

Grand Union Alliance

Email: grandunionalliance.eva@gmail.com Tel: 07784286809 Web: grandunionalliance.wix.com/grandunionalliance

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To: Fiona Fletcher Smith

Dear Fiona,

GUA members would like to thank you again for attending the meeting with a number of its members on 15th September. We hope that you found the meeting helpful in terms of the work you are carrying out on the review of the OPDC.

Further to that meeting we would like to draw your attention to a GUA letter (dated 31st August 2016) to the OPDC board regarding a number of issues of concern, along with some positive proposals around how these may be addressed. GUA received a response to this letter from Victoria Hills on 16th September 2016. While some of the issues raised have been addressed, there are still a number of concerns that require further consideration in order that the views of residents are properly reflected in any future decisions. GUA members request that you consider these within the scope of your review. Please find attached GUA letter of 31st August and Victoria Hills' response of 16th September.

GUA Proposal 2: The planning committee should be enlarged to provide a wider range of voices to achieve good scrutiny and discussion. This should include at least one community representative:

Victoria Hills notes that GUA comments have been made available to the Mayors' Review Group to consider as part of its recommendations to the Mayor.

The GUA is aware that originally there had been opportunities for community members to apply to be members of the Planning Committee, as there had been for the Board. Unfortunately, however, at the very early stages of establishment of the OPDC no community representatives applied. We feel that with greater capacity having been developed within the community sector (through the GUA) that there would be much greater interest in this now and that the opportunity should be given to community members to reapply to be on the Planning Committee. At the moment the only local members of the Committee are the one representative councillor of each of the boroughs. It is of concern that none of the 'independent members' are representatives of, or have specialist knowledge of, the voluntary or community sector within the area but rather provide a developer heavy interest. The GUA feels that this does not provide the best range of views and balance in representation.

GUA Proposal 3: There should be separate teams of officers dealing with (i) policy and development and (ii) development management

GUA would like to express again its concerns that there is a necessity to separate lines of demarcation in function and responsibility between officers promoting policy and development, and those responsible for development management; in practice officers can

perform both tasks. In our view unrealistic targets might exercise undue influence on planning advice. Demarcation will also be essential when the OPDC starts acting as developer and submitting applications for the large area of public land which it is due to take over.

OPDC tweets about successful meetings with developers and of approval of large scale planning applications are of concern in this respect. GUA members, who have generally welcomed the establishment of a Mayoral Development Corporation, feel that the OPDC must adopt a more neutral role in this respect.

GUA Proposal 4: The OPDC should operate an open book policy relating to pre-application advice provided to developers as well as to public bodies such as National Rail and TFL. Details of the negotiations around viability of schemes should be made available, particularly when issues arise concerning affordable housing proposals, social infrastructure, green infrastructure and open spaces, local transport, and draft heads of terms of Section 106 agreements.

GUA members feel that Victoria Hills' response to this proposal is inadequate given the good practice elsewhere to foster transparency and community engagement at an early stage.

The GUA notes that the Royal Borough of Kensington and Chelsea was the first to introduce a policy of publishing online pre-application advice letters once an application is submitted in March 2016 (<https://www.rbkc.gov.uk/planning-and-building-control/planning-applications/guidance-and-advice/planning-advice-service>).

Camden Council announced in April 2016 that it would (from then) publish its advice on planning applications on its website.

GUA Proposal 6: The OPDC should ensure that the OPDC approved SCI is applied by applicants. It should consider amending the SCI to include attention to the five points (i),(ii), (iii), (iv) and (v) (see attached letter) and ensure that a Planning Forum is implemented. The SCI should make reference to a Community Charter (to be reviewed on a yearly basis) and commit the OPDC to providing a series of meetings with local people on a regular basis to ensure local people are given opportunities to feed into the future planning of the area (as set out in the Statement by the Mayor of London in Response to Public Consultation on the Establishment of the OPDC – section 2.6).

GUA members are very pleased that some of their concerns have been addressed in Victoria Hills' response, however, feel that –

- (a) further improvements to the SCI are necessary to ensure that local communities are not only well informed, provided with a range of alternatives "at a formative stage" as is supported by the Supreme Court in October 2014 - Mosley v LB of Haringey.
- (b) OPDC should actively seek to work in collaboration and co-creation with the community and encourage their active involvement in developing policy. Meetings

that are being arranged now by the OPDC, while welcome, could provide more effective community involvement if they were occasions for collaborative work.

- (c) OPDC suggests that the participation of local communities in the negotiations of Section 106 agreements would not be practical. But the GUA believes that this would assist in informing on the impacts of development proposals and the measures necessary to make the development acceptable. This would align with the statutory tests for planning obligations.

GUA Proposal 8: In addition to ensuring that relevant information is available for public consideration, the OPDC should provide advice and guidance to community members on how to effectively respond to planning applications (or provide grant funding to support this).

The potential appointment of a community engagement officer to support local groups affected by the Hs2 is positive. However, the GUA proposal relates to advice and guidance on how to effectively respond to planning applications (or provide grant funding to support this) – which has not been addressed. Such support would help achieve a more informed and wider range of respondents with a greater understanding of the development process and its issues and objectives.

GUA Proposal 9: The OPDC should set out how it will provide independent assessments of developer viability assessments and what it perceives is an acceptable profit margin for developers. It should also clarify and openly discuss its own financial interests in planning applications, notably the ways in which the Development Infrastructure Financing requirements for the OPDC development as a whole and the application and use of S106 agreements and future CIL charges influence advice and decisions on individual applications.

The financial viability protocol which is being developed by the OPDC should clearly set out that viability assessments should be made public. Responding to the SCI comments (Agenda of the OPDC Planning Committee 6th January 2015) OPDC said that they will seek legal advice on that.

We are not aware if this has occurred.

Openness and transparency are gaining wider practice as case law evolves in an increasingly supportive direction. GUA members note the introduction of policy, for example, by the Royal Borough of Greenwich to ask developers to publicise their viability assessments is positive and could be adopted by the OPDC –

<http://www.out-law.com/en/articles/2016/february/greenwich-council-adopts-new-viability-assessment-requirements/> .

GUA Proposal 10 The OPDC planning team should provide a monthly update on developers they have had pre-application discussions with and work that is being carried out on the development of the OPDC Local Plan and evidence based documents.

It would be really useful for community members to receive monthly updates and newsletters of the work that the OPDC is carrying out on the OPDC Local Plan and the evidence based documents. The progressive publication of such evidence as and when finalised would avoid a deluge of information at the formal consultation opportunities.

Kind regards

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