

OPDCLP examination

Inspector's initial consideration of representations on modifications

This document is my initial response (September 2021) both to the representations made during the summer of 2021 on the Modifications published in May 2021 and to the Corporation's subsequent consideration of those representations. The Corporation has asked me for an indication of the need for further Hearing sessions but I am not yet ready to give that indication. This document identifies the further work which I intend to carry out first. The comments in this document only represent my initial views. My full findings on the soundness of the Plan will be set out in my final report.

Changed Circumstances

Many representations argue for the withdrawal of the plan and its complete reconsideration in the light of changed circumstances such as; continuing delays to HS2, Brexit, covid, evidence submitted to the Grenfell inquiry and reports of flats collapses in Florida, USA. Whilst it is true that circumstances have changed since the plan's submission, and will continue to change, none of these submissions convince me of any specific connection between changing circumstances and a provision of the plan becoming unsound. The plan is predicated on the concept of capitalising on the transformation in accessibility which will result from the construction of HS2 and the Elizabeth Line station at Old Oak Common. The delay to that project does not make unsound the concept of capitalising on the effects of the project, whenever they are achieved. I do not intend to hold further hearing sessions on this point.

Extent of Modifications

A large number of representations comment that the Modifications represent such a substantial change to the plan that they should not be processed by the Modifications procedure but by the withdrawal and resubmission of the plan. Whilst it is correct that the deletion of the CarGiant and associated sites and their substitution by other sites represent as much as 25% of the housing numbers proposed in the plan, there is no statutory limit placed on the degree to which a plan can be changed through the modifications procedure during its examination. Rather, once a plan is submitted it is incumbent on me to recommend whatever modifications are necessary to make the plan sound. Furthermore, even sites representing as much as 25% of the housing numbers proposed do not represent anything approaching 25% of the plan's content; most of the policies proposed in the plan would continue to apply to the new sites without further change in any event. I do not intend to hold further hearing sessions in response to this point.

Consultation

An equally large number of representations allege that the consultation on the Modifications carried out by the Corporation was inadequate or misleading, in that the Corporation advised that most of the plan remained unchanged. I concur that the process of plan making is complex and that the documentation comprising and justifying the Modifications is voluminous and requires a substantial commitment of time to comprehend but the 142 individual and corporate responses which have been received demonstrate widespread understanding of the significance of what is proposed in the Modifications. Regulations do not prescribe the process which the OPDC must follow in giving publicity to the Modifications. Nevertheless, the process followed by the OPDC reflects the process which it was required to follow at the earlier regulation 19 stage and appears to me to be adequate and thorough. Although the Modifications are substantial and some are significant, it is a factually

correct assertion that the bulk of the plan remains unaltered. I do not see the need to hold further hearing sessions in response to this point.

Duty to Cooperate

A few correspondents allege that the Corporation has not complied with the Duty to Cooperate since submitting the plan. In fact, the statutory Duty to Cooperate only applies during the preparation of the plan (at Regulation 18 and Regulation 19 phases) up until the plan's submission. Once the plan is submitted, there is no statutory Duty to Cooperate but it is government policy that planning authorities continue to do so. For that reason, I have requested the Corporation to supply me with details of the way it has continued to cooperate with neighbouring authorities during the Modification stage. It has supplied me with details of its engagement with neighbouring authorities. These details can be found in section 5 of the corporation's letter to me dated 5 March 2021 which can be found on its website. https://www.london.gov.uk/sites/default/files/opdc-39_050321_planning_inspectors_email_correspondence_to_opdc.pdf. There is no suggestion from the comments from neighbouring authorities on the Modifications that there has not been a continuing cooperation.

Compliance with London Plan

The combined representation from the St Quintin's Neighbourhood Forum and the Old Oak Neighbourhood Forum questions whether the OPDC Local Plan complies with the newly adopted London Plan in respect of housing numbers and high buildings policy. The OPDC points out that the Mayor has certified that the plan is in general compliance with the London Plan but I will look closely at the evidence submitted by the Corporation before deciding whether a further hearing session on this subject is required.

