



**Old Oak Park Royal
Development Corporation
(OPDC)**

Submission Local Plan

EXAMINATION IN PUBLIC
Response to OPDC additional information
Integrated Impact Assessment (IIA)

on behalf of
Old Oak Park Ltd
July 2019

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Executive Summary

- ES.1 This document has been prepared by **Jam Consult Ltd** on behalf of **Old Oak Park Ltd** with regards to a 46 acre (18.6 ha) site within Old Oak Common known as Old Oak Park, currently home to Cargiant. The site has been identified for release from Strategic Industrial Land (SIL) and re-designation in order to deliver new homes and jobs for the Old Oak Park Royal Opportunity area.
- ES.2 The report responds to the issues that have been raised in the Examination in Public in relation to the Integrated Impact Assessment of the OPDC Local Plan, in particular:
- The Arcadis response to Jam’s Representations on the IIA (February 2019)
 - The IIA Addendum prepared by Arcadis (April 2019)
 - The Audit Trail and two schedules of information on the IIA issued by Arcadis (June 2019)
- This report should also be read in conjunction with Jam’s previous representations (February 2019), which still stand.
- ES.3 The review of the additional information provided by Arcadis has shown that the IIA remains significantly deficient, particularly in respect of the assessment of ‘reasonable alternatives’ available as well as flaws in the application of the IIA methodology itself and the necessary consultation. The IIA process has failed to include either an assessment of all reasonable alternatives in relation to the Spatial Strategy; Policy Options; and Site Allocations or any reasoning or consultation document(s) on the approach taken (**see Further Legal Opinion 4/6/19**).
- ES.4 The OPDC has placed great weight on the view that the FALP policy and the OAPF remove the need to test reasonable alternatives in the IIA, a view which is not supported by Car Giant and has been shown in the previous representations, supporting Legal Opinions, and at the Examination in Public, to be misplaced.
- ES.5 There has also been no consultation on the IIAA, any revised Non-Technical Summary or other additional information. There has therefore been no consultation, in parallel with the explanations provided by OPDC, to the assessment of reasonable alternatives for either the Regulation 18, 19 (1) or 19 (2) of the Local Plan, which is a serious breach of the Regulations.

- ES.6 The absence of any systematic consultation on reasonable alternatives or reasons for the selection of the one option, now put forward by OPDC, shows complete non-compliance with the Regulations. It is now too late in the process for such fundamental errors to be corrected prior to adoption. Following three draft plans and a HIF award, there is clearly no realistic possibility of providing any meaningful consideration of reasonable alternatives. The provision of the additional information at this point in the process confirms that the failures identified are substantial and cannot be rectified at this late stage in the examination given the need for OPDC to consider its implications with an open mind.
- ES.7 Whilst the recent letter from the Secretary of State to PINS on the need to take a pragmatic approach to the Examination of Local Plans is acknowledged, this cannot provide a basis for not complying with the legal requirements of the IIA.
- ES.8 It is clear from the London Plan policy, OAPF and the SEA/SA regulations and guidance that different Spatial Options should have been tested, including the following suggested alternatives or combinations of options:
- 'Business as usual' or 'do nothing' approach
 - Extent of SIL re-designation and industrial intensification
 - Quantum/mix of development
 - Location of development
 - Variation in densities/locations for tall buildings
 - Infrastructure requirements – transport, open space
 - Phasing and deliverability
- ES.9 The additional information provided by Arcadis confirms that alternative Spatial Options or combinations of options have not been considered at any stage within the IIA. In fact, **Schedule 2** confirms for **SD2 Integrated Impact Assessment and Habitats Regulations Assessment** that no options are included within the document, a concerning admission. There is also an absence of links within the Schedule to the previous IIAs, which is said to provide a list of the consideration of alternatives.

- ES.10 The OPDC referred to discussions on the options which were undertaken prior to the Regulation 18 Consultation at the Examination, however, no information on these discussions has been provided. The suggested alternatives provided by Jam have not been considered in any of the responses from Arcadis or the OPDC.
- ES.11 The only option considered by OPDC in fact concerns the quantum of development and the view that a quantum lower than the Further Alternations to the London Plan (FALP) would not be policy compliant, despite the Local Plan allocating housing and job figures below the London Plan targets. This point is also not considered or recognised by the latest note from Richard Moules on soundness or in the earlier joint opinion. OPDC considers incorrectly that the Spatial Strategy is determined by the London Plan. The FALP does not specify the spatial distribution of the housing and employment provision or the supporting infrastructure.
- ES.12 Arcadis has provided a response to Jam’s Representations (February 2019), which is dealt with in detail in **Section 2.0** of this report. Overall, the response fails to provide answers to the criticisms raised but instead simply repeats previous responses provided in the IIA and Hearing Statements. In particular, the OPDC fails to provide a clear or reasoned answer as to why the IIA has failed to test the housing and employment options as required by **Policy 2.13** of the FALP.
- ES.13 The IIA Addendum has been produced, it is said, in order to provide further clarity on the process and to answer questions raised by Inspector during the Examination. Apart from its many failures to meet the requirements of SEA Regulations, and thus not fit for the purpose for which it is expressed to have been produced, it should be noted that this document has not been issued for consultation, as required by the regulations, to enable the community to have effective engagement in the process. Nor have the two schedules, said to show which alternatives were considered, been referenced or made clear what if any consultation was undertaken. The supporting studies are also not tied in to the IIA, even by reference to a reasoned explanation of what has been done.
- ES.14 The Addendum fails to provide additional clarity to the IIA as the assessment contains significant omissions and inaccuracies, which cannot be rectified at this stage. The Addendum is an attempt to provide post-rationalisation for pre-determined decisions. As a consequence, the results cannot be considered either robust or transparent.

