

Old Oak and Park Royal Local Plan examination

Agenda Session 18: (i) Sustainability Appraisal and (ii) Viability of Cargiant site

Date: Thursday 6th June 2019

Time: 10am

Participants: Inspector, Corporation, Grand Union Alliance, Representatives of Old Oak park Ltd

***Please Note in view of Viability work from OPDC being submitted 31st May the Viability discussions will be adjourned to a further hearing session to be confirmed.**

Summary of issues

(i) Sustainability Appraisal

- 1** Whether the IIA is deficient in terms of reasonable alternatives, in relation to the Spatial Strategy, Policy Options and Site allocations (a list of subjects for options is put forward)
- 2** Whether the London Plan's minimum guidelines for housing or estimates for employment have been "tested as appropriate" in line with London Plan policy 2.13B(c)
- 3** Whether the testing of two scenarios in the Old Oak Planning Framework (2015) contributes to the sustainability Appraisal of the OPDC LP
- 4** Whether the Transport study considered the impact of the number of homes being proposed and the number of jobs
- 5** Whether the quantum of development proposed amounts to a reasonable alternative to the London plan targets
- 6** Whether explanations have been given of the policy options considered at Regulation 18 stage or why they were rejected.
- 7** Whether there is an explanation of why 34 sites are allocated from 55 considered.
- 8** Whether the IIA complies with the advice given in paragraph 018 of National Guidance (a list of alleged shortcomings is provided)

(ii) Viability¹

- 1** Five site typologies of Affordable Housing Viability Assessment (AHVA)(SD41) not typical of actual 31 site allocations.
- 2** Site specific viability appraisal by GL Hearn February 2018 found development to be unviable considering relocation costs and EU value.
- 3** Subsequent to Whole Plan Viability Study (SD60), average house prices have reduced and industrial land values have risen by 30%, undermining whole plan viability assessment.

The Corporation's response

(i) Sustainability appraisal

- 1.** The sustainability appraisal is not required to duplicate the consideration of reasonable alternatives carried out at an earlier stage. Spatial Strategy, quantum of housing and quantum of employment land were fixed by the London Plan and the Opportunity Area Planning Framework 2015. There are no reasonable alternatives to the spatial strategy and quantum of housing and employment that would have been consistent with the FALP and OAPF. Business as Usual/do nothing is not a reasonable option. The IIA was undertaken as part of a suite of evidence documents. Reasonable alternatives were identified and evaluated for 29 of the policies in the Local Plan at the Regulation 18 stage.
- 2.** The London Plan's minimum guidelines for housing and employment were tested through the Development Framework Principles Documents and the Development Capacity Study (the latter reiterated at each stage of plan preparation).
- 3.** The OAPF is Supplementary Planning Guidance to the London Plan and consequently, the OPDC LP must have regard to it. It includes a comprehensive land use strategy which doesn't accommodate alternatives. Principles L1 and L2 require development to abide by certain principles. Paragraph 5.5 of the OAPF IIA explains why not all environmental factors were tested; because they were common across both scenarios.
- 4.** The text of IIA Scoping Report C. 13. 1 is in error. (Inspector's Note; the IIA Scoping Report is not a submitted document. The third paragraph of section B.13.1 of Appendix B to the Reg 19(2) IIA states, in reference to the Transport Strategy; "the study didn't consider the impacts of the number of homes being proposed not the number of jobs. As such this needs careful consideration in the Local Plan." But this paragraph contradicts the first paragraph of

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section B.13.1; "The Transport Strategy made a number of high level assumptions and modelled the impact of area's proposals. It didn't take into account the transport impacts resulting from the relocation of existing activities.")

5. The London plan targets remain valid for a period beyond the OPDC LP period. The OPDC LP's provisions are not alternatives to the London Plan targets.
6. An Addendum to the Sustainability Appraisal is now provided giving explanations of the policy options considered previously and the reasons for their rejection.
7. The Development Capacity Study examined site allocation options. Those discounted as undeliverable are not reasonable options. "There is considered to be no scope for considering spatial options associated with the development of different sites, because all potential viable sites have been identified and are already included within the OPDC Local Plan." (Inspector's note; some alternative uses for various locations were considered at Regulation 18 stage; see the commentary on H5 options 1 and 2 on p78 of Appendix G to the Regulation 18 IIA, the commentary on E2 options 1 and 2 on pages 113, 116, 127 and 128, the commentary on TC2 options 1, 2, 3 and 4, TC3, option 1, TC4 option 1 on pages 129-30, 131-2 and 133-4 and TC5 option 1 on page 134)
8. A point by point response to criticisms is provided.