High density, high rise

A number of commentators object to high density development in general, to high buildings in general and their alleged poor design. This is a matter which was discussed in previous hearing sessions e.g 2(f), 4 and 5. I do not see the need for further hearing sessions in relation to this point.

Relationship with existing communities

Some of these correspondents commented on the relationship of high-rise buildings with existing low rise residential enclaves (Wells House Road, Midland Terrace, Victoria Terrace etc). This point was considered in general terms in previous hearing sessions (eg hearings session 2(f)). There do not appear to be any new considerations specific to the new proposal at Channel Gate which would require a further hearing session on this matter.

Additional cluster on Scrubs Lane

Some respondents comment specifically on the effect of the additional high-rise cluster proposed at the North Pole depot on the views from Little Wormwood Scrubs. The effect of high-rise buildings on open spaces, including Little Wormwood Scrubs, was considered in earlier hearing sessions. I will look closely at the evidence submitted by the Corporation before deciding whether a further hearing session on this subject is required.

Accessibility

A number of respondents comment that the OPDC Local Plan is predicated on a transformation of accessibility to the area consequent on the HS2 and Elizabeth Line station at Old Oak Common but

that the locations now proposed for intensive development do not enjoy good public transport links. The OPDC maintains that PTAL analysis of the changes to public transport provision over the plan period justifies the intensity of development in the locations now proposed. I will look closely at the evidence submitted by the Corporation before deciding whether a further hearing session on this subject is required.

Dispersed town centre

A number of respondents are sceptical of the concept of a dispersed major town centre which is implied by the Modifications. I will look closely at the evidence submitted by the Corporation before deciding whether a further hearing session on this subject is required.

Viability and Infrastructure Funding gap

Some respondents continue to question whether the modifications proposed have sufficiently reduced the acknowledged funding gap which exists for the infrastructure proposed. They continue to question the viability of the developments proposed and their ability to fund both affordable housing and infrastructure. I will look closely at the evidence submitted by the Corporation before deciding whether a further hearing session on this subject is required.

Open spaces

A few respondents assert that the modifications will result in an inadequate supply of open space in the Opportunity Area. A number assert that the quantity of development proposed will place too much pressure on Wormwood Scrubs. These issues were discussed in general terms in previous Hearing sessions 2(c) and 7. I am satisfied by the Corporation's response to these comments and do not consider that I would benefit from any further hearing sessions on these points.

Waste planning

A limited number of respondents make points about waste sites, compatibility with the West London Waste Plan and the need to update the W. London Waste Plan. Many of the points made are not new points but were discussed in general terms in hearing session 2(h). I do not consider that I would benefit from any further hearing sessions on these points.

Process requirements

A number of respondents object to the modifications removing application processing requirements from the Local Plan. These modifications were made at my request because simply requiring an application to be submitted with documentation providing a statement on a particular subject would not be effective in ensuring that development itself performed acceptably in relation to that subject, however thorough its documentation. To be effective, there needs to be policy stating what the required performance of a development should be. A statement on the subject may help the Corporation determine whether such performance would be achieved but, in the absence of a substantive policy stating the required performance which is needed to be delivered in order to obtain planning permission, a statement would not of itself ensure that the performance would be delivered or would be to an acceptable standard. A statement can be required as one of the Corporation's validation requirements; it does not need to be a policy in the development plan; what does need to be in the development plan is the performance requirement. I would not benefit from any further hearing session relating to these points.

Specific changes

A number of representations have made specific suggestions for changes to certain modifications. Some of these the Corporation has accepted, others not. Although I do not question the Corporation's reasoning, in the spirit of the regulations governing Local Plan examinations, these representations have a Right to be Heard. I am requesting the Programme Officer to contact the authors of those representations to ascertain whether they wish to exercise that right. Hearing sessions will be arranged if they choose to do so.

P. W. Clark,

Inspector.

28 September 2021