- ES.15 The two Schedules of information have also been provided by OPDC in an attempt to clarify the audit trail and show how reasonable alternatives have been considered in the development of the Local Plan. The Schedules in fact show that the audit trail is demonstrably inadequate, do not provide an answer to the failure to show compliance with consultation requirements, and that the IIA fails to satisfy the regulations in numerous respects (as set out in **Section 4**) but perhaps most significantly, show the failure of the IIA to consider all reasonable alternatives to the Spatial Strategy.
- ES.16 **Schedule 2 (27/6/19)** only sets out the references relied upon and gives no information about consultation on the options included and how these have informed the IIA. The Schedule also contains references to many documents that are said not to consider options. It is therefore not clear why such references have been included in the Schedule if they have had no bearing on the assessment of options. The majority of options presented, other than affordable housing, are also only dealing with relatively narrow points (e.g. building heights on Scrubs Lane (**SD7 p 8**)) rather than the strategic issues for the Opportunity Area and have also not been tested against the IIA framework's 18 objectives. It is also of particular note that the Supporting documents on Housing and Employment (**SD43-46**) and Development Capacity and Infrastructure Funding (**SD56-57**) include no options analysis, issues critical to the regeneration of the area.
- ES.17 It should also be noted that the relevant information from the 63 supporting studies has not been brought together or referenced within the IIA. It should not be necessary for the reader to undertake their own 'audit trail' or 'paper chase' of the information in order to try and understand the decisions that have been made. The SEA Directive Guidance is clear on this point:
"In order to form an identifiable report, the relevant information must be brought together: it should not be necessary to embark on a paper-chase in order to understand the environmental effects of a proposal." **para 4.7 SEA Directive Guidance**
- ES.18 Despite the production of additional information the IIA remains legally deficient. Reasonable alternatives have not been identified or tested in the IIA as required by the regulations and guidance. It can therefore not be shown how the IIA has informed the development of the Plan or that the Local Plan provides the most appropriate strategy for the area. Discussions on other potential options have not been made available to the public or been included in any of the consultations.

- ES.19 The SA process is not meant to be simply a ‘tick box’ exercise. The SA report should set out the alternatives with reasons, at the appropriate stage, in tandem with the draft plan to allow informed consultation and decisions to be made in the light of the environmental consequences of the alternatives and the consultation responses.
- ES.20 The review of the IIA and the additional information provided by the OPDC during the Examination has confirmed that there is overwhelming evidence that there has been no comprehensive consideration of reasonable alternatives or reasons for the selection and rejection of options in the light of alternatives. There is also no evidence of the selection of single options, compiled in a systematic manner that would allow a fair and informed consultation process at an early stage in the formulation of the various drafts of the plan.
- ES.21 The IIA instead provides a paper chase of information, which is not compliant with the Regulations and moreover is a paper chase, which fails in its purpose of seeking to demonstrate that reasonable alternatives were considered. It seems apparent that OPDC and its consultants simply failed to grapple with the requirements of the IIA until too late in the process. To correct the faults identified would require an exercise which is a futile one as at this stage, the policy choices have already been made. The purpose of the IIA is not an exercise in verification after the event.
- ES.22 The additional information provided does not resolve any of the criticisms that have been made in the representations and Legal Opinions that have been submitted. The provision of the additional information confirms that the failures in the process that were previously identified prevail and are substantial. The conclusion therefore stands that the IIA is not fit for purpose or legally compliant and that the OPDC Local Plan can therefore not be considered sound.

1.0 Introduction

- 1.1 This document has been prepared by **Jam Consult Ltd** on behalf of **Old Oak Park Ltd** with regards to a 46 acre (18.6 ha) site within Old Oak Common known as Old Oak Park, currently home to Cargiant. The site has been identified for release from Strategic Industrial Land (SIL) and re-designation in order to deliver new homes and jobs for the Old Oak Park Royal Opportunity area.
- 1.2 The report responds to the issues that have been raised in the Examination in Public in relation to the Integrated Impact Assessment of the OPDC Local Plan, in particular:
- The Arcadis response to Jam’s Representations on the IIA (February 2019)
 - The IIA Addendum prepared by Arcadis (April 2019)
 - The Audit Trail and schedules of information on the IIA issued by Arcadis (June 2019)
- 1.3 The review of the additional information provided by Arcadis has shown that the IIA remains significantly deficient, particularly in respect of the assessment of reasonable alternatives available as well as flaws in the application of the IIA methodology itself and the necessary consultation. The IIA process has failed to include an assessment of all reasonable alternatives in relation to the Spatial Strategy, Policy Options and Site Allocations.
- 1.4 The absence of any systematic consultation on reasonable alternatives or reasons for the selection of the one option, now put forward by OPDC, shows complete non-compliance with the Regulations. It is now too late in the process for such fundamental errors to be corrected prior to adoption. Following three draft plans and a HIF award, there is clearly no realistic possibility of providing any meaningful consideration of reasonable alternatives.
- 1.5 The provision of the additional information at this point in the process confirms that the failures identified are substantial and cannot be rectified at this late stage in the Examination given the need for OPDC to consider its implications with an open mind. This response should be read in conjunction with Jam’s previous representations (February 2019), which still stand.

2.0 Arcadis response to Jam's report

2.1 Arcadis produced a response to Jam's representations (February 2019) on 8 May 2019, in response to the request by the Inspector at the Examination in Public. The report was made available on the OPDC website on 23 May 2019.

Strategic Options

2.2 On **page 1** of the response (**ES.6**), it states that:

"Overarching strategic options were assessed ahead of the drafting of the Regulation 18 Local Plan"

OPDC confirmed at the Examination in Public that options were discussed at a meeting, prior to the drafting of the Regulation 18 plan. No evidence has been provided of this meeting taking place or the information on the options that were supposedly considered. There is also no information within the IIA to either inform the reader or to verify the assessment of options that took place. The above statement therefore does not resolve the issue of non-compliance with the regulations. The only strategic options considered concern affordable housing.

2.3 In general, the responses fail to answer any of the criticisms made by Jam but instead simply repeat the statements already made in the IIA and hearing statements, which were subject to criticism in the previous representations. The OPDC fails to provide a definitive answer as to why the IIA has failed to test the housing and employment options as required by **Policy 2.13** of the FALP, particularly since the plan itself does not strictly meet the requirements of FALP, though it is frequently asserted that OPDC had no choice but to accept the FALP housing figures.

2.4 In the response to **ES.7 (page 2)** Arcadis states that the potential development capacities were:

'appropriately tested further through OPDC's Local Plan evidence base including the various Development Framework Principles documents and the Development Capacity study.'

2.5 **Schedule 2** of the information provided in June 2019 contradicts the above statement (**SD56, page 30**), which states:

"Development Capacity Study – This study did not include an options analysis."

2.6 Furthermore, the statement made at **page 2** is also contradicted on **page 6**, where it states:

'alternative development capacities are not considered to be reasonable alternatives and have therefore not been assessed.'

