



St Quintin and Woodlands Neighbourhood Forum

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Open letter to members of the Board of the Old Oak and Park Royal Development Corporation 11th September 2017

Dear Board Member,

OPDC Board Meeting 12th September Item 10 Application of designation of an Old Oak neighbourhood area and forum

You will have read the report on the Board agenda on 12th September, recommending designation of an Old Oak neighbourhood area of 22 hectares on the western side of the Scrubs, with the removal of all other OPDC land from the area applied for (originally 190 hectares).

This letter is from the St Quintin and Woodlands Neighbourhood Forum. This body was designated by RB Kensington and Chelsea in 2013, and the neighbourhood plan prepared for the area was successful at referendum in February 2016 with 92% support on a 23% turnout of the electorate. The policies in the StQW Plan now form part of the Local Plan for the Borough.

As you will see from the map at Figure 2 of the report on your agenda, 35 of our 420 members responded to the OPDC/LBHF consultation on the proposed 275 hectare neighbourhood area. All but one supported the Boundary put forward in the application. This proposed boundary borders directly onto our own.

As you will also see from the responses, our members have first hand experience of what the neighbourhood planning framework can deliver. Apart from introducing bespoke policies for our area, and making some modest variations to existing RBKC policies (within the limits of 'general conformity' with the Local Plan) the process of preparing a plan has brought neighbours together and we have all learnt much about the planning system.

Our existing forum has a strong interest in the future regeneration of Old Oak, and was looking forward to working with the Old Oak NF, residents in College Park, and bodies such as the Friends of Wormwood Scrubs in preparing a neighbourhood plan which would help integrate the existing communities in and around the Old Oak area into a coherent new part of London.

Our members are surprised and concerned that the OPDC (and LBHF) feel the need to be defensive towards a part of the planning system that is up and running all over England and (after a slow start) is becoming widespread in London. Over 100 neighbourhood forums are now active in London, and 6 plans adopted.

Members of the Old Oak Interim Neighbourhood Forum will have an opportunity to present the Board their response to the recommendations made to you by the OPDC Planning Committee. Our StQW Neighbourhood Forum asks you to take account of the following points before you make a final decision:

1. The officer presentation to the Planning Committee on September 6th provided no context of what is happening on neighbourhood plans across London. As the covering report to the Board acknowledges (late in the day) there are neighbourhood areas as large and complex already designated in London. The GLA officer response to the consultation on designation of the proposed Old Oak area incorrectly claimed that a neighbourhood area of 275 hectares is 'unprecedented'. The GLA do not seem to be up to speed on the subject.
2. The officer reasoning for removing large parts of the proposed area rests in part on the argument that these are 'strategic' sites. National Planning Practice Guidance (para 036) is very clear that neighbourhood areas can include strategic sites. This was not explained to the committee. We can see no reference to this paragraph of Government guidance in the reports to the Planning Committee or the Board.

3. The proposed wider boundary was discussed with OPDC officers over an 18 month period prior to submission of a designation application. HS2 construction compounds, and the EMR/Powerday sites were removed from the boundary by the Interim Forum as a result. The site of the HS2/Crossrail terminal is 'excluded development' under the 2011 Act, for which no provisions can be made in a neighbourhood plan. HS2's response to the consultation was notably more relaxed than the objections submitted by the GLA and TfL.

4. Wormwood Scrubs is recommended for removal from the proposed boundary on the basis that it too is a 'strategic site'. This is an unusual term to apply to Metropolitan Open Land. Other neighbourhood areas in London include MOL (e.g. Hampstead Heath).

5. Much of the officer justification provided for removing parts of the proposed neighbourhood area is that these sites or locations have different 'characters' from one another, and from the area recommended for designation. There is no requirement (or even expectation) that all parts of a neighbourhood area should have uniform or consistent characteristics.

