

Local Plan Partial Review Issues and Options Consultation Schedule



THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

Section 5: Infrastructure and planning contributions

Issue 1: S106 vs CIL categories, standard charges and pooling

S106 vs CIL categories

The Council needs to update its current approach to S106s in Local Plan policies and in the SPD to reflect the fact that, in light of the R123 List, many items of infrastructure can now be funded through CIL and cannot be funded through S106s anymore.

Option 1: Local Plan policy should set out high level principles regarding 'planning contributions' and not make a distinction between S106 / CIL, for which the detail can be considered in any revisions to the R123 List and/or the Planning Obligations SPD.

Option 2: Local Plan policy should reflect the detail of the R123 List and precisely require S106s only for those items of infrastructure that can continue to be funded through S106.

Name	Comment	Selected Option	Council's Response
Charles Bezoari Elder		2	Noted
Roy Burns		1	Noted
John Eagle	What on earth does this mean??		The Community Infrastructure Levy is a per square metre financial charge payable on new floor space created, the Council's dedicated CIL webpages provide further explanation (www.rbkc.gov.uk/cil). Section 106 agreements (S106s) are negotiated to address specific impacts of development necessary to make it acceptable in planning terms. More information is available on the council's dedicated S106 webpages (https://www.rbkc.gov.uk/planning-and-building-control/planning-policy/section-106). Both of the above are primary methods of ensuring infrastructure to support new development in the borough is delivered.
Cheyne Walk Trust (David Waddell)		1	Noted
Sainsbury's Supermarkets Ltd (Indigo Planning)	Issue 1: S106 vs CIL categories, standard charges and pooling Sainsbury's support the continued exemption of the Kensal Gasworks Strategic Site from CIL payments where s106s can still be sought by the Council. This is in line with the Council's CIL Regulation 123 List. Clarification should be provided on s106 pooling in respect of items not captured by CIL and whether the R123 List will be updated depending on the deliverability of the Kensal Portobello Train Station. Sainsbury's support Option 2 as changes to the R123 List can be made following appropriate local consultation whereas any amendments to	2	The Council's current approach is to seek CIL, as per the RBKC adopted CIL Charging Schedule, towards items included in the Council's Regulation 123 List. CIL charge setting and production of

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	planning policy must go through several phases of consultation and a public examination. S106 contributions should however be assessed on a case by case basis and where they comply with the Regulation 122 tests.		<p>Regulation 123 List are part of a separate process to the Local Plan Partial Review process. Therefore, Local Plan policy sets high level principles on how CIL and S106 will be applied.</p> <p>Paragraphs 29.2.4 and 29.2.5 of the reasoned justification explain that items to be funded through CIL will be set out in the Council's Regulation 123 List and the items to be negotiated through S106 will be clarified through the Planning Obligations SPD. This approach provides a clearer approach in comparison to the former Local Plan policy approach.</p> <p>The CIL Regulations 2010 (as amended) provide restrictions on the pooling of S106.</p> <p>Policy C1 sets out that CIL will be applied as per the Regulations and that planning obligations will be negotiated on a case by case basis as per Regulations.</p> <p>In respect of updating the Regulation 123 list, this is not a matter for the Local Plan Partial Review.</p>
Turley (Ian Fergusson)	This is important in order to provide absolute clarity to applicants. The Council's current approach is confusing at the time of writing.	2	<p>The Council's current approach is to seek CIL, as per the RBKC published CIL Charging Schedule, towards items included in the Council's Regulation 123 List.</p> <p>Paragraphs 29.2.4 and 29.2.5 of the reasoned justification explain that items to be wholly or partly funded through CIL will be set out in the Council's Regulation 123 List and the items to be negotiated through S106 will be clarified through the Planning Obligations SPD. This approach provides a clearer approach in comparison to the former Local Plan policy approach, which was written 'pre-CIL'.</p>
Christian Durie	This is not for mere residents to be able to understand: S106/CIL? R123 List? SPD? Only an expert on planning with a Phd I suspect can respond with any accuracy.		<p>The Community Infrastructure Levy is a per square metre financial charge payable on new floor space created, the Council's dedicated CIL webpages provide further explanation (www.rbkc.gov.uk/cil).</p>

