

Old Oak and Park Royal Development Corporation Local Plan Examination

Hammersmith & Fulham Council's Response to the Inspectors Matters & Issues (ID-04) 8th March 2019

Hearing Week 1

Matter 2 (e) Whether the Plan has been positively prepared in terms of the effects of the Plans policies and proposals on air quality

Hammersmith & Fulham Council have concerns about the Plan's approach to Energy from Waste (EfW). In particular, through representations we raised concerns about the potential impacts that such development would have on local air quality within Hammersmith & Fulham, which is currently covered by a whole borough Air Quality Management Area. The council is also in the process of implementing the measures in its Air Quality Management Plan to help improve local air quality and meet the national air quality objectives for Nitrogen Dioxide (NO₂) and Particulate Matter (PM₁₀/PM_{2.5}). Where these objectives are not met, the council is at risk of being fined.

Under the 1995 Environment Act- Part IV, local authorities are the regulatory authority with specific responsibility for the management of Air Quality within their boundary. It is therefore Hammersmith & Fulham Council, not the OPDC who has responsibility under this act to ensure that air pollution is being adequately addressed. The UK Government has the power to require local authorities to pay fines if these are imposed by the EU for non-compliance with the EU Air Quality Directive. Fines could therefore be levied on Hammersmith & Fulham Council (not the OPDC or GLA) if there are exceedances of the NO₂/PM₁₀ objectives as a result of development in the OPDC Area, although its management would not be directly in the Council's control.

Policy P (Old Oak North) of the OPDC draft Local Plan provides policy support for an EfW facility at the Old Oak Sidings Powerday site and we are concerned that no proper air quality assessment of an Energy from Waste facility has been undertaken to justify this approach. This could be detrimental for the local area and exacerbate or create exceedances of the National Air Quality Objectives for NO₂. We note that there is an aspiration for the OPDC area to be designated as a Low Emission Neighbourhood, which is something that the Council would be supportive of, however we do not feel that it has been demonstrated that the inclusion of an EfW plant is compatible with such an aspiration. Overall, we have doubts about whether the OPDC area is a suitable location for an EfW facility. Without sufficient evidence to ensure that these proposals will not negatively impact on local air quality levels, we do not consider that the Plan has been positively prepared and therefore reference to this in Policy P2 should be deleted.

EfW could be detrimental for the local area and exacerbate or create exceedances of the National Air Quality Objectives for NO₂. Advances continue to be made in the setting of (and

compliance with) more stringent emission standards for CHP systems and other combustion processes. Current national emission standards for EfW plants are much less stringent and we are concerned that the local air quality benefits that could be achieved by ensuring any CHP units in the OPDC area are the best performing in terms of low NOx emissions could be lost due to the much higher emissions that would be allowed from a single EfW plant in the area.

The Plan's proposals in relation to EfW are not consistent with the Mayor's policies and strategies. The Mayor's Environment Strategy (2018) states that it will not be necessary to have additional EfW facilities built in London to manage municipal waste. In light of this, we note that in the Mayor's Conformity Letter to the OPDC (KD7), he has raised non-conformity issues regarding Policy P2 in relation to EfW and seeks further clarification from OPDC about this. However, we do not consider that the OPDC have provided this clarification as policy support for EfW is still referenced in Policy P2.

In addition, although the draft London Plan is currently undergoing examination and subject to change, para 9.7.3.A of the draft London Plan added in response to the Regulation 19 consultation states "Modelling suggests that if London achieves the reduction and recycling set out above, it will have sufficient EfW capacity to manage London's non-recyclable municipal waste, once the new Edmonton and Beddington Lane facilities are operational" – i.e. development of further Energy from Waste facilities are not critical for London in order to manage municipal waste streams. Further to this, the GLA have also removed reference to EfW schemes as an example of renewable energies in paragraph 9.3.7 of the draft London Plan.

