

OPDC Local Plan

Statement of Common Ground and Issue Statement

Between

Old Oak and Park Royal Development Corporation

and

Royal Borough of Kensington and Chelsea

26/02/2019

1. Introduction

- 1.1. This Statement of Common Ground and Issue Statement has been prepared between the Old Oak and Park Royal Development Corporation (OPDC) and Royal Borough of Kensington and Chelsea (RBKC). It seeks to help to inform the independent examination of OPDC's Local Plan and will be submitted to the Planning Inspector.
- 1.2. It includes information to clarify remaining issues identified by RBKC and sets out where issues have been resolved.

2. Summary

Issue	Remaining issue	OPDC response
Gypsy and Traveller Accommodation	Acknowledgement of need arising in LBHF (an OPDC host Borough) within the OPDC Local Plan.	The Gypsy and Traveller Needs Assessment Addendum recognises the fact that there is need arising from the Stable Way site.
	Evidence of reviewing other sources of potential sites for assessment e.g. Call for sites, SHLAA, Council owned Land, register of surplus public land, London Land Commission Register, National Land use database of Previously developed land.	See paragraphs 4.1 and 4.2 in further clarifications.
	Evidence of discussions with GLA on Strategic Industrial Locations and provision of traveller pitches.	See paragraph 4.3 in further clarifications.

3. Background

RBKC Comments to OPDC Reg 19 (1) (September 2017)

- 3.1. Policy H8 supporting text states that there is no need arising in the OPDC area for Traveller pitches. The OPDC GTANA (2017), Policy H8 and

supporting text does not acknowledge that LBHF and RBKC are jointly responsible for a Traveller site at Stable Way and that the two Councils have completed a Joint GTANA (Dec 2016). The study applies the PPTS definition of Travellers and concludes that the total accommodation needs across the two boroughs, LBHF and RBKC, is 9 pitches to 2030. This needs to be acknowledged and considered as part of the OPDC GTANA, Policy H8 and associated supporting text to reflect that there is need arising within LBHF, fulfil the Duty to Cooperate and satisfy the tests of soundness.

- 3.2. The policy approach also does not reflect the work that LBHF is currently undertaking in respect of identifying sites to help meet need arising in the Joint GTANA. There are potential opportunities for additional pitch provision to be delivered as part of OPDC regeneration proposals, for land within the LBHF area, to assist LBHF to meet its joint Traveller needs.

OPDC Response to RBKC comments Reg 19 (1)

- 3.3 No change proposed. There is one Gypsy and Traveller Site within OPDC's boundaries at Bashley Way, Park Royal. OPDC's Gypsy and Traveller Accommodation Needs Assessment (GTANA) identified that there was no need for additional pitches during the Local Plan period, in accordance with guidance on completing GTANAs and the Planning Policy for Traveller Sites (PPTS). The Royal Borough of Kensington & Chelsea and London Borough of Hammersmith & Fulham are jointly responsible for one permanent site outside of OPDC's boundaries. OPDC has conducted a site assessment of land in its area to help meet needs of the Gypsy and Traveller community in these two boroughs. This has concluded that there is no land available.

OPDC Duty to Cooperate Letter to RBKC attached to copy of OPDC Gypsy and Traveller Needs Assessment Addendum (March 2018)

- 3.4 As you are aware, OPDC's Gypsy and Traveller Accommodation Needs Assessment (GTANA) confirmed that there is no need for additional pitches arising within the OPDC area. However, as pointed out in your representation, the Joint Royal Borough of Kensington & Chelsea and London Borough of Hammersmith & Fulham Gypsy and Traveller Accommodation Needs Assessment (GTANA) has identified a joint need for 9 additional pitches between 2016 and 2030. I am aware that RBKC and LBHF have agreed and published a methodology on site appraisals to meet this joint need and that the site appraisal work has not yet been finalised to establish how this identified need will be met.
- 3.5 Since your representation on the Local Plan, OPDC has undertaken an appraisal of sites within its boundary area using the same methodology to ascertain whether there is capacity to help the boroughs to meet the need for 9 additional pitches. This is appended to this letter. The appraisal assesses all sites within the OPDC area, including those raised as potential additional Gypsy and Traveller sites in responses to the Joint Royal Borough of Kensington & Chelsea and London Borough of Hammersmith & Fulham GTANA. However, the appraisal shows that there are not any suitable sites