- 2.7 In fact in **Schedule 2**, the majority of the references provided show that there was no options analysis included, however it identifies that some limited options were considered in the Development Framework Principles documents but none of these options considered the housing or employment figures for the Plan. In addition, the options considered within these documents are not set out or referenced in the IIA or assessed against the IIA framework as required by the Regulations (**see section 4.0**). Discussions on other potential options have also not been made available to the public or been included in any of the consultations.
- 2.8 There is therefore considerable confusion on what constitutes a reasonable alternative and whether such alternatives have been assessed to inform the Plan. The evidence provided does not demonstrate that all reasonable alternatives have been considered, as required by the Regulations.
- 2.9 In response to **ES8-9**, Arcadis fails to explain why the quantum of deliverable development has not been assessed as part of the Local Plan, as identified in the OAPF. It is assumed that the only alternative available would be to consider a lower quantum of development.
- 2.10 For **ES.10** Arcadis states that the wording referred to in Jam’s representations is from the IIA Scoping Report, 2015. The wording referred to is not from the Scoping Report but from the **IIA Reg 19 (2) 2018, Appendix B, B.13.1 (p151 PDF)**. In addition, the **Old Oak Transport Study (SD36)** confirms that only the preferred option has been considered:
- “Whilst the intention had been to assess at least two development scenarios, following initial analysis of Planning Scenario 2, it was agreed in consultation with the OAPF group not to proceed with any further testing at this stage, as this appeared to present the optimum development scenario for the area, taking into account existing and future transport conditions, and the potential ability to mitigate the impact of further growth. The assessment outlined in this section, therefore, relates to that of Planning Scenario 2 comprising 24,000 homes and 55,000 jobs which is the level of growth proposed in the Further Alterations to the London Plan (FALP) and assumed in the draft OAPF.” **Old Oak Strategic Transport Study, February 2015, Page 75**
- 2.11 The response to **ES.13** addresses the issue of not assessing Spatial Options. Arcadis states that the FALP and OAPF considered the reasonable alternatives in their respective IIAs and that as a consequence it would be regarded as duplication to assess alternatives of the Local Plan. As set out in the Further Legal Opinion prepared on behalf of Car Giant and discussed at the Examination in Public, this position is considered incorrect. Both the FALP and the OAPF did not consider the spatial options of the Opportunity Area in the IIAs.

- 2.12 The response by Arcadis (**page 6**) appears to show that the OAPF comes above the Local Plan in the plan hierarchy, and places great weight on the framework. The OAPF is not a statutory document and comes after the Local Plan in the hierarchy, it also cannot be formally adopted as SPG until the Local Plan is adopted.
- 2.13 It is considered by Arcadis that there are no alternatives to the land use strategy, contained within the OAPF, although no reasons for this conclusion are given. As stated in Jam’s previous representations, the IIA to the OAPF did not undertake any formal testing of alternatives. Two possible scenarios for the quantum of residential and commercial space were considered but they were not assessed against the IIA framework and therefore did not assess the necessary social, economic and environmental impacts, as required by the regulations.
- 2.14 As a result, Jam strongly disagrees with the view of Arcadis on **page 8**:
“With regards to the proposed quantum of development and the spatial distribution for achieving this, the OPDC Local Plan has clearly satisfied the requirements of SA/SEA in terms of reasonable alternatives.”
As the only quantum considered by the OPDC has been the target of the FALP (which is not met) and no spatial options have been assessed within the IIA, the above statement cannot be correct. No references as to where this information can be found within the IIA have been provided or any information about if, how and when it was consulted upon.
- 2.15 Arcadis is also incorrect at **ES.14** that a ‘business as usual’ or ‘do nothing’ option is not a reasonable alternative and therefore not required.
“The information referred to in Annex I should thus be provided for the alternatives chosen. This includes for example the information for Annex I (b) on the likely evolution of the current state of the environment without the implementation of the alternative.” **Para 5.12 Implementation of the SEA Directive Guidance**
- 2.16 Arcadis states at **page 8** that the alternatives to SIL and its de-designation was not a reasonable alternative as the SIL was determined by the London Plan and OAPF. Once again, this statement is incorrect. The **Industrial Land Review Addendum** confirms that the principle of SIL de-designation was established in the OAPF (**Principle L1**) ‘and that the official de-designation process for SIL would be dealt with through OPDC’s Local Plan.’ **Para 3.1, page 2**. The options for changes to SIL are not considered in the IIA.

Policy Options and Site Allocations

- 2.17 At **ES.17** Arcadis confirms that the Policy Options were set out in the Local Plan rather than the IIA. It is clear that the failure to assess the policy options adequately within the IIA and provide reasons for their selection and rejection has been recognised. Arcadis has therefore produced the IIA Addendum to try and address this issue (**See Section 3**).
- 2.18 The reference document given for the site allocations and reasonable alternatives (**page 10**) is the **Development Capacity Study (DCS)** and not the IIA. There is no explanation of the site selection process within the IIA. It should also be stressed the DCS assesses the **capacity** of sites for homes and jobs **not** the sustainability. The response also makes reference to the **Whole Plan Viability Study, April 2017**, however at **para 1.4** of this report it states:
- “As an area wide study this assessment makes overall judgements as to viability within the Old Oak and Park Royal Development Corporation and does not account for individual site circumstances. The assessment should not be relied upon for individual site applications.”
- 2.19 **Page 11** sets out the OPDC definition of site allocations, which is split into 3 categories (a-c). No reference is provided on where this definition is set out, although it can be found in the **Local Plan, SP10 Integrated Delivery, para 3.83, page 44**. It is not set out in the IIA. The definition should have been used to assess the site allocations within the IIA against the IIA framework and an explanation provided, this has not been done. The DCS also uses a different assessment method to the definition set out by Arcadis.
- 2.20 On examining the IIA assessment of **Policy SP10, Appendix D** the results demonstrate clearly the failings in the IIA process as set out below.
- SP10 Integrated Delivery**
“Delivering development in a comprehensive, timely and coordinated manner, supported by a range of infrastructure that enables an optimised approach to development, making the best use of land.
Proposals should enable a comprehensive and integrated approach to the delivery of development and infrastructure...”
- However, the results in the IIA show that 10 of the 18 Objectives score no impact
“There is no clear link between the policy and the IIA Objective.”