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			<p>Section 106 agreements (S106s) are negotiated to address specific impacts of development necessary to make it acceptable in planning terms. More information is available on the council's dedicated S106 webpages (https://www.rbkc.gov.uk/planning-and-building-control/planning-policy/section-106).</p> <p>Both of the above are primary methods of ensuring infrastructure to support new development in the borough is delivered.</p>
Kerry Davis-Head	The community should be consulted about contributions as they know best what improvements are needed. Perhaps the different names could be incorporated under one name then sub divided for administrative use		<p>The CIL Regulations 2010 (as amended) and National Planning Practice Guidance require local planning authorities to consult local communities on how to spend 15% of CIL revenues arising from development that takes place in their area. Where a neighbourhood plan has been made the requirement applies to 25% of CIL revenues arising from development that takes place in that area.</p> <p>The Council is setting up Neighbourhood CIL governance arrangements to consult communities on how to spend the Neighbourhood CIL in their area which will be published in due course.</p>
Austin Mackie Associates Limited (Private Clients)		1	Noted
Royal British Society of Sculptors (A Rawcliffe-King)	On 5.5.4 we would support option 1 which allows a degree of flexibility as a result of local consultations.	1	Noted
Royal Brompton & Harefield NHS Foundation Trust (RBHT)		1	Noted
Gerald Eve obo CEL - Cadogan Estates Ltd (Neil Henderson)		1	Noted
Savills (Charlotte Handscomb)	<p>As noted within the supporting text to Issue 1, the CIL Regulation 123 list can be amended fairly rapidly, meaning that any precise detail set out in Local Plan policy relating to what can and cannot be funded through s106 contributions is likely to become quickly outdated. This would result in the policy not meeting the tests of 'soundness' due to it not being 'effective', as it would not remain relevant over the lifetime of the plan.</p> <p>Notwithstanding the above, the CIL Regulation 122 is quite clear as to the three legal tests which must be adhered to when seeking s106 contributions:</p> <ul style="list-style-type: none"> a) necessary to make the development acceptable in planning terms b) directly related to the development c) fairly and reasonably related in scale and kind to the development 	1	<p>Option 1 would allow the policy to remain up to date throughout the lifetime of the Local Plan as the Regulation 123 list and Planning Obligations SPD can be updated relatively quickly to reflect the most recent legislation, national policy and guidance and changing infrastructure priorities/ requirements.</p>

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	We would suggest that the revised policy simply sets out that the above tests must be met. We consider that any further detail can be contained within the R123 list and an amended Planning Obligations SPD.		Reference to the tests is included in the reasoned justification text to Policy C1. Policy C1 states that CIL will be applied and S106 negotiated in accordance with current regulations, legislation, national policy and guidance.
Nathaniel Lichfield & Partners (NLP) (Simon Slatford)	<p>Planning Obligations In respect of S106 and CIL, it is agreed that the Council needs to update the S106 approach in light of the R123 List.</p> <p>St William recognise that paragraph 5.5.2 of the consultation document confirms that the Kensal Gasworks is subject to 'nil' CIL rates and this is supported. The S106 route will allow the Council to ensure funding for site specific infrastructure required, however St William would highlight that any S106 obligations must be directly linked to the scale of the development and should not unduly affect any future scheme viability. The S106 obligations should allow for a comprehensive development to come forward for the site as a whole.</p>		Policy C1 states that S106 will be negotiated on a case by case basis in accordance with current regulations, legislation, national policy and guidance.
Earl's Court Partnership Ltd (ECPL)	Para 5.5.4, Issue 1, Option 1 Option 1 is preferred insofar that the Plan ought to have flexibility. But it should be noted that the Plan must inform the Regulation 123 list and infrastructure phasing.	1	Noted.

Standard charges and pooling

Option 1: For those items of infrastructure which are still capable of being funded by S106s, the Council should continue with a 'standard charges' approach, as adopted in the Planning Obligations SPD, and revise Local Plan policy to make clear that the S106 'tests' must continue to be met in each case. This may result in less bespoke approaches, but more certainty.

