 It is clear from the London Plan policy, OAPF and the SA regulations and guidance that different Spatial Options needed to be tested to ensure the selection of the most appropriate strategy for the regeneration of the area. It is evident from the findings above that a sustainability assessment of the spatial options has not been undertaken (**see Annex 1 to this report**) and the IIA cannot have informed the development of the Plan. The SA is therefore totally deficient.
- 3.1.19 The IIA has not been prepared in parallel to the development of the Local Plan to inform its development. A ‘retrofitting’ exercise to try and correct the failures in the IIA will therefore not be possible as it will not achieve the aims of the regulations or legal requirements.
- 3.1.20 The failures identified in the assessment demonstrate that the findings cannot be considered credible, justified or robust and can only lead to the conclusion that the SA is not fit for purpose or legally compliant and that the OPDC Local Plan can therefore not be considered sound.

Annex 1 - Stages of IIA & Compliance with SEA Regulations

Reg 19(2)

IIA 19(2), Appendix F (PDF pp 436-444) of the IIA set out how the assessment has complied with SEA Regulations.

The Reasonable alternatives are shown to be in:

- **Chapter 6 - Allocation of Alternatives**
Chapter 6 sets out a compatibility assessment of the narratives attached to the Spatial Vision. This is not an assessment of alternatives against the baseline scenario.
- **Chapter 8 – Policy Alternatives**
Chapter 8 provides the Proposed SA monitoring framework, it is not Policy Alternatives
- **Appendix D – Assessment of Preferred Policy Options**
Appendix D is the Preferred Policies Assessment, it does not include options

It then states at **No. 8 (PDF p437)** that an outline of the reasons for selecting the alternatives is provided in the following sections:

- **Chapter 2, Section 8.1, 8.2 – origins of the alternatives dealt with**
Chapter 2 sets out the stages in the IIA process, which states that the Options were evaluated and selected at the Regulation 18 stage
Section 8.1 and 8.2 relate to monitoring not the selection of alternatives
- **Chapter 3 – approach and method, including difficulties**
Chapter 3 deals with Stage A - Setting the Context and Objectives, Establishing the Baseline and Deciding on the Scope. Section 3.4 deals with assessment of alternatives, which explains that no reasonable alternatives have been assessed owing to the FALP requirements. No difficulties are identified.
- **Appendix F**
Appendix F is the table which should show how the SEA regulations have been met. This reference is not needed.

Reg 19(1)

IIA 19(1), Appendix F (PDF pp 414-427) of the IIA set out how the assessment has complied with SEA Regulations.

The Reasonable alternatives are shown to be in:

- **Chapter 5 – Strategic Options**
Chapter 5 sets out the appraisal of Strategic Options, which only includes options for Affordable Housing
- **Chapter 7 – Policies**
Chapter 7 provides an assessment of the preferred policies and provides no explanation or narrative on policy options
- **Appendix D – Assessment of Preferred Policy Options**
Appendix D is the Preferred Policies Assessment, it does not include options
- **Appendix F -Table of how SEA Regulations have been met**

It then states at **No. 8 (PDF p415)** that an outline of the reasons for selecting the alternatives is provided in the following sections:

- **Chapter 3 – approach and method, including difficulties**

Chapter 3 deals with Stage A - Setting the Context and Objectives, Establishing the Baseline and Deciding on the Scope.

Section 3.4 deals with assessment of alternatives, which explains

“Overarching strategic options were assessed ahead of the drafting of the Regulation 18 Local Plan. The purpose of the assessment was to determine the sustainability strengths and weaknesses of each option, such that this information would be used by the plan-makers to develop the plan’s policy options and preferred policies (section 6.3).”

- **Appendix F**

Appendix F is the table which should show how the SEA regulations have been met. This reference is not needed.

Reg 18

IIA Reg 18, Appendix F (PDF pp 195-199) sets out the Strategic Options assessment, which includes only affordable housing provision.

Appendix G – Policy Options – includes some options to policies but these are not explained in the Appendix or main SA report

There is no table which shows how the SEA regulations have been met.

There is no Appendix or information which assesses or explains the ‘Overarching Strategic Options’ considered before Regulation 18.



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