

	<p align="center"><b>London Borough of Hammersmith &amp; Fulham</b></p> <p align="center"><b>CABINET</b></p> <p align="center"><b>1 SEPTEMBER 2014</b></p>
<p><b>OLD OAK AND PARK ROYAL MAYORAL DEVELOPMENT CORPORATION CONSULTATION - LBHF RESPONSE</b></p>	
<p><b>Report of the Cabinet Member for Economic Development and Regeneration : Councillor Andrew Jones</b></p>	
<p><b>Open Report</b></p>	
<p><b>Classification - For Decision</b>  <b>Key Decision: Yes</b></p>	
<p><b>Wards Affected:</b> College Park and Old Oak</p>	
<p><b>Accountable Executive Director:</b> Nigel Pallace, Executive Director for Transport and Technical Services</p>	
<p><b>Report Author:</b> Thomas Cardis, Lead Officer for Planning Policy Regeneration</p>	<p><b>Contact Details:</b>  Tel: 0208 753 3317  E-mail:  <a href="mailto:Thomas.cardis@lbhf.gov.uk">Thomas.cardis@lbhf.gov.uk</a></p>

## 1. EXECUTIVE SUMMARY

- 1.1. The Mayor of London is currently consulting on proposals to establish a Mayoral Development Corporation (MDC) for Old Oak and Park Royal. The consultation ends on 24 September 2014.
- 1.2. The proposals would cede control of planning powers to the Greater London Authority (GLA), giving the Mayor control of plan making, determining planning applications and for the Community Infrastructure Levy charge and collection for the area within the MDC boundary.
- 1.3. This report sets out a proposed response to the Mayor's consultation and seeks the approval of Cabinet to issue the consultation response contained in Appendix 1 of this report.

## **2. RECOMMENDATIONS**

- 2.1. That in the light of the Mayor's proposals summarised in this report, Cabinet endorses and approves the proposed Council response to the Mayor of London's consultation on the proposals for a Mayoral Development Corporation (MDC) at Old Oak and Park Royal as set out in Appendix.
- 2.2. That the Executive Director of Transport and Technical Services be authorised to make any further changes, in consultation with the Cabinet Member for Economic Development and Regeneration, to the Council's proposed response letter to the MDC Consultation.

## **3. REASONS FOR DECISION**

- 3.1. The London Borough of Hammersmith and Fulham would be significantly affected by the establishment of a Mayoral Development Corporation at Old Oak and Park Royal as the MDC would take over a number of powers for the area from the local authority, the implications of which are fully discussed below.

## **4. INTRODUCTION AND BACKGROUND**

- 4.1. In January 2012, the Government announced its preferred route for the High Speed 2 (HS2) railway line. This included a station at Old Oak Common, connecting HS2 to London Crossrail and the Great Western Main Line, providing greatly improved transport connections in west London and helping to relieve passenger pressure at London Euston.
- 4.2. In May 2012, the Council started working with the GLA, Transport for London (TfL) and London Boroughs of Ealing and Brent to investigate the potential for regeneration around the planned railway station at Old Oak Common. In June 2013, this joint working culminated in the production and consultation on a 'Vision for Old Oak', which demonstrated how regeneration of the area could deliver approximately 19,000 homes and 90,000 jobs.
- 4.3. In January 2014, the GLA consulted on the Further Alterations to the London Plan (FALP) where it identified Old Oak Common as an Opportunity Area (covering land in London Boroughs of H&F, Ealing and Brent). This revised the figures for housing and jobs that were in the Old Oak Vision, altering them to 24,000 homes and 55,000 jobs.
- 4.4. Following the consultation on the Old Oak Vision the Mayor of London in autumn 2013 expressed a desire to establish an MDC for the Old Oak area (which was later extended to include the Park Royal Opportunity Area as well) in order to coordinate:

1. the delivery of substantial numbers of homes and jobs for London and a new national transport super-hub;
  2. the complexities of cross-borough working and to facilitate relocations of existing businesses;
  3. attracting national and international investment, from public and private bodies.
- 4.5 Currently there is only one MDC in existence – the London Legacy Development Corporation, which was established in 2012 and covers the London Olympics sites in the Lower Lea Valley within London Boroughs of Newham, Waltham Forest, Tower Hamlets and Hackney.
- 4.6 For the Old Oak and Park Royal MDC, the Mayor has identified the following key objectives for the area:
- a) Regenerate, develop and transform Old Oak Common to ensure the area becomes a major contributor to London's economy, in a way that is sustainable, meets local needs and supports the strategic long-term priorities in the Mayor's London Plan (Further Alterations to the London Plan) and 'Old Oak a Vision for the Future';
  - b) Safeguard and plan for the regeneration of Park Royal as a Strategic Industrial Location, steer, help secure investment to support businesses, improve operations, maximise the areas industrial growth potential, and support the smooth transition of business and industrial relocations as well as protect and enhance freight and logistics;
  - c) Resolve complex, cross-borough issues and plan for Old Oak and Park Royal in a complementary way that includes an integrated approach to planning policy, planning decisions and Community Infrastructure Levy (CIL);
  - d) Maximise local and regional connections by making Old Oak Common one of London's best connected places and support delivery of, a new station on the Great West Mainline that would serve Crossrail 1, a new High Speed 2 (HS2) station, future potential London Overground station(s), and local public transport, walking, cycling and highway improvements;
  - e) Delivery of 24,000 new homes at Old Oak Common and an additional 1,500 homes in appropriate locations in the Park Royal OA including a mix of affordable, tenures and sizes, as per the Further Alterations to the London Plan;
  - f) Promote economic growth, job creation and enterprise with the potential for 55,000 new jobs at Old Oak Common and a further 10,000 new jobs at Park Royal OA, including a mix of workspace sizes and types, as per the Further Alterations to the London Plan;

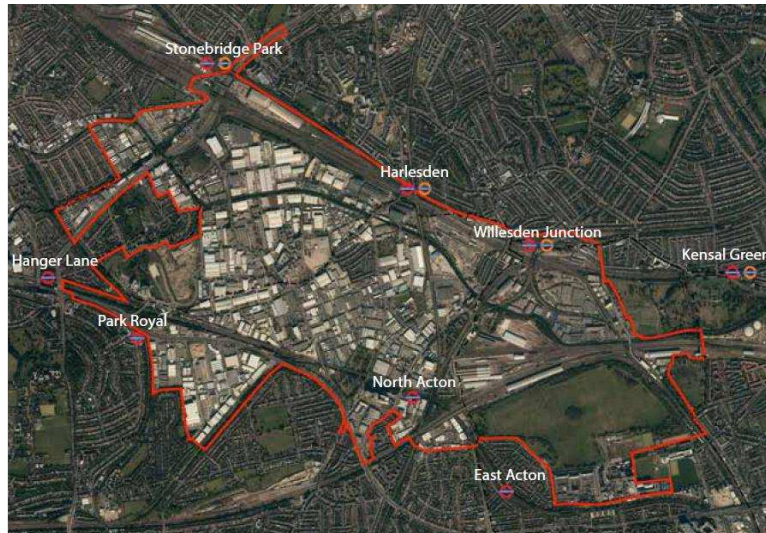
- g) Delivery of all other infrastructure required to support such a significant level of people living, working and visiting Old Oak and Park Royal including social and physical infrastructure (including but not limited to, schools, amenity space, health centres, community facilities and utilities);
- h) Ensure world class architecture, place making and urban design that would deliver a well-connected, high quality part of London at Old Oak Common and a modern and adaptable industrial area at Park Royal;
- i) Maximise opportunities presented by significant ownership of land and assets by transport authorities and public bodies, by co-ordinating the development and stewardship of those assets;
- j) Strengthen confidence and attract investment by promoting Old Oak as a significant development location and Park Royal as a quality industrial location;
- k) Work with key stakeholders, service providers, businesses and the local community to ensure the regeneration of Old Oak and Park Royal is accountable to Londoners, and is consistent with the principles of localism; and
- l) Respect the role and importance of the three local authorities whose boundaries overlap at Old Oak and Park Royal, including assisting them in carrying out the duties and functions that remain their responsibility within the area.

4.7 The Localism Act 2011 provides the regulatory framework for the establishment of MDCs. There are a number of steps the Mayor has to take to establish an MDC, of which this consultation is the first. The consultation runs from 18 June to 24 September 2014. The Mayor has a statutory duty to consider all consultation responses in the formulation of any MDC and will need to respond to specific points raised by consultees including the London Borough of Hammersmith and Fulham and other representors. Once these consultation responses have been considered, if the Mayor decides to proceed with his proposal he must submit the final proposal to the London Assembly. The London Assembly has 21 days within which to make a decision and can only reject the Mayor's proposal with a two thirds majority. Subject to this, the Mayor then formally notifies the Secretary of State that he has designated a Mayoral Development Area. The Secretary of State will then bring forward an Order giving effect to the proposals, thereby creating the Old Oak and Park Royal Development Corporation. Subsequent and contingent to London Assembly and Secretary of State sign off, the Mayor proposes that the MDC would be enacted on 1 April 2015.

## 5. PROPOSAL AND ISSUES

### PROPOSALS

#### a) Proposed MDC Boundary



5.1 The above plan shows the proposed boundary of the MDC. In H&F, the boundary covers most of the north of the borough and includes Old Oak Common, Hythe Road Industrial Estate, including Car Giant; Wormwood Scrubs open space, Wormwood Scrubs prison, Hammersmith Hospital and the European Metal Recycling (EMR) and Powerday waste recycling sites.

#### b) Powers

5.2 The Mayor proposes that the MDC takes full plan making powers. The MDC would prepare and adopt a new Local Plan for the area and consequently H&F's planning policies for the area would cease to be of relevance to the determination of planning applications. The MDC would also have decision taking powers. In H&F the MDC would determine all major planning applications. A new planning committee would be established (see section C below).

5.3 The MDC would develop its own Community Infrastructure Levy (CIL) and would become the CIL charging authority for the area. The MDC would have powers to designate conservation areas and formulate proposals for the preservation and enhancement of these areas. The MDC would take on powers of Article 4 Direction, allowing it to reverse permitted development rights.

5.4 It is expected that powers of enforcement would be delegated back to H&F, except where enforcement action is necessary on cross-borough sites.

**c) Board and Planning committee composition**

- 5.5 The MDC's decision taking would be overseen by a Board. The Mayor proposes that this consists of nine members: 2 from the GLA, 1 from each Local Authority, 1 from TfL, 1 from HS2, 1 from the development community and 1 from the educational community. The board must consist of at least one elected member of each of the three relevant London Councils (Brent, Ealing and Hammersmith & Fulham).
- 5.6 The Mayor proposes three options for the planning committee. These are:
- i) A single committee of seven members with one councillor from H&F.
  - ii) A single committee of 8 members. For applications in H&F, H&F would have two councillors sitting on the committee but for applications in Brent or Ealing, H&F would have one councillor sitting on the committee.
  - iii) Three planning sub-committees: one for each borough. H&F would have two councillors sitting on the committee in H&F and one councillor for applications in Brent and Ealing.

**d) Waste**

- 5.7 The EMR and Powerday waste sites are located in the north of H&F and both sites meet the Council's waste apportionment targets. The proposed MDC would cover both these sites and the GLA plan to relocate both facilities to elsewhere within Park Royal.

**e) Other powers**

- 5.8 At this stage the Mayor does not propose that the MDC would have the powers to grant discretionary relief from non-domestic rates. The GLA would need to consult on this separately at a later stage if the Mayor ever decided to implement such powers. Not granting these powers does not impact on any future aspiration to establish an Enterprise Zone for the MDC area.
- 5.9 The Mayor does not propose that any assets are transferred from public bodies to the MDC. H&F freehold and landowning interests would remain with the Council.

**f) Transition Arrangements**

- 5.10 The Mayor proposes that a shadow MDC team be established over the coming months. This team would start to develop the new Local Plan for the MDC so that upon its establishment on 1 April 2015, they would be in a position to immediately consult on their new Local Plan. The Mayor also plans to develop the Old Oak Vision document into an

Opportunity Area Planning Framework (OAPF) and adopt this as Supplementary Planning Guidance (SPG) to the Mayor's London Plan in early 2015.

- 5.11 Any planning policies in existence or emerging upon the establishment of the MDC would continue to be relevant until the MDC adopts its own Local Plan for the area. Any major planning applications submitted to H&F would have to be transferred to the MDC upon its establishment. Planning fees would have to be split between H&F and the GLA depending on how much work each authority has undertaken in determining the planning application.
- 5.12 The Mayor proposes that upon the establishment of the MDC and until the MDC brings into effect its own charging schedule that H&F's CIL receipts are not collected and that planning obligations through Section 106 agreements are instead sought to mitigate the impacts of development.

**g) Lifespan**

- 5.13 The Mayor has not set an end date for the MDC in the consultation material. Instead it is proposed that the MDC Board undertake a review of the MDC's operations on a regular basis and vote on whether or not the MDC should continue or be wound down. A set of criteria would be drawn up and agreed by the Board to assess the success of the MDC and make decisions regarding its continued existence.

**ISSUES**

- 5.14 The Council's proposed response to the MDC consultation is contained in Appendix 1. In summary, the key issues identified in this response are:
- **Anti-localism** – The establishment of an MDC would take powers away from locally elected members, resulting in less of a democratic mandate.
  - **Affordable housing provision** – The Council is not convinced based on the levels of affordable housing currently being achieved by the Mayor that the MDC would achieve high levels of affordable housing.
  - **Balanced Communities** - The Council is not convinced that the Mayor would actively seek to control the negative impact that international investors buying up homes and leaving them empty would have on the objective to create mixed and balanced sustainable communities.
  - **MDC vs Area Action Plan** – Rather than an MDC preparing a Local Plan, an Area Action Plan, jointly produced by the London Boroughs of Hammersmith and Fulham, Ealing and Brent (subject to discussion and agreement with LBs of Ealing and Brent) and with the involvement of

the GLA and TfL, would be a more locally democratic approach to developing a policy framework for the Old Oak Common area.

- **MDC Board** – Local elected members are not adequately represented on the Board therefore if an MDC were to be established, LBHF should have at least two representatives sitting on the Board.
- **MDC planning committee** – If an MDC is established, for applications within LBHF, three LBHF councillors should sit on the planning committee to ensure better local accountability.
- **Proposed MDC boundary** - Objection to the inclusion of Wormwood Scrubs Park, the Linford Christie stadium, Wormwood Scrubs Prison, Hammersmith Hospital and Queen Charlotte's & Chelsea Hospital within the MDC boundary.
- **Community Infrastructure Levy and Development Infrastructure Funding (DIF) Study** – Concern that the establishment of an MDC would mean that the local authority would no longer be able to influence how essential infrastructure items are prioritised. In addition, the Council would be responsible for providing services to new residents - not the MDC, and the council would not want to be burdened with the expense of the ongoing maintenance costs.
- **Waste** – The Council currently meets its waste apportionment target through the EMR and Powerday waste sites, which lie within the boundary of the proposed MDC. There are no alternative sites in the borough to enable the relocation of these waste sites. The Council therefore considers that the MDC would need to take responsibility for LBHF's waste apportionment target in full and to fund the relocation of these uses outside of the Borough.
- **Heritage applications** – The Council is best placed to determine Listed Building Consent application and applications for significant demolition within Conservation Areas due to its retained heritage expertise. The MDC proposals would result in unnecessary duplication since applicants may need to make a LBC application or planning application for significant demolition within a Conservation Area to the MDC and an advertisement consent application or planning application for a replacement building to the Council when the proposals would be best considered together.
- **Conservation Area designation and proposals for enhancements** - The Council considers that it should retain powers for Conservation Area designation and proposals for enhancement of Conservation Areas as it has already undertaken significant work in these areas and has the relevant heritage expertise.
- **Non designated heritage assets** – The Council has an adopted Local Register of Buildings of Merit, the status of the Buildings of Merit within



the MDC and arrangements for management of the Local Register within the MDC is unclear.

## **6. ANALYSIS OF ISSUES**

- 6.1. The recommended response to the Mayor's MDC consultation is attached at Appendix 1. In formulating the response, consideration has been given by officers to alternative options which would be more acceptable to the Council.

### **MDC vs Area Action Plan**

- 6.2 The GLA considered three options as possible alternatives to the MDC:
- i) Jointly producing an Opportunity Area Planning Framework (OAPF) with the London Boroughs of H&F, Ealing and Brent (subject to discussion and agreement), TfL and the GLA. The GLA considered that this option would ensure a collective approach to policy formulation, but would not provide a consistent development plan for the area and was therefore ruled out.
  - ii) Adopting an approach similar to that taken at Victoria and Nine Elms (VNEB). This approach would be similar to option i) but would include a Strategy Board and Delivery Board that would work collectively on developing a clear strategic approach for the area and would engage with stakeholders within central government.
  - iii) The authorities jointly produce an Area Action Plan for the area. This would have development plan status and would provide a clear central policy position for development proposals coming forward in the Old Oak area. Planning decisions would still be determined by the local authorities in which the planning applications are submitted.
- 6.3 The three local authorities believe that there could be equally effective delivery vehicles for the regeneration of Old Oak Common other than an MDC. For example a Joint Area Action Plan with a tri-authority delivery board, combining options ii) and iii) above and similar in structure to that used for Vauxhall Nine Elms Battersea (VNEB), which would be more locally accountable and better harness the considerable regeneration expertise of the three boroughs.

### **Anti-Localism**

- 6.4 It is considered that the establishment of an MDC would take away democratic mandate, handing decision making over to unelected representatives. An alternative approach would be to have an Area Action Plan (subject to discussion and agreement, covering the three authorities Ealing, Brent and LBHF) which would retain decision making with locally

elected members. Planning policy would be formulated jointly between the London Boroughs of Hammersmith and Fulham, Brent and Ealing, with input from the Mayor and TfL. Planning applications would be dealt with by Council's planning committee.

### **Affordable Housing and Mixed and Balanced Communities**

- 6.5 There is concern regarding the Mayor's past track record on delivering truly affordable homes for Londoners. The Council does not believe that the Mayor should be entrusted with sole responsibility on a project of this importance. The Council is committed to securing housing policies that will provide homes for residents rather than investment properties for overseas speculators. By not establishing an MDC, control would be retained by the local authority, giving it control of the formulation of policy and planning decisions.

### **MDC Board**

- 6.6 The Mayor is currently proposing that the MDC Board consist of a minimum of six people, which would include two members appointed by the Mayor, one elected member from each of the local authorities and other non-elected members appointed by the Mayor to represent transport, education and the development community. It is considered that the Council should have greater representation on the board, given that 80% of development is anticipated to occur in H&F. The Council has suggested that it has at least two representatives on the board, equal to the number of board members appointed by the Mayor. The Council response to the MDC consultation objects to unelected members sitting on the MDC board.

### **MDC Planning Committee**

- 6.7 The MDC consultation sets out three options for the planning committee:
- i) A single planning committee determining planning applications for the entire Old Oak and Park Royal area. The chair (or designate) of the Corporation Board would chair the planning committee. The Committee would include six additional members including one Councillor from each of the three London borough councils.
  - ii) A single planning committee determining planning applications for the entire Old Oak and Park Royal area. The chair (or designate) of the Corporation board would chair the planning committee. The Committee would include eight additional members including a minimum of one Councillor from each of the three London borough councils. In addition, for applications being determined within one of the London borough boundaries then that London borough would have an additional Councillor sitting on the Committee for that application.

- iii) Three planning sub-committees could be set up covering all three London Boroughs. The chair (or designate) of the Corporation board would chair each planning sub-committee. Each sub-committee would include eight additional members including a minimum of one Councillor from each of the three London boroughs. In addition, for applications being determined within one of the London borough boundaries that London borough would have an additional Councillor on the Committee.
- 6.8 The proposed consultation response to the MDC in Appendix 1 outlines support for option iii) as this option would best ensure local democratic accountability.

### **MDC Boundary**

- 6.9 It is recommended that the Council in its response to the MDC objects to the inclusion of Wormwood Scrubs common, Wormwood Scrubs prison, Hammersmith Hospital, Queen Charlotte's & Chelsea Hospital and the Linford Christie stadium within the MDC boundary. The rationale for inclusion of Wormwood Scrubs common and the Linford Christie stadium in the Vision for Old oak was that development to the north could facilitate investment and the creation of improved accesses into the Scrubs. However, the Wormwood Scrubs Charitable Trust currently oversees the management and upkeep of the Scrubs and the relationship between the Trust and any MDC has not been clarified by the Mayor. This is particularly pertinent where the MDC may be securing monies to make improvements to the Scrubs, which the Trust may have objections to. The Trust also oversees the management of the Linford Christie Stadium and the Council has its own ideas regarding how it can make the best of this facility in future years. The Council would be concerned if it was incapable of undertaking these improvements because of a mismatched relationship between the Council, the Trust and the MDC.
- 6.10 If the MDC were not to include Wormwood Scrubs Common or the Linford Christie Stadium then Wormwood Scrubs Prison, Hammersmith Hospital and Queen Charlotte's & Chelsea Hospital should not be within the MDC boundary, as they would be isolated from the rest of the MDC area. Even if the MDC were to include Wormwood Scrubs Common and the Linford Christie Stadium, the Council considers that any development on Wormwood Scrubs Prison, Hammersmith Hospital or Queen Charlotte's & Chelsea Hospital would more closely relate to the Council's priorities for White City and that both sites should therefore be omitted from the MDC boundary and left within the remit of this council.

### **Community Infrastructure Levy and Development Infrastructure Funding (DIF) Study**

- 6.11 The Council is concerned that if the MDC is established, the Council would have little influence on the prioritisation of expenditure on infrastructure

investment. The Council also considers that the MDC being the CIL charging authority may result in additional costs for the Council. If the MDC secures infrastructure with high maintenance costs these may be passed on to the Council to finance in the long term. The alternative of an Area Action Plan would not give rise to such an issue as H&F would remain the CIL charging and collecting authority for the area.

### **Waste**

- 6.12 The proposed boundary for the MDC covers both of the borough's major waste sites (EMR and Powerday). Although the MDC would be responsible for some of LBHF's waste apportionment target, the Council would still be responsible for a substantial waste apportionment target but with no waste sites to meet the target. The recommended response to the MDC consultation sets out that the MDC should take responsibility for meeting H&F's waste apportionment target in full. The Council could negotiate with another local authority to meet its waste apportionment target however this could have a financial implication to the Council, and there is a risk that no other local authority would be willing to take H&F's apportionment and therefore this approach has not been included in the council's MDC consultation response. Discussions are ongoing with the West London Waste Authority (WLWA) and the Western Riverside Waste Authority (WRWA) regarding a potential arrangement.

### **Heritage applications**

- 6.13 The proposed MDC includes HMP Wormwood Scrubs, which contains a significant group of heritage assets including Grade II\* and Grade II listed buildings and Buildings of Merit. The current proposals envisage that all Listed Building Consent applications would be submitted to the MDC, although planning applications and advertisement consent applications for the same works may need to be submitted to the Council.
- 6.14 It is also proposed that the MDC would handle applications relating to demolition within Conservation Areas – it is not clear if this takes account of the abolition of Conservation Area Consent on 1 October 2013 and the new requirement to obtain planning permission for demolition within a Conservation Areas. In such circumstances an applicant would be required to make one application for planning permission for significant demolition within a Conservation Area to the MDC and another planning application for the erection of the replacement building to the Council. Such split responsibilities would be a cause of confusion for applicants and the public and would waste valuable planning resources.
- 6.15 Listed Building Consent applications would be best dealt with by the Council, which has experience of dealing with the sensitive nature and uses of the buildings on the site. The MDC would otherwise need to retain specialist heritage expertise to deal with a relatively small number of applications, which would be an inefficient use of its resources.

## **Conservation Area designation and proposals for enhancement**

- 6.16 The Council has already designated the Grand Union Canal Conservation Area within the proposed MDC area. The Council will also shortly be consulting on a Conservation Area Character Profile for the Conservation Area, the status of which would be unclear in the MDC proposals. The Council considers that it should retain powers for Conservation Area designation and proposals for enhancement of Conservation Areas as it has already undertaken significant work in these areas and has the relevant heritage expertise.

## **Non designated heritage assets**

- 6.17 The Council has adopted a Local Register of Buildings of Merit following consultation with local amenity groups. The Local Register is separate from the Planning Guidance SPD which contains design guidance on applications affecting Buildings of Merit. The status of Buildings of Merit and responsibility for management of the Local Register within the proposed MDC area is unclear.

## **7. CONSULTATION**

- 7.1. The Mayor has a statutory duty to consult the public on his plans to establish a Mayoral Development Corporation for Old Oak and Park Royal. Residents, community groups and businesses will be able to independently respond to the consultation.
- 7.2 The Council worked in partnership with LB of Ealing and Brent, the GLA and TfL to produce a Vision document for the regeneration of the Old Oak Common area which underwent public consultation over the summer of 2013. Over 600 people responded and although there were concerns the majority were in support of the principle of regeneration at Old Oak. This 'Vision' document can readily and properly be prepared as a joint AAP for the area.

## **8. EQUALITY IMPLICATIONS**

- 8.1. The GLA have included a section within the MDC Public Consultation report at point 22 that covers Equality and Inclusion. The Mayor will take into account duties arising under the Equality Act 2010 into account when making any decision relating to the establishment of the MDC.

## **9. LEGAL IMPLICATIONS**

- 9.1. The procedure that the Mayor of London has to follow is set out at paragraph 4.7 of the report.

9.2. The consequences of the Mayor establishing an MDC are set out in the body of the report.

9.3. Implications verified/completed by: Alex Russell, Bi-Borough Senior Lawyer (Planning, Highways and Licensing), tel: 2771

## **10. FINANCIAL AND RESOURCES IMPLICATIONS**

10.1. There is no direct additional cost to the Council of objecting to the MDC. However, if an MDC were to be created in the future it is likely that Council income from planning fees, the Community Infrastructure Levy and from s106 would be adversely affected.

10.2. Implications verified/completed by: Mark Jones, Director for Finance, TTS, ext 6700.

## **11. RISK MANAGEMENT**

11.1. This item is not included on the Corporate Risk Register. The GLA is putting forward the proposal to set up the Mayoral Development Corporation (MDC) at Old Oak Common and the Council is objecting to this proposal. There are risks to the Council if the MDC is established which is why the Council is opposing it, however the decision to establish the MDC sits with the GLA and the London Assembly.

## **12. PROCUREMENT AND IT STRATEGY IMPLICATIONS**

12.1. There are no procurement issues contained in this report.

12.2. Implications verified by Alan Parry, Procurement Consultant (TTS) – 020 8753 2581

### **LOCAL GOVERNMENT ACT 2000**

#### **LIST OF BACKGROUND PAPERS USED IN PREPARING THIS REPORT**

<b>No.</b>	<b>Description of Background Papers</b>	<b>Name/Ext of holder of file/copy</b>	<b>Department/ Location</b>
1.	Vision for Old Oak	Thomas Cardis, EXT 3317	TTS
2.	Old Oak and Park Royal Development Corporation Consultation	Thomas Cardis, EXT 3317	TTS

#### **LIST OF APPENDICES:**

Appendix 1: Response to the Old Oak and Park Royal Mayoral Development Corporation Consultation

## **Appendix 1: Response to the Old Oak and Park Royal Mayoral Development Corporation Consultation**

The London Borough of Hammersmith and Fulham (LBHF) welcome the opportunity to comment on the proposals to establish a MDC at Old Oak and Park Royal. The Council notes that the regulations in the Localism Act require the Mayor to fully consider comments raised by the local authorities within which an MDC is being proposed. The Council would be happy to meet with the Mayor and his representatives in order to discuss Hammersmith and Fulham's response and key concerns in greater detail.

