

# APPLICATION TO EXTEND THE BOUNDARY OF THE OLD OAK NEIGHBOURHOOD AREA

## 1.0 BACKGROUND

1.1 This application is made to the Old Oak and Park Royal Development Corporation under section 61(G) of the Localism Act, to vary the boundary of the Old Oak Neighbourhood Area. Section 5(2) 3 of the 2017 Neighbourhood Planning Act provides:

*(3) in section 61G (meaning of “neighbourhood area”) after subsection (6) insert—*

*“(6A)The power in subsection (6) to modify designations already made includes power—*

*(a)to change the boundary of an existing neighbourhood area.*

These sections of the 2011 Act and of the 2017 Act are now incorporated into Part III of the Town and Country Planning Act 1990 as amended.

National Planning Practice Guidance explains the process for such variations, in the terms below:

### ***Can a local planning authority amend the boundary of a neighbourhood area once it has been designated?***

*A local planning authority can amend the boundary of a neighbourhood area after it has been designated, but only if the local planning authority is responding to a new application for a neighbourhood area to be designated.*

*[Section 5 of the Neighbourhood Planning Act 2017](#) (which amends the Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004) facilitates the amendment of neighbourhood areas and provides for what is to happen to the neighbourhood plan or Order that has already been made in relation to that area.*

1.2 In this instance there is as yet no Old Oak Neighbourhood Plan in force so the second half of the above paragraph does not apply. The application seeks the addition of a further 13.3 hectares of land to the 22 hectare neighbourhood area already designated by OPDC in September 2017.

1.3 For reasons explained in this application, the Old Oak Neighbourhood Forum is proposing this extension of the neighbourhood area as a ‘contingent’ provision by OPDC which would take effect in the event of a change of circumstances affecting the planning context for the area (and with OPDC consent at that time). These potential events are as below. Others are possible:

a) the current HS2 project being abandoned or suspended by Government at a future Budget or review of national infrastructure spending.

b) the OPDC Post Submission Modified Draft Local Plan failing to satisfy the Inspector at its Examination In 2021.

c) OPDC failing to obtain any significant infrastructure funding from Government, with the consequence that the proposals in the OPDC PSMDLP are not viable and cannot be progressed.

1.4 The thinking behind this application is that it provides a means for OPDC and the local community to work together in putting together a fallback option for this key part of the OPDC area. It would enable OPDC to put in place a ‘Plan B’ made up of site designations/allocations and planning policies. Using the 2011 and 2017 neighbourhood planning framework, responses to new

circumstances could be implemented in much shorter timescales than via the national Local Plan framework.

1.5. Since 2015 there have already been enforced major changes to the OPDC Draft Local Plan. Further turbulence in London's spatial planning system seems inevitable, as the capital moves into 'London Recovery' mode. This proposition from the Old Oak Neighbourhood Forum is designed to enable OPDC to respond more swiftly to any further changes of direction that may be forced upon the Corporation.

### **Meeting the requirements for a statutory designation application**

1.6 *Section 5 of the Neighbourhood Planning (General) Regulations reads as below:*

5.—(1) *Where a relevant body<sup>(1)</sup> submits an area application to the local planning authority it must include—*

*(a) a map which identifies the area to which the area application relates;*

*(b) a statement explaining why this area is considered appropriate to be designated as a neighbourhood area; and*

*(c) a statement that the organisation or body making the area application is a relevant body for the purposes of section 61G of the 1990 Act.*

*(2) A local planning authority may decline to consider an area application if the relevant body has already made an area application and a decision has not yet been made on that application.*

1.7 The provision in (2) above does not apply to this application. While these two sites had been included in early versions of the 2017 OONF proposals discussed with OPDC, they were removed from the final application. This is not a 'repeat application' which OPDC 'may decline to consider'.

### **REQUIREMENT A: A MAP IDENTIFYING THE AREA TO WHICH THE APPLICATION RELATES**

1.8 A map showing the neighbourhood boundary as designated by OPDC in September 2017 is at Figure 1 below. This shows the 'sub-areas' for which a draft neighbourhood plan has been prepared in the period since designation (see at [http://oldoakneighbourhoodforum.org/?page\\_id=9](http://oldoakneighbourhoodforum.org/?page_id=9)).

1.9 A map showing the additional 13.3 hectares proposed as an extension to the currently designated neighbourhood boundary is shown at Figure 2 below.

