



OLD OAK NEIGHBOURHOOD FORUM

Charlotte Glancy
Programme Officer
OPDC Local Plan examination
(by email)

Copied to Emma Williamson, OPDC Director of Planning

October 11th 2021

Dear Charlotte

OPDC Draft Local Plan – Examination issues

I am responding to your email of 7th October enclosing the Inspector's note ID-37. This explains that he is not minded to hold further Examination hearings but will accept submissions asking to be heard, from certain parties. His list of potential participants we see as a narrow range of interested parties, and the number of modifications on which the Inspector seems willing to hear evidence is even narrower. The Inspector's note ID-37 is attached for information to copy addressees to this letter.

We have reviewed the OPDC responses to all the representations on their proposed Modifications. **By our calculations there are 40 cases in which the Corporation has accepted a change and 1,420 where it has decided to make no change.** This is on a Draft Local Plan now very different from that on which hearings were held in 2019. We find OPDC's reasoning for refusing to accept further changes to be inadequate. Can you please advise whether the Inspector will be making further modifications himself, in the light of representations?

We will be writing again with submissions to the Inspector on why we think further hearings are needed. Please advise Mr Clark that these are the three issues we will be arguing should be aired at one or more hearings. The first two are fundamental to the remaining stage of the examination and its outcome.

1. Whether OPDC knowingly submitted the 19.2 version of the OPDC Draft Local Plan in October 2018 as a document required to be '*ready for independent examination*', at a time when the Corporation was withholding key information on the high risks that this '*readiness*' was not in fact the case.
2. Whether this examination can lawfully conclude with a recommendation to OPDC to adopt the PSMDLP, or whether the Draft Plan should be withdrawn as falling outside the framework of the PCPA 2004 as the result of an unlawful merging of activity on s19 '*preparation*' and s20 '*examination*', in breach of the PCPA Act 2004.
3. Whether the PSMDLP meets the test of conformity with the London Plan 2021 in respect of Policy D9 on tall buildings as modified by the Mayor of London following the intervention of the Secretary of State in December 2020.

We appreciate that you have previously indicated to us in your email of June 9th 2021 the Inspector's initial thinking on 1 and 2 above. We will be explaining why we feel that these issues need an airing where more detailed evidence is provided and when OPDC officers are able to clarify matters in front of the Inspector.

The email response to us on issues 1 and 2 above was not placed in the Examination Library. So other interested parties have not seen it. The OPDC responses to our representations on these questions say little

more than that the Inspector has agreed with OPDC's approach to modifications. We do not know when and how this agreement was communicated to OPDC? We do not know the Inspector's full reasoning and think that he should hear further evidence before he covers these issues in his report (assuming he is minded to do so).

Until your very recent October update, there was nothing in the Examination Library more recent than your July 2021 update. Has there been any correspondence between the Inspector and OPDC since July, other than of a purely administrative nature? If so, should copies not have been published in the Library?

From what Emma Williamson said at the OPDC Board on September 14th, it appears that OPDC has taken legal advice on issue 2 above. Has this advice been provided to the Inspector, and if so should it not be placed in the Library? May be he takes his own advice, rather than relying on that from others.

This next question is largely one for Emma rather than for you. The composite schedule of representations and of OPDC responses as provided to the Inspector, and now available via links in the Examination Library, has been produced in a format which in almost all cases removes formatting of text from the original versions. The result is to make the representations less comprehensible than when submitted to OPDC. Text in bold, underlined or italicised in order to show that it is a quotation or comes from other sources, appears as part of continuous standard text. Footnotes do not appear as such.

This reduces the impact of representations and makes them hard for the reader to follow. It is notable that an exception is made on representation 117/55 where the OONF/StQW response cites a legal judgment (shown in italics, as submitted). If this correct format could be achieved in one instance, why not for all representations?

We can only hope that the Inspector has been working primarily from the original representations and not from the composite version as prepared by OPDC. Even if this is the case, it still matters that all other interested parties are not seeing the representations in the form in which they were submitted.

We welcomed the fact that OPDC met our request for these representations to be published as PDFs on their own consultation platform. But for the public to navigate the OPDC website to find them is far from easy. Can the necessary set of links be explained in the Examination Library (which is where most of the public will look) so that the public can more readily access the PDFs of the representations a submitted, in addition to the composite spreadsheets? I have seen the email sent this evening, presumably to a wider number of those who sent in representations but who are not invited by The Inspector to request a hearing.

We will explain more about why local people have deep concerns about the modifications in our next letter and submissions. We will also be arguing that in the interests of fairness, openness and transparency of an examination, we believe that issues 1 and 2 need to be explored at one or more further hearings. The matters identified by the Inspector, as listed in his ID—37, seem to us extremely limited and to take insufficient account of events since the 2019 hearings along with 1,420 representations on which OPDC are proposing 'no change'.

Or perhaps the Inspector will be making his own set of modifications? In any event we feel that his report would benefit from an airing of issues 1 and 2 above, before being finalised.

This Draft Local Plan is too important for West Londoners to be adopted in a form that is as sub-optimal as the current PSMDLP. Local people do not accept the current approach of the OPDC Planning Committee and Board, of '*let us not make perfection the enemy of the good*' or that early adoption is critical to '*OPDC's mission*'. This comes across as code for a fear that the Development Corporation will be wound up unless the much delayed PSMDLP is adopted. This is not the main issue which should be allowed to determine the long-term future of this part of West London.

We will get back to you with more detailed submissions before the 28th of the month, and we will be seeking one or more further hearings.

Yours sincerely,

Henry Peterson

Adviser to the Old Oak Neighbourhood Forum and Chair of the StQW Neighbourhood Forum

cc Andy Slaughter MP, Rupa Huq MP, Cllr Stephen Cowan LBHF, Cllr Muhamed Butt LB Brent, Cllr Peter Mason
LB Ealing

Emma Williamson OPDC, Tom Cardis OPDC, David Gawthorpe LBHF

Mark Walker Chair OONF, Robin Brown GUA, Sir Stephen Waley-Cohen, Chair Friends of Wormwood Scrubs