EfW facilities can potentially have an impact on local air quality, so care must be taken to ensure that emissions from any sort of scheme of this nature does not result in exceedances of the WHO health based air quality standards. The installation and operation of EfW facilities will not support the Mayor of London's Environment Strategy (2018) requirement of establishing and achieving new, tighter air quality targets for a cleaner London, meeting World Health Organization (WHO) health-based guidelines by 2030. The Council consider that if this type of facility is to be proposed, they should only be supported in agreement and in writing with the Local Authority where they do not result in the deterioration in local air quality and make a positive contribution to overall improvement in air quality.

The Council consider that the following modifications to Policy EU6 (Waste) and Policy P2 (Old Oak North) are necessary to make the Local Plan sound:-

- **Policy P2 (J ii)**- delete the following:-~~"Making efficient use of Old Oak Sidings by supporting and/or enabling the site to deliver an EfW facility that contributes to a decentralised energy network for the wider area where this accords with relevant policies including Policy EU4."~~
- **Policy EU6 (vi)**- does not result in the deterioration in local air quality, minimise CO2 emissions and where relevant, increase operational capacity and waste recovery rates";
- **Para 6.75**- "To support decentralised energy provision and bio-waste treatment, OPDC will support the development of proposals that bring forward innovative solutions for energy generation in agreement with the Local Authority (s) where they do not result in the deterioration in local air quality and where they meet the London

Plan carbon intensity floor emissions performance standards (400g/kWh electricity produced at the time of the publication of this Local Plan)”.

- **Para 6.76-** “...OPDC will work with the operators of the waste sites and other relevant stakeholders such as the Environment Agency, the waste authorities, local authorities, businesses, and residents to find ways to introduce energy generation in a way where they do not result in the deterioration in local air quality and that delivers benefits and addresses adverse impacts to the area.”
- **Para 6.78-** “Where applications propose new or enhanced facilities these will only be supported in agreement with the Local Authority (s) where they do not result in the deterioration in local air quality and where the development can demonstrate that it will not adversely impact on the surrounding environment...”

With regards to Policy EU4 on air quality, the Council considers that there should be greater reference in the policy and supporting text to meeting World Health Organisation (WHO) targets. The draft new London Plan (2018) includes the following suggested additional text for Policy SI1 Improving Air Quality following the consultation:

“The Mayor is committed to making air quality in London the best of any major world city, which means not only meeting and maintaining legal limits for Nitrogen Dioxide as soon as possible but also working to achieve World Health organisation targets for other pollutants”.

As the authority responsible for management of air quality, it is essential that there is greater recognition of the role of Hammersmith & Fulham Council in the management and responsibility for air quality matters within our administrative boundary. These issues are linked to our concerns about emissions from Energy from Waste facilities and their potential impacts and the suggested amendments below would help ensure that such schemes would not have detrimental impacts on local air quality.

The Council consider that the following modifications to Policy EU4 (Air Quality) are necessary to make the Local Plan sound: -

- **Policy EU4-** “Development proposals will be supported where they ~~appropriately minimise air pollution~~ do not result in the deterioration in local air quality and make a positive contribution to overall improvement in air quality by: a) submitting an Air Quality Assessment in consultation and agreement with the Local Authority...”
- **Policy EU4-** “ ii) potential exposure to pollution above the WHO Air Quality Guideline values; and...”
- **Policy EU4-** “i) emissions, particularly of nitrogen dioxide (NO₂) and particulate matter, including PM₁₀ and PM_{2.5}, to meet the WHO Air Quality Guideline Values; and...”
- **Policy EU4-** “ii) exposure to below the WHO Air Quality Guideline Values”.
- **Policy EU4-** “e) helping to reduce pollution in air quality focus areas, identified in figure 6.6, to comply with WHO Air Quality Guideline Values and the most up to date national air quality standards”
- **Policy EU4-** “f) delivering and/or contributing to the provision of new automatic monitors and diffusion tubes, with equipment to monitor NO₂ and PM_{2.5}, PM₁₀, at locations identified in figure 6.6”.