within the OPDC area to provide additional pitches for the Gypsy and Traveller community. The full site assessment will be published on submission as an Addendum to OPDC's GTANA and is attached as an appendix to this letter. I would be grateful if you could confirm in writing by Friday 20th April 2018 that there are no outstanding issues and that the Duty to Co-operate has been discharged in relation to Gypsy and Traveller Accommodation.

RBKC Response to OPDC Gypsy and Traveller Duty to Cooperate Letter (April 2018)

- 3.6 As you set out in your letter, Kensington and Chelsea (RBKC) has been working jointly with the London Borough of Hammersmith and Fulham (LBHF) on gypsy and traveller accommodation needs and identifying opportunities to meet this need by agreeing a joint site appraisal methodology¹. The collaboration between the two boroughs has come about as the Stable Way traveller site has a shared history for both authorities. The site is jointly managed by RBKC and LBHF and was previously within LBHF's borough boundary until a boundary change took place.
- 3.7 LBHF is one of your host borough's and therefore the OPDC must acknowledge the joint need of 9 pitches arising from it and RBKC within the OPDC Local Plan.
- 3.8 RBKC has undertaken a site appraisal study for our borough following the agreed joint methodology with LBHF. This establishes that currently there is opportunity for 2 additional pitches to be delivered and there may be opportunities for additional pitches. Further discussions with landowners of the potential land assessed in this borough has concluded that there are no further opportunities for additional pitch provision beyond these 2 pitches.
- 3.9 LBHF is yet to undertake their appraisal to establish their contribution towards meeting the joint need for both boroughs. The Council is aware that this work has begun but has not been informed of the outcomes of the work. Dependant on the outcomes, assistance may be needed from OPDC and potentially other nearby boroughs to assist meeting the joint need.
- 3.10 We are pleased to see that the OPDC has used the LBHF/RBKC joint appraisal methodology to undertake its own assessment of sites, however we are concerned that, beyond assessing the sites suggested to the RBKC/LBHF Joint GTANA survey and the existing site in your area, OPDC has not presented any evidence of a call for sites for gypsy and traveller use or undertaken a review of other sources of potential sites as set out in paragraph 3.8 of the joint methodology. If this has been undertaken it should be set out in the addendum update.
- 3.11 Given the large-scale redevelopment being planned in the OPDC area there could be opportunity for the identification of additional sites to appraise. We would therefore like to better understand the process which has been undertaken to identify sites for appraisal. One such area could be on undeveloped land adjacent to or near to the existing Bashley Road site.

- 3.12 We note that the addendum update refers to Strategic Industrial Location (SIL) designation, some of which is being strategically de-designated for the development of other land uses. The OPDC could consider a further small release from the SIL as part of a strategically coordinated approach in its area. The OPDC may consider seeking views from the GLA on this as it is likely to have a view both on SIL and travellers.
- 3.13 The Mayor recently consulted on the draft new London Plan which proposes a different definition of travellers to that set nationally in the Planning Policy for Traveller sites for the purpose of assessing gypsy and traveller needs. This may have implications on the level of need assessed in the OPDC area.
- 3.14 We would welcome continued DtC discussions with yourselves on planning for gypsy and travellers which could helpfully include relevant officers from LBHF.