- 2.21 The above response is included for the following Objectives on:
- 2 Use of previously developed land including remediation of contaminated land
 - 4 Accessibility and Transport Network
 - 5 Access to Housing
 - 6 Climate Change
 - 13 Community Cohesion
 - 15 Health & Well Being
- 2.22 The results show clearly the fundamental failings in the IIA. It is not possible that the Policy can have no link to the above Objectives, when the issues are critical to the delivery of development in an integrated way.
- 2.23 The DCS assess the sites in terms of suitability, availability and achievability. The reasons for the suitability of Old Oak North are set out in **Appendix A, Site 7 (page 24 PDF)**.
- “The principle for development on the site has been established. The site is identified for development in the OPDC Regulation 18, 19(1) and 19(2) Local Plan, the GLA Old Oak and Park Royal OAPF and Old Oak North Development Framework Principles. Significant transport and social infrastructure is required to provide access and deliver public transport accessibility and social infrastructure provision to support quantum of development. Significant utilities infrastructure is required to support quantum of development. The site is currently subject to pre-application discussions with landowners. Constraints are considered to be able to be addressed through design and operation of development.”
- 2.24 As can be seen, the DCS does not provide an assessment of sustainability. The constraints have not been identified or mitigation measures identified. The need for significant transport, social and utilities infrastructure is identified but it is assumed any constraints can be overcome. There is no reference to any evidence to support such conclusions.
- 2.25 Arcadis states that the rationale for the inclusion of site allocations within the Local Plan is based on the DCS (Appendix A) and OPDC’s site allocation definition. This approach is not explained in the IIA and is not in compliance with the SA regulations and guidance. The IIA has therefore not demonstrated that the sustainability of the proposals has been suitably assessed.

Cumulative and Cross-Boundary Impacts

2.26 Arcadis' response regarding cumulative effects remains inadequate (**page 15**). The grouping together of policies does not mean that cumulative effects have been considered. The IIA has identified that the cumulative and cross-boundary impacts are significant, given the scale of development. However, the cumulative impacts listed in **para 7.12, page 76** and the cross-boundary effects at **section 4.7, p52** are completely inadequate and fail to assess the likely cumulative, synergistic and cross-boundary issues as required by the Regulations.

2.27 Examples of the results are provided below:

Access to goods and services

"Access to services and facilities for local people and visitors would be improved. Sustainable accessibility across the area and connecting to the wider boroughs is a key feature of the Local Plan."

The above statement cannot be considered an adequate assessment of the cumulative impacts of the transport and social infrastructure.

Cross-Boundary Issues

"The SEA Directive requires SAs to consider the cross-boundary issues for closely neighbouring authorities. Key issues include that there is not enough affordable housing in London to meet the current and future demand, surface water flood risk, employment and economic activity rates and the lack of open space. Other issues include the need to conserve and enhance Wormwood Scrubs and the Grand Union Canal, the impact of new development on heritage assets and cumulative impacts on roads and rail infrastructure.

For the issues which have been identified, these are covered within the policies and mitigation measures are included where appropriate." **IIA, Para 4.7 page 52**

2.28 The cumulative impacts have not been suitably identified within the policies and mitigation measures. It is not clear what the cumulative impacts of development will be, particularly in relation to the impacts of open space, heritage assets and transport infrastructure.

Mitigation Measures

2.29 **Page 16** identifies that the mitigation measures within **Appendix D**, are italicised for clarity or incorporated into the Local Plan. The search for italicised text through hundreds of pages of matrices does not aid clarity. Furthermore, the only example found has been in relation to biodiversity. Old Oak North has no italicised text so it should be assumed that no mitigation has been identified. The mitigation measures should be clearly set out and explained.

Integration with Local Plan

- 2.30 Arcadis has recognised that the IIA is not clear on how the findings of the assessment have informed the Local Plan. Further clarity has therefore been added to the IIA addendum (**see section 3**).

3.0 IIA Addendum, April 2019

- 3.1 The IIA Addendum has been produced in order to provide further clarity on the process and to answer questions raised by Inspector during the Examination. It should be noted that this document has not been issued for consultation, as required by the regulations, to enable the community to have effective engagement in the process. The document repeats many of the issues raised in the response to Jam's representations. This section of the report therefore only deals with issues which have not already been discussed.
- 3.2 At **page 5** of the Addendum it is stated that both the FALP and OAPF were subject to their own IIA processes and report, 'which culminated in IIA reports that satisfied the requirements of a SEA Environmental Report.' It should be noted that the IIA of the OAPF has not been subject to an independent review by an Inspector, as a non-statutory document it was not subject to Examination in Public.
- 3.3 The report repeats the arguments about the FALP and OAPF determining the spatial strategy and quantum of development for the opportunity area. It should be stressed that the London Plan only set targets for housing and employment not its distribution or supporting infrastructure. The policy also requires that such targets are tested through the Local Plan.
- 3.4 **Para 2.2. page 7** states that:
"The testing process also sought to ensure that the development quanta approach accords with London Plan policy in terms of distributing residential density across the plan area while responding to sensitive locations, public transport improvements, other key destinations and new residential areas."
No reference is provided on where this information can be found within the IIA.
- 3.5 Reference is made to the rigorous testing of the quanta for development of housing and economic floorspace. The quanta of development are only one part of the strategy. The spatial implications of the strategy and how they perform in terms of sustainability have not been assessed.

- 3.6 Arcadis states that consideration has been given to issues such as open spaces, industrial land, sensitive locations and the importance of sustainability, which resulted in the Spatial Vision. However, no options to the Spatial Vision were consulted upon, with the decision being decided upon at the start of the process.
- 3.7 The requirements of the SEA/SA Regulations are set out on **page 11** and the process undertaken is explained at **page 12-15**. Within **section 2.4.2 Strategic Options, page 13**, it is stated:
“The OPDC Local Plan therefore proposes the only approach available in terms of quantity and spatial distribution of development.”
The above statement is false. The supporting evidence has shown that there are several spatial options which could be considered, particularly with regard to the transport infrastructure, open space, distribution of industrial land, building heights and densities etc. Such options should have been tested through the IIA to show how sustainability has informed the Spatial Strategy.
- 3.8 The information taken from the FALP IIA 2009, shows that the strategic development options were only assessed in very broad terms in relation to London, rather than the local context. It should also be noted that this assessment is ten years old and therefore somewhat out of date, specifically with regard to current market conditions.
- 3.9 **Table 2.2** provides further information on the alternatives to policy options that were considered within **Appendix G** of the IIA, which provides over 200 pages of matrices without any summary of the results. The table does not resolve the issues raised. The reasons provided are only given for the selection of policy options, reasons for the rejection of options is not provided. There is also no explanation of how the options have scored against the IIA Framework or the evidence used to inform the decisions.
- 3.10 The table includes alternatives which cannot be considered ‘reasonable’. For example, **Policy T1 (page 19)** the alternative to Strategic Policy for transport was to give priority to car travel. Such a policy goes against the principles of sustainable development and therefore both the NPPF and section 39 (2) of the Planning and Compulsory Purchase Act. This is the only policy option considered for transport despite the different road and rail networks being considered through the area.

- 3.11 **Section 3, Justifying the Approach page 21**, raises significant concerns with regard to explaining the selection of the preferred approach. The justification provided does not explain how policies have been considered, the findings of the IIA or how the assessment has informed the decision-making process. The final paragraph, which claims that the requirement of the regulations is typically satisfied within the post-adoption statement is not true.
- 3.12 The SA Regulations are clear on what should be included within the Environmental Report:
“**12.**—(1) Where an environmental assessment is required by any provision of Part 2 of these Regulations, the responsible authority shall prepare, or secure the preparation of, an environmental report in accordance with paragraphs (2) and (3) of this regulation.
(2) The report shall identify, describe and evaluate the likely significant effects on the environment of—
(a) implementing the plan or programme; and
(b) reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme.” (emphasis added)
Environmental Protection of Plans and programmes 2004
- 3.13 **Table 3.1** provides information on policy recommendations, which have been made in the IIA process. The table does not include, however, any information on the reasonable alternatives considered or their likely significant effects as required by the regulations.
- 3.14 **Section 4** provides an updated quality assurance checklist. **Pages 31-34** set out the key issues that should be considered in the IIA in line with the regulations. The IIA does not demonstrate that these requirements have been fulfilled as set out earlier in this report and Jam’s previous representations (**Annex 1**).
- 3.15 The Addendum fails to provide additional clarity to the IIA as the assessment contains significant omissions and inaccuracies, which cannot be rectified at this stage. The Addendum is an attempt to provide post-rationalisation for pre-determined decisions. As a consequence, the results cannot be considered either robust or transparent.

4.0 Audit Trail

During the Examination, the Inspector raised issues regarding the audit trail of information in support of the Local Plan and IIA. OPDC was therefore asked to provide clarification of the references made to reasonable alternatives within the documentation and the consideration of options in the supporting studies. This information has been provided by OPDC in the form of two schedules.

4.1 Schedule 1 – References to Reasonable Alternatives (20 June 2019)

4.1.1 The Schedule provides no new information other than reference to the OPDC Planning Committee Report and Board Report regarding the Regulation 18 Consultation (2016); and the IIA Addendum, April 2019.

4.1.2 Jam strongly disagrees with the findings on **page 4** that:

“This document demonstrates that the IIA has identified what the reasonable alternatives are, that these were the only reasonable alternatives available to OPDC in light of other options, that their selection has been justified and that they have been appraised through the IIA process.”

4.1.3 There is no acceptable explanation in any of the additional information from OPDC as to why the alternative Strategic Options or combinations of such options, as set out in Jam’s representations, are not considered to be realistic alternatives. The only explanation is that the Spatial Strategy was agreed in the London Plan, it was not.

4.1.4 The January 2016 Planning Committee Report set out the Draft Local Plan and IIA for the Regulation 18 Consultation. The report sets out 5 Spatial Policies for consideration:

- 1 Optimising Growth
- 2 Land Use
- 3 Connections and Open Space
- 4 Densities and Building Heights
- 5 Places

No options are given for any of the spatial policies for the following reasons:

“No reasonable alternative policy options have been identified as an alternative would not be consistent with the NPPF or in general conformity with the London Plan.”

4.1.5 It is not known why alternatives to the suggested approach would be considered non-compliant with the NPPF and London Plan. It is also clear that the preferred strategy was determined at this stage prior to consultation on the Regulation 18 version of the Plan.

- 4.1.6 The approach taken is contradicted elsewhere in the report, for example at **para 4.33** it states:
“Challenges associated with delivering the new London Overground stations should not be underestimated. At the time of writing this draft Local Plan, the proposed London Overground stations have only undergone initial feasibility work. Funding has now been secured to further progress the design and business case for these, however, currently there is no capital funding secured for the delivery of these stations. The final arrangements for these stations will be dependent on the outcome of this work.”
- 4.1.7 Given the identified challenges of providing the transport infrastructure it would be logical to assess different alternatives to provision in case the viability of the preferred approach was proven to be unfeasible.
- 4.2 **Schedule 2 – Consideration of Supporting Studies Options as Reasonable Alternatives (27 June 2019)**
- 4.2.1 A schedule of all the supporting studies to the Local Plan (63 in total) that have been prepared is provided, which identifies any reasonable options identified. It should however be noted that the SEA Guidance is clear on this issue:
“In order to form an identifiable report, the relevant information must be brought together: it should not be necessary to embark on a paper-chase in order to understand the environmental effects of a proposal.” **para 4.7 SEA Guidance**
- 4.2.2 The IIA has failed to bring all the information together into an identifiable report as demonstrated by the need to provide the supplementary information during the Examination. The IIA also provides no references to the schedule of documents within the report or assessment of impacts.
- 4.2.3 The schedule attempts to provide an audit trail that has not previously been given, however, there are inaccuracies and inconsistencies within the document. The majority of responses state ‘The studies have not considered an options analysis’ demonstrating the lack of consideration given to different alternatives. The schedule only sets out the references relied upon and gives no information about consultation on the options included and how these have informed the IIA. It is also not clear why references have been included in the schedule to the numerous documents that have had no bearing on the assessment of options.

- 4.2.4 The majority of options presented, other than affordable housing, are also only dealing with relatively narrow points (e.g. building heights on Scrubs Lane (**SD7 p 8**)) rather than the strategic issues for the Opportunity Area and have also not been tested against the IIA framework's 18 objectives. It is also of particular note that the Supporting documents on Housing and Employment (**SD43-46**) and Development Capacity and Infrastructure Funding (**SD56-57**) include no options analysis, issues critical to the regeneration of the area.
- 4.2.5 For those studies that have included options, several of the alternatives given present 'reasonable alternatives' or they would not have been considered in the studies. The explanation provided for the selection and rejection of alternatives is not provided in the IIA or supporting documents and appears to be post-rationalisation for decisions taken without assessment or due consultation. Some examples are set out below.

