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Dear Ms Tollitt

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### **Royal Borough of Kensington & Chelsea Local Development Framework:**

1. I refer to the notice of publication of the Core Strategy that you sent to the Government Office for London on 29 October 2009 under Regulation 27 of the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008. The Secretary of State's formal representations regarding soundness are set out below. These comments are written with regard to the PPS12 tests of soundness and can be considered by written representation, unless the Inspector considers there to be merit in the Government Office participating at the oral examination.
2. We have provided some general comments and we have also commented specifically on soundness issues. A number of the points reiterate our informal feedback to you on your Publication Draft (email of 2<sup>nd</sup> October 2009).

### **General Comments**

3. The document is very long, descriptive and contains elements of repetition that make it quite difficult to read and detract from the overall spatial strategy. PINS recent publication *Examining Development Plan Documents: Learning from Experience* (2009) notes that this is the case with many submitted DPDs and suggests that 'all DPDs should be subject to rigorous, purposeful editing and proof reading'. The Core Strategy should be concise and focussed, clearly conveying the essential messages. We consider that there are opportunities to edit the document further to achieve this end.
4. The inclusion of lengthy Development Management policies obviously adds to the overall length of the document (which again detracts from the spatial strategy). Core Strategies should include a small suite of high-level, positive development management policies, addressing specific policy areas relevant to the authority and to the delivery of the strategy. Nevertheless, we welcome the intention set out in the *Local Development Scheme Interim Statement* (27 October 2009) not to prepare a generic Development Management DPD as this material is covered in the Core Strategy.

5. The document does contain a spatial strategy identifying the broad locations for development in the Borough (focussing particularly on regeneration in North Kensington) and the approach is locally distinctive and place-shaping. The document includes some information on the quantum of development proposed, the types of uses, phasing and who will deliver it (see Chapter 37). A number of strategic sites are included in the plan with details of the anticipated development capacity, by use, for each site.

6. Chapter 44 contains a table identifying links between the Sustainable Community Strategy and the Core Strategy. However, there is little reference to how the Sustainability Appraisal was used as a decision making tool in plan preparation.

Under the test of soundness as set out in PPS12, please note the following comments.

**i. Justified**

Founded on a robust and credible evidence base

7. It is essential that LDF documents are based on a robust and credible evidence base. PPS12 states that '*evidence gathered should be proportionate to the job being undertaken by the plan, relevant to the place in question and as up-to-date as practical having regard to what may have changed since the evidence was collected*' (PPS12, para 4.37, p.15). It is important that there are clear links between the evidence base and policy.

8. There are references to the evidence base across the document, usually via footnotes. GOL believes that the most critical elements of this evidence have largely been updated in recent years (2008/9). This includes, for example: the Employment Land Review Update, the Retail Needs Assessment, the Affordable Housing Viability Study and the SHMA (as referenced in Chapter 43). However, we have some questions about specific aspects of the evidence base in particular in relation to housing and retail (see paras 20-27).

The most appropriate strategy when considered against the reasonable alternatives

9. Earlier stages of the plan preparation process set out the key issues and options for development in the Borough. These were developed within the overall strategy which has the key aim of regenerating the north of the Borough (and included high, medium and low growth options for North Kensington). The Core Strategy policies have been worked up from these options following extensive consultation. In our view, the Council has a clear audit trail of how the document has been shaped.

**ii. Effective**

Deliverable

10. PPS12 is clear that Core Strategies should '*be supported by evidence of what physical, social and green infrastructure is needed to enable the amount of development proposed for the area..*'. PPS12 goes on to say that the infrastructure planning process should identify:

- *Infrastructure needs and costs;*
- *Phasing of development;*
- *Funding sources; and*
- *Responsibilities for development.*

11. The Core Strategy makes reference to delivery issues and acknowledges infrastructure requirements at a number of points in the document. Chapter 37 of the Strategy sets out further detail of the infrastructure projects that will support and enable development, including *delivery lead, delivery period and funding arrangements*. The Infrastructure Table would benefit from additional information in the 'Why' column setting out the number of homes/quantum of commercial development that is dependent on delivery of each infrastructure item.

12. In addition, paragraph 29.2.2 states that '*The Council will prepare an Infrastructure Delivery Plan with partners and infrastructure providers, which will be regularly reviewed, forming the basis of site specific requests for infrastructure as part of the development proposals.*' It is unclear what the timescale is for the preparation of this document and how it will differ from the material in Chapter 37. It is assumed that this plan will provide a more detailed version of Chapter 37 and will be a live document to be monitored and updated ?