OPDC Next Steps

- 3.15 OPDC did not respond directly to RBKC's letter in April 2018. The issues were taken forward through the Regulation 19 (2) consultation which included the publication of the Gypsy and Traveller Needs Assessment Addendum and proposed changes to the text in Policy H8 to reflect the changes envisioned in the Draft New London Plan which would require a review of the policy and associated evidence base.

RBKC Comments to OPDC Reg 19 (2) (July 2018)

- 3.16 Policy H8 a) has been amended from protecting the existing Bashley Road site to safeguarding it and working with Ealing to enhance the site where required. However, this is at odds with paragraph 8.65 of the supporting text which states that "*As the local planning authority, OPDC is required to allocate sites to meet identified gypsy and traveller accommodation needs. OPDC will safeguard the site at Bashley Way for this purpose.*" The effectiveness of Policy H8 a) would be significantly improved by clearly stating that capacity will be increased or the existing site expanded if necessary.
- 3.17 The Council has previously provided comments to the OPDC GTANA addendum update and wish these to be considered as part of this Regulation 19 consultation as the comments remain. Our concern remains that, OPDC has not presented any evidence of a wider call for sites for gypsy and traveller use or undertaken a review of other sources of potential sites.
- 3.18 The addendum update concludes that the existing Bashley Way site is fully occupied with no potential for additional pitch provision because there is no possibility to expand the site as it is located within SIL. Therefore, there appears to be a disconnect between the evidence base and Policy H8. It is unclear whether the site is being safeguarded for existing need, future need or purely to protect it from loss to other land uses.

OPDC response to RBKC comments Reg 19 (2)

- 3.19 No change proposed. Responses from London Borough of Ealing and other stakeholders at the Regulation 19 stage consultation (see H8/5) requested that the plan should recognise that there are current problems with the Bashley Road Gypsies and Travellers site that warrant addressing, including poor drainage, noise and disturbance and vehicle access. The policy now specifies that OPDC will safeguard the site and work positively with London Borough of Ealing to improve the existing site so that it continues to provide suitable accommodation. London Borough of Hammersmith and Fulham also supported the policy which states that OPDC will work with the boroughs and give careful consideration to the future needs of Gypsies and Travellers (see H8/3). OPDC has also assessed the site for additional capacity. This found that there is no additional capacity available on the site
- 3.20 No change proposed. The policy states that OPDC will safeguard the existing Bashley Road site and work positively with London Borough of Ealing to enhance the site where required. The policy also states that OPDC will give careful consideration to the future needs of gypsies and travellers and work with the London Boroughs of Brent, Ealing and Hammersmith & Fulham to secure a sufficient supply of plots/pitches to meet the needs of existing and future gypsy and traveller households (including travelling show people). There is one permanent Gypsy and Traveller Site within OPDC's boundaries. This site is owned by the London Borough of Ealing and consists of 22 authorised and occupied pitches. OPDC's Gypsy and Traveller Accommodation Needs Assessment (GTANA) identified that there was no need for additional pitches during the Local Plan period, in accordance with guidance on completing GTANAs and the Planning Policy for Traveller Sites (PPTS). The Joint RBKC and LBHF GTANA has identified a need for 9 pitches between 2016 to 2030 based on a site outside of OPDC's boundary but helping to meet the needs of gypsies and travellers within LBHF which includes part of OPDC's area. The councils have jointly prepared a framework methodology as part of the Joint RBKC and LBHF GTANA to appraise sites. OPDC's addendum uses the same methodology to assess the potential for sites within the OPDC area to help to meet the need identified in the Joint GTANA. It identifies that there is no capacity within the OPDC area for additional pitches to meet the needs of the Gypsy and Traveller community.