1.10 Both of these maps have been drawn up by OPDC and meet the requirement that they are shown on an Ordnance Survey base.

### **REQUIREMENT B: A STATEMENT OF THE APPROPRIATENESS OF THE PROPOSED NEIGHBOURHOOD AREA**

2.1 The existing neighbourhood boundary was decided by OPDC. The Interim Old Oak Neighbourhood Forum had originally applied in early 2017 for a much larger 280 hectare neighbourhood area covering the 'Old Oak' part of the OPDC area and a number of residential areas on the OPDC boundary.

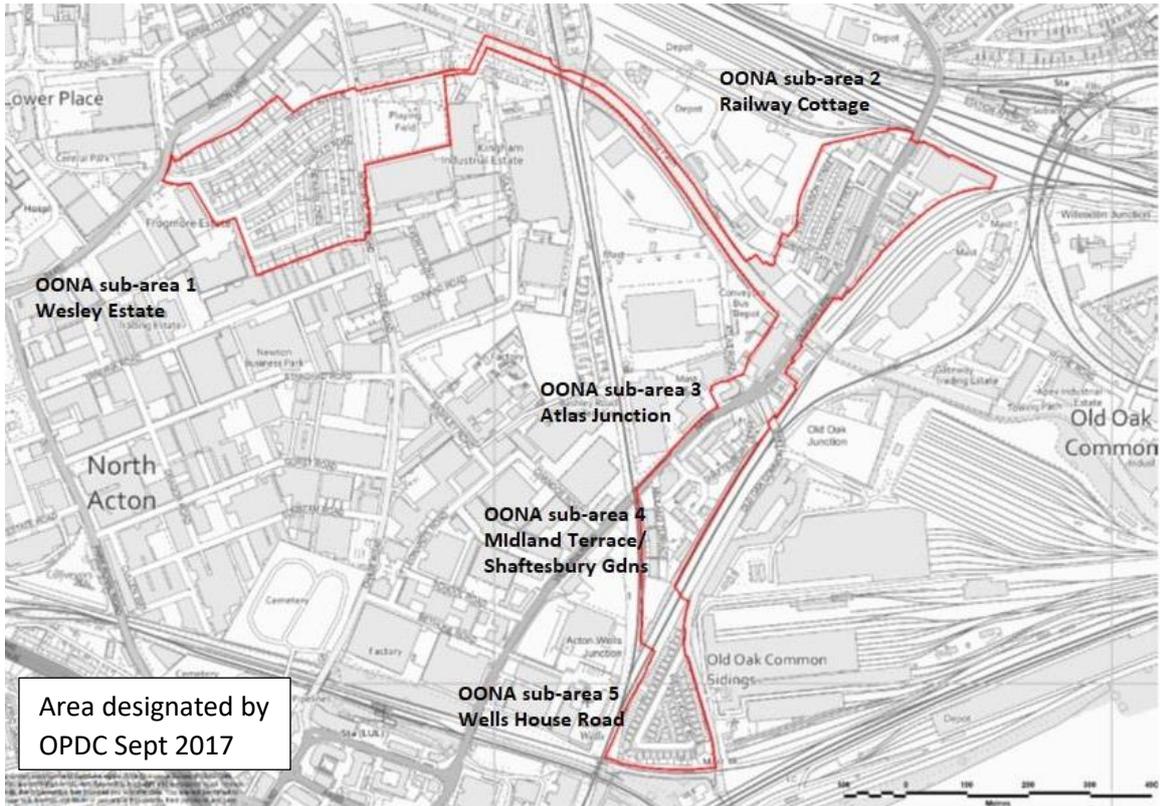


Figure 1 Old Oak neighbourhood area as designated by OPDC September 2017

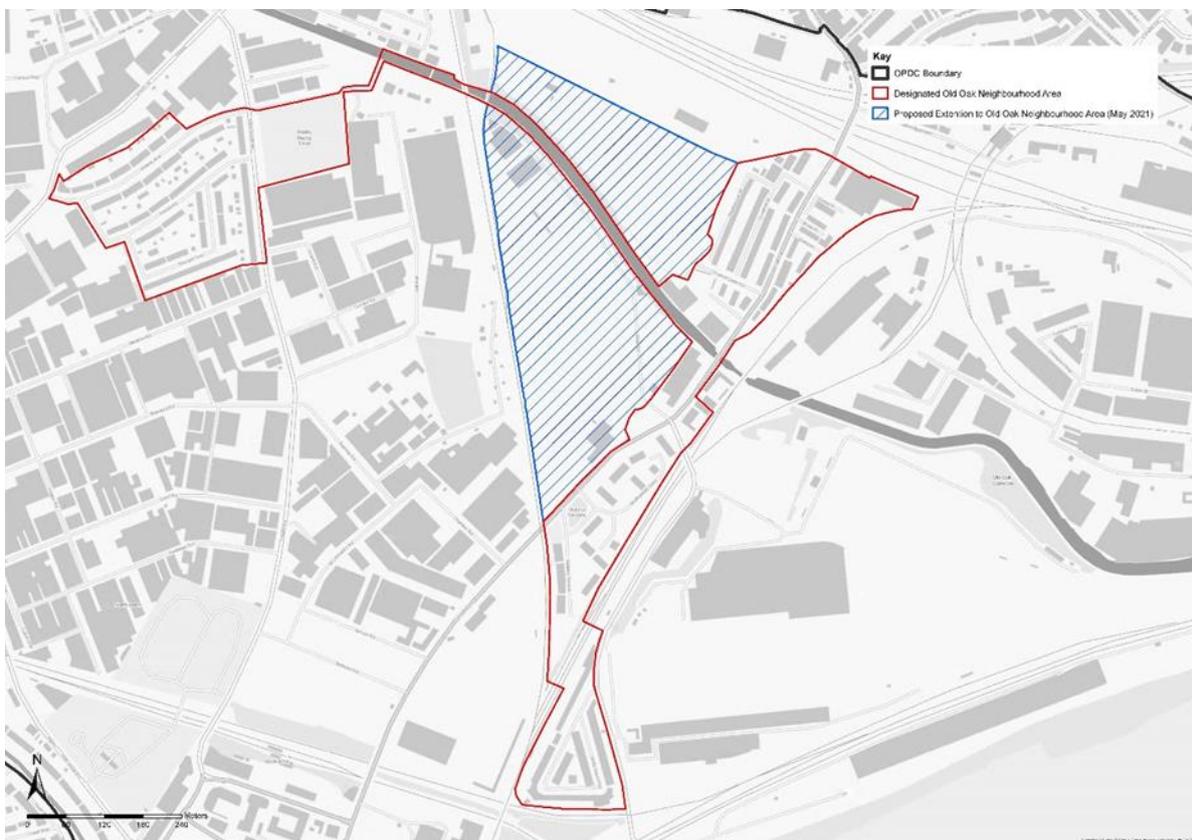


Figure 2 Map showing area of proposed extension of Old Oak neighbourhood area

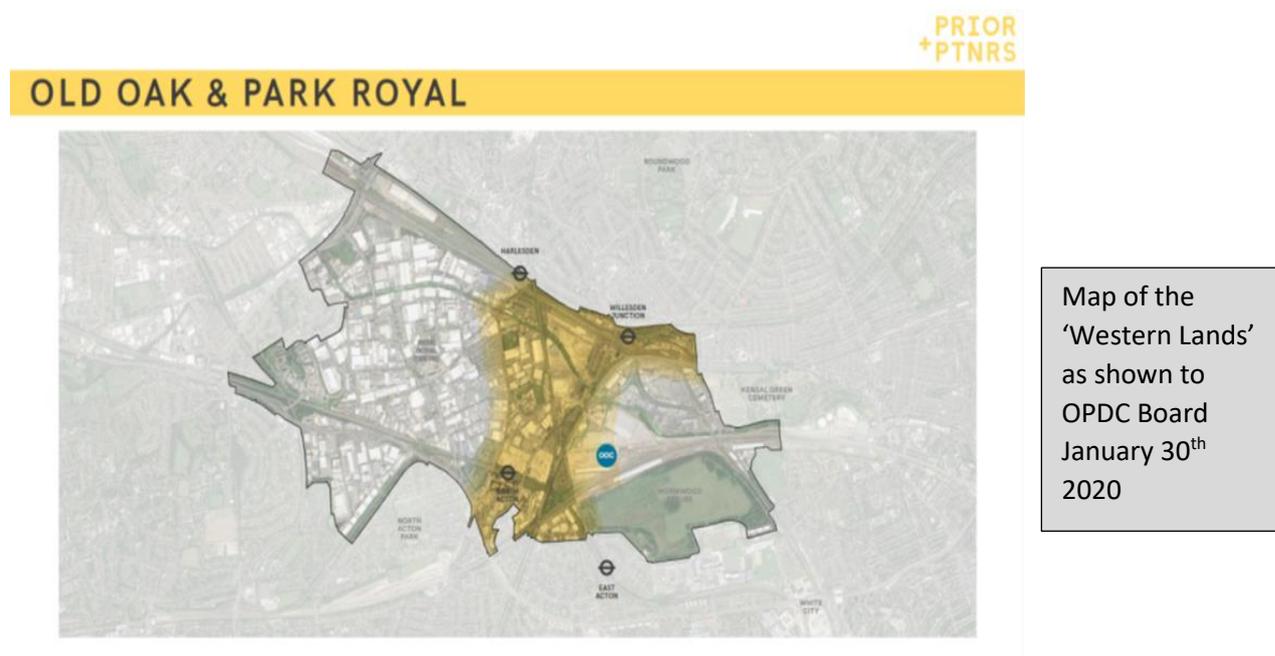
2.2 The OPDC Planning Committee and Board in September 2017 ‘refused’ the designation of this larger area on the basis of the *diversity of the built environment within the proposed area* (see the [decision notice](#) on the OPDC website. This decision was based on a ‘character assessment’ of the wider area applied for. Consultation responses to the original application had shown 82% support from 198 responses.

2.3 Given that it was OPDC that chose to designate the boundary in Figure 1 it would seem self-evident that this existing neighbourhood area was seen as appropriate at the time of designation in 2017 for the preparation of a neighbourhood plan.

