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**Royal Borough of Kensington and Chelsea****Community Infrastructure Levy (CIL)****JOINT STATEMENT BETWEEN BALLYMORE AND THE ROYAL BOROUGH OF  
KENSINGTON AND CHELSEA****October 2014**

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Representatives from Ballymore and the Council met on 29 October 2014. During that meeting the following points were agreed:

1. Ballymore wrote to the Programme Officer and copied to the Council on 2 July 2014 claiming "no record exists of any attempt by the Royal Borough to consult with Fortress Limited/Ballymore during the development of their draft charging schedule". This letter was not received by either the Programme Officer or the Council.
2. A follow-up letter from Ballymore dated 8 October 2014 (which appended the 2 July 2014 letter) was received by the Programme Officer and shared with the Examiner and the Council at the end of the public Examination Hearing on 14 October 2014. The letters are available to view on the Council's website as 'REP/23' at [www.rbkc.gov.uk/cil](http://www.rbkc.gov.uk/cil). Whilst this correspondence sits outside of the formal Examination process (see point 13), this was discussed at the public Examination Hearing on 14 October 2014 and the Examiner suggested that the Council meet with Ballymore and (if possible) submit a joint statement to the Examiner. This joint statement has been prepared for this purpose and all of the points have been agreed by Ballymore and the Council.
3. In January 2013, the Council carried out public consultation on the Preliminary Draft Charging Schedule, in accordance with CIL regulation 15.
4. In November 2013 the Council wrote directly to Fortress Limited/Ballymore as a principal landowner in the Borough to invite conversation surrounding

the Kensal CIL viability work in accordance with National Planning Practice Guidance on CIL (paras.014; 019; 021 – not a statutory requirement). It has transpired that no correspondence on this matter was ever received by the relevant parties at Fortress Limited/Ballymore.

5. In January 2014, the Council carried out public consultation on the Draft Charging Schedule, in accordance with CIL regulation 16.
6. During the public consultations on both the Preliminary Draft Charging Schedule and the Draft Charging Schedule, the Council made consultation documents publicly available on the Council's website, at Kensington Town Hall and within the Borough's six libraries. The Department's email 'Bulletin', the Council's Twitter feed and local newspaper advertisement notice were also used to raise awareness of the consultation. The consultation procedures are summarised in the Council's Consultation Statement on the CIL webpage at [www.rbkc.gov.uk/cil](http://www.rbkc.gov.uk/cil). The Council has fulfilled (and exceeded) all of its statutory requirements to consult on the emerging CIL Charging Schedule.
7. As part of the public consultations on both the Preliminary Draft Charging Schedule and the Draft Charging Schedule, the Council consulted Fortress Limited/Ballymore via planning consultants who are named on the Council's planning policy consultation database as agents for these landowners. At the meeting on 29 October 2014, Ballymore has confirmed that these planning consultants have not represented Fortress Limited/Ballymore in relation to this site and that no correspondence on this matter was ever received by the relevant parties at Ballymore.
8. Ballymore is a member of London First which did submit formal representations to the Draft Charging Schedule on behalf of its members and was heard by the Examiner at both public Examination Hearings (representor no.4). However, Ballymore has confirmed that it would normally respond to consultations, such as for an emerging CIL Charging Schedule, as an individual party without reliance on other membership organisations, such as London First.

9. The Council and Ballymore have, over a number of years, held frequent meetings to discuss issues surrounding the development of the Kensal gasworks site and promote a proactive and positive working relationship. The last of these meetings was held on 19 September 2014 and the issue of CIL (and the content of the letter dated 2 July 2014) was not discussed.
10. Ballymore support the Council's CIL Draft Charging Schedule in principle and have a general level of comfort with the proposed charges for Kensal Gasworks in light of the evidence submitted by the Council in response to the Examiner's questions 7 and 8 within RBKC/3 which demonstrates that the potential effects on viability of the CIL rates proposed are largely negligible and that other factors have a much greater impact on viability (see para.7.15 of RBKC/3). However, Ballymore would appreciate further discussion with the Council to further understand the detailed viability work which has been undertaken to justify the Council's proposed CIL charge at Kensal.
11. The Council and Ballymore have committed to further meetings to be held between officers, the Council's viability consultants and Ballymore in due course.
12. The imposition of the proposed CIL at Kensal will serve a positive purpose in the delivery of infrastructure required to support the development of the site (see the Council's response to Question 8 in RBKC/3). The potential development of Kensal Gasworks is at such a stage that the proposed CIL rates are able to be incorporated into the scheme's design, viability and infrastructure planning at an early stage to serve a positive purpose, without prejudicing the objectives and policies in the Council's Core Strategy and The London Plan.
13. The correspondence between the Council and Ballymore sits outside of the formal Examination process because:
  14. CIL regulation 20 makes clear that "the Examiner must consider any representations made in accordance with regulation 17" (i.e. Draft Charging Schedule) (see also Planning Act 2008, as amended, section

212(9)). Ballymore did not make any representations in accordance with regulation 17.

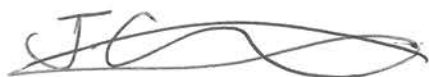
15. CIL regulation 21 makes clear that the right to be heard by an Examiner at a CIL examination "must be submitted to the charging authority in writing before the end of the period the charging authority specified for the purposes of regulation 17(2)" (i.e. representations to the Draft Charging Schedule). Ballymore did not make a request to be heard by the Examiner in accordance with regulation 21.

16. Therefore, any further discussion to be held between the Council and Ballymore shall be held outside the process of Examination of the Council's Draft Charging Schedule. The Council and Ballymore are committed to an ongoing and positive working relationship.

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Signed:

Date: 31<sup>st</sup> October 2014



Jonathan Wade  
Head of Forward Planning  
Royal Borough of Kensington and Chelsea

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Signed:

Date: 31<sup>st</sup> October 2014



John Turner  
Town Planning Director  
Ballymore