The three local authorities believe that there could be equally effective delivery vehicles for the regeneration of Old Oak Common other than a MDC. For example, a Joint Area Action Plan with a tri authority delivery board, similar in structure to that used for Vauxhall Nine Elms Battersea (VNEB), which would be more locally accountable and better harness the considerable regeneration expertise of the three boroughs.

### **MDC vs Area Action Plan**

For the past three years, LBHF has worked closely with the Mayor, TfL and the London Boroughs of Ealing and Brent in developing the Vision for Old Oak, which was consulted on in 2013 and demonstrated a joint strategy for how the authorities saw the area being developed over the next 30 years.

The Council does not consider that a MDC is the only appropriate approach to policy formulation, decision taking and delivery. Collaborative approaches are being success taken forward elsewhere in London without the removal of powers from Local Authorities. At Earl's Court, the Council has worked jointly with the Royal Borough of Kensington and Chelsea, the GLA and TfL to deliver an Opportunity Area Planning Framework and with the GLA and TfL at White City. At Victoria and Nine Elms, this collaborative approach has been taken a step further and the authorities have jointly established a delivery board and accessed central government monies to fund the delivery of infrastructure.

The Council has also discussed the potential for a joint Area Action Plan that would include land from LBs of Ealing and Brent as well as LBHF. Officers from the three Boroughs have been working well together on this project for a considerable period of time meeting weekly with the GLA and TfL as a Joint Project Team and reporting up to a Project Strategy Board. LBHF has resourced the project with key staff who have led on and significantly progressed the project. This process could continue (subject to discussion and agreement with LBs of Ealing and Brent) and a cross borough Area Action Plan could be progressed by the three boroughs without the considerable expense and administration involved in setting up an MDC.

### **Anti-Localism**

The move in government over recent years has been to devolve powers to local communities not take them away. It would be un-democratic and

unnecessary to take away powers from local residents and local businesses and hand them over to an unelected body.

The Council recognises that Old Oak is an important project both regionally and nationally, but this should not be at the expense of the needs and desires of local people and businesses. The newly elected administration has set out in its manifesto, the desire to devolve more power to local residents, giving them a greater say in policy formulation and delivery. We are concerned that the establishment of a MDC would result in a more centralised approach, resulting in a less democratic mandate for local residents and businesses.

### **Affordable Housing Provision**

The Council concurs that a MDC may give Old Oak and Park Royal greater prominence for attracting national and international investment, but there is a high risk that this would result in properties being developed and marketed to overseas investors, to the detriment of London's growing housing needs, especially for those on low and middle incomes. The Council is concerned with the Mayor's past track record on delivering truly affordable homes for Londoners. We do not believe that the Mayor should be entrusted with sole responsibility on a project of this importance. The Council is committed to ensuring that homes are built for local residents rather than investment properties for overseas speculators and local councils should have equal responsibility for ensuring homes are built that meet the needs of both local people and of the wider London market.

If the Mayor decides to establish an MDC, notwithstanding our objection in principle to the MDC there would need to be a commitment to new housing being delivered for those on low and medium incomes and a mechanism to prevent properties from being sold to overseas investors. The Council would need guarantees that securing affordable housing to meet local needs remains the priority as part of any negotiations with developers within any future MDC.

The Council is advocating significantly more transparency in the Mayor's dealings and negotiations with private developers to ensure the best deal is secured for the borough's residents and maximum affordable housing is achieved to meet overwhelming need. There is concern that this transparency would not be a key objective of the MDC.

### **MDC Board**

The Council notes that the Mayor envisages a Board of nine members to oversee the running and management of the MDC. The Mayor proposes that this board should consist of two representatives from the GLA, with only one representative from each of the boroughs. The Old Oak Vision identified that over 80% of the potential development within the Old Oak and Park Royal area is likely to occur within the boundary of Hammersmith and Fulham. It is unacceptable that the Council would have only one Board member given the substantial change that is likely to occur within the borough and given the need for the Council to provide appropriate infrastructure and services to support this new population.



The Council therefore considers notwithstanding our objection in principle to the MDC that it should have at least two representatives on any MDC board in order to make the proposed MDC board more accountable to local residents. The Council also objects to the proposals that unelected business, education and transport representatives would sit on the board, which would be both undemocratic and also risk Board decisions not adequately reflecting the needs of local residents and businesses.

### **MDC Planning Committee**

The Council supports option 3 presented in the MDC consultation documentation where there would be three planning sub-committees of 8 members with weighting of committee members towards the borough in which the planning application has been submitted. The Council believes that for applications within LBHF, three LBHF councillors should sit on the planning committee to ensure better local accountability.

### **Proposed MDC Boundary**

The Council is keen to ensure that the adverse impact on local businesses as a result of any necessary relocation is kept to a minimum. The Council therefore notwithstanding our objection in principle to the MDC welcomes the inclusion of the wider Park Royal Industrial estate within the proposed MDC boundary, as it will more easily facilitate the relocation of businesses from the core Old Oak area.

The Council objects to the inclusion of Wormwood Scrubs Park, the Linford Christie stadium, Wormwood Scrubs Prison, Hammersmith Hospital, Queen Charlotte's and Chelsea Hospital and other buildings on the north side of Du Cane Road within the MDC boundary. There appears to be no obvious rationale within the consultation material for their inclusion.

The Wormwood Scrubs Charitable Trust currently oversees the management and upkeep of the Scrubs. The relationship between the Trust and any MDC has not been clarified by the Mayor. This is particularly relevant to the situation where the MDC may be securing monies to make improvements to the Scrubs, but to which the Trust may have objections. The Trust also oversees the management of the Linford Christie stadium and the Council has its own aspirations and ambitions for how it can make the best use of this facility in future years. The Council would be concerned if it was incapable of undertaking these improvements because of a mismatched relationship between the Council, the Trust and the MDC.

To the south of Wormwood Scrubs Park, the Council considers sites such as Hammersmith Hospital and HM Wormwood Scrubs Prison more closely relate to development around White City than Old Oak. The Council notwithstanding our objection in principle to the MDC is therefore of the strong opinion that these sites should be omitted from any MDC boundary.

## **Community Infrastructure Levy and Development Infrastructure Funding (DIF) Study**

The GLA is currently undertaking a Development Infrastructure Funding (DIF) Study that will prioritise future infrastructure required to support the significant proposed growth in homes and jobs in the Old Oak Opportunity Area. Whilst council officers are currently involved in this process there is concern that on establishment of the MDC in April 2015 that the Borough would no longer be able to influence how these essential infrastructure items are prioritised, funded and implemented which is of critical importance to the Borough in the longer term. The MDC would have a limited lifespan and the Council is concerned that essential infrastructure required to support the growing population is delivered.

Notwithstanding our objection in principle to the MDC if as is proposed the MDC becomes the CIL charging authority the Council would need to ensure that the borough would be able to influence the prioritisation of expenditure raised by the CIL charge. The borough will be responsible for providing services to new residents and the associated costs of these services -not the MDC.

### **Waste**

The London Plan places a requirement on the borough to provide waste sites and waste capacity to meet waste apportionment targets. In this Borough the apportionment target is currently met through the EMR and Powerday waste sites, which lie within the boundary of the MDC and are prioritised for mixed use residential development. There are no alternative sites in the borough to enable the relocation of these waste sites. The Council therefore notwithstanding its objection in principle to the MDC considers that the MDC would need to take responsibility for LBHF's waste apportionment target in full and to fund the relocation of these uses outside of the Borough.

### **Heritage applications**

The proposed MDC includes HMP Wormwood Scrubs, which contains a significant group of heritage assets including Grade II\* and Grade II listed buildings and Buildings of Merit. The current proposals envisage that all Listed Building Consent applications would be submitted to the MDC, although planning applications and advertisement consent applications for the same works may need to be submitted to the Council.

It is also proposed that the MDC would handle applications relating to demolition within Conservation Areas – it is not clear if this takes account of the abolition of Conservation Area Consent on 1<sup>st</sup> October 2013 and the new requirement to obtain planning permission for demolition within a Conservation Areas. In such circumstances an applicant would be required to make one application for planning permission for significant demolition within a Conservation Area to the MDC and another planning application for the erection of the replacement building to the Council. Such split responsibilities would be a cause of confusion for applicants and the public and would waste valuable planning resources.

Listed Building Consent applications would be best dealt with by the Council, which has experience of dealing with the sensitive nature and uses of the buildings on the site. The MDC would otherwise need to retain specialist heritage expertise to deal with a relatively small number of applications, which would be an inefficient use of its resources.

#### **Conservation Area designation and proposals for enhancement**

The Council has already designated the Grand Union Canal Conservation Area within the proposed MDC area. The Council will also shortly be consulting on a Conservation Area Character Profile for the Conservation Area, the status of which would be unclear in the MDC proposals. The Council considers that it should retain powers for Conservation Area designation and proposals for enhancement of Conservation Areas as it has already undertaken significant work in these areas and has the relevant heritage expertise.

#### **Non designated heritage assets**

The Council has adopted a Local Register of Buildings of Merit following consultation with local amenity groups. The Local Register is separate from the Planning Guidance SPD which contains design guidance on applications affecting Buildings of Merit. The status of Buildings of Merit and responsibility for management of the Local Register within the proposed MDC area is unclear.