



Peter Farnham  
OPDC  
(by email)

May 7<sup>th</sup> 2026

Dear Peter,

**Draft Old Oak Neighbourhood Plan and draft application to extend the Old Oak neighbourhood area**

Thanks for your email of 30<sup>th</sup> April, responding to the OONF letter of April 14<sup>th</sup>. There has also been a brief discussion on the Draft Old Oak NP at the April 23<sup>rd</sup> OPDC Residents Panel. Thanks also for the copy of the legal Opinion from Richard Moules KC. It is helpful to see the full advice, as well as the OPDC summary.

The OPDC summary sets out the 4 questions on which advice was sought (as used in the Opinion). We don't accept that the summary accurately reflects the Opinion. This would only become an issue were this summary to be used as part of OPDC decision-making at some future date, so we are not commenting further on this point at present.

We have responded below to the full content of the Opinion, using the same four headings. Apologies for the length of this letter. The issues involved are complex.

**Question 1**

***(1) Whether the neighbourhood area extension application should precede the neighbourhood plan?***

We are puzzled on the focus on this question by OPDC, and on the issue of 'sequencing' in the advice from Richard Moules KC. Our email of 30 January 2026 enclosed an initial draft of a NP for the area designated in 2021, along with a draft application for an extension on this area. It referred to a 'twin track approach'. But this should not be interpreted to assume that the two applications would be simultaneous.

The initial draft application for an extended area, as sent to OPDC on January 30<sup>th</sup>, had this to say on timing (this extract is from the text of the draft application):

**4.0 NEXT STEPS AND TIMESCALES**

*4.1 This designation application will initially be discussed with OPDC alongside the 2026 Draft Old Oak Neighbourhood Plan. Formal submission will depend on the outcome of these discussions and the willingness of the Development Corporation to see the merits and potential opportunities that could follow from designation of an extended boundary.*

*4.2 The Forum will be involving the three Borough Councils (Ealing, Brent and Hammersmith & Fulham in these discussions, as part of dialogue on the 2026 Draft Neighbourhood Plan. Engagement with local MPs and London Assembly Members will also continue.*

*4.3 Following formal submission, National Planning Practice Guidance sets out timescales within which the local planning authority (OPDC) would need to meet in arranging public consultation on this application, and in determining its outcome.*

*4.4. The Forum's intention is to proceed by agreement with OPDC, albeit taking account of the response of interested parties and local residents and businesses. The Forum will be undertaking an initial pre-submission round of consultation on its 2026 Draft Neighbourhood Plan for the 2021 designated area boundary.*

Given OPDC's response to date on the Draft NP for the 2021 neighbourhood area, with no sign of proceeding by agreement, **the Forum agreed at our monthly meeting on May 5<sup>th</sup> to hold off on an application to extend the neighbourhood boundary.**

Following the OPDC Residents Panel on April 23<sup>rd</sup>, we now have a much clearer understanding of the timeline involved in OPDC's procurement exercise to select a master development partner. This timeline is more extended than we had envisaged and runs into 2027.

We have reviewed the content of the advice from Richard Moules KC on this first question that he covers. We remain of the view that the two processes of LPA progressing a draft neighbourhood plan, and of decision-making on an application to extend the neighbourhood area, are legally separate.

Were the Forum to pursue an application to extend the boundary at some later date, we are not persuaded that the LPA can treat the two applications as related to each other. Nor do we see how decisions could be sequenced at the choice of the LPA, as the Opinion seems to suggest should be the case. This in any event remains a hypothetical scenario rather than an actual one.

