

A PLEA TO THE OPDC PLANNING COMMITTEE

This request comes to you from a range of community organisations, neighbourhood forums and individuals within and around the Old Oak area.

This is a critical moment for the OPDC and for the future of this part of London. So please take a moment to read this note before the Planning Committee meeting on February 23rd. This committee meeting will be advising the Board on the proposed ‘modifications’ to the Development Corporation’s Draft Local Plan, stalled since September 2019.

We are approaching you directly, as members of the OPDC Planning Committee. We are asking you questions and flagging up issues under six headings.

- **Will this modified Local Plan survive a renewed Examination in Public?**
- **Why has your committee played no part in ‘modifying’ the OPDC Draft Local Plan?**
- **What has the OPDC Planning Committee been doing instead?**
- **Why it does not have to be like this...?**
- **“When the facts change I change my mind, what do you do?”**
- **OPDC organisational culture**
- **We are not the only people to find OPDC to be ‘non-transparent’**

We end by asking if the committee would be willing to engage in an open and public discussion with a group of residents drawn from local organisations that have been working in the Old Oak area since 2015.

1. Will this modified Local Plan survive a renewed Examination in Public?

The proposed modifications to the 2019 version of the OPDC Draft Local were made public earlier this week. A couple of online presentations at the end of November gave local residents some idea of what to expect.

We question whether this revised Draft Local Plan will survive a renewed examination in the summer. This is for several reasons:

- In spatial terms the document has effectively become two Local Plans, one for the Scrubs Lane area and one for East Acton (the Western Lands).
- These areas have long been separated by Wormwood Scrubs and railway land. They remain separated in the modified Local Plan, with no firm or feasible proposals for a road connection between the two within the lifetime of the Plan.
- As the committee is well aware, there are now no plans for any vehicular access to the eastern end of the new OOC station by bus, car or taxi. In what way will this £1.3bn piece of infrastructure act as a ‘catalyst’ or significantly improve the development viability of Scrubs Lane?
- Around the new station (opening date 2029-2032) the prospects for creating a major new centre in the lifetime of this Local Plan are limited. There is the ‘Adjacent Site’. But unless and until the Crossrail/Queen Elizabeth Line and the IEP Depot land are released, the OOC station area will not provide a ‘centre’ or ‘heart of Old Oak’ that is anything like that planned at ‘Old Oak Park’ (the abandoned Cargiant masterplan). It will not be a ‘destination’ other than for rail travellers.

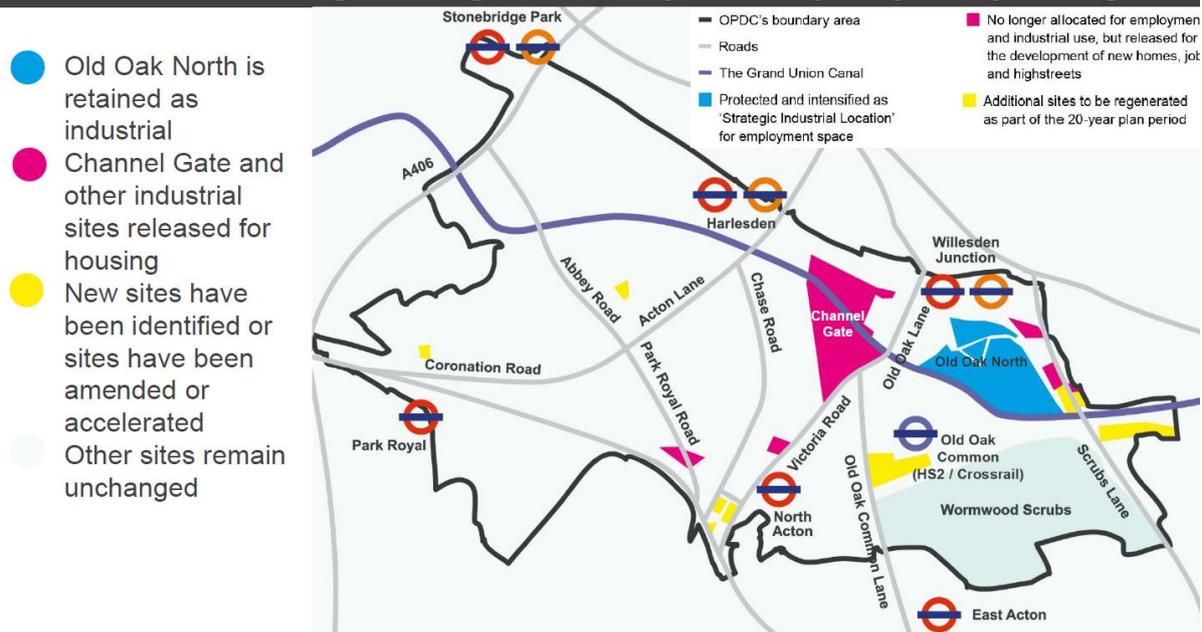
- The new 'major town centre' proposed for Channel Gate/Atlas Road cannot realistically be merged into a centre focused on the station. The two locations are separated by a length of Old Oak Common Lane with little or no scope for development. A developed area at Channel Gate/Atlas Road will have no Overground or Underground station