Option 2: For those items of infrastructure which are still capable of being funded by S106s, the Council should move away from a 'standard charges' approach, as adopted in the Planning Obligations SPD, and revise Local Plan policy to make clear that S106s should be sought purely on a case-by-case basis. This may result in more bespoke approaches, but less certainty.

Name	Comment	Selected option	Council's Response
Austin Mackie Associates Limited (Private Clients)		1	The proposed Local Plan Partial Review Draft Policies and supporting paragraphs wording provide the general requirement for planning contributions. These do not explicitly go into detail for each infrastructure 'category' as to whether standard charges are appropriate or not. This level of detail is more appropriate for the Planning Obligations SPD for which a revised draft will be consulted on by the Council in due course. In any case, S106s should be sought in accordance with national legislation, policy and guidance.
Barton Willmore (Paul Newton)	<p>Issue 1 (S106, CIL, Standard Charges and Pooling)</p> <p>13. We fully support the ongoing identification of the Site as being subject to a £nil CIL rate, reflecting the position set out in the Council's CIL Charging Schedule. Clarity is however sought as to S106 pooling in respect of items not captured by CIL and whether the Reg 123 List will be updated depending on the transport scenarios set out above.</p>	2	See responses to issue 1.

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	14. It is considered that S106 contributions should be negotiated on a case-by-case basis rather than adopting a 'standard charging' approach, in order to meet the CIL tests and reflect the requirements of individual developments, which the latter approach would not achieve.		
Charles Bezoari Elder	Spelling mistake in the title of this section- STANDARD not sandard.	2	Noted
Cllr E Dent Coad		2	The proposed Local Plan Partial Review Draft Policies and supporting paragraphs wording provide the general requirement for planning contributions. These do not explicitly go into detail for each infrastructure 'category' as to whether standard charges are appropriate or not. This level of detail is more appropriate for the Planning Obligations SPD for which a revised draft will be consulted on by the Council in due course. In any case, S106s should be sought in accordance with national legislation, policy and guidance.
Gerald Eve obo CEL - Cadogan Estates Ltd (Neil Henderson)		1	The proposed Local Plan Partial Review Draft Policies and supporting paragraphs wording provide the general requirement for planning contributions. These do not explicitly go into detail for each infrastructure 'category' as to whether standard charges are appropriate or not. This level of detail is more appropriate for the Planning Obligations SPD for which a revised draft will be consulted on by the Council in due course. In any case, S106s should be sought in accordance with national legislation, policy and guidance.
John Eagle	What on earth does this mean??		The Council is seeking views on whether a standard charge approach to negotiating S106 agreements should continue to apply, for e.g. a cost per unit
Kerry Davis-Head		2	The proposed Local Plan Partial Review Draft Policies and supporting paragraphs wording provide the general requirement for planning contributions. These do not explicitly go into detail for each infrastructure 'category' as to

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Roy Burns		1	The proposed Local Plan Partial Review Draft Policies and supporting paragraphs wording provide the general requirement for planning contributions. These do not explicitly go into detail for each infrastructure 'category' as to whether standard charges are appropriate or not. This level of detail is more appropriate for the Planning Obligations SPD for which a revised draft will be consulted on by the Council in due course. In any case, S106s should be sought in accordance with national legislation, policy and guidance.
Royal British Society of Sculptors (A Rawcliffe-King)	On 5.5.7 we would support option 1 on the basis that the increased certainty is helpful and that for some developments it is better to contribute to pooled resources which can make more worthwhile interventions in the public realm.	1	<p>The introduction of CIL advocates a shift away from a standard charges approach to planning obligations for infrastructure. Notwithstanding this it may be appropriate to apply a standard charges approach to some planning obligations sought through s106, particularly where this may relate to payment in lieu of onsite provision.</p> <p>The CIL regulations 2010 (as amended) provide guidance on the pooling of S106. The pooling of S106 is now restricted.</p> <p>The proposed Local Plan Partial Review Draft Policies and supporting paragraphs wording provide the general requirement for planning contributions. These do not explicitly go into detail for each infrastructure 'category' as to whether standard charges are appropriate or not. This level of detail is more appropriate for the</p>