The KC's Opinion at paragraph 19 states, ***"The Forum cannot simultaneously progress an area application and a neighbourhood plan..."*** The situation may not have arisen in the past and we note Mr Moules's purposive interpretation of legislation and guidance. Our advice from AI (having fed in a copy of the Opinion) can be summarised as below:

- This is an assertion **unsupported by any statutory wording or even guidance.**
- Mr Moules concedes at paragraph 22 that **"there is no express prohibition"**.
- The 2012 Regulations **deliberately separate** area designation (Regs 5–7) and plan preparation (Regs 14–16).
- Nothing in the TCPA 1990, PCPA 2004, or the 2012 Regulations either requires or invites the LPA to sequence the two processes.

Any future decision by OONF to submit an application to extend the currently designated 2021 area will depend on several factors including:

- Progress made by OPDC on selection of a master development partner and whether these negotiations convince local people that OPDC's current plans are sound, realistic and in the public interest in terms of value for money.
- Whether the Boroughs, London Assembly and ultimately the Mayor remain confident that the Masterplan Framework is the right track for regeneration at Old Oak, or needs some adjustment on the scale and density of new development.
- Whether the HS2 reset concludes with an opening date for HS2 at Old Oak Station in the late 2030s, or if this timeline is extended still further into the 2040s? Further delays will add to the harm caused (for a decade or more) by building very high-density car-free housing on the 'development zones' in the Masterplan Framework.

It seems as if it will be many months until answers to these questions are known. In the meantime the Forum intends to progress the Draft Old Oak Neighbourhood Plan to Regulation 14 Pre-submission consultation, followed by submission to the LPA part of OPDC. Before this happens, we need to resolve with OPDC the position on the Basic Conditions for a NP and on the content of the Indicative Housing Requirement note.

## **(2) The effect of s.99 of LURA 2023 in relation to the basic conditions**

We agree with paragraphs 36-39 of the KC's Opinion, including his noting of sub-clause 6 of Schedule B. This covers matters up to the conclusion of the independent examination. The Opinion does not expand in paragraph 40, or explain on what basis a LPA might consider it 'inappropriate' to make a NP if the examiner's recommendation were to be to do so? The neighbourhood planning community is familiar with the St Ives and Haddenham cases, where the LPA questioned progressing a NP to referendum.

## **(3) Whether the sites informally known as Development Capacity/DCS sites form part of the development plan**

We accept the point made by Mr Moules that there are two issues here, on whether the DCS sites are relevant to producing the IHR and a second issue on whether the DCS sites are relevant to assessing compliance with the new basic condition 8.2 (ea).

On this second point, our advice and our view remains that sites in a DCS, SPD or non-statutory masterplan will not be treated by NP examiners as part of the statutory local plan, when it comes to assessing whether the new Basic Condition 'ea' is met. The new condition involves a definition which is worded with precision in LURA 2023, with the aim of providing a clear benchmark on housing delivery. Mr Moules argues:

*65. But where I part company with the Forum's analysis is the suggestion that the DCS sites are irrelevant to the amount of housing proposed in the Local Plan. As explained*

*above, properly interpreted, the amount of new housing proposed by the Local Plan is 19,850 -a figure which includes the DCS sites shown on fig 3.16.*

In respect of Development Capacity Studies, our understanding is that:

- Section 38(6) PCPA 2004 establishes the primacy of the development plan. Evidence-base documents do not form part of the plan.
- Courts have consistently held that documents such as SHLAAs, HELAAs, capacity studies and topic papers are analytical inputs, not expressions of policy.
- The inclusion of a site in a Development Capacity Study (DCS) is a material consideration, but where the site was not subsequently allocated in the Local Plan, the DCS can only attract limited weight. Depending on context the omission of 'DCS sites' from a Local Plan may be treated as a deliberate policy choice that constrains the evidential value of earlier capacity assessments.

**The Forum agrees with Mr Moules that *The correct approach is to treat the figure of 19,850 as the amount of new housing proposed by the Local Plan.*** We see this principle as applying to both the IHR figure and compliance with Basic Condition 'ea'.