(ii) Viability

(to follow after 31st May)

Matters for discussion

(i) Sustainability appraisal

- 1) Have I correctly understood the thrust of the representations?
- 2) Is SA a process or a document?
- 3) Does the requirement for appropriate testing in London plan policy 2.13B(c) require testing through an SA?
- 4) What are the points "fixed" by the London Plan policy 2.13?
- 5) Is there any significance in the frequent finding of "no link to objective" in the IIA?
- 6) Do reasons for rejecting options at earlier stages of SA process need to be reiterated in all subsequent SA reports?
- 7) What inference should I draw from the comment in paragraph 70 of the "Heard" case (quoted in Para 38 of David Elvin's opinion) "Even

more so, where a series of stages leads to a preferred option for which alone an SA is being done, the reasons for the selection of this sole option for assessment at the final SA stage are not sensibly distinguishable from reasons for not selecting any other alternative for further examination at that final stage”.

8) In the light of the comment in paragraph 48 of the passage quoted from the Seaport Investment case in paragraph 41 of David Elvin’s opinion, should I be counting all the evidence base which accompanied the submitted plan as “the relevant documents?” What inferences should I draw from the considerations of options therein (of which the following is an incomplete list of examples);

- Old Oak North Development Framework Principles (Supporting Document SD5). Principle 5 looks at alternative options for Hythe Road station.
- Park Royal Development Framework Principles (Supporting Document SD6). The appendices examine specific sites in some detail, on the basis of which recommendations are made on the options of inclusion or exclusion from the revised Park Royal town centre boundary.
- Scrubs Lane Development Framework Principles (Supporting Document SD7). Paragraph 4.35 evaluates two alternative height options.
- Grand Union Canal Massing and Enclosure Statement (supporting document SD10) evaluates a range of height to width ratios and options of 5, 7 or 9 storey heights.
- Environmental Modelling Framework (Supporting document SD19) analysed the then current masterplan and considered four alternative layouts.
- The Environmental Standards Study (Supporting Document SD20) examined three energy demand scenarios in its table 4.2, three onsite renewable energy technologies in its table 4.4, three waste stream scenarios in its table 4.5, three waste treatment/disposal scenarios in its table 4.12, five water/wastewater scenarios in table 4.25, cross-refers to the scenarios examined in the Transport Study in table 4.28, examines options for urban geometry on page 136, and refers to Preferred Policy Option T7 considered at Draft Local Plan stage on page 154. Several of these analyses conclude that only one option can be taken forward to meet the plan’s objectives, supporting the OPDC’s contention that there are few or no Reasonable Options for evaluation through formal Sustainability Appraisal.
- The Integrated Water Management Strategy (Supporting document SD21) records in its executive summary that within the context of constraints and the water balance, several water management measures were considered and developed. These were assessed against a range of criteria covering deliverability as well as sustainability. These

sustainability criteria are set out in paragraph 5.2.1.8 of the Supporting Document. In chapter 6 of the document, six water management scenarios are evaluated using multi-criteria analysis including four sustainability criteria.

- The executive summary of the North Acton District Energy Network Study (supporting document SD22) records that it considered four options for supply and a “kick start network option”.
- Paragraphs 1.3.1 and 3.3.11 of the Utilities Study (Supporting Document SD25) records that four strategic options for the expansion of the electricity supply infrastructure were identified and assessed against objectives developed with OPDC and key stakeholders. Paragraph 3.3.9.1 describes two technical opportunities for reinforcing the electricity network supplying Old Oak. Paragraph 3.5.5 considers intervention options for reinforcing and extending the gas supply. Section 4.7 considers two short term and two long term options for intervention to overcome constraints in the capacity of the existing water supply network. Section 5.6 considers three intervention options for drainage. The various options were evaluated by means of multi criteria analyses including a sustainability criterion.
- The North Acton Station Feasibility Study (Supporting Document SD35) identifies a long list of ten options and a short list of three, which were evaluated before recommending one.

9) Any other matters

(ii) Viability

(to follow after 31st May)

P. W. Clark

Inspector

24.05.19