4. OPDC further clarifications

- 4.1 OPDC issued a Call for Sites as part of the [Regulation 18 Draft Local Plan](#)¹ in March 2018. This included sites suitable for Gypsy and Traveller Accommodation. See Appendix C of the [Development Capacity Study](#) for the results of the Call for Sites. No sites specifically for Gypsy and Traveller Accommodation came forward.
- 4.2 RBKC has suggested that other sources of information could have been used to find suitable sites for Gypsy and Traveller Accommodation. OPDC

¹ https://www.london.gov.uk/sites/default/files/opdc_draft_local_plan_-_housing.pdf

undertook a thorough assessment of all developable sites in the Development Capacity Study. The whole of OPDC's land area consists of Park Royal Strategic Industrial Location (SIL) and is protected for employment uses, is being de-designated from SIL in order to deliver mixed-use high-density development, is required for infrastructure or is protected Metropolitan Open Land. The site assessment concluded that these sites are not appropriate for allocation as Gypsy and Traveller sites. As all deliverable and developable land has been identified, the suggested sources of Council owned land, register of surplus public land, London Land Commission Register, National Land use database of Previously developed land will not identify additional sites.

- 4.3 OPDC has had some initial discussions in August 2018 (see email exchange at Appendix 1) on the potential for identifying sites currently allocated for intensification of industrial uses for Gypsy and Traveller Accommodation with the GLA. It is not currently known whether LBHF can accommodate the required pitches in areas not located within OPDC's redline boundary and it would be premature to allocate now as it would result in a net loss in development capacity which would not be supported by the Draft New London Plan.

5. Next steps

- 5.1 LBHF is currently undertaking a Gypsy and Traveller Sites Assessment within its boundary to assess whether it can help meet the need for 9 Gypsy and Traveller pitches identified in the Joint GTANA. RBKC has completed a site assessment study for its borough and identified opportunity for two additional pitches in its area.
- 5.2 Opportunity for a further 7 pitches remain to be identified to meet the joint need. LBHF committed to completing its assessment as part of its Local Plan examination (June 2017)² with the intention of having a suitable land supply identified during 2018 to meet needs³. Following the adoption of its Local Plan on 28th February 2018, LBHF has been undertaking a site assessment using the same methodology agreed with RBKC. This work has started and will be completed in 2019. Where appropriate and if agreed with LBHF, OPDC will work with LBHF to assist in the completion of the site assessment. This will enable OPDC and the boroughs to work together to agree a way forward, in accordance with the timetable set out below.

² LBHF Local Plan Examination Document EX24: Strategy for Identification of pitches to meet Gypsy and Traveller Need.

https://www.lbhf.gov.uk/sites/default/files/section_attachments/ex24_post_hearing_gypsy_and_traveller_strategy.pdf

³ LBHF Local Plan Inspector's Report Paragraphs 40 and 41.

https://www.lbhf.gov.uk/sites/default/files/section_attachments/appendix_4_-_inspectors_report.pdf


- 5.3 It is not currently known whether there is an overall shortage of pitches to meet the needs of the Gypsy and Traveller population in the combined RBKC/LBHF area. Given that all sites within the OPDC area are contained within Opportunity Areas with associated homes targets or protected as Strategic Industrial Locations with associated industrial intensification and job targets, OPDC's Gypsy & Traveller Site Assessment demonstrates there is no capacity available within the OPDC area for additional pitches to meet the need identified in the joint GTANA.
- 5.4 It is recognised in the supporting text of Policy H8 that the Draft New London Plan has proposed a wider definition for planning purposes in London than has been adopted in the PPTS. The new definition includes people with a cultural tradition of nomadism, or living in a caravan, whatever their race or origin, including: those who are currently travelling or living in a caravan; those who currently live in bricks and mortar dwelling households whose existing accommodation is unsuitable for them by virtue of their cultural preference not to live in bricks and mortar accommodation; and those who, on grounds of their own or their family's or dependants' educational or health needs or old age, have ceased to travel temporarily or permanently. It is acknowledged in the supporting text that OPDC will have to review the GTANA, this policy and evidence base when the new definition be adopted in early 2020.
- 5.5 This will enable OPDC to take account of the wider definition and will work with the two boroughs, to take account of the results of the LBHF Site Assessment and any overall shortfall and assess whether there are additional sites within OPDC's redline boundary that could be provided for Gypsy and Traveller Accommodation by removing them from Strategic Industrial Location designation or amending homes targets on other sites.
- 5.6 To help demonstrate that OPDC will work with LBHF and RBKC AND undertake a review, subject to the adoption of the London Plan, the following indicative timetable is provided below.