Transport

- 4.2.6 Under **SD5 Old Oak North Development Framework Principles**, options considered are given as delivery of either a viaduct or retention of the embankment for the West London Line and potential new Hythe Road London Overground Station. The Preferred Option is the delivery of a twin track viaduct and the Alternative Option, retention of the embankment. The options have not been assessed in terms of sustainability within SD5 or the IIA and no outline of the sustainability of the two options is provided. It is also clear from the text on **page 22 of SD5** that it has not been established if the preferred option is feasible: "Should the PO be demonstrated not to be feasible and this is agreed with the relevant partners and stakeholders **the alternative embankment option should be delivered.**" (emphasis added)
- 4.2.7 It is evident from SD5 that the embankment is a reasonable alternative, which should have been assessed against the Preferred Option in the IIA. The IIA assessment of the Preferred option is also inadequate, which is given a major positive impact despite the uncertainty of deliverability: "The policy seeks to facilitate the delivery of a network of unique and connected neighbourhoods and a potential new Hythe Road Overground Station on the West London line." IIA, page 201 (PDF)

4.2.8 Further examination of the document reveals additional flaws. **Figure 2 (page 7)** of the document sets out a diagram of the planning process and how the Development Framework Principles have influenced the Local Plan. The absence of the IIA both in the diagram and the supporting text is a notable omission, which shows that the IIA has not been an integrated part of the Plan development.

4.2.9 **Figures 3 and 4 (page 8)** of the document also show significant changes between the proposals for 2017 and 2018, yet neither of these configurations has been tested in the IIA to understand the likely impacts upon sustainability. The development framework principles set out at **page 11**, demonstrate the spatial issues that should have been assessed in the IIA including: connectivity; green infrastructure; land use; utilities and development capacity. There has been no sustainability assessment of these options.

4.2.10 Transport issues are also addressed in **SD36 Old Oak Transport Study**. As previously noted in **para 2.8** of this report only the preferred development scenario was considered.

Open Space

4.2.11 The **Supporting Studies Summary 2015 (page 9)** lists a Green Infrastructure and Open Space Strategy, which would identify new open spaces and public realm to contribute to the Green Infrastructure Network, to be developed to inform the Regulation 19 version of the Local Plan.

4.2.12 All references to the Green Infrastructure and Open Space Strategy have been removed from the **Supporting Studies Summary 2018** and there is no mention of this study and why it has not been prepared.

4.2.13 The **Environment Standards Study (SD20) Atkins, 2017** sets out Project challenges at **page 3**, including:

“One example is the recommendation for the quantum of accessible open space, we have undertaken some robust but high level analysis which will need to be tested by a full open space strategy and the master planning exercise.”

4.2.14 This issue was raised at the Examination in Public, but no evidence or references have been provided by OPDC to show where or how this issue has been addressed. There is also no assessment of open space options within the IIA, despite the need to demonstrate what level of provision was achievable within the Opportunity Area. A diagram of the relationship with OPDC's Local Plan (p10) and the suite of Supporting Studies, again fails to include the IIA, demonstrating that the IIA has not been integrated into the plan making process.

4.2.15 The document identifies key issues for the provision of open space and biodiversity at **page 33** but there is no evidence within the IIA of how these issues have been considered in options for the Opportunity Area, despite the severe open space deficiency that exists in the area.

Employment and Industrial Land

4.2.16 The Industrial Land Review (ILR) and Addendum (**SD47**) assesses the current and future supply and demand for industrial land within the boundaries of the Opportunity Area. The ILR identifies a shortage of industrial land in West London with little scope to create new sites and rapid loss of industrial land within the three boroughs of the Opportunity Area. The ILR acknowledges that there will be a loss of around 350 business and c. 6,500 jobs. There is also only around a 2% vacancy rate in the area's supply of industrial employment land.

4.2.17 The ILR has taken the proposals set out in the OAPF as a given i.e. the loss of the Strategic Industrial Land at Old Oak, as is shown at **para 7.12**:

“Under the emerging planning proposals for Old Oak, as presented in the draft OAPF (February 2015) all the traditional industrial space is lost. In addition, we are told that all the land currently used for rail is also released. The OAPF envisages the Old Oak area is to be residential led mixed use development. The draft OAPF also suggests de-designating this area from SIL via a future OPDC local plan.”

4.2.18 As a consequence, other development scenarios to the release of industrial land have not been assessed. Options for the de-designation of the SIL area have not been considered in the Local Plan or IIA despite the decline in industrial land available. The ILR concludes at **para 7.63**:

“In Chapter 4 we calculated that there was only around 35 ha of land left to release. The Old Oak release is nearly 90 hectares of Industrial land. Within the current Industrial Land SPG framework we cannot reconcile this loss. Leaving the three Boroughs to try and re-balance their portfolio to compensate does not appear pragmatic.”

- 4.2.19 The ILR also sets out the challenges with regard to the relocation of businesses from the Old Oak area at **para 8.9**:
- “There is an opportunity to support a diverse local economy and local employment by encouraging land owners to support the relocation of businesses from the Old Oak and HS2 to appropriate sites within Park Royal and the surrounding boroughs. However this is a challenge that will require a more intensive use of industrial land due to low land and floor space vacancy rates.”
- 4.2.20 The IIA does not consider any of the above issues and has failed demonstrably to show how it has considered the de-designation of the SIL and the likely impacts upon sustainability. The failure to consider this substantive issue to the regeneration of the area, runs throughout the document including the Key Sustainability Issues; Baseline Data; Assessment of Reasonable Alternatives; and Assessment of Policies and Site Allocations.
- 4.2.21 The Key Issues identified in **Table 3.4 of the IIA, p33** fails to even identify that the area is designated as Strategic industrial Land and that the Local Plan is seeking to de-designate the Old Oak area, a very serious omission. The text instead only states the following:
- “There’s a strong element of warehousing and other light to heavy industrial uses. A large proportion of residents within the area work locally. The displacement of existing businesses in the area could lead to a negative effect on the existing community.”
- 4.2.22 The Baseline Data in **Appendix B** is also extremely poor and does not reflect the evidence that has been used to support the Plan. In section **B.11.1 Land Use** there is no mention of Strategic Industrial Land at all. Also, in section **B.14 Economy**, SIL is not discussed or the proposals to de-designate the land at Old Oak. The market conditions with regard to industrial land in the three boroughs and the wider London area are not mentioned or the current businesses in the Old Oak and Park Royal areas. The jobs analysis only lists the total for the OPDC area as a whole.
- 4.2.23 The IIA does not include any discussion of options that have been considered for the de-designation of the SIL or the rationale for its removal at all. The assessment has also failed to consider the impact of its removal on existing businesses and the potential for relocation within the area or further afield.
- 4.2.24 The de-designation of the SIL is intrinsic to the regeneration proposals of the area. To fail to consider such a fundamental part of the Plan within the IIA shows that the process undertaken cannot be considered either credible or robust.