This figure of 19,850 is included in Policy H1 of the Local Plan on Housing Supply as the housing target for the Local Plan. This follows from paragraph 106 of the Inspectors report on the draft Local Plan at which he lists the numerous major modifications required to support the revised spatial strategy (then referred to as the Western Lands) and explains that these *replace the capacity figures of the submitted Plan and are necessary to ensure that the Plan remains positively prepared.* This housing delivery figure was a crucial part of the Post Submission Modified Draft Local Plan being found to be sound at Examination.

Mr Moules goes on to say at paragraph 65 of his Opinion *But where I part company with the Forum's analysis is the suggestion that the DCS sites are irrelevant to the amount of housing proposed in the Local Plan. As explained above, properly interpreted, the amount of new housing proposed by the Local Plan is 19,850 -a figure which includes the DCS sites shown on fig 3.16.*

This is surely incorrect? The map at figure 3.16 on 'development phasing' includes the DCS sites. But the Site Allocation table 3.1 and related map at 3.17 do not. The Site Allocation table 3.1 lists 42 development sites and provides development capacity figures for each. No total is provided at the foot of the table at page 47, which is unusual in this type of document.

By our calculations, including all the figures for Years 1-10 and 10-20, the grand total in Table 3.1 is 18,909 new homes to be delivered over the plan period. This matches the statement in Local Plan Policy H1c, which refers to *delivering a minimum of 18,900 homes on Site Allocations, supporting the achievement of the housing targets identified*

*within the Place policies; The map at Figure 3.16 which includes the DCS is a separate exercise to site allocation and does not correlate with this 19,850 housing target.*

**We believe that an independent examiner of the Draft Old Neighbourhood Plan will proceed to consider compliance with the new Basic Condition ‘ea’ on the basis of the Local Plan housing requirement of 19,850 new homes. We agree that this is the ‘correct starting point’.** We continue to argue that the 2021 Development Capacity Study and the 2026 OPDC Masterplan Framework, neither being part of the development plan, are of little relevance to either the IHR or compliance with condition ‘ea’.

The Local Plan’s housing target of 19,850 units is very largely achieved via the 42 sites allocated in Table 3.1. There is a shortfall of around 1,000 new homes. But this gap applies to the entire OPDC area and there are many locations at which it could be filled, aside from the 22ha designed Old Oak neighbourhood area. **On this basis we continue to contest the validity of the OPDC’s Indicative Housing Requirement Note for the Old Oak Neighbourhood Plan.**

Since our previous exchange of correspondence on this Note, OPDC has published online what we understand to be a final ‘April 2026’ version of the Masterplan Framework document. Forum members are disappointed to see that continues to include the statement which we have been objecting to since before the OPDC Board ‘endorsed’ this document on November 20<sup>th</sup> 2025. This statement is at page 9 headed ‘Purpose of this document’ and reads *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.*

With no accompanying qualification or reference to the 2022 OPDC Local Plan, we continue to see this wording as dangerously misleading for applicants in its absence of any mention of the need for policy compliance with the statutory development plan.

#### **Preparation of the OPDC Masterplan Framework with its 8,000 housing target.**

It is not clear to us how a process of ‘illustrative masterplanning’ has led to a Framework document which proposes 8,000 new homes for a part of the Opportunity Area which already had Local Plan site allocations set in 2022 and which an Inspector has found to be sound and meeting housing need?

Who decided to go for this 8,000 figure, and when and why? This target is of itself a significant ‘deviation’ from the Local Plan? Adding in DCS sites and raising densities in the part of the OPDC area which includes a set of existing residential settlements is emerging as a significant decision for local people. It is one on which we can find no record of any discussion or debate at either OPDC Board or OPDC Planning Committee.

Tracing back through the consideration of the Masterplan does not provide easy answers. The report to the Planning Committee on 19<sup>th</sup> June 2025 starts with the sentence *OPDC’s Delivery Team has developed an Illustrative Masterplan for Old Oak*

to guide the future development of the area. There is explanatory detail in the report, and some information on five ‘pre-application’ meetings held between ‘the LPA’ and the Delivery Team. Paragraph 1.3 states *The Illustrative Masterplan proposes approximately 8,000 new homes* with no comment on where this figure came from.