13. PPS12 (para 4.10) asks whether there is a '*reasonable prospect of provision*' of infrastructure being delivered within the timescale of the plan. It is unclear whether the CrossRail infrastructure project would pass this test. If there is doubt about whether a major piece of infrastructure is likely to emerge during the plan period, then it is important to consider how this is presented and whether it should be in the plan at all. The need and/or aspiration for a CrossRail station in North Kensington is a significant element of the spatial strategy and, as such, is referred to throughout the document. Some references appear to suggest that the station is deliverable (e.g. on pages 12, 13, 15 and in the Vision CV1 p36). However, in other places it is acknowledged that there are risks to the delivery of the project and it is identified as a high risk project in the table in Chapter 39. Although it is understood that the station is a priority aspiration for the Borough (and that discussions are underway with partners), there should be consistency in the way it is referred to in the plan. Most importantly the implications of not being able to deliver the CrossRail station within an appropriate timescale for development proposed in North Kensington should be made clear. This is also the case for other infrastructure that is required to deliver development in other parts of the Borough (e.g. Earls Court one-way improvements, new underground station on the Kings Road & Chelsea-Hackney line station interchange at Imperial Wharf Station). In our view, there is some risk of the Plan being found unsound in this area.

14. Cross-boundary issues are identified in the introductory sections of the document and corporate or partnership actions are identified for the strategic objectives of the plan (e.g. diversity of housing p223). Partners involved in infrastructure delivery are identified in the table in Chapter 37 referred to above. We welcome this material. The Council is also working with Hammersmith and Fulham on cross boundary issues by seeking better links via public transport, working jointly on a plan for the area north of Little Wormwood Scrubs, the Earls Court Exhibition site and Earls Court area.

#### Flexible

15. Core Strategies should be flexible to allow for changing circumstances in the borough. Chapter 39 of the document considers risks and contingencies for the

Core Strategy. In addition, specific risks to the delivery of the strategic sites are set out in the relevant sections of the document. The table in Chapter 39 seeks to identify the:

- impact of risks on elements of the strategy (and on places);
- likelihood of various risk occurring;
- some alternative options in response to risks; and
- implications for delivery of infrastructure.

16. Some of the information contained in the table is helpful and in some instances a plan b/c is identified which allows some flexibility by identifying alternative options (reduce density, introduce more bus routes instead of delivering a rail station) and timescales. However, further information should be included about the implications of the risks outlined and, in particular, the resulting ability of the plan to deliver numbers of homes and quantum of commercial development (see also para 13 of this letter).

#### Able to be monitored

17. All policies included in the plan should be measurable and the plan must have clear arrangements for monitoring and reporting results to stakeholders. Chapter 38 sets out the monitoring framework for the Core Strategy and links to shorter sections on monitoring for each of the Places in Chapters 5-18. The monitoring framework appears to be a reasonable attempt to ensure that the objectives and policies of the plan are tracked. Numerical targets are included for some of the policies and reference is made to National Indicators and Core Output Indicators where appropriate, which is good practice. However, there are other indicators/targets that are less helpful and could be made more robust through the addition of numerical targets for example policies CA4(e), CA4(f), CA5(c) & CA5(d).

### **Consistent with National Policy**

Test: London Plan

18. Development Plan Documents should be in general conformity with the regional strategy, in this case the London Plan. The Core Strategy refers to material in both the published and Draft Replacement London Plan documents. The Mayor will make formal representations on any detailed matters of conformity with the adopted London Plan.

Test: National Policy

#### *Housing Targets*

19. Policy CH1 (Housing Targets) seeks to achieve the London Plan target of 350 net additional dwellings a year until the London Plan is replaced (2011/12) and from then on the Council proposes to deliver a minimum of 600 net additional dwellings a year until 2021/22. The 600 unit target is derived from the recently completed London wide SHLAA which will feed into the replacement London Plan. GOL's previous advice to the Council was to roll forward the adopted London Plan housing target (350 per year) to 2028 and this approach was taken in the previous version of the Core Strategy. Whilst we accept the reference to the higher target of 600 (although this is yet to be tested at examination) we are concerned that the target as set out in CP1 (and elsewhere in the text) lacks clarity and critically, does not appear to cover the full plan period to 2028. Policy 3.3 of the Draft

Replacement London Plan states that '*...if a target beyond 2021 is required, roll forward and seek to exceed that in Table 3.1 until it is replaced by a revised London Plan target*'.

20. The table in Chapter 40 shows that 5323 homes can be delivered through the strategic site allocations in the plan. However, the Core Strategy should make it clear how the remaining homes (that will not come forward on the strategic sites) are to be delivered. Chapter 40 does not provide adequate material to satisfy an Inspector that the housing target can be met over the plan period. We therefore seek reassurance that the Council has the evidence base to support the full target as, in our view, there is some risk of the Plan being found unsound in this area.