There is a basic difficulty in 'modifying' a version of a Local Plan when its core spatial elements have changed so fundamentally (see map below). A series of textual amendments cannot be a substitute for the full rewrite that is needed. Despite a long list of modifications, there are many unaltered paragraphs in this 'Post Submission Modified Local Plan' which no longer make sense (including those about 'Old Oak centre' – which centre and where?). These parts of the Plan were drafted for a different set of proposals.

As was the case during the 2019 Examination in Public, local groups will be submitting evidence and further or alternative modifications to Planning Inspector Paul Clark.

Did any OPDC Planning Committee or Board members take the trouble to attend the previous round of hearings held two years ago, to get a feel of how this Inspector was dealing with evidence? We local activists attended many sessions and were listened to by the Inspector. We think he will listen again this time round. He is someone who explores issues thoroughly, as his Interim Findings made clear.

What sites are seeing a change in development capacity and phasing?



2. Why has your Planning Committee played no part in 'modifying' the OPDC Draft Local Plan?

You may have had some 'briefing sessions' or other discussions in private. But as far as London's public are concerned, your committee has had nil influence on over a year's work by OPDC planners on major changes to a Local Plan. Yet you had previously discussed this Local Plan as a draft over the period 2016-2019.

Your committee never received a report on the Planning Inspector's Interim Findings of September 2019, which brought about the OPDC's 'change of direction' on the Draft Local Plan.

The committee never saw the outcomes from a £130,000 piece of consultancy work by Prior + Partners on this area of ‘new focus’ commissioned at public expense.

The local knowledge and planning expertise of the four Borough councillors on your committee has been left underused. Local residents have had no chance to lobby these councillors as a route to try to shape, even a small way, the work of OPDC officers.

For those of you who are independent appointees to the committee, please understand that this is not how planning committees function elsewhere in London. In the Boroughs, local amenity groups and residents associations have a major impact on Local Plan preparation – through the dialogue and democratic accountability of locally elected councillors. This has long been part how Local Plans are meant to be prepared, as the NPPF makes clear¹.

3. What has the OPDC Planning Committee being doing instead?

Since the committee was established in 2015, it has considered and determined 20 planning applications. This is a rate of 4 a year. Four S17 applications from HS2 have also been decided. Only one of these 20 planning applications has been refused. OPDC delegates further applications to LB Ealing and LB Brent, a process which has been handled at a junior level. The smallest Borough in London (Kensington & Chelsea) decides some 6,000 applications each year.

In the early years, your committee received a series of reports on Local Plan preparation. This included a range of documents on ‘direction of travel’ and ‘development principles’ for specific parts of the OPDC area, as well as full drafts of the Regulation 18, 19.1 and 19.2 Draft Plans.

Since September 2019, the committee’s agendas have been restricted to Development Management Updates, individual applications, and relatively minor items. There have been no reports on the content of the Local Plan. This has not gone unnoticed by the outside world.

As Planning Committee members, you were not invited to reflect on why the Corporation’s bid for Housing Infrastructure Funding and negotiations with Cargiant/L&R Properties went so badly wrong. You have not been asked even to note the highly critical report on this subject from the [London Assembly’s Budget and Performance Committee \(January 2021\)](#). Have you been sent a copy?

You have not been given figures on numbers of housing units consented by your committee as compared with those granted by LB Ealing under an OPDC Scheme of Delegation. Since February 2019 we neighbourhood forums have been asking questions of officers at LB Ealing and at OPDC about the operation of this ‘scheme’. Why is it still in place? Why do LBE reports to Ealing’s Planning Committee barely refer to the OPDC when deciding applications? Why has Ealing been allowed to decide the allocation of £7m of S106 receipts flowing from these major applications, when OPDC needs all the infrastructure funding it can lay its hands on?

