

OPDC Local Plan Consultation
Old Oak and Park Royal Development Corporation,
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By post and email to localplan@opdc.london.gov.uk

5 September 2017

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Dear Sir,

Thank you for consulting High Speed Two (HS2) Ltd. on 2nd Draft (Regulation 19) Local Plan.

HS2 Ltd. has been engaged with Old Oak and Park Royal Development Corporation (OPDC) throughout the preparation of the 2nd Draft and is pleased to see that significant progress has been made in the drafting of some policies in the plan to reflect the powers established in the High Speed Rail (London – West Midlands) Act 2017 ("the Act"), the Act scheme and subsequently HS2 Ltd.'s scope. We hope to continue this productive process of engagement to resolve the outstanding concerns in time for examination in public.

However, HS2 consider the draft plan to be unsound on the grounds that certain policies within the plan are not justified or effective and as such do not meet the tests set out in paragraph 182 of the NPPF.

Development at Old Oak Common Station

The spatial policies (SP5, SP9 and SP10) as proposed are not justified or effective. These policies require tall, high density development focussed around and close to public transport to create a major new commercial hub around Old Oak Common Station. These policies also require proposals to support the delivery of the spatial vision by enabling a comprehensive and integrated approach to development and infrastructure that supports and brings forward development.

These policies are not predicated on evidence that significant amounts of tall, high-density development can be achieved at Old Oak Common station. HS2's current scope is to deliver a naturally ventilated station which initial ventilation modelling has shown not to be able to support tall, high density building both on and adjacent to the station site or on the adjacent Elizabeth Line Depot site. These ventilation studies, along with other similar design development work, have been shared with OPDC. The current scope for Old Oak Common Station cannot deliver the spatial vision for development at Old Oak Common Station, and consequently the vision as drafted by OPDC is not deliverable.

Chapter 4 Site allocations table demonstrates OPDC's supply of land for new housing and commercial floorspace. The Old Oak South allocation includes Old Oak Common Station for the delivery of these types of development. The site specific policies P1 Old Oak South and P1C1 Old Oak Common Station cluster require proposals to support the establishment of a commercial hub around the station by delivering a

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significant amount of B1 floorspace and optimise development in response to the place's transport accessibility and significant investment in the area.

As drafted HS2 Ltd. consider these policies to be unsound. These policies are based on development assumptions at the Old Oak Common Station site that there is no evidence to suggest that they can be achieved and furthermore this type of development, or any enabling works associated with it, is not within HS2's scope to deliver. HS2 Ltd. would suggest that, as with the spatial policies, these policies are drafted more flexibly to allow for a range of development scenarios. The proposals as drafted are not supported by detailed studies or funding.

Station Capacity

Policy SP7 requires proposals to 'support the delivery of the spatial vision by delivering sufficient transport infrastructure required to support the planned growth in the OPDC area'. The supporting wording in paragraph of OOC.7 in policy P1C1 also refers to station capacity, 'the Act scheme currently sets out that Old Oak Common Station will be designed to provide interchange facilities for 54,366 passengers which does not consider proposed development within the OPDC area. To help inform the design of Old Oak South, TfL have carried out modelling which identifies that approximately 250,000 passengers will interchange within the station and 42,000 passengers will leave the station to interchange with other modes. As such, the layout of the movement routes within and around the station needs to support local permeability and legibility. The station should be designed for nonpreclusion to allow for modifications to enable these routes to be made at a later date'.

HS2 Ltd. considers these policies to be unsound as they are neither justified nor effective. These policies require extra works beyond HS2's scope. Such proposals cannot be required through planning policy and the Schedule 17 process. HS2 Ltd.'s current scope is to deliver a station with a capacity of 54,366 passengers in a 3-hour am peak. During the next stage of design we will explore opportunities to not preclude further modifications to the station within the current scope and schedule. Anything other than the Act scheme would require a fresh instruction from the DfT and be for others to fund. For the policies to be sound they should accurately reflect HS2's set scope for station capacity and be more flexible on aspirations for future capacity.