- **Policy EU4-** “(h) meeting EU, WHO Air Quality Guideline Values or subsequent nationally established health-based standards and objectives for NO₂ and PM_{2.5}, PM₁₀ and other particulates”.
- **Table 6.1-** “Proposals should not increase the area of exceedance of WHO established air quality health-based standards and objectives for NO₂, PM_{2.5}, and PM₁₀. Where new developments are introduced into an area where the standards and objectives are exceeded, developments should be designed to minimise and mitigate against increased exposure to poor air quality.”
- **Para 6.54-** “OPDC will adopt WHO established health-based standards and objectives for a number of air quality indicators (NO₂, PM₁₀ and PM_{2.5}) until these are superseded by new UK standards...”
- **Para 6.55-** “Monitoring and modelling of pollutant concentrations has shown that NO₂ concentrations in the area are between 5% below or above the WHO Air Quality Guideline values for NO₂, PM_{2.5} and PM₁₀ across wide areas of Old Oak and Park Royal. As a result, CHP & Biomass Plant, Ultra Low NOx Gas fired boilers and associated abatement technologies shall meet a minimum dry NOx emissions standards of 25 mg/Nm³ (at 5% O₂) and 40 mg/kWh (at 0% O₂) respectively the Band B emission standards for CHP plant and solid biomass boilers in the Mayor of London’s Supplementary Planning Guidance (SPG) on Sustainable Design and Construction will apply”.
- **Para 6.56-** “In addition, energy and waste facilities should be carefully positioned and designed to ensure that emissions do not result in the exceedance of the WHO Air Quality Guideline values for NO₂, PM_{2.5} and PM₁₀ for impact on local residential development or civic amenities including

Matter 2 (i) Whether the Plan has been positively prepared in terms of social infrastructure such as education and health facilities

Hammersmith and Fulham Council has concerns about the OPDC’s approach to health care provision. In particular, through representations we have raised objections to Policy TCC4 (Social Infrastructure) in relation to the lack of evidence in their Social Infrastructure Needs Study (SINS) regarding an assessment of the impact of the increase in population from the OPDC development on acute health care needs. For the reasons set out below we do not consider that the OPDC’s Local Plan meets local health care needs and is therefore not positively prepared or justified.

To assess primary health care needs, the SINS has undertaken modelling to determine the impact of the increased population on existing primary care services in the local area. The findings of this identify a need for expansions to existing primary care facilities in the local area and delivery of a new primary care hub in Old Oak North in 2024 to meet demand. However, in terms of modelling for secondary and acute health care needs, the SINS makes no assessment of the needs arising from the OPDC development for this type of provision, which has been completely overlooked.

The SINS suggests that existing hospital provision will be able to meet the demands for acute care arising from an extra 55,000 residents planned for at the OPDC, but this statement is not based on evidence and needs further justification. The reorganisation of hospital facilities and other health services in the area has led to the closure of A&E services

at Hammersmith Hospital and Central Middlesex Hospital which are two of the closest hospitals to the OPDC development. With the added threat of the closure of A&E services at Charing Cross Hospital in Hammersmith, we strongly consider that further work is required from the OPDC to project the acute care needs of this increased population to consider whether existing A&E provision in the area is able to meet demand arising from the OPDC development or further provision is needed. As one of the few remaining A&E departments in the area, we consider that A&E services and acute care beds at Charing Cross Hospital are essential in meeting this need and should remain.

As a result of continued objections from the Council on this issue, the OPDC have included wording in its Infrastructure Delivery Plan at Para 6.4 and 6.5 to recognise the role of Charing Cross Hospital in meeting acute care needs arising from the OPDC development, which is supported. However, we consider that amongst other social infrastructure requirements, this should also be referenced in Local Plan Policy TCC4 (Social Infrastructure).