4.2.25 The additional information provided by Arcadis confirms that alternative Spatial Options or combinations of options have not been considered at any stage within the IIA. In fact, **Schedule 2** confirms for **SD2 Integrated Impact Assessment and Habitats Regulations Assessment** that no options are included within the document, a concerning admission. There is also an absence of links within the Schedule to the previous IIAs, which is said to provide a list of the consideration of alternatives.

5.0 Consultation

SEA Directive Article 2(b)

“ ‘Environmental assessment’ shall mean the preparation of an environmental report, the carrying out of consultations, the taking into account of the environmental report and the results of the consultations in decision-making and the provision of information on the decision in accordance with Articles 4 to 9.”

“This definition clearly states that consultation is an inseparable part of the assessment. **Further, the results of the consultation have to be taken into account when the decision is being made. If either element is missing, there is, by definition, no environmental assessment in conformity with the Directive.** This underlines the importance that is attached to consultation in the assessment.” SEA Guidance, para 74 (emphasis added)

- 5.1 The above quotations emphasise the importance of undertaking consultation during the preparation of the draft Plan and IIA and taking the findings of those consultations into account in the decision-making process. The review of the IIA, IIAA and additional supporting information shows that there has not been proper consultation on the information available during the drafting of the plan and in the decision-making process.
- 5.2 There has also been no consultation on the IIAA, any revised Non-Technical Summary or other additional information. There has therefore been no consultation, in parallel with the explanations provided by OPDC, to the assessment of reasonable alternatives for either the Regulation 18, 19 (1) or 19 (2) of the Local Plan, which is a serious breach of the Regulations.
- 5.3 The OPDC referred to discussions on the options which were undertaken **prior** to the Regulation 18 Consultation at the Examination, however, no information on these discussions has been provided. The suggested alternatives provided by Jam have not been considered in any of the responses from Arcadis or the OPDC.

- 5.4 The absence of any systematic consultation on reasonable alternatives or reasons for the selection of the one option, now put forward by OPDC, shows complete non-compliance with the Regulations. It is now too late in the process for such fundamental errors to be corrected prior to adoption. Following three draft plans and a HIF award, there is clearly no realistic possibility of providing any meaningful consideration of reasonable alternatives. The provision of the additional information at this point in the process confirms that the failures identified are substantial and cannot be rectified at this late stage in the examination given the need for OPDC to consider its implications with an open mind.
- 5.5 The IIA Addendum has been produced, it is said, in order to provide further clarity on the process and to answer questions raised by Inspector during the Examination. Apart from its many failures to meet the requirements of SEA Regulations, and thus not fit for the purpose for which it is expressed to have been produced, it should be noted that this document has not been issued for consultation, as required by the regulations, to enable the community to have effective engagement in the process. Nor have the two schedules, said to show which alternatives were considered, been referenced or made clear what if any consultation was undertaken. The supporting studies are also not tied in to the IIA, even by reference to a reasoned explanation of what has been done.
- 5.6 The SEA/SA process is not meant to be simply a 'tick box' exercise. The IIA report should set out the alternatives with reasons, at the appropriate stage, in tandem with the draft plan to allow informed consultation and decisions to be made in the light of the environmental consequences of the alternatives and the consultation responses.
- 5.7 The review of the IIA and the additional information provided by the OPDC during the Examination has confirmed that there is overwhelming evidence that there has been no comprehensive consideration of reasonable alternatives or reasons for the selection and rejection of options in the light of alternatives. There is also no evidence of the selection of single options, compiled in a systematic manner that would allow a fair and informed consultation process at an early stage in the formulation of the various drafts of the plan. The IIA can therefore not be considered compliant with the Regulations and cannot be rectified at this stage.

6.0 Conclusions

“Reasonable alternatives should be identified and considered at an early stage in the plan making process, as the assessment of these should inform the local planning authority in choosing its preferred approach” **NPPG 017**

6.1 This report responds to the issues that have been raised in the Examination in Public in relation to the Integrated Impact Assessment of the OPDC Local Plan, in particular:

- The Arcadis response to Jam’s Representations on the IIA (February 2019)
- The IIA Addendum prepared by Arcadis (April 2019)
- The Audit Trail and two schedules of information on the IIA issued by Arcadis (June 2019)

This report should also be read in conjunction with Jam’s previous representations (February 2019), which still stand.

6.2 The review of the additional information provided by Arcadis has shown that the IIA remains significantly deficient, particularly in respect of the assessment of ‘reasonable alternatives’ available as well as flaws in the application of the IIA methodology itself and the necessary consultation. The IIA process has failed to include either an assessment of all reasonable alternatives in relation to the Spatial Strategy; Policy Options; and Site Allocations or any reasoning or consultation document(s) on the approach taken (**see Further Legal Opinion 4/6/19**).

6.3 The OPDC has placed great weight on the view that the FALP policy and the OAPF remove the need to test reasonable alternatives in the IIA, a view which is not supported by Car Giant and has been shown in the previous representations, supporting Legal Opinions, and at the Examination in Public, to be misplaced.

6.4 There has also been no consultation on the IIAA, any revised Non-Technical Summary or other additional information. There has therefore been no consultation, in parallel with the explanations provided by OPDC, to the assessment of reasonable alternatives for either the Regulation 18, 19 (1) or 19 (2) of the Local Plan, which is a serious breach of the Regulations.