Station Connectivity and High Street

HS2 Ltd. recognises the significant role that station access plays in integrating with the surrounding development. During the parliamentary process, the Secretary of State gave Assurances to Transport for London ("TfL") relating to 'Old Oak Common Connections'. These included non-preclusion and enabling (within HS2 powers and limits) for an Old Oak Common Station Western Pedestrian Link, an Old Oak Common Station Eastern Pedestrian Link and an Old Oak Common Station Eastern Highway Link. These Assurances required HS2 Ltd. to design these links and seek agreement with TfL and OPDC on the design, which has been achieved as per the requirement set out in the Assurance. We will continue to work with TfL and OPDC during the next stage of design of the station to further refine the design of these links. The inclusion of the enabling for the links into the station design is however subject to the caveats that TfL confirms that both funding will be available, and an appropriate application for permissions and powers has been submitted by 31 December 2017 with that the relevant permissions secured by 31 December 2018. HS2 Ltd. will continue to engage and work with OPDC, TfL and the DfT on the planned delivery of these links.

Elements of Policy SP7 are therefore a welcome inclusion in the plan as it is broad in its approach requiring proposals to support new connections to Old Oak Common Station if proven feasible and does not affect the timely and cost effective delivery of the station.

However, this policy in conjunction with SP6 requires proposals for development and rail infrastructure to support the delivery of the High Street. HS2 Ltd. considers that these policies are unsound on the basis that they are not justified or effective. The High Street (in particular its connection into the Old Oak Common Station site via a bridge over the Elizabeth Line Depot) has not been proven deliverable as it is not supported by any detailed engineering studies or availability of funding. This includes the additional enabling required for a High Street Bridge which is outside of HS2's scope and funding envelope. HS2 Ltd. consider that for these policies to be sound, they need to reflect the wording used in policies P1 and P1C1 when referring to the High Street. Namely, requirements on proposals to explore the opportunities for non-preclusion and support for the delivery of the High Street are only applicable where they are feasible and support the timely and cost effective delivery of Old Oak Common Station.

Plantagenet House

Policy Pg and the associated policy map refer to Plantagenet House as a 'building of heritage interest'. The policy requires proposals to conserve and enhance the proposed locally listed Plantagenet House and its setting. Upon Royal Assent HS2 Ltd. gained powers to demolish this building as part of the set-up of the Atlas Road construction compound. Due consideration was given in developing the ES scheme so as not to unnecessarily demolish buildings. In doing so HS2 Ltd. has only taken land necessary for the construction of the high speed railway. Therefore this proposal is unsound as it does not reflect the Act powers and proposals.

Policy Diagrams

The policy diagrams in the plan only depict the end-state aspirations of the plan. The policy diagrams relating to proposals relating to Old Oak South and Old Oak Common are unsound as they are not justified or effective. They rely on and propose a station design that there is currently no commitment to construct or enable, and there is no evidence that they can be delivered. HS2 Ltd. suggest the plan should include diagrams showing both the end-state aspirations and HS2's currently committed Act scheme for 2026 (i.e. phasing plans) which would make the plan sound in this matter. HS2 Ltd. are working closely with OPDC and your consultants on the masterplan for the area and believe that this work be incorporated.

At Royal Assent in February 2017 the Act deemed planning permission for HS2 was granted by Parliament. The Act has established a planning regime in Schedule 17, under which HS2 Ltd. will need to apply for approval of detailed design for a range of elements of the Proposed Scheme from the relevant planning authority, OPDC.


However, the application of local planning policies or objectives are only applicable to the determination of HS2 Act works in so far as they are relevant to the matters being sought for approval and the relevant grounds. The intention of Schedule 17 is not for local authorities to seek to modify the scope or extent of HS2 works.

HS2's scope is established by the Act. Planning policy cannot be used to impose requirements for the HS2 station beyond the grounds set out in Schedule 17. It is not the purpose of Schedule 17 to replicate or modify matters which have been settled through the Bill process, including the controls set out in the Environmental Minimum Requirements (EMRs) which require HS2 Ltd. to adhere to the arrangements contained within them (e.g. Code of Construction Practice CoCP), the Planning, Heritage, and Environmental Memoranda) in designing and constructing the HS2 works. Therefore, policies in the plan relating to the control of construction traffic and environmental and sustainability standards – such as policies P7, P8, T8, EU4, EU5, SP2 and SP3 are not applicable to HS2 works.

HS2 Ltd. broadly support the overall aim of the plan and recognises its regeneration and development aspirations. However, for the plan to be sound, HS2 Ltd. consider that it has to be more flexible and plan

for a range of development scenarios , as well as recognising HS2's scope for station design capacity and related works delivery under the provisions of the Act.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Paul Gilfedder', with a stylized flourish at the end.

Paul Gilfedder
Head of Town Planning
High Speed Two (HS2) Limited