OPDC have also set up a working group on health to monitor healthcare needs over the course of the OPDC development. This includes representation from the host boroughs of Brent, Ealing and Hammersmith & Fulham, the CCG's and NHS Trusts. Although this is welcomed, LBHF consider that as part of this grouping OPDC should commit to working with the CCG's, NHS Trusts and host boroughs to undertake further work to project the acute care needs of this increased population, in order to understand the demand on existing hospital provision in the area. This commitment should be referenced in the Local Plan.

Matter 3 (d) Whether the Plan would be effective in light of delegation of proposals to Infrastructure Delivery Plan (IDP).

To enable sustainable development and conformity with the NPPF, it is essential that the infrastructure requirements in the IDP are reflected in the OPDC's Local Plan. However, given the scale of the OPDC development, we recognise that infrastructure requirements may change over time. Therefore, OPDC should include details of all known infrastructure requirements in the Local Plan, but also make a commitment in the Local Plan to review and update the IDP at least once annually through engagement with infrastructure and service providers. This approach is usually best practice.

Hearing Week 2

Matter 9: Whether the Plans policies towards provision of affordable housing would be justified or effective

Policy H2 of the OPDC Local Plan proposes an overall target of 50% affordable housing (subject to viability) with a tenure split of 30% London Affordable Rent/Social Rent and 70% intermediate housing. This approach is inconsistent with host borough Local Plans which require much higher levels of social rent and affordable rent housing to be provided on new developments.

At both Regulation 19 (1) and Regulation 19 (2) consultation stages of the OPDC Local Plan, the host boroughs raised objections to Policy H2 in relation to the tenure split which favours provision of intermediate housing products (see Statement of Issue from host boroughs on

affordable housing for further information). In addition to our objections, the GLA have raised similar concerns on the tenure split.

The NPPF (2012) requires Local Plans to meet the objectively assessed need for market and affordable housing. Local Plans are to provide for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. OPDC's SHMA identifies an acute need of 86% social and affordable rent housing and a need of 14% intermediate housing. More recently, the West London Alliance boroughs including OPDC have undertaken a joint SHMA (2018) which reaches similar conclusions about the pressing need for social and affordable rent housing in the area. However, Policy H2 does not take this need into account and proposes a completely opposite tenure mix. The Plan will therefore not meet the need for market and affordable housing as required by the NPPF.

Under the Planning and Compulsory Purchase Act (2004), the OPDC Local Plan is being examined on the basis of the policies in the current London Plan (2016). Policy 3.11 of the London Plan (2016) sets the approach reflective of London's housing needs and expects boroughs to achieve a tenure split of 60% social/affordable rent (especially for families) and 40% as a range of intermediate housing products. This is the approach taken by the Council in its Local Plan.

Although the draft new London Plan is currently undergoing examination and subject to change. Draft Policy H6 requires boroughs to implement a tenure split of at least 30% social rent and at least 30% intermediate housing, with the remaining 40% to be determined by the relevant borough based on need. In relation to the 40%, it recommends that boroughs focus on provision of social rent and London affordable rent products, given the need for this type of tenure across London. We note that in the Mayor's Letter of Conformity (KD7) to the OPDC Local Plan, the Mayor raises non-conformity issues with Policy H2 on the tenure split. His letter states that the policy is not consistent with the presumption in the draft London Plan that the 40% to be decided by the borough will focus on social rent/affordable rent housing and requested for OPDC to consider how the policy can better reflect the Mayoral presumption.

To try to address concerns, OPDC have proposed some modifications to Policy H2. However, despite these our objections still remain. The modifications proposed provide greater ambiguity and uncertainty for decision makers and applicants on policy expectations for affordable housing which may also impact on land values.

In addition, Policy H2 sets a target of 50% affordable housing subject to viability. This means that the level of affordable housing to be provided will be determined on a site by site basis through viability testing. As such it is considered flawed to base the threshold on the ambition of securing 50% rather than prioritising the most locally relevant affordable housing tenures to meet need.

To make the Local Plan sound, we consider that Policy H2 should be amended to require greater levels of social rent and affordable rent housing which would better reflect the evidence of need in the SHMA.

Matter 16: Whether the Plans policies and proposals for Sustainable Drainage Systems (SuDS) would be effective

Hammersmith & Fulham Council have concerns about the Local Plan's approach to the management of surface water run-off. In particular, through representations we have raised concerns about the OPDC's Drainage Hierarchy in Policy EU3 on Water which, in our view is not in conformity with the London Plan Policy 5.13 or the Council's Local Plan (2018) Policies CC3 and CC4. As currently drafted, the Hierarchy is also not consistent with the approach that the Council in its role as the Lead Local Flood Authority takes in getting Sustainable Drainage Systems (SuDS) implemented in major schemes in the borough.

The Council's Surface Water Management Plan (SWMP) published in 2015 identifies that the risk of exceedance of the drainage system and surface water flooding in the borough is likely to increase in the future unless steps are taken to manage and mitigate this form of flooding. In line with the council's duties as the Lead Local Flood Authority (LLFA) surface water therefore needs to be properly managed in new developments, particularly major developments.

Hammersmith and Fulham is a borough that is particularly at risk from surface water flooding. The SWMP shows that over 7,000 residential properties and almost 900 non-residential properties could be at risk of surface water flooding of greater than 0.1m depth during a 1 in 100 year storm event. Most of the sewer infrastructure in the borough is combined rather than separate which means that sewers not only convey foul water to the sewage treatment plants further downstream but also all surface water that enters the system- i.e. water that drains from paved areas, roads and roofs etc when it rains. Under normal circumstances there is capacity in the sewers for all foul and surface water to be accommodated without significant flood risk. However, during storm conditions when there can be high levels of rainfall in a short period of time, the volume of surface water and the rate at which it is entering the sewers can overwhelm the system and cause sewers to surcharge. Thames Water studies on sewer capacity show that the Counters Creek sewer system which serves much of the borough is in danger of not having the required capacity to cope with even relatively frequent storm events in the future, increasing the risk of surface water and sewer flooding in the borough.

Despite the serious impacts that storm events can cause, water is actually an increasingly scarce resource and as the population grows in the borough, so demand for potable water increases. The borough is in an area of Serious Water Stress, defined by the Environment Agency as a region where the current or future demand for household water is or is likely to be a high proportion of the effective rainfall which is available to meet that demand. Therefore, it is vital that major new developments implement water efficiency measures, including the collection and re-use of water such as rainwater harvesting systems.

We consider that the OPDC Local Plan EU3 on Water and the supporting text is not effective and the Drainage Hierarchy should be amended to be consistent with the Mayor's and the Council's policy of prioritising the collection and re-use of rainwater and the other above ground measures that also provide a range of environmental benefits such as living roofs, blue roofs and soft landscaping features. At the moment, the OPDC Hierarchy prioritises the direct discharge of stormwater into the Canal. Whilst this is better than discharging into the sewer network, this method of managing surface water is limited in terms of additional

benefits it can provide compared to the other above ground SuDS measures. Developments in the OPDC area will create a significant demand for potable water and we would expect that collecting and re-using water would be promoted by the OPDC's Hierarchy above the use of direct discharge to the canal for all developments.

Further to this, the reference in Policy EU3 to needing to comply with any relevant requirements of the Local Authority Surface Water Management Plans and the Thames River Basin Management (TRBM) Plan is logical but if the OPDC Drainage Hierarchy is not consistent with the London Plan or borough Local Plan documents then it is also likely to not be in line with SWMPs and possibly not the TRBM Plan either. It is not clear how these conflicts could be resolved.

In order to make the Local Plan sound, we therefore request that Policy EU3 on Water is amended so that the Drainage Hierarchy is aligned with the Hierarchy included in the London Plan, Policy 5.13 which will highlight and support the importance of rainwater harvesting.