- 6.5 The absence of any systematic consultation on reasonable alternatives or reasons for the selection of the one option, now put forward by OPDC, shows complete non-compliance with the Regulations. It is now too late in the process for such fundamental errors to be corrected prior to adoption. Following three draft plans and a HIF award, there is clearly no realistic possibility of providing any meaningful consideration of reasonable alternatives. The provision of the additional information at this point in the process confirms that the failures identified are substantial and cannot be rectified at this late stage in the examination given the need for OPDC to consider its implications with an open mind.
- 6.6 Whilst the recent letter from the Secretary of State to PINS on the need to take a pragmatic approach to the Examination of Local Plans is acknowledged, this cannot provide a basis for not complying with the legal requirements of the IIA.
- 6.7 It is clear from the London Plan policy, OAPF and the SA regulations and guidance that different Spatial Options should have been tested, including the following suggested alternatives or combinations of options:
- 'Business as usual' or 'do nothing' approach
 - Extent of SIL re-designation and industrial intensification
 - Quantum/mix of development
 - Location of development
 - Variation in densities/locations for tall buildings
 - Infrastructure requirements – transport, open space
 - Phasing and deliverability
- 6.8 The additional information provided by Arcadis confirms that alternative Spatial Options or combinations of options have not been considered at any stage within the IIA. In fact, **Schedule 2** confirms for **SD2 Integrated Impact Assessment and Habitats Regulations Assessment** that no options are included within the document, a concerning admission. There is also an absence of links within the Schedule to the previous IIAs, which is said to provide a list of the consideration of alternatives.
- 6.9 The OPDC referred to discussions on the options which were undertaken prior to the Regulation 18 Consultation at the Examination, however, no information on these discussions has been provided. The suggested alternatives provided by Jam have not been considered in any of the responses from Arcadis or the OPDC.

- 6.10 The only option considered by OPDC in fact concerns the quantum of development and the view that a quantum lower than the Further Alternations to the London Plan (FALP) would not be policy compliant, despite the Local Plan allocating housing and job figures below the London Plan targets. This point is also not considered or recognised by the latest note from Richard Moules on soundness or in the earlier joint opinion. OPDC considers incorrectly that the Spatial Strategy is determined by the London Plan. The FALP does not specify the spatial distribution of the housing and employment provision or the supporting infrastructure.
- 6.11 Arcadis has provided a response to Jam’s Representations (February 2019), which is dealt with in detail in **Section 2.0** of this report. Overall, the response fails to provide answers to the criticisms raised but instead simply repeats previous responses provided in the IIA and Hearing Statements. In particular, the OPDC fails to provide a clear or reasoned answer as to why the IIA has failed to test the housing and employment options as required by **Policy 2.13** of the FALP.
- 6.12 The IIA Addendum has been produced, it is said, in order to provide further clarity on the process and to answer questions raised by Inspector during the Examination. Apart from its many failures to meet the requirements of SEA Regulations, and thus not fit for the purpose for which it is expressed to have been produced, it should be noted that this document has not been issued for consultation, as required by the regulations, to enable the community to have effective engagement in the process. Nor have the two schedules, said to show which alternatives were considered, been referenced or made clear what if any consultation was undertaken. The supporting studies are also not tied in to the IIA, even by reference to a reasoned explanation of what has been done.
- 6.13 The Addendum fails to provide additional clarity to the IIA as the assessment contains significant omissions and inaccuracies, which cannot be rectified at this stage. The Addendum is an attempt to provide post-rationalisation for pre-determined decisions. As a consequence, the results cannot be considered either robust or transparent.

- 6.14 The two Schedules of information have also been provided by OPDC in an attempt to clarify the audit trail and show how reasonable alternatives have been considered in the development of the Local Plan. The Schedules in fact show that the audit trail is demonstrably inadequate, do not provide an answer to the failure to show compliance with consultation requirements, and that the IIA fails to satisfy the regulations in numerous respects (as set out in **Section 4**) but perhaps most significantly, show the failure of the IIA to consider all reasonable alternatives to the Spatial Strategy.
- 6.15 **Schedule 2 (27/6/19)** only sets out the references relied upon and gives no information about consultation on the options included and how these have informed the IIA. The Schedule also contains references to many documents that are said not to consider options. It is therefore not clear why such references have been included in the Schedule if they have had no bearing on the assessment of options. The majority of options presented, other than affordable housing, are also only dealing with relatively narrow points (e.g. building heights on Scrubs Lane (**SD7 p 8**)) rather than the strategic issues for the Opportunity Area and have also not been tested against the IIA framework's 18 objectives. It is also of particular note that the Supporting documents on Housing and Employment (**SD43-46**) and Development Capacity and Infrastructure Funding (**SD56-57**) include no options analysis, issues critical to the regeneration of the area.
- 6.16 It should also be noted that the relevant information from the 63 supporting studies has not been brought together or referenced within the IIA. It should not be necessary for the reader to undertake their own 'audit trail' or 'paper chase' of the information in order to try and understand the decisions that have been made. The SEA Directive Guidance is clear on this point:
- "In order to form an identifiable report, the relevant information must be brought together: it should not be necessary to embark on a paper-chase in order to understand the environmental effects of a proposal." **para 4.7 SEA Directive Guidance**
- 6.17 Despite the production of additional information the IIA remains legally deficient. Reasonable alternatives have not been identified or tested in the IIA as required by the regulations and guidance. It can therefore not be shown how the IIA has informed the development of the Plan or that the Local Plan provides the most appropriate strategy for the area. Discussions on other potential options have not been made available to the public or been included in any of the consultations.

- 6.18 The SA process is not meant to be simply a ‘tick box’ exercise. The SA report should set out the alternatives with reasons, at the appropriate stage, in tandem with the draft plan to allow informed consultation and decisions to be made in the light of the environmental consequences of the alternatives and the consultation responses.
- 6.19 The review of the IIA and the additional information provided by the OPDC during the Examination has confirmed that there is overwhelming evidence that there has been no comprehensive consideration of reasonable alternatives or reasons for the selection and rejection of options in the light of alternatives. There is also no evidence of the selection of single options, compiled in a systematic manner that would allow a fair and informed consultation process at an early stage in the formulation of the various drafts of the plan.
- 6.20 The IIA instead provides a paper chase of information, which is not compliant with the Regulations and moreover is a paper chase, which fails in its purpose of seeking to demonstrate that reasonable alternatives were considered. It seems apparent that OPDC and its consultants simply failed to grapple with the requirements of the IIA until too late in the process. To correct the faults identified would require an exercise which is a futile one as at this stage, the policy choices have already been made. The purpose of the IIA is not an exercise in verification after the event.
- 6.21 The additional information provided does not resolve any of the criticisms that have been made in the representations and Legal Opinions that have been submitted. The provision of the additional information confirms that the failures in the process that were previously identified prevail and are substantial. The conclusion therefore stands that the IIA is not fit for purpose or legally compliant and that the OPDC Local Plan can therefore not be considered sound.



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