



Emma Williamson, Director of Planning  
 Gareth Blacker, Executive Director of Delivery  
 OPDC (Via email)

Date 16<sup>th</sup> November 2025

Dear Emma and Gareth,

**OPDC Masterplan Framework – discussion at Planning Committee 13<sup>th</sup> November and content of the document due for endorsement by OPDC Board November 20<sup>th</sup>**

We are writing to follow up on a discussion at the OPDC Residents Panel on November 6<sup>th</sup>, and the recent consideration by OPDC's Planning Committee on November 13<sup>th</sup> of the proposed Old Oak Masterplan Framework. We have also seen the covering report and version of the Masterplan Framework on the Board agenda for 20<sup>th</sup> November.

In pressing now for answers and greater clarity on the status of the Masterplan in relation to the Local Plan, we are seeking to avoid misunderstandings and legal arguments during the period in 2026 when OPDC will be entering into JV agreements with one or more development partners.

As we see the current position, OPDC is pursuing a novel (and potentially high risk) approach to the legislative framework for the preparation and adoption of development plans, and for their implementation in terms of determination of applications.

Part of the novelty flows from the fact that the OPDC is a Mayoral Development Corporation governed by the Localism Act 2011 and formally established through the Old Oak and Park Royal Development Corporation (Establishment) Order 2015. As we have discussed on many occasions, OPDC has the powers of a London local planning authority *and* as a delivery agency. This in itself is novel in that the LLDC is the only precedent (albeit there are other forms of MDC outside London).

If our analysis of the position, as set out below, is a misunderstanding of the legislation, please let us know. Alternatively, if you feel that several of these points are at least arguable, please provide reassurance that both the planning and delivery teams have fully explored the legal position **and have taken external authoritative legal advice?**

For all we know, these matters may have been explored in great depth in the series of pre-application meetings held to date between the two teams. We are not privy to the content of these discussions.

We have been trying to raise these questions in a constructive way. It is disappointing that the draft minutes of the November Residents Panel include only a very brief

reference to our concerns, saying *Confirmed that the Local Planning Authority acts in its own right in the context of policy at the time.* We will be suggesting expanded wording to explain the point raised and OPDC's response.

This part of the Panel meeting was when I questioned the status of the Masterplan Framework in relation to development plan documents, and the extent to which 'endorsement' by the OPDC Planning Committee and Board would confer material weight in making development management decisions.

I referred specifically to the form of words which has been used by OPDC since the Masterplan was first considered in draft by the Planning Committee on 19<sup>th</sup> June. The officer report on that occasion was amended, as the minutes record, to include the wording *'the Illustrative Masterplan proposals are capable of being in accordance with the Local Plan'*<sup>1</sup>.

In response to my question at the last Panel meeting, on whether the Board would be acting in OPDC's role as planning authority or as delivery agency, when considering endorsement of the Masterplan, Matthew Carpen responded that this would be as both, in dealing with a corporate document.

At the Planning Committee on November 13<sup>th</sup> Emma Williamson seemed to be reading from a scripted introduction to the item on the Masterplan. This referred to the statement in the committee report at paragraph 3.5, which reads:

*'Subject to further information and justification regarding some of the identified policy deviations, such as building heights, the OPDC Planning Team support in principle the site-wide principles, strategies and land use approach that underpins the Illustrative Masterplan. It is considered that the justification regarding the deliverability of commercial floorspace and clusters in Old Oak Town Centre is particularly robust.*

*Overall, it is considered that when assessing the masterplan as a whole, and taking account of the benefits of the scheme which will be confirmed at a later date, the Illustrative Masterplan proposals are capable of being in accordance with the Local Plan when development proposals are considered in the context of specific planning applications'.*

The evident care which OPDC are now applying to the wording of reports on the subject suggests to us that this matter is not wholly straightforward. **We residents need to be assured that the Corporation is not entering into uncharted and difficult legal waters on how the Masterplan Framework is to be used and applied.**

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<sup>1</sup> Para 5.7 of the minutes note: The amendment to paragraph 6.2 of the committee report, which should read as follows:

*Overall, when assessing the Illustrative Masterplan as a whole, and taking account of the benefits of the scheme, which will be confirmed at a later date, the proposals contained within the Illustrative Masterplan are capable of being in accordance with the Local Plan, when the development proposals are considered in the context of future planning applications.*

We assume that developers and potential delivery partners will have similar concerns. We do not wish to see scenarios in which developers assume that conformity with the Masterplan Framework is a 'green light' to a grant of consent. **It is in no one's interest for the legal position to be unclear.**

In the recently published Appendix 1 to the Framework OPDC officers have identified several 'key policy deviations' from the Local Plan. We don't see this list as exhaustive, or as including the most obvious examples.

As we flagged up at the November Residents Panel, local residents as well as landowners/developers may have a very different view of the consequences of 'policy deviations' to that of OPDC officers -- in particular, on the recently proposed location of an 'Old Oak Town Centre' at Acton Wells combined with the enlarged 'east west bridge' linking to OOC station.

**Having read the wording in the Masterplan Framework, we continue to question the status of this document as a material consideration in any development management context? Or why OPDC feels that the Framework can (as of now) introduce wording saying *All detailed development proposals within the Old Oak area are expected to take account of the vision, principles and guidance set out in the Masterplan Framework.***

The Framework document continues to be referred to as an 'illustrative masterplan'. Yet (in the same introductory text) developers and other planning applicants are to be told that account should be taken of its '*vision, principles and guidance*'. **On what basis is this assertion being made?**

The document has been prepared and published with no reference to the statutory framework for Local Development Frameworks and local plans.

The document has not been progressed as a Supplementary Planning Document (probably because it strays well into the territory of making 'new policy'). The Framework's 'policy deviations' from the adopted Local Plan are (in our view) more significant than identified in the document.

Applicants for development may well choose to submit proposals which conform closely to 2022 Local Plan site allocations and policies. The Old Oak West SPD provides 'policy guidance' (stopping short of 'new policy').

Local people may well view proposals in the Framework document as having more harmful impacts than those that would flow from the Local Plan. **There needs to more clarity from now on, as to what the Masterplan Framework represents?** We do not see how this document can be portrayed as an updated spatial plan for Old Oak and a new major town centre (albeit that the document appears to be designed as such). It cannot even be interpreted as 'policy guidance' with the status of an SPD.

For the Planning Committee and the Board to 'endorse' the Framework at this time seems to us the premature and to create confusions as to what such a decision

means? Is a Board decision on the recommendation in the officer report being made as the board of a local planning authority, or its delivery arm, or both as we have been told to date?

**Prior to the stage of a planning application for the Masterplan proposals being submitted to the LPA, consulted on, and determined by the LPA, we do not see how this Masterplan will have acquired any significant material weight?** Planning Committee and Board ‘endorsement decisions’ appear to be being progressed for the purpose of supplying this weight, before the necessary testing of a masterplan planning application against the 2022 Local Plan. This seems questionable.

Very little information has emerged as yet on how a planning application for the Masterplan will be framed. The size of the Masterplan area has been described at ‘around 70 acres’ (28ha). We assume that a planning application will be hybrid.

The hybrid application submitted by the Earls Court Development Company at Earls Court is 18ha, and reflects a detailed masterplan which has been the subject of a 3 year consultation. At the Kensal Canalside Opportunity Area (20 ha in total) RBKC as planning authority prepared, consulted on and adopted a SPD in 2021. This ‘policy guidance’ was then confirmed as a site allocation policy in the Borough’s 2024 Local Plan.

### **Risks of legal challenge to the process for adopting the Masterplan Framework and to parts of its content**

We see the above examples as orthodox processes through which a local planning authority can undertake masterplanning work, carried out within the statutory framework for Local Development Plans. They differ from the current process in which a MDC Board is seeking to progress a masterplan prepared by its delivery arm, **and on November 20th to confer material weight on this document as a vision, set of spatial principles, and ‘guidance’ for all future applications for development.**

These steps are being undertaken before a hybrid planning application for the masterplan is submitted. It is clear from wording used by OPDC officers, and additional qualifications such as ‘*at the discretion of the LPA*’ that thought has been given to the legal implications. **We are asking for relevant legal advice to be provided to Board members and to the public.**

Below are some sample questions on the content of the Framework document which we think may well be asked in the coming months, to which we do not see obvious answers:

1. The ‘purpose of the document’ at its start begs questions, in stating *This Masterplan Framework has been prepared by OPDC as Delivery Agent, to guide the future development of the Old Oak area. It has been endorsed by the OPDC Board on [INSERT DATE] and supports the Old Oak Regeneration Strategy, OPDC*

*Local Plan and Old Oak West Supplementary Planning Document.* What exactly is meant by the term ‘supports’?

2. The text goes on to say that the document *will be a key consideration in coordinating development proposals*. More qualified wording is then used to explain that *At the discretion of the Local Planning Authority, it is expected that this Masterplan Framework, together with the Illustrative Masterplan will be a material consideration in the determination of future planning applications*.
3. The paragraph which we consider particularly open to challenge is that asserting *All detailed development proposals within the Old Oak area are expected to take account of the vision, principles and guidance set out in the Masterplan Framework. This is premature at this time, and potentially in the longer-term. The document does not have the status of a development plan document that could justify this ‘expectation’ by OPDC.*
4. What happens if a landowner comes forward with a major application for their own site which conforms in every respect with Local Plan policies? **On what basis could OPDC’s Planning Committee refuse such an application, prior to a new local plan being at an advanced stage?**
5. The Masterplan Framework document is undeniably a ‘spatial plan’ that includes a set of ‘Sitewide Spatial Principles’. It proposes new or enhanced transport and ped/cycle connections which are *not* in the Local Plan and takes away others that are.
6. The commercial arm of HS2 drew up in 2022 a detailed masterplan<sup>2</sup> covering 15.6 hectares of four HS2 sites in TfL ownership. These four sites form over half of the Masterplan area. HS2’s proposals covered proposed uses and the quantum of residential and commercial floorspace for each site in great detail. **Would HS2, an agency with statutory powers of ‘delivery’ be entitled to claim this work as a ‘material consideration’ were these plans to be ‘endorsed’ by its own Board?** Greater clarity on the significance of OPDC Board endorsement is needed, in terms of its role as the board of a LPA.
7. The Framework identifies a significant number of major site allocations which are not in the Local Plan. It is accepted that new sites will often emerge during the ‘plan period’ of a Local Plan, **but what uses are then granted consent must surely be based on the Local Plan in force, or an Area Action Plan, rather than on a new Masterplan that is not a development plan document?**

### Alternative ways forward?

When the Old Oak West SPD was being finalised OONF had a similar correspondence (with Emma Williamson and William Hill) about the manner in which OPDC was portraying the SPD and its new set of ‘places’ and ‘principles’ in relation to the 2022 Local Plan. We flagged up wording in the consultation version of the SPD which we considered ambiguous or misrepresenting the legal position. Changes were made in the final version. We were not provided with the external legal advice which it seemed evident that OPDC sought at this time<sup>3</sup>. **Overall, our concern is that OPDC has come up with a process for a ‘Masterplan Framework’ that (in this instance and given its**

<sup>2</sup> 2022 HS2 slidepack available from OONF

<sup>3</sup> Copy of OONF letter of 6 March 2024 attached.

**spatial scale and content) risks being found contrary to the current basic legislative requirements of the English planning system.**

We never received an explanation of why the Old Oak West SPD was not progressed as an Area Action Plan and development plan document? OPDC appeared reluctant for the document to be examined. Our understanding is that under the transitional arrangements, Area Action Plans (AAPs) are still an option under the Levelling Up and Regeneration Act 2023 (LAURA).

We are similarly unclear why OPDC has not progressed its Masterplan as a 'partial review' of the 2022 Local Plan, thereby giving it development plan status? Again, it appears that a self-imposed priority of proceeding 'at pace' has prevailed over a use of normal statutory processes for 'plan-led' development. These involve consultation processes that require responses from the LPA to objections, and an Examination in Public.

Both Ealing council, and Hammersmith Council are currently going through these statutory processes (LBE at Examination stage and LBHF having recently published its Regulation 18 Draft New Local Plan).

**Local residents need to understand why OPDC is confident that it can seemingly skip these stages on what are undeniably very substantial changes to the content of the Local Plan in respect of the adopted proposals for a series of 'Places' in the 2022 Local Plan<sup>4</sup>.** If the public feel that there is one rule for some LPAs but not for others, this will reinforce concerns over the MDC model.

It was acknowledged at the November 13<sup>th</sup> Planning Committee that new development in the Masterplan area is unlikely get underway until 2029, and potentially later for the HS2 compounds that remain in use (assuming the Euston link and terminus proceed). **We don't understand why a Partial Review of the Local Plan, or an Area Action Plan for the Old Oak 'project area' cannot be put in place within this timescale?**

Our understanding is that Section 38(6) of the PCPA 2004 remains the statutory duty which anchors the plan led-system in England, and that the Local Plan remains the starting point for all planning decisions. Proceeding to a JV on the basis of a Illustrative Masterplan/Masterplan Framework seems high risk. This decision has also denied the

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<sup>4</sup> These 'places' in the adopted Local Plan are as below. The Old Oak West SPD sought to redefine an area badged as Old Oak West, but its 'policy guidance' does not supersede Local Plan policies. These are detailed. Rebadging the area (a second time) as 'Old Oak' with a relocated Old Oak Town Centre at Acton Wells does not change local plan policies for each of these sub-areas.

**P7** North Acton and Acton Wells

**P7C1** North Acton Town Centre Cluster

**P7C2** Old Oak Common Lane Station Cluster

**P8** Old Oak Lane & Old Oak Common Lane

**P8C1** Atlas Junction Cluster

**P9** Channel Gate

public any opportunity influence the Masterplan at Regulation 18 or 19 stage, or at Examination.

The document (as published for the first time on the November 13<sup>th</sup> Planning Committee agenda) reads to us more like that prepared for a Regulation 18 Local Plan ‘issues and option’ consultation. The merits of its new proposals are not what we are questioning – it is how the Framework is now being used (and has already been referred to in the CPO Statement).

At the end of the discussion on the Masterplan Framework on November 13<sup>th</sup>, Planning Committee member Anne Ogundiya asked about paragraph 5.7 of the officer report. Referring to the wording that the *Framework is capable of being a material consideration*, she asked what this scenario might be ‘dependent’ on? Her follow up question related to the flexibility of the Masterplan in relation to possible future events. We have a more fundamental concern about this wording, as explained at 1-7 above. The discussion on her question ended more abruptly than we would have wished.

On 20<sup>th</sup> November, the OPDC Board is being asked to:

*2.2 Note that the Masterplan Framework is intended to be a material consideration in the context of future planning applications, with the weight afforded to be determined at the time of respective planning applications and at the discretion of the LPA;*

*2.4 Endorse the Old Oak Masterplan Framework (Appendix 1) to inform future development proposals as part of the comprehensive regeneration of land at Old Oak; and*

**At present, we do not consider that the text of the Masterplan Framework, including Appendix 1 is worded with sufficient precision, and supported by legal advice and justification, to be ‘endorsed’ by the OPDC Board.**

**At the very least, we ask that recommendation 2.2 is made ‘subject to’ a forthcoming decision by OPDC Planning Committee on the anticipated planning application for the Masterplan Framework. And that this is made very clear in the document itself, before this is deployed in further ‘market engagement’ in the search for a master developer/development partners.**

**We also ask for a late report to the Board on Thursday that expands on the legal advice at section 8 of the committee report, and which explains the relationship between the Masterplan and the Local Plan and the circumstances in which the Framework could be treated as a ‘material consideration’ in determining planning applications.**

**The status of Appendix 1 to the present Framework document also needs legal explanation. It appears to pre-judge the potential range and scope of ‘policy deviations’ in a selective and partial manner prior to any LPA consideration of relevant applications.**

**The manner in which the Masterplan (and the Regeneration Strategy) are being used by OPDC to underpin the Statement of Reasons for the CPO order is a related cause of concern. These documents vary significantly from the 2022 OPDC Local Plan as an expression of the ‘vision’ and ‘spatial plan’ for the part of the OPDC area in question. But they have not been subject to a process of formal consultation and independent examination by a planning inspector.**

Yours sincerely,

Henry Peterson

Adviser to the Old Oak Neighbourhood Forum

Cc Dame Karen Buck, Chair of OPDC

William Hill, Chair of OPDC Planning Committee

Matthew Carpen, OPDC CEO

Marianne Williams, OPDC

Martin Harrison OPDC

OPDC Residents Panel members