### Relevant events since September 2017

2.4 OPDC has progressed the preparation of a Draft Local Plan. A second Regulation 19 version was submitted to the Secretary of State in September 2018, and was subsequently examined by Inspector Paul Clark, with EIP hearings taking place up until July 2019. In September 2019 the Inspector published ‘interim findings’ which required the removal from the draft plan of the major landholdings at Old Oak North. This was to have been the location for a major new town centre and area of new housing, seen as new development that would be generated by the ‘catalyst’ of the planned HS2/Crossrail station at Old Oak Common.

2.5 In November 2019, OPDC announced a ‘change of direction’ and a ‘new focus’ on an area to the west of Old Oak Common station, badged as the ‘Western Lands’. The currently designated Old Oak neighbourhood lies within these Western Lands.



2.6 During the period between September 2019 and February 2021 the OPDC planning and delivery teams worked up a set of proposed modifications to the Draft Local Plan. These modifications were approved by the OPDC Board on March 4<sup>th</sup> and submitted to Planning Inspector Paul Clark on March 5<sup>th</sup> 2021. Examination of the OPDC Post Submission Modified Draft Local Plan (PMSDLP) has resumed, with a further public consultation period in progress (until 5<sup>th</sup> July 2021)

## Future uncertainties

2.7 As explained in the first part of this designation application, that part of an Old Oak neighbourhood plan which would relate to the extended boundary (the sites at Channel Gate and Atlas Road) would be contingent on a change in the planning context for the area. It is therefore reasonable to identify the uncertainties that lie ahead, as part of the justification for the ‘appropriateness’ of the extended neighbourhood boundary.

2.8 These proposed OPDC modifications assume delivery of a total of 13,972 new homes in ‘Years 0-10’ of an adopted OPDC Local Plan (2018 – 2028). The PSMDLP documents include plans for 1,200 new homes to be delivered at ‘Channel Gate Place P9’ by 2028. Table 3.1 in the PSMDLP is more cautious in giving a figure of 3,100 new homes over the first 20 years of the Local Plan.

2.9 In early 2021, HS2 Ltd installed significant construction infrastructure on the Channel Gate and Atlas Road sites. These sites will not be released for housebuilding until the late 2020s. The official forecast opening date for HS2 and Old Oak Common Station is in a range from 2029 to 2033<sup>1</sup>. This compares with a date of 2026 when the OAPF for the area was published in 2015.

2.9 The HS2 project remains under close monitoring and review by the National Infrastructure Commission and the Commons Select Committee on Transport. A series of reports from the Public Accounts Committee have continued to question the cost forecasts and business case for the project. Rail passenger usage remains considerably lower than it was before the pandemic with the 140 million journeys in Q3 2020/21 equating to 30.2% of the 463 million journeys recorded in the same quarter in 2019-20<sup>2</sup>.

2.10 Plans for completion of the link between Old Oak Common Station and Euston have been put back to 2036. Given the state of UK public finances in 2021 there can be no certainty that the HS2 project will not be stalled or cancelled – even at this late stage. It now looks unlikely that a connection at OOC station with the West London Orbital Line will prove feasible, given the Secretary of State’s June 1<sup>st</sup> decision to award only a conditional £1.08bn further emergency budget to TfL, as compared with the £15.8bn long -term funding deal that the Mayor of London had sought<sup>3</sup>.

2.11 Similarly, as of June 2021 there can be no certainty that the modified post submission version of the OPDC Draft Local Plan will be found to meet the four tests of ‘soundness’ in the NPPF (*positively prepared, justified, effective and consistent with national policy*). Availability of any Government funding to meet an identified total “unfunded” infrastructure costs is **£347 million**.<sup>4</sup> There is no clarity on such a commitment to such funding, as at June 2021.

2.12 The sites at Channel Gate and Atlas Road are now proposed in the PSMDLP to form ‘*part of a major Old Oak Town Centre*’. The boundary of this town centre is shown in varying forms in the maps and ‘modified figures in the PSMDLP documents. From discussion at the OPDC Planning Committee on February 23<sup>rd</sup> 2021, this major town centre is understood to form a crescent-shaped area stretching from North Acton, through the OOC station site, to Channel Gate.

2.13 Given these many uncertainties, the Old Oak Neighbourhood Forum believes that a ‘Plan B’ should be put in place for the Channel Gate/Atlas Road sites. Events may not pan out as OPDC

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<sup>1</sup> HS2 6-monthly report to Parliament: March 2021

<sup>2</sup> Office of Rail and Road latest statistical release May 2021

<sup>3</sup> <https://www.telegraph.co.uk/business/2021/06/03/flagship-hs2-station-threat-sadiq-khan-shelves-vital-upgrades>

<sup>4</sup> OPDC Infrastructure Delivery Plan February 2021

hopes and expects. This has already happened once at significant cost to Londoners on abortive work on plans for 'Old Oak North'. It may happen again.

2.14 A 'Plan B' would make use of the fact that the Old Oak neighbourhood area is already designated at the heart of the Western Lands. And that the neighbourhood planning framework allows for faster introduction of a statutory spatial plan with site allocations and accompanying policies, as compared with the possible need to OPDC to make a fresh start on a Local Plan.

2.15 The work involved in preparing a 'Plan B' set of site allocations and policies, using the neighbourhood planning framework, would be carried out by local people at no cost to Mayoral budgets, beyond limited OPDC assistance in e.g. map preparation. The evidence base assembled for the Local Plan provides all the background information needed.

2.16 Should the current OPDC PSMDLP achieve adoption, relevant parts of a neighbourhood plan that includes the Channel Gate and Atlas Road sites would be subordinate to this Local Plan. The same would apply as and when LB Ealing adopt a Local Plan that covers the current OPDC parts of the Borough. At present LB Ealing work on a replacement to its 2012/13 Local Plan documents remains at a very early stage, and it is assumed that this new Plan will not cover that part of the Borough for which OPDC is the planning authority (as is the case for the 2018 LBHF Local Plan).

2.17 Ealing Council is under new political leadership from May 2021. This change could potentially impact on the terms of the current Scheme of Delegation between OPDC and LBE Ealing<sup>5</sup>.

2.18 The Old Oak Neighbourhood Forum considers the above factors to be relevant to this application, and the required *statement explaining why this area is considered appropriate to be designated as a neighbourhood area*.

2.19 This planning context for this area is an unusual one, with more uncertainties than for most locations. We believe that the neighbourhood planning framework can provide forms of flexibility and responsiveness to any major changes in circumstances. The current Local Plan system in England is acknowledged to be slow and cumbersome.

### **Tests for 'appropriateness' of a neighbourhood area**

2.20 There are no prescriptive criteria laid down in the NPPF or in National Planning Practice Guidance against which a local planning authority should make decisions on the boundary proposed for a neighbourhood area. Of the 2,782 neighbourhood areas designated in England to date<sup>6</sup> these vary widely in size and characteristics from inner city to rural village.

2.21 The NPPF identifies a series of 'considerations' which planning authorities may choose to use when assessing a designation application. This section of our 'statement of appropriateness' therefore considers our proposed extended area against these, taking each in turn:

- ***village or settlement boundaries, which could reflect areas of planned expansion***  
While this 'consideration' is more relevant to rural areas, it should be noted that the currently designated Old Oak neighbourhood area includes all the main 'settlements' of existing residents (see Figure 1) within the Old Oak part of the OPDC area. This is one of the reasons that OPDC gave for its original 2017 decision on a boundary.

<sup>5</sup> See at [LB Ealing - Scheme of Delegation.pdf \(london.gov.uk\)](https://www.london.gov.uk/infrastructure/transport/road-schemes/lb-ealing-scheme-of-delegation)

<sup>6</sup> <https://www.planningresource.co.uk/article/1212813/map-neighbourhood-plan-applications>

- ***the catchment area for walking to local services such as shops, primary schools, doctors' surgery, parks or other facilities***

At present the existing residential enclaves in East Acton lack local services and amenities. OONF has argued from 2016 onwards for a 'neighbourhood hub' at Atlas Junction. The OPDC PSMDLP proposes Channel Gate as 'part of a major town centre'. Should circumstances change and a fallback Plan B be needed, OONF proposals for the extended area would provide for the centre of a 'walkable neighbourhood' centred on 'Atlas Town'.
- ***the area where formal or informal networks of community based groups operate***

Since 2014 when proposals for a MDC for the OPDC area were first floated, the Grand Union Alliance and the Old Oak Neighbourhood Forum have been instrumental in bringing together pre-existing residents groups into a single forum – meeting regularly. Forum membership includes the chairs of the Wesley Estate RA, The Island Triangle RA (railway cottages), and Wells House Road RA, along with the management of Shaftesbury Gardens and residents in Midland Terrace.
- ***the physical appearance or characteristics of the neighbourhood, for example buildings that may be of a consistent scale or style.***

The language used in this 'consideration' includes the words '*for example*'. Unsurprisingly, few if any of the neighbourhood areas designated in London to date display this characteristic. London's buildings date from many periods and vary widely in their built forms. The areas proposed in this application to be added to the existing boundary are now largely cleared of buildings, to allow for their temporary use as HS2 construction compounds. If circumstances led on to the Forum's 'Plan B', new development on the sites in the extended neighbourhood area would be more likely to be consistent with the '*scale and style*' of surrounding buildings than would be the case under OPDC's 'Plan A'.
- ***whether the area forms all or part of a coherent estate either for businesses or residents***

It is not clear whether the term 'estate' refers to properties built by a private landowner (e.g. the Grosvenor estate) or a social housing estate. This consideration does not seem relevant in this instance.
- ***whether the area is wholly or predominantly a business area***

The Localism Act provides for 'business neighbourhood areas and forums' but the Old Oak Neighbourhood Forum is not of that type.
- ***whether infrastructure or physical features define a natural boundary, for example a major road or railway line or waterway***

The proposed extended part of the neighbourhood area meets this 'consideration' very directly, with railways bounding two sides of a triangle and a major road (Victoria Road and Old Oak Lane) bounding the base of the triangle.
- ***the natural setting or features in an area***

The extended area would allow for canalside development and towpath improvements on both sides of this section of the Grand Union Canal.
- ***size of the population (living and working) in the area***

The note beneath this NPPG 'consideration' reads *Electoral ward boundaries can be a useful starting point for discussions on the appropriate size of a neighbourhood area; these have an average population of about 5,500 residents.* Based on 2011 Census data, the population of the currently designated Old Oak neighbourhood area was at that date 2,140 persons. Since 2011 the 700 unit Collective building has added to the resident population. The two sites proposed as extensions to the boundary have very little (if any) resident population. In comparison to other London neighbourhood areas, an extended Old Oak neighbourhood

area would remain at the lower end in terms of population size. This makes resident engagement and involvement more manageable, on the limited budgets with which forums are expected to operate.

2.22 On the basis of the above analysis of these NPPG ‘considerations’ (which are advisory guidance and not criteria as such) we see no grounds for OPDC to refuse the proposed extension to the neighbourhood boundary. There are also some further factors which need to be taken into account in OPDC’s decisions on this application.

**Other factors which OPDC Planning Committee may wish to consider, following statutory public consultation on this application.**

2.23 The OPDC PSMDLP seeks to set site allocations and housing targets for the two sites involved. As explained above, these are relevant to a ‘Plan A’ but not to a ‘Plan B’ set of proposals.

2.24 Without such a fallback plan, there is a risk of the Channel Gate/Atlas Road area being left in a planning limbo should the HS2 project come to a halt, or the OPDC’s Draft Local Plan run into problems. The 2012/13 LB Ealing Development Plan documents include no specific policies or proposals for this part of the Borough.

2.25 OPDC may view these sites as being ‘strategic’ to its vision and PSMDLP proposals. There is no bar on ‘strategic sites’ being included in a designated neighbourhood area. National Planning Practice Guidance specifically provides for this eventuality (Paragraph: 036 Reference ID: 41-036-20190509).

2.26 These areas at Atlas Road and at Channel Gate are currently designated in the LB Ealing Adopted Policies Map as Strategic Industrial Land. Proposed modifications to the OPDC Draft Local Plan involve de-designation from SIL and re-allocation of the sites for mixed use including housing and commercial. The ‘contingency’ Plan B from the Old Oak Neighbourhood Forum would involve these same uses. ‘Plan B’ potentially avoids a scenario in which the land remains designated as SIL because no OPDC Local Plan has been adopted.

2.27 The question of whether SIL designations can be varied via a neighbourhood plan, as well as via a Local Plan, has not yet been tested in the Courts (to our knowledge). In advice on a previous draft neighbourhood plan in North Kensington, Christopher Lockhart-Mummery QC has said *Draft Policy 9 of the NP suggests the “de-designation” of the Latimer Road section of the Employment Zone. A NP can make land use allocations. It can, for example, “de-designate” areas subject to restrictive policies in the development plan (for example “countryside” designations) and allocate the land for, e.g. housing. Subject to the test of general conformity, there would seem to be no reason why part of an Employment Zone should not be re-allocated to a more flexible, mixed use in a NP.*

2.28 The future of the Channel Gate part of the extended area (as opposed to the land at Atlas Road) remains uncertain. As we understand the land is owned by Network Rail and after HS2 release of the land as a construction compound (late 2020s) proposals may come forward to reinstate a larger Willesden Freight Depot and rail head. Part of the site also features in the West London Waste Plan as a waste transfer facility.

2.29 The OPDC’s 2021 Channel Gate Development Framework Principles document shows part of the site as available for mixed use. On OPDC officer advice, we have included the major part of this site within the boundary of a proposed extended Old Oak neighbourhood area.

2.30 The new Leader of Ealing Council, Cllr Peter Mason has committed to a rethink of spatial plans and development proposals for the Borough in a Covid era, and a review of tall building policy, recognising changes in how Ealing residents wish to live and work. He has also spoken of the need for greater community involvement in making such plans. The Forum fully support such an approach.

2.31 Designation of an extended neighbourhood area would allow local people to work up and consult on a finalised Draft Plan for the revised neighbourhood area. This would then be submitted to OPDC for a second round of publicity/consultation under Neighbourhood Planning Regulation 16 prior to independent examination and a local referendum.

2.32 As discussed with OPDC officers prior to finalisation of this application, National Planning Practice Guidance (Paragraph 035) is clear that *'When a neighbourhood area is designated a local planning authority should avoid pre-judging what a qualifying body may subsequently decide to put in its draft neighbourhood plan or Order. It should not make assumptions about the neighbourhood plan or Order that will emerge from developing, testing and consulting on the draft neighbourhood plan or Order when designating a neighbourhood area'*. (Reference ID: 41-035-20161116).

2.33 Given this NPPG requirement on the OPDC, this designation application does not set out the thinking and discussions of the Old Oak Neighbourhood Forum on the content of a draft neighbourhood plan which included the extended area. The current draft version of the Plan can be read at [Our draft Neighbourhood Plan – OLD OAK NEIGHBOURHOOD FORUM](#).