As a result of our questions, the OPDC Board on June 24th 2020 revised the terms of the Scheme to ensure greater oversight by OPDC officers. Ealing Council formally entered into this revised scheme six months later. But Ealing Council cannot now provide any documentation to show that it ever formally entered into this delegation arrangement back in 2015. As a consequence, are all the subsequent planning consents valid or are they void? Ealing’s handling of the Scheme is now being investigated by the Local Government Ombudsman.

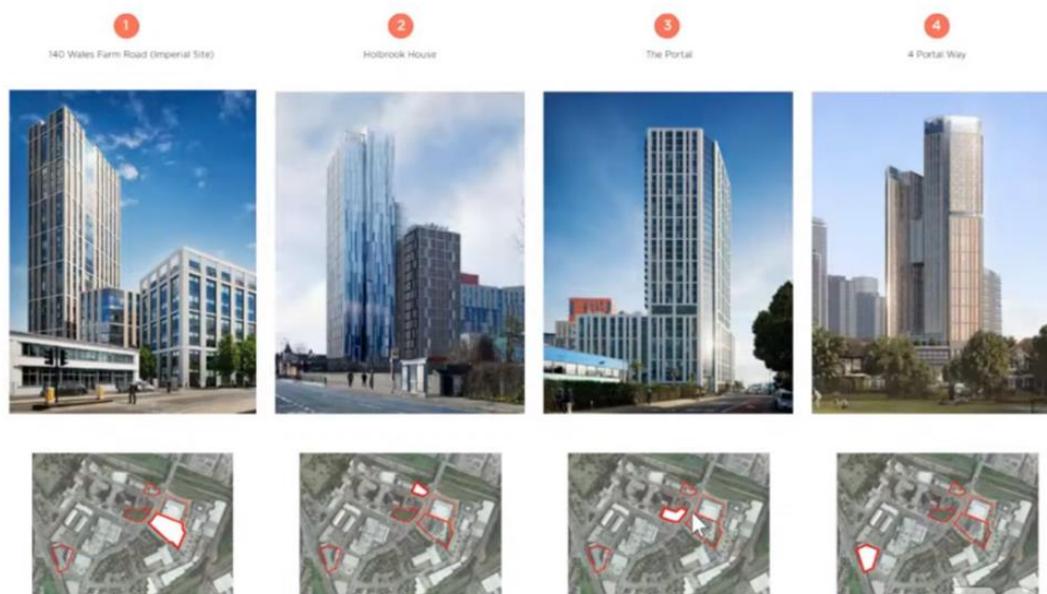
¹ NPPF Paragraphs 16c, 25 and 26

We were promised a full report on the workings of the Scheme for the OPDC Planning Committee in December. This meeting was cancelled through lack of business. We were told the report would be on the January agenda. This did not happen, as a result of the change of committee chair. This report (if there is now to be one) is not on your February 23rd agenda.

These delegated decisions by Ealing's Planning Committee are made in the name of the OPDC and the Corporation is ultimately accountable for them as the delegating body. Until very recently OPDC officers gave no steer on these decisions. Applications received from developers were referred on to LB Ealing by junior OPDC officers. The major schemes at North Acton were barely looked at subsequently by OPDC planning officers.

OPDC, and not Ealing Council, is the planning authority given statutory responsibility by Parliament for all that has been consented, built, or is under construction on these delegated proposals. Are you content with the way in which this responsibility has been exercised? Is this the legacy you wish to leave? Have you visited North Acton recently (or ever)? Have you talked to local people about the North Acton cluster of towers consented since 2015??

Adjacent Developments



LBE image of schemes consented and/or under construction at North Acton January 2021

Ealing residents are not happy to see North Acton become a high-rise cluster. Many feel that this location will follow Vauxhall/Nine Elms/Battersea as an urban wasteland of wind tunnels, ground floors that sit 'unactivated', and unsold apartments above.

Meanwhile OPDC carries on as if the context of London is not changing. Officers advise that a 25,500 housing target for Old Oak must be met because a Mayor agreed it in a London Plan back in 2016. Potential new housing sites must be found anywhere within the OPDC boundary, to make up for those lost at Old Oak North.

Hyper-density and very tall residential towers must be pursued to accommodate the target numbers. Little or no account is being taken of the fact that this building typology has been, and will continue to be:

- unpopular to purchase or rent in what may prove a long-term respiratory pandemic (reliance on lifts coupled with social distancing will never work well)
- untrusted by the public following a UK cladding crisis which will not be fully resolved for years
- poor on sustainability, expensive to cool, and costly to maintain, repair, and (who knows when) demolish.

The December 2020 intervention by the Secretary of State on the Draft London Plan and the revised wording of London Plan D9 is seen by planning lawyers and barristers as a potential further turning point in London's on/off enthusiasm for tall buildings dating from the 1950s onwards².

4. It does not have to be like this...

Planning departments and committees across the rest of London do not operate as at OPDC.

There are planning departments and Boroughs which question and challenge the evidence base on which MHCLG and Mayoral housing targets are set, rather than accepting these as a diktat. These local councils know full well that many of these targets are hopelessly unrealistic. They also appreciate the reasons why a site that may look available on a map will not in reality be suitable for high density living, given the public transport context or for other reasons.

There are planning committees across London with members who do not feel obliged to follow officer recommendations on individual applications, even when advised that the development in question is critical to achieving housing targets, or that a refusal will be lost at appeal.

There are Boroughs who are looking ahead to what may become a very different London, with changes as fundamental as after the Great Fire of London, 19th century cholera epidemics, and London smog deaths. Previous assumptions, on the city's future population, housing needs, successful building typologies, working and commuting patterns, are all up in the air.

Each time that we question why OPDC is currently proceeding as if nothing has happened in 2020 (and 2021 to date) the response we are given is that 'we have no choice'.

5. "When the facts change I change my mind, what do you do sir?"

Usually attributed (and perhaps wrongly) to J.M.Keynes, this maxim has real force.

The forecast date when Old Oak Common station will become operational is now in a range from 2029 to 2032.

The OPDC Draft Local Plan is running 4.5 years late, as compared with its 2015 timetable. Even so, we local residents would urge a pause for reflection and rethinking. If a new railway station is to be the main 'catalyst' for the regeneration of Old Oak (but which will not be in use for a decade) why fix now on a Local Plan that shows many signs of lacking both coherence and viability?

Even in 6 months, there will be more clarity on how soon a major rewrite of the New London Plan will begin. The Government's latest housing targets for London will come under increasing challenge. Further projections of London's changing population will emerge prior to release of March 2021 Census data on demographics and housing needs. The content of the National

² Landmark Chambers webinar on tall buildings 12.02.2021. Russell Harris QC on implications of New London Plan policy D9.

Infrastructure Plan, and availability of infrastructure funding, should emerge more clearly from the shroud of uncertainty created by Covid 19.

6. OPDC organisational culture

Some of us have discussed this issue in the past with OPDC Chair Liz Peace, the former Interim Chief Executive Mick Mulhern and former Planning Committee chair Will McKee.

There was a time (2015-18) when the chair of the Wells House Residents Association Amanda Souter was a Board member. She had a good working relationship with previous chief Executive Victoria Hills and worked as an intermediary between the community and the OPDC. When Amanda applied for a second term as Board member her appointment was not renewed. Three new Board members were appointed, who we do not see as adding any meaningful local perspective to the Board.

Whatever we say about the organisation's culture seems unlikely to bring about change. But what you say and do, as members of the Corporation's Planning Committee might. As committee members, do you feel that the OPDC Board has provided enough direction on changes to the Draft Local Plan? Do you feel that the present Board members have the right set of skills, and commitment to ensure meaningful consultation, and to create a sound Local Plan this time round?

Or do you share our worries that the Local Plan is proving to be an officer-driven exercise? And that since September 2019 and the failure of the Regulation 19.2 version, the 'delivery arm' of the OPDC has been in the ascendancy over the planners? Would you feel it acceptable if commitments have been made to landowners of newly identified sites, promising that these can be built out at extreme densities, before this revised Local Plan is consulted on let alone adopted?

7. We are not the only people to find OPDC to be 'non-transparent'

In its January 2020 report responding to the GLA Budget for 2020/21, the London Assembly recommended that ***'The Mayor should review the processes and governance of the OPDC senior management team and Board representatives'***. Are you aware of any such a review taking place?

In the January 2021 report of the London Assembly Budget and Performance Committee, this committee concluded ***'However, the OPDC has failed to deliver its plans for Old Oak North; after five years there is little evidence on the ground of any new jobs or homes. The Mayor should give serious thought to how the OPDC is structured, how it delivers value for money, and whether it would benefit further from working more closely with the London Legacy Development Corporation or internally at the GLA'***. Were you aware of these conclusions, and has your committee been invited to discuss them?

Do you share the concern of the Assembly's Budget and Performance Committee that ***'The OPDC has a poor track record around clear and transparent communication'***. We do, as we have had to spend huge amounts of time trying to get beneath the skin of officer reports which are selective in what they do or do not choose to divulge or explain.

Our FoI requests for copies of the HIF bid (and the Government conditions attached) were initiated in March 2019. These were blocked and refused by OPDC/GLA officers as being 'manifestly unreasonable'. It was nearly a year before these documents were released to the public, after the Assembly's Budget and Performance Committee invoked its statutory powers to require the handover of this material.

During this interval, the Assembly were misled on the circumstances of the HIF bid and the MHCLG conditions attached. An OPDC officer report to the Corporation's Audit and Risk Committee listed abortive consultancy commissions totalling £6.2m on the Regulation 19.2 proposals for Old Oak North. Much of this consultancy output was never made public. The Planning Inspector was similarly left uninformed of the true picture on the HIF conditions.

Do you in 2021 feel properly informed by officers of the wider context for Local Plan revisions? The only information that has come to you as committee members appears to be via sessions held in private. If there were papers or presentations, the public have not been allowed to see these. Does this feel 'right' to you?

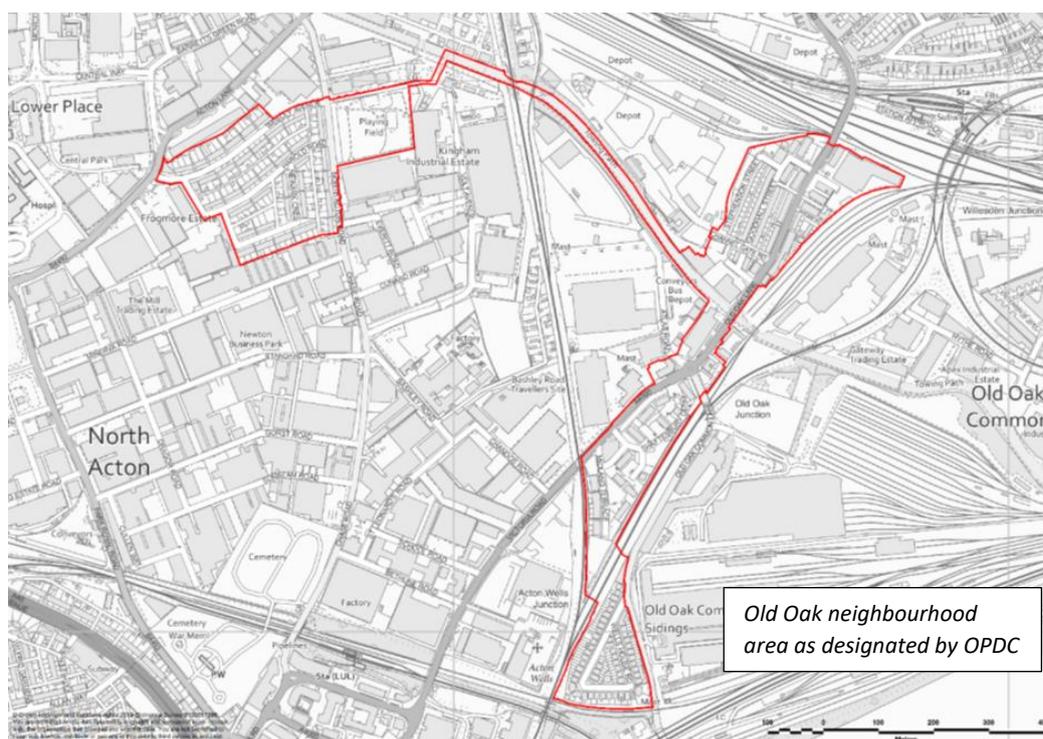
Does it concern you that Assembly members consider that OPDC *'has spent £42.7m to date with little to show for it'*?