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			Planning Obligations SPD for which a revised draft will be consulted on by the Council in due course. In any case, S106s should be sought in accordance with national legislation, policy and guidance.
Royal Brompton & Harefield NHS Foundation Trust (RBHT)	Both option 1 and 2 should be taken forward to the next stage of consultation for further consideration to maintain flexibility in the plan making approach.	1&2	The proposed Local Plan Partial Review Draft Policies and supporting paragraphs wording provide the general requirement for planning contributions. These do not explicitly go into detail for each infrastructure 'category' as to whether standard charges are appropriate or not. This level of detail is more appropriate for the Planning Obligations SPD for which a revised draft will be consulted on by the Council in due course. In any case, S106s should be sought in accordance with national legislation, policy and guidance.
Savills (Charlotte Handscomb)	<p>The Council's 'standard charges' are now outdated and indeed many cannot be funded through s106 financial contributions due to the introduction of CIL, and are therefore irrelevant. To include the current standard charges would therefore result in a policy which is both ineffective and not consistent with national policy, thereby not meeting the tests of 'soundness'.</p> <p>We would suggest that the policy be revised to reflect a case-by-case basis, clearly reflecting the 3 tests for s106 contributions, referred to previously. This also allows flexibility so that pooling restrictions can be taken into account.</p>	2	The proposed Local Plan Partial Review Draft Policies and supporting paragraphs wording provide the general requirement for planning contributions. These do not explicitly go into detail for each infrastructure 'category' as to whether standard charges are appropriate or not. This level of detail is more appropriate for the Planning Obligations SPD for which a revised draft will be consulted on by the Council in due course. In any case, S106s should be sought in accordance with national legislation, policy and guidance.
Turley (Ian Fergusson)	Applicants are confused at the time of writing on why applicants are being asked to pay standard charges in addition to CIL. We are not aware of other local authorities taking this approach for S106 matters. Our clients are asking us to advise on the legality of this. This is something we haven't explored in detail as yet so are unable to make comments.	2	The Council's current approach is to seek CIL, as per the RBKC published CIL Charging Schedule, towards items included in the Council's Regulation 123 List. Paragraphs 29.2.4 and 29.2.5 of the reasoned justification explain that items to be wholly or partly funded through CIL will be set out in the Council's Regulation 123 List and the items to be

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			negotiated through S106 will be clarified through the Planning Obligations SPD. This approach provides a clearer approach in comparison to the former Local Plan policy approach, which was written 'pre-CIL'.
Victoria and Albert Museum (Steve Hyde)	The V&A have no comments relating to either options 1 or 2.		Noted
Sainsbury's Supermarkets Ltd (Indigo Planning)	Standard Charges and Pooling Sainsbury's support Option 2 as it gives more flexibility for negotiation on contributions on a case by case basis.	2	The proposed Local Plan Partial Review Draft Policies and supporting paragraphs wording provide the general requirement for planning contributions. These do not explicitly go into detail for each infrastructure 'category' as to whether standard charges are appropriate or not. This level of detail is more appropriate for the Planning Obligations SPD for which a revised draft will be consulted on by the Council in due course. In any case, S106s should be sought in accordance with national legislation, policy and guidance.

Question 1: Should the Council continue to seek monitoring costs, programme costs, revenue payments through S106s? Are there any other provisions which should be sought through S106s e.g. enforcement of Construction Traffic Management Plans (CTMPs).

Name	Comment	Council's Response
Onslow Neighbourhood Association (Eva Skinner)	Yes: CTMP monitoring and enforcement. Noise monitoring and enforcement with regard to Air Conditioning Units and Heat Pumps. When granting licences for 'Take-Away' food, there should be a 106 payment to cover the cost of clearing up the extra litter that 'take-aways' generate, together with monitoring.	Noted. Noise impact and hours of operation are dealt with as part of the planning application determination process. Environmental Health colleagues are consulted as part of this process. Planning contributions related to the impact of the construction of development in relation to noise are already referenced in the existing Local Plan paragraph 29.2.4 subsection 5 and this is not proposed to be removed (although the paragraph number is updated to 29.2.6). The detailed requirements relating to this will be considered in the Planning Obligations SPD for which a revised draft will be consulted on by the Council in due course.

Name	Comment	Council's Response
Roy Burns	Yes. And yes, the CTMP's MUST be enforced	Planning contributions related to the impact of the construction of development in relