

Note from Inspector on consideration of representations on the Main Modifications

In my initial consideration of representations on the Modifications (28 September 2021), I indicated that I would be taking a close look at the Corporation's evidence base before deciding whether to hold further hearings.

That further consideration leads me to the following conclusions. Where I have decided to hold a further hearing session, this should not be taken to mean that I reject the Corporation's responses to the representations. Rather, it simply means that I recognise that a case has been made out and that I would benefit from a hearing session before finally coming to a view on the points at issue.

1. Compliance with London Plan policy D9 on High Buildings. I agree that I would benefit from a hearing session.
2. Views from Little Wormwood Scrubs resulting from additional Mitre Way/North Pole cluster. The point was clearly made in hearing sessions 4, 5 and 7 in 2019 that development in the OPDC area would inevitably lead to the presence of tall buildings in the views from open spaces (Kensal Green Crematorium, St Mary's Cemetery, Wormwood Scrubs and Little Wormwood Scrubs). I took the view that this would not make the plan unsound. The effects of the additional Mitre Way/North Pole cluster of development proposed in the Modifications would be of a similar nature to that of other clusters. I do not need to have a further Hearing session to come to that conclusion.
3. Accessibility (PTAL levels). This consideration underlies and supports other issues such as the release of SIL land, the location of tall buildings and the validity of the concept of a dispersed town centre. I would therefore benefit me to have a hearing session on this subject.
4. Dispersed town centre concept. Because I intend to have a hearing session on accessibility (PTAL levels), I do not need a separate hearing session on the concept of a dispersed town centre.
5. Viability and Infrastructure Funding Gap. From my examination of the Corporation's Strategic Site Allocations Viability Assessment, I can see that its assumptions mirror several of those which I used in my Interim Findings on the viability of the Car Giant site and, in other respects, it takes a cautious view of the contributory variables involved. The Preliminary Infrastructure Design and Costing Study appears thorough and realistic. Its findings have been carried through to the Infrastructure Delivery Plan (IDP). Although there remains a funding gap, I am persuaded by the argument that it is proportionate to the parameters for National Infrastructure Investment considered by the National Infrastructure Commission in 2018. The infrastructure gap is not so large that there is not a reasonable prospect of the gap being bridged by the methods set out in the IDP without adverse effect on policy-compliant delivery of affordable housing. I therefore conclude that I do not need a further hearing session on this subject.
6. Specific changes. I have acceded to the requests for hearing sessions where these were requested by bodies entitled to be heard.

In my initial consideration (28 September) of representations on the Modifications I indicated that I did not see the need for further hearing sessions on a number of other topics. I have received further communications inviting me to reconsider two issues.

1. Whether the OPDC knowingly submitted an unsound plan. I have found that the plan as submitted was unsound. That finding obviously lays the Corporation open to allegations that it knew, or should have known, or could have known, that the plan was unsound before it submitted it. Such speculation is pointless because I have found that the plan as submitted was unsound. Neither my finding, nor the way forward, will be changed by any examination of the allegations made. As paragraph 182 of the NPPF (2012) indicates, the

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starting point for any examination is that the Local Planning Authority has submitted what it considers to be a sound plan. I examine the plan as submitted and snow, as proposed to be Modified. It forms no part of my remit to go beyond that.

2. Whether the extent of the Modifications proposed renders the process unlawful. The Modifications are extensive, as I noted in my e-mail of 15 March 2021 (ID35). The further representations I have received add nothing to the considerations I set out in my note of 28 September 2021.

Paul Clark
Inspector
09.11.2021