6. The Chair of the Planning Committee when summing up the discussion at the Committee's 6th September meeting said that he was very satisfied that the officer analysis had shown that the proposed area did not meet the 'required criteria'. The only required criterion for a neighbourhood area is that the local planning authority considers it to be 'appropriate'. The factors referred to by officers in their presentation and report are described in National Planning Practice Guidance as '**considerations**' that '**may**' be relevant to designation. These same factors are covered at length in the OPDC Board papers. They are not criteria that are required to be met for an area to be designated. Again, this was not explained to the committee.

7. Where landowners/developers have responded to the consultation, asking for their sites to be removed from the proposed area, the Board is being recommended to accede to every request. This does not happen on other designations in London or elsewhere. It is contrary to the whole concept of neighbourhood planning which was introduced by Government in order to level the playing field and *to provide a powerful set of tools for local people to ensure they get the right types of development for their community* (NPPF paragraph 184).

8. One of the independent members of the Planning Committee members summed up the position at the end of its debate as '*we have to do what we have to do*', as if Government guidance left no choice but to reduce radically the proposed neighbourhood area. The reverse is true. There is an expectation that local communities should be able to identify what they consider makes for a sensible and appropriate neighbourhood area. Variations of proposed boundaries on the scale being made by OPDC and LBHF are very unusual, in London and across England.

9. In response to the OPDC/LBHF consultation on designation there were 198 responses of which 82% supported the proposals. This is amongst the highest response rates on a designation application to date in London. Again this was not pointed out to the Planning Committee. The Board felt able at a previous meeting to approve the Harlesden neighbourhood area on the basis of 5 responses and no exploration of whether the proposed boundary included areas of different character.

10. There was no mention or discussion at the Planning Committee of the fact that designation of separate neighbourhood areas by LBHF and OPDC will lead to a doubling of public expenditure (met largely via DCLG) on two sets of grants for plan preparation, two independent examinations, and two referendums. We do not share the officer view that OPDC, in acting as 'lead authority' on the designation application, has *successfully delivered the benefits (of lead authority arrangements) as set out in NPPG paragraph 031*. The extra sum involved (assuming two separate plans emerge) will be around £50,000 of public money.

11. The Planning Committee reassured itself that OPDC's activities on 'community engagement' are very effective and already provide plenty of scope for resident involvement. This is not the perception of our members, who await circulation of a more regular OPDC newsletter having signed up to receive this information.

In agreeing the recommendations before the Board, you are being asked to frustrate for people living in and around the Old Oak area the one opportunity provided by Parliament for in depth involvement by local people in the planning process. We cannot understand why you should want this outcome? The negative reaction of planning officers to designation applications was common across London five years ago, when the Localism Act came into force. It is much less common now.

Neighbourhood plans are nothing for a planning authority to fear. Their content is the subject of two rounds of public consultation and an independent examination to ensure 'general conformity' with the strategic policies of a Local Plan.

We are far from convinced by the case made by your officers for removal of 89% of the OPDC land included in the designation application from the interim forum. The 2013 and 2014 legal case at Daws Hill is referred to in the OONF designation application and we do not argue with the Appeal Court conclusion that LPAs have discretion to determine the 'appropriateness' of a neighbourhood area. This discretion is not limitless.

We take issue with OPDC officer interpretation of the 'factual and policy matrix' in relation to the Interim Forum's designation application, as well as with the advice given the Planning Committee and Board on NPPF and NPPG guidance.

Officers will no doubt respond to some of the points made in this letter, at your Board meeting. Additional information has already been added to officer reports as a result of the interim forum flagging up Government guidance and precedents elsewhere. You may or may not feel reassured by such advice, in making a set of decisions that appears already to have been reached via previous informal discussions amongst Board members.

The deadline for final decisions is short, as your officer report makes clear. The fact that nearly 20 weeks have passed since the Interim Forum's application was published for consultation is in no part due to the interim forum. The consultation closed on June 15th. There remains a week in which an alternative set of decisions on designation could be delegated to the OPDC Chief Executive, were the Board to be so minded. We ask that you consider carefully such an option.

Yours sincerely,

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cc Andrew Slaughter MP

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Mark Walker, Chair Old Oak Interim Neighbourhood Forum