2.34 What we can say at this initial stage is that the Forum's Plan B would be different from the Plan A proposals as incorporated in the OPDC's modified Draft Local Plan



November 2020 OPDC image of future development at Channel Gate/Atlas Road, assuming a housing target of 3,100 new homes and a net housing density of 520 units/hectare. The near completed Oaklands development is shown in blue.

### **Discussions with landowners at Channel Gate and Atlas Road**

2.35 A neighbourhood forum is expected to make contact with landowners of significant sites within a potential neighbourhood area. For reasons unclear to OONF, neither OPDC nor LB Ealing make clear in their consultation materials and online maps that part of East Acton has been a designated neighbourhood area since 2017. The set of 'Figure Modifications' and maps in the PSMDLP do not show the neighbourhood area, whereas these updated maps include other designated features such as conservation areas and heritage listings.

2.36 As a result, we have found that landowners and planning applicants for significant developments in the area are often unaware of the existence of the currently designated area and its boundary, until contacted by the Forum.

2.37 We have contacted the following landowners to explain that this designation application is being submitted and is expected to be published for consultation shortly;

Lords Park Royal (Builders Merchants)  
 Parkscore Ltd  
 Tommy James and Eamonn O'Loughlin  
 Tudor House (55 Victoria Road)

2.38 As a result of making contact with the above we learned that the site behind the Collective had been sold in recent months to developers Pocket Living. Pocket Living has since begun consulting local people on their plans for a development of 400 Build to Rent housing units on this site. We have also had a discussion with the property adviser for Parkscore Ltd.

2.39 HS2 are aware of the proposals to extend the neighbourhood boundary. Since this will not impact on their current use of the sites as construction compounds, this is not a significant issue for the company.

2.40 The OPDC is the lead authority for neighbourhood planning within the OPDC boundary. LB Ealing is also involved (to the extent that it wishes). LB Ealing officers are aware of this application and have taken part in previous discussions with their OPDC colleagues.

### **REQUIREMENT C: A STATEMENT THAT THE ORGANISATION OR BODY MAKING THE AREA APPLICATION IS A RELEVANT BODY FOR THE PURPOSES OF SECTION 61G OF THE 1990 ACT**

3.1 This application is submitted by the Old Oak Neighbourhood Forum. The original 2017 application for the Forum was 'refused' by the OPDC. This was because OPDC's decision to reduce the proposed area from 280 hectares to 22 hectares left the Forum with a membership which fell below the statutory requirement of a minimum of 21 persons (within a much reduced boundary).

3.2 The interim forum re-applied early in 2018 with an updated list of members. Designation of the Forum was approved by OPDC in February 2018 and runs for an initial five year period to February 2023 (after which redesignation can be applied for). The Forum currently has 65 members, who live or work in the neighbourhood area. There are a further 67 'affiliate' members who joined when the wider Old Oak area was originally proposed for designation, and/or who take in interest in planning and development in the area. Membership is open to anyone living or working in the area by emailing [oonforum@gmail.com](mailto:oonforum@gmail.com).

## 4.0 NEXT STEPS AND TIMESCALES

4.1 We ask that OPDC publish and consult on this designation application as swiftly as possible, in line with NPPG requirements. Determination of the application would then need to be made within 13 weeks of publication<sup>7</sup>. More details on the work of the Old Oak Neighbourhood Forum and our current Draft Old Oak Neighbourhood Plan can be found on our website at [www.oldoakneighbourhoodforum.org](http://www.oldoakneighbourhoodforum.org).

4.2 Under the OPDC's Planning Scheme of Delegation, a decision to start statutory publication on this consultation is required to be made by the OPDC Planning Committee. Given that the next meeting is not until July 15<sup>th</sup>, we hope that a decision to start to the consultation on this application can be made under delegated authority.

4.3 Once consultation is underway, we would be happy to take up the committee's offer made at its February 23<sup>rd</sup> meeting, to meet with Forum members to discuss this application and the wider PSMDLP proposals for Old Oak.

Old Oak Neighbourhood Forum June 6th 2021

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<sup>7</sup> NPPG 'When exercising its responsibilities in relation to relevant parts of the neighbourhood planning process, a local planning authority should make every effort to conclude each stage promptly. Timely decision taking is important particularly at the start and at the end of the process' Paragraph 081. Reference ID: 41-081-20190509

13 weeks for a decision on the designation application, from date of publication, is the time limit set in the 2015 Neighbourhood Planning Regulations.