#### *Affordable Housing*

21. The affordable housing target seeks to achieve 90 units per year until 2011 and 200 units annually when the London Plan is adopted until 2021/22. The 200 unit figure represents 33% of the overall housing target. Again the target does not appear to cover the full plan period to 2028 and clarification on this is required. Policy CH2 (i) then requires '*the maximum reasonable amount of affordable housing with the presumption being at least 50% provision on gross residential floorspace in excess of 800m<sup>2</sup>*'. Chapter 40 provides explanatory text to justify the approach to affordable housing but the Council will need robust evidence including a viability assessment to support the affordable housing targets, floorspace thresholds and assumptions regarding delivery on strategic sites.

#### *Housing Density/Tall Buildings*

22. The Council considers that density should not be used as a determinant of design, as it would undermine their duties to have regard both to the desirability of preserving or enhancing the character or appearance of conservation areas, and to good design (para 34.3.7). The Council also considers that the density matrix in the London Plan needs to be read in relation to the context of the development. However, PPS3 states that '*...in Conservation Areas and other local areas of special character (where), if proper attention is paid to achieving good design, new development opportunities can be taken without adverse impacts on their character and appearance*'.

23. We also note that Policy CL2(h-m) seeks to '*resist a proposal that exceeds the prevailing building height within the context, except where...*'. Development management policies should be positive policies aimed at promoting the strategy. PPS3 supports the efficient and effective use of land while the Mayor supports tall buildings where they create attractive landmarks (London Plan, Policy 4B.9). It will be for the Inspector to review and consider the evidence at examination to determine whether it is sufficient to justify the Council's position regarding density in Policy CL1 and tall buildings in CL2.

#### *Gypsies and Travellers*

24. We note that the Council will identify sites for temporary or permanent use for Gypsies and Travellers in the forthcoming DPD. Confirmation on the timetable for this DPD is required.

#### *Retail*

25. Policy CP1 states that the Council will provide 26,150m<sup>2</sup> of comparison retail floorspace to 2015 in the south of the borough. This figure was identified in the Retail Needs Assessment. We question why the comparison floorspace is only identified to 2015 (rather than the full plan period) and also where and how this floorspace will be delivered over the plan period ?

26. Policy CF2 promotes the introduction of affordable shops in the Borough "the Council will...require new large scale retail development or mixed use development with a significant retail element, to provide affordable shops to be managed under the Council's Neighbourhood Shopping Policy" (Policy CF2). In addition, we note that the Council reports the view of the Retail Commission that it may be appropriate to use s106 agreements to provide affordable units. However, we would question whether such provision would comply with *Circular 05/05 Planning Obligations*. At the very least, Circular 05/05 should be clearly referred to in Policy CF2.

27. *PPS6 Planning for Town Centres* is clear that the definition of edge-of-centre in relation to retail development is "a location that is well connected to and within easy walking distance (i.e. up to 300 metres) of the primary shopping area.." (PPS6 p31). The Core Strategy states that the PPS6 definition "is not however, considered to be relevant in the Borough because almost the entirety of the Borough would qualify as edge-of-centre within this definition" (para 31.3.3). This reference clearly conflicts with national policy and therefore the Inspector will require detailed evidence regarding the Council's approach e.g. a borough characterisation study.

#### *Climate Change*

28. Policy CE1 sets out ambitious policy guidance relating to sustainable development. Whilst we support your ambitions to reduce carbon dioxide emissions, the Council should be clear that the policy is not overly restrictive and therefore undeliverable. The Inspector will require a robust justification for this policy, for example to explain the hierarchy set out under bullet point d (i-iii).

#### *Waste*

29 Policy CE3 includes a commitment to meet the apportionment figure in the London Plan and to prepare a waste DPD to show how the apportionment figure will be met. We welcome this commitment. However, we also seek confirmation of the proposed timetable for the DPD, given the risk of infraction proceedings by the EU Commission in 2010.

#### *Thames Tideway Tunnel*

30. We note the reference to the Thames Tideway Tunnel in Policy CE2. You will be aware that DEFRA's Water Strategy for England (February 2008) sets out Government support for the construction of the Thames Tideway Tunnel to limit pollution from sewer overflows. This was preceded by a Ministerial Statement, by Ian Pearson, Minister for Climate Change and the Environment on 22 March 2007 on the decision to take the project forward. The Core Strategy should therefore include policy to support the principle of the Thames Tideway Tunnel.

We would like to meet you to discuss the issues raised in this letter as soon as possible and will contact you to arrange a convenient date for a meeting.

Yours sincerely,

Julie Shanahan  
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