Milestones	Notes	Timing
Completion of LBHF site appraisal study	LBHF officers to undertake site appraisal work in relation to sites in the borough using the Joint Site Appraisal Study Methodology.	2019
London Plan hearings finish	Based on current programme	May 2019
London Plan EiP Panel report	Based on current programme	July 2019
Scope out implications of London Plan with RBKC and outputs of LBHF Site	Subject to GLA agreeing any amendments to	July - August 2019

Appraisal Report (if available). If report is not available, then agree updated timetable with RBKC.	London Plan Policy H16 and definitions	
OPDC Local Plan presented to OPDC Board for adoption	Based on current programme	September 2019
OPDC begins review of OPDC GTANA to inform updates to Local Plan Policy H8. Discussions to be held with host boroughs and RBKC to inform scope and content.	Subject to GLA agreeing any amendments to London Plan Policy H16 and definitions	October 2019
London Plan adopted	Based on current programme	Early 2020

6.0 Confirmation of Agreement

6.1 The contents of this Issues Statement are agreed for the purposes of the OPDC Local Plan Examination.

Signed on behalf of the Old Oak and Park Royal Development Corporation		
Name and position	Signature	Date
Peter Farnham Interim Head of Planning Policy		26 February 2019

Signed on behalf of the Royal Borough of Kensington & Chelsea		
Name and position	Signature	Date
Jonathan Wade . Head of Spatial Planning .		26.2.2019 .

Appendix 1

Dear Chloe

Thank you for your message regarding industrial intensification and providing Gypsy and Traveller accommodation.

The draft new London Plan definition of Gypsies and Travellers has yet to be adopted and at this stage it would be a matter for the OPDC to consider requirements for Gypsies and Travellers in light of current adopted London Plan policy (2016). We did not raise a general conformity issue on the site allocation in question as a Strategic Industrial Location. However, when OPDC next undertake an assessment of Gypsy and Traveller sites and review their Local Plan policies, we would expect those policies and the assessments that support them to be in line with the new London Plan policy after it has been through its examination next year.

If we can be of any further help please feel free to get in touch.

Kind regards
Gerard

Gerard Burgess | Senior Strategic Planner | London Plan Team
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From: Chloe Horner
Sent: 27 July 2018 17:06
To: Gerard Burgess <Gerard.Burgess@london.gov.uk>
Subject: Re: Industrial intensification and providing Gypsy and Traveller accommodation

Yes of course Gerard. Regards Chloe

Sent from my BlackBerry 10 smartphone on the O2 network.

From: Gerard Burgess
Sent: Friday, 27 July 2018 16:30
To: Chloe Horner
Cc: Tom Cardis; Lauren Laviniere
Subject: RE: Industrial intensification and providing Gypsy and Traveller accommodation

Dear Chloe

Thank you for your message and please accept my apologies for delay in replying.

My colleague Rachel Smalley who deals with Gypsy and Traveller Site matters is back in the office next week and I am arranging to talk this through with her.

Can we get back to you later next week please?

Best wishes

Gerard

Gerard Burgess | Senior Strategic Planner | London Plan Team

Greater London Authority

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From: Chloe Horner

Sent: 10 July 2018 13:57

To: Gerard Burgess <Gerard.Burgess@london.gov.uk>

Cc: Tom Cardis <tom.cardis@opdc.london.gov.uk>; Lauren Laviniere <Lauren.Laviniere@opdc.london.gov.uk>

Subject: Industrial intensification and providing Gypsy and Traveller accommodation

Dear Gerard,

We are working through a Duty to Cooperate issue and would appreciate your thoughts on our proposed approach on this as this is likely to come up at our Examination in Public later this year.