A section on *Deviations from the Local Plan and Old Oak West SPD* makes no mention of the fact that an 8,000 housing target for the Masterplan area **would not be achieved via the site allocations in the adopted local plan**. Stated development capacities for these allocated sites add up to 6,255 units (setting aside 605 units already completed at the Oaklands development by the date of local plan adoption).

The section of this 19<sup>th</sup> June report on ‘Land Use considerations’ makes no comment on housing numbers. OONF has requested sight of the pre-application advice notes presumably generated from the five LPA/Delivery Team meetings, but with no response to date. The later report to the Planning Committee on 13<sup>th</sup> November refers at 4.2 to Local Plan Policy SP10, *to deliver a minimum of 6,905 new homes and a minimum of 268,540 square metres of non-residential floorspace resulting in an indicative 22,365 jobs*. The figure of 8,000 new homes did not feature in this report. The committee discussed the fact that employment floorspace was reduced from that in the Local Plan. It did not discuss why Masterplan housing numbers had increased, with consequences for densities and building heights.

The report to OPDC Board on Delivery on 10<sup>th</sup> July referred at 4.1 *to progressing site-wide design development of an Illustrative Masterplan which has provided the basis for pre-application engagement with the Local Planning Authority (LPA), stakeholders and the local community*. The Delivery report to the Board on September 25<sup>th</sup> covers the Masterplan briefly. Neither report refers to an 8,000 housing target. The report to the Board on 20<sup>th</sup> November, seeking ‘endorsement’ to a Masterplan Framework commented at 4.2 *The Masterplan Framework is consistent with the endorsed Illustrative Masterplan, which includes the creation of two new neighbourhoods, Canalside Neighbourhood and Old Oak Town Centre, which will provide approximately 8,000 homes (including affordable)*. No comparison was made with housing delivery targets in the 2022 Local Plan, despite the relevance of these figures.

Our concern is that Planning Committee and Board members have not been made aware that the Masterplan Framework (now no longer illustrative and forming part of the prospectus for bids from ‘master development partners’) involves further ‘intensification’ of housing densities and heights in the newly defined area. **We cannot find a report that explains why 8,000 new units been introduced as a post 2022 target, nor any OPDC decision that this increased target should be pursued? We question whether Planning Inspector Paul Clark would have assessed this figure as sound, or as over-development in relation to existing residential enclaves within the Masterplan area?**

The impact on the Old Oak neighbourhood area of the new ‘Masterplan Framework’ is particularly acute. This is because 4 of the 5 ‘DCS sites’ have been added to this non-statutory masterplan, and also included in OPDC’s Indicative Housing Requirement of

510 units. Residents living in the area, who made repeated representations during the four year examination of the adopted local plan, have had little chance to challenge OPDC's latest proposals. **But the process that has been undertaken has not been what the statutory planning system requires. The Forum believes that an independent examination of the Old Oak Draft Neighbourhood Plan will expose this reality. Local people will continue to oppose any harmful consequences as and when development proposals appear in 2028 onwards.**

**(4) Are there any errors in the interpretation of legal requirements in the Draft NP?**

**This section of the Opinion reads as below**

*62. In my view there is a clear misinterpretation of the legal requirements in the Draft NP. The Draft NP proceeds on the incorrect basis that the DCS sites "do not form part of the development plan" and that "therefore the housing numbers shown in this document do not constitute 'housing proposed' for the purposes of the new Basic Condition...". The correct approach is to treat the figure of 19,850 as the amount of new housing proposed by the Local Plan.*

*63. I agree with paragraph 1.13 of the Draft NP i.e. that the new basic condition replaces the requirement to be in conformity with strategic policies (see my detailed reasoning in answer to question 2).*

*64. I also agree that the DCS itself, the Masterplan and the SPD are not relevant to applying the basic condition which involves consideration only of the development plan -with and without the proposed neighbourhood plan.*

*65. But where I part company with the Forum's analysis is the suggestion that the DCS sites are irrelevant to the amount of housing proposed in the Local Plan. As explained above, properly interpreted, the amount of new housing proposed by the Local Plan is 19,850 -a figure which includes the DCS sites shown on fig 3.16. That is not to rely on non development plan material.*

*The amount of housing proposed and the location of it is clear on the face of the policies of the Local Plan itself.*

As explained above, we consider that Mr Moules has assumed that the 19,850 figure which he identifies as the correct starting point on housing delivery corresponds with Figure 3.16 showing 'development phasing'. It does not. Were all the possible sites in Figure 3.16 to have been included as site allocations in Table 3.17, a significantly higher level of housing delivery would be put forward as Local Plan Policy H1 on Housing Supply.

As noted by Mr Moules, the figure of 19,850 new homes appears at 2022 Local Plan Policy SP4 a (ii) on *Thriving Communities*. The supporting text at 3.20 of the Local Plan states: *This quantum of housing enables OPDC to meet its objectively assessed need as well as contribute towards meeting housing need in the London Boroughs of Brent,*

*Ealing and Hammersmith and Fulham and London-wide housing need (see Policy H1 and figure 8.2).*

We accept that the 19,850 new homes figure is referred to as ‘a minimum’. But it was accepted by the Inspector as meeting ‘housing need’ across the OA. This total can be very largely achieved by development on the sites in Table 3.1. We see no local plan policy basis for proceeding with a masterplan including an extra 1,700 or so new homes, that relies on bringing forward ‘DCS sites’ that have not been allocated,

Planning Inspector Paul Clark considered in depth ***whether the Plan has been justified in terms of the nexus between density/ intensity, height and housing targets***. He looked at three stages of plan preparation

- Before the submitted Plan – the first spatial strategy page
- The submitted Plan – the second spatial strategy page
- And the Modified Plan – the third spatial strategy

During the Examination in Public, the Old Oak Neighbourhood Forum and the St Quintin and Woodlands Neighbourhood Forum made detailed written and oral submissions on this ‘nexus’. We believe that the Inspector paid some heed to these.

Our Forum members will vigorously oppose future planning applications which involve the abrupt juxtaposition of high-rise high density buildings as illustrated in the OPDC Masterplan Framework, particularly on sites which are not allocated in the Local Plan and at locations which have not been identified as suitable for tall buildings as required by London Plan Policy D9.

In the meantime, the Forum intends to proceed with Pre-Submission consultation and submission to OPDC of the Draft Old Oak Neighbourhood Plan. The content of the first part of the Pre-Submission version will be amended in light of this correspondence with OPDC. At submission stage, this material will be included in the Basic Conditions Statement.

A formal start to Regulation 14 Pre- submission consultation will await a few more weeks. As explained when the initial Draft NP was sent to OPDC at the end of January, we remain open to discussion on the concept of a ‘cooperative’ neighbourhood plan, progressed as a means of providing development plan underpinning for site allocations and policies, as to be applied to the 2021 designated neighbourhood area. As explained in the initial Draft NP, such policies on net residential densities and maximum building heights would vary significantly from those implied by the illustrations in the Masterplan Framework.

This way forward, and the Forum’s position on the KC’s Opinion, was discussed and agreed at the Forum’s monthly meeting held on May 5<sup>th</sup>. Apart from Emma Williamson and Tom Cardis I am copying this letter to Gareth Blacker in the Delivery team and to Matthew Carpen.

Yours sincerely,

HP, adviser to the Forum.

cc Matthew Carpen OPDC CEO, Emma Williamson OPDC, Tom Cardis OPDC, Gareth Blacker OPDC.