8. Would you be willing to listen to a presentation from local people at Old Oak, and to discuss openly and in public the concerns raised in this note?

Back in February 2017 several of us were allowed to present to an informal session of the Planning Committee. The subject matter was our proposal for the Old Oak half of the OPDC area, along with some isolated residential enclaves across the OPDC boundary in Hammersmith, to be designated as a single large 'neighbourhood area' under the 2011 Localism Act.

We were suggesting the collaborative use of the neighbourhood planning regime to move swiftly in putting into place major site allocations, designations, and planning policies at a speed faster than could be achieved through the Local Plan system.

The Planning Committee and Board subsequently 'refused' this designation application in late 2017 and approved a small 22 hectare neighbourhood area in East Acton. This is a statutory designation of as much relevance in planning policy terms as many of the 60 or so revised maps and diagrams proposed to feature in the revised Draft Local Plan. It is not shown in any of these, but is below.



Unbeknown at that time, this neighbourhood area is at a location which has turned out to be at the heart of what OPDC now labels as the 'Western Lands'.

We have ideas for a 'contingent' neighbourhood plan which would provide a 'Plan B' for the major sites at Atlas Road/Channel Gate were Plan A to run into problems. This will need a positive response from OPDC to an application to extend the currently designated neighbourhood boundary to include the Atlas Road and Channel Gate sites.

OPDC's 'Plan A' for this part of Ealing is for a new 'major town centre' to replace that no longer proceeding at 'Old Oak Park' on the Cargiant land. 3,000 new homes are planned to be built alongside this new town centre at Channel Gate/Atlas Road. We have many questions about the appropriateness of this location as a 'major town centre' to replace that previously proposed at 'Old Oak Park'.

This is not an obvious place for a major town centre. It will be an unappealing 1km walk from the OOC station platforms. Willesden Junction is 800m away from the centre of this location. The two main sites involved will not be released by HS2 until the late 2020s (as we understand). OPDC has then to deliver 1,200 homes on these sites by 2028 (Years 1-10 of the Local Plan). Is this going to happen and is it the right solution for this part of East Acton?

9. Are you willing to debate these issues?

We would like the Planning Committee to hold a discussion, in public, at which Old Oak residents can talk directly to Planning Committee members about all the concerns in this note.

As a result of its unusual role as a combined planning authority and delivery body, and with an office base several miles from its area of responsibility for spatial planning, OPDC has experienced far less scrutiny from the public than is generally the case for a London Borough.

OPDC keeps its head down, except at conferences for the development industry. Its website has published [39 press releases](#) in five years and only three in the past year. Two of these were announcements on the appointments of David Lunts and of Emma Williamson.

This is an important moment. It looks as though next Tuesday will be the one occasion in the past two years when the Planning Committee gets to give its views in a public session on a revised version of the OPDC Draft Local Plan. We ask you to:

- discuss the proposed Local Plan modifications in an open and honest way, without assuming that there is some requirement from on high that you have to go along with them.
- call for at least a six month pause on the revised Draft Local Plan while London digests the impact of Covid 2019 and the consequences for the city's future spatial plans. Why is there a rush, with a new station at Old Oak Common a decade away (assuming it gets built)?
- recognise and accept the London Assembly conclusion that **'The OPDC has a poor track record around clear and transparent communication'** and help this to improve. This was a cross-party report from the Assembly. Officers may reassure you that its publication was 'just politics' in the lead-in to the 2021 Mayoral and GLA elections, but this is not fair comment.

- Set up a session at which local resident groups can have a public conversation with you on all the above, and present to you our ideas for a 'Plan B' for Atlas Road/Channel Gate which can run in parallel with the Corporation's Plan A and Draft Local Plan.

If none of the above happens, we will see OPDC as continuing determinedly along its chosen path. Over-hyping '*the UK's largest regeneration project*'. Resistant to all external questioning. Too many pre-meetings and officer briefings held in private. An organisation which has become dangerously 'officer-led' and with its actions focused on justifying the Corporation's continued existence, rather than rethinking what would make for a successful and sustainable new part of London in the different times that lie ahead.

We think Londoners deserve better.

Signed by

Old Oak Neighbourhood Forum
St Quintin and Woodlands Neighbourhood Forum (North Kensington)
Grand Union Alliance
Wells House Residents Association
The Island Site Residents Association (TITRA)

www.oldoakneighbourhoodforum.org

February 18th 2021

Copies to:

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