There is one permanent Gypsy and Traveller Site within OPDC's redline boundary at Bashley Way, Park Royal. This site is owned by the London Borough of Ealing and consists of 22 authorised and occupied pitches. OPDC's Gypsy and Traveller Accommodation Needs Assessment (GTANA) identified that there was no need for additional pitches during the Local Plan period, in accordance with guidance on completing GTANAs and the Planning Policy for Traveller Sites (PPTS). The site is self-contained but an anomaly, in that it is fully contained within the Park Royal Industrial Estate Strategic Industrial Location (SIL). The site is surrounded by other SIL Industrial uses and railway.

The Royal Borough of Kensington and Chelsea (RBKC) and London Borough of Hammersmith and Fulham (LBHF) are jointly responsible for one permanent site, Stable Way, which comprises a total of 20 pitches, of which one is taken up by 'The Hut' community centre, resulting in 19 authorised pitches. The site previously fell within LBHF's administrative boundary until a boundary change in 1995 and now falls within RBKC's administrative boundary. The Joint RBKC and LBHF GTANA has identified a need for 9 additional pitches between 2016 to 2030.

RBKC has undertaken a site assessment and identified the capacity for 2 additional pitches within its area. It did not consider Kensal Riverside Opportunity Area for allocation as Gypsy and Traveller Accommodation because it has significant housing targets attached to it. LBHF has not yet carried out an assessment of sites but has committed to do so following the Examination in Public of its Local Plan. Following representations by RBKC in its response to our Regulation 19(1) Local Plan, we have carried out an assessment of sites

within our own area, using the same methodology as was agreed between RBKC and LBHF. Our assessment, attached, identified no additional capacity for new Gypsy and Traveller accommodation, largely because our area is either protected SIL, is being strategically designated from SIL through the Local Plan to accommodate significant new development, including delivering at least 25,500 new homes and 65,000 new jobs, or is Metropolitan Open Land (MOL).

Following receipt of our own site assessment, RBKC has come back again to suggest that we consider releasing further land from SIL to accommodate additional pitches, specifically the partially vacant land adjacent to the existing Bashley Road Site (see map attached). However, we have identified this specific location in the [Park Royal Intensification Study](#) as being one of the few areas within Park Royal SIL as being capable of delivering industrial intensification with the capacity to provide 30,000 sqm of net additional industrial floorspace.

We do not believe it is appropriate at this time to allocate this site for pitches for the following reasons:

- The release of SIL in Old Oak and evidence of an accelerated loss of industrial land across London means that the remaining industrial land supply must be protected and used as intensively and efficiently as possible;
- The Mayor's draft new London Plan requires the OPDC area to achieve an overall increase in floorspace suitable for broad industrial type activities and intensification in Park Royal, including on the vacant land in Bashley Way will be key to achieving this;
- It is not currently known whether LBHF can accommodate the required pitches in areas not located within OPDC's redline boundary and it would be premature to allocate this site now as it would result in a net loss in floorspace, something which the London Plan and our Local Plan does not encourage;
- The site is identified as a site allocation in the Local Plan (with a target to deliver a min 30,000sqm) and that its inclusion as a site allocation was discussed at a specific item at OPDC's Board in March 2018 and its inclusion as a site allocation was resoundingly approved by our Board – given that the site will go a long way towards ensuring OPDC can deliver an overall net gain in industrial floorspace.

From the GLA's point of view would you agree that it is important in this instance to prioritise the intensification of industrial uses over the allocation of the site for Gypsy and Traveller accommodation? We propose to set this out for the Inspector in a statement of common ground.

Regards
Chloe

Chloe Horner

Principal Housing Officer

Old Oak and Park Royal Development Corporation

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