

Q2 I am not clear about the relationship between the various figures within the plan and the Policies Map; for example, the mixed use area on figure 3.7 does not appear on the Policies Map, the provisions of figure 3.13 do not appear to be translated to the Policies Map, nor do the tall buildings provisions of figure 3.15, the Local Nature Reserve provisions of figure 6.3, the Metropolitan town centre provisions of figure 10.3 or some of the detailed provisions of figures 4.2, 4.5, 4.6, 4.7, 4.10, 4.13, 4.15, 4.17, 4.19, 4.21, 4.23, 4.25, 4.27, 4.30, 4.32, 4.34, 4.36, 4.38, 4.40, 4.42, 4.44 and 4.45. To what extent are the figures within the text to be regarded as inset maps to the Policies Map?

OPDC initial response

Figures illustrating policies within the Local Plan should not be considered as inset maps to the Policies Map. Figures within the Local Plan are indicative and have been included to help illustrate spatial implementation of policies. Given their indicative function, they could be regarded as inset figures to the key diagram.

The Local Plan Appendix paragraph A1.26 defines the difference between the figures in the Local Plan and the Policies Map as follows:

"A1.26 Figures in the Local Plan should be treated as indicative. The exact boundaries for spatially specific policies are set out in OPDC's Policies map."

The submitted Proposed Minor Modifications Schedule (KD4) includes a modification to include the above sentence within paragraph 1.23 of the Introduction to the Local Plan (MINOR/General1).

Due to the indicative function of the figures in the Local Plan it is not considered appropriate to depict these on an Ordinance Survey map as required for Policies Maps by Town and Country Planning (Local Planning) (England) Regulation 9 (2012). This is a common approach used in Local Plans to help to illustrate the broad locations of development, particularly in areas of change including site allocations. Examples include Croydon Local Plan (2018), London Legacy Development Corporation (2014), Tower Hamlets Core Strategy (2010) and emerging Local Plan (2018) and Lambeth Local Plan (2015).

With regard to the individual figures identified:

- Figure 3.7 Mixed use area – the mixed use area is indicative as the exact locations have yet to be defined. The mixed use area seeks to illustrate the mix of uses sought by Local Plan policies outside of town centres, Strategic Industrial Locations, the proposed commercial centre, existing residential areas and publicly accessible open spaces. As stated above, due to its indicative function it is not considered to be appropriate to depict this on the Policies Map.
- Figure 3.13 Open spaces and Figure 3.15 tall buildings – the content of these figures are indicative as the exact locations have yet to be defined. These designations seek to illustrate the locations of publicly accessible open spaces, green streets and urban greening corridors. As stated above, due to their indicative function, it is not considered to be appropriate to depict this on the Policies Map.
- Figure 6.3 Local Nature Reserve – Local Nature Reserves are a statutory designation made under Section 21 of the National Parks and Access to the Countryside Act (1949) by principal local authorities. Guidance for the management of the Local Nature Reserve at Wormwood Scrubs would be provided by the London Borough of Hammersmith and Fulham in their role as local authority. As such, the Local Plan does not provide policy for the management of the Local Nature Reserve and figure 6.3 depicts the Local Nature Reserve for information purposes only. OPDC as the local planning authority for

- Wormwood Scrubs is responsible for Sites of Importance for Nature Conservation; therefore, the Policies Map depicts these and not the Local Nature Reserve.
- Figure 10.3 Metropolitan town centres – the Policies Map depicts policy guidance only within the OPDC boundary. The Local Plan does not include policies for Metropolitan town centres as these are located outside of the OPDC area. However, it was considered appropriate to reflect their locations to provide context for the town centre hierarchy of west London. The hatching included within Old Oak South is a desktop publishing error and is proposed to be removed.
 - Place Policy diagrams (including figures 4.2 – 4.45) – Although only 650 hectares in size, there is huge diversity across the OPDC area in terms of land use, transport access, environment, topography, communities and heritage. Place and Clusters policies provide specific guidance at a greater level of detail than the Strategic Policies in Chapter 3 and the Development Management policies later in the Local Plan. Each Place and Cluster policy is supported by an indicative diagram to illustrate the implementation of the policy. As stated above, due to their indicative function, it is not considered to be appropriate to depict all the components of Place Policy diagrams on the Policies Map.

These amendments will be included in the Post-Submission Modifications Schedule. This Schedule will be submitted to the Inspector.

Inspector's initial response

I am not convinced by the responses to Q2, Q6, Q8, Q14 or Q15, for the following reasons. The policies map is meant to show the spatial incidence of policies. It should be capable of being used by potential developers and by development managers in consideration of applications to try to ascertain the effect of the plan on a particular piece of land. If a spatially applicable policy or proposal is not shown on the proposals map then its effectiveness and hence, the effectiveness of the plan, is likely to be compromised. Effectiveness is a component of soundness. The extent to which items are omitted from the policies map and only shown indicatively on figures because exact locations have yet to be defined is an indication of the extent to which further work may need to be done for the plan to be found sound. This subject may benefit from further discussion at a hearing session.

OPDC's second response

OPDC officers have given consideration to the Inspector's initial response. In doing so, OPDC has further reviewed the legislation and national guidance and relevant case law. These comprise of:

- [Regulation 9 of the Town and Country Planning \(Local Planning\) \(England\) Regulations 2012:](#)
 - (1) *The adopted policies map must be comprised of, or contain, a map of the local planning authority's area which must—*
 - (a) *be reproduced from, or be based on, an Ordnance Survey map;*
 - (b) *include an explanation of any symbol or notation which it uses; and*
 - (c) *illustrate geographically the application of the policies in the adopted development plan.*
 - (2) *Where the adopted policies map consists of text and maps, the text prevails if the map and text conflict.*
- [National Planning Practice Guidance \(NPPG\) Paragraph: 002 Reference ID: 12-002-20140306:](#)

A policies map must illustrate geographically the application of policies in a development plan. The policies map may be supported by such other information

as the Local Planning Authority sees fit to best explain the spatial application of development plan policies.

- Relevant case law:

[*Tiviot Way Investments Ltd v Secretary of State for Communities and Local Government \[2015\] EWHC 2489 \(Admin\).*](#)

The NPPG guidance enables the Policies Map to be supported by such other information as the local planning authority sees fit to best explain the spatial application of development plan policies. The indicative figures in the Local Plan seek to explain the spatial application of development plan policies where precise locations of development/infrastructure and/or boundaries have yet to be determined in addition to the other precise designations depicted on the Policies Map. This reflects the need to accommodate an element of flexibility in the plan for spatial designations where exact locations and/or boundaries are not able to be defined due reasons related to long-term phasing. Where possible, places have been identified to provide information for the location of social infrastructure.

OPDC recognises that the Local Plan will need to be reviewed promptly and regularly after adoption to reflect updates. OPDC envisages that the indicative diagrams in the Local Plan will be able to be updated to become precise maps and able to be shown on the Ordnance Survey based Policies Map. OPDC considers that this approach of using indicative figures within the Local Plan to illustrate indicative locations at this point in time is supported by the case law referred to above.

OPDC also recognises that the Policies Map currently shows indicative designations. Having given OPDC's response further consideration, OPDC proposes to remove the indicative designations from the Policies Map and rely on existing and updates to the illustrations within the Local Plan. The indicative designations proposed to be removed are from the Policies Map and relevant Local Plan figure are below:

- New key routes in Old Oak – figure 3.10
- Old Oak Major town centre – figures 2.2, 3.7, and 10.3
- Atlas Junction neighbourhood town centre - figures 2.2, 3.7, and 10.3
- North Acton neighbourhood town centre - figures 2.2, 3.7, and 10.3
- Old Oak South commercial centre - figures 2.2, 3.7, and 10.3
- West London Waste Plan sites not benefiting from a defined boundary – figures 4.32 and 4.17 (modifications are required)

Inspector's second response

I understand the distinction which the OPDC wishes to make between the policies map which is to show exact boundaries and the figures within the body of the submitted Local Plan which show indicative boundaries. (In some cases the figures also show designations which have exact boundaries but that doesn't alter the distinction). The changes which the OPDC is suggesting would align with the distinction it wishes to make and so have the merit of introducing consistency.

But, I'm not sure that the response answers the fundamental issue which underlies (but which I did not make specific) my original question, which is my concern that the plan may not be complying with Regulation 9 (1(c)), which the OPDC helpfully sets out in its response because although some of the figures are on an Ordnance Survey base, others (those illustrating the Places sections) are not.

I'm not sure that the relevant case law helps us at all because in that case it appears that there was a Proposals Map (as it was termed under previous legislation) showing a designation illustrating a defunct policy and also a Key Diagram showing an indicative

Green wedge, accurately drawn on the Key Diagram and with sufficient precision for the site in dispute in that case to be shown as lying outside it (see paragraph 48 of the judgment) and therefore not in conflict with policy; a matter which the minister apparently ignored and instead based his decision on immaterial considerations.

I am not sure what points the OPDC wishes me to draw from a lengthy judgment but it is clear from what I read (Judgment paragraphs 45-49) that the court took the (indicative) Key Diagram to be a part of the policies map for the purposes of Regulation 9. The lesson I draw from the judgment is that it illustrates what difficulties people get in to when they do not recognise the relationship between a map or diagram and a site and that, to be sound and effective a plan must contain a device or devices in the form of maps and diagrams which allow potential developers and development managers to apply policies to a specific site correctly and accurately.

Part of my job is to make sure that the Plan complies with the regulations. So; there must be a policies map (which can be in various sections or parts and can have inserts, which may be physically separate) which illustrates geographically the application of the policies in the plan. The geographical illustrations of the policies in the plan can be indicative or diagrammatic (as in a Key Diagram) or they can be precisely delineated. But; they must be reproduced from, or be based on, an Ordnance Survey map. Most of the map-like figures in the plan as submitted (other than those in chapter 4) are clearly on an Ordnance Survey base. But, as my original question indicated, I have some doubts (i) about the consistency of what is shown between the various diagrams in the plan and (ii) the effectiveness of requiring users of the plan to refer to several maps and diagrams to get a complete picture of how the policies in the plan would apply to a particular site. It may be that further consideration and discussion would clarify the situation and point to a way forward.

OPDC's third response

OPDC officers have given consideration to the Inspector's second response in relation to Local Plan diagrams needing to be based on an Ordnance Survey map, the consistency between diagrams and the effectiveness of requiring users of the plan to refer to the precise Policies Map, indicative OPDC-area-wide diagrams and indicative place diagrams. The following information continues to seek to help demonstrate OPDC's approach to illustrating policies as diagrams within an evolving development context.

OPDC considers that the diagrams in the Local Plan accord with the NPPG guidance (Paragraph: 002 Reference ID: 12-002-20140306) as referred to in OPDC's second response provided above. Specifically, in relation to the last sentence of the first paragraph which states:

"The policies map may be supported by such other information as the Local Planning Authority sees fit to best explain the spatial application of development plan policies."

The Local Plan recognises that users of the Local Plan will need to refer to figures in both the Local Plan and the Policies Map. This is due to the need to provide both indicative diagrammatic geographic illustrations that reflect the need to accommodate an element of flexibility in the plan for spatial designations where exact locations and/or boundaries are not able to be defined due reasons related to long-term phasing and the requirement to provide precise geographic illustrations on the Policies Map. It is also due to the need to illustrate designations at different spatial scales to best explain the spatial application of Local Plan policies.

The need to refer to different figures is set out in paragraph A1.26 currently within the Local Plan Appendix. This paragraph is proposed to be included in the Local Plan introduction (refer to MINOR/General1 in the Submitted Proposed Minor Modifications). OPDC officers would be happy to further expand this text to set out the function of, and

relationship between, the precise Policies Map, indicative OPDC-area-wide diagrams and indicative place diagrams in relation to the implementation of policies.

OPDC officers would be happy to continue to discuss the approach taken in the lead up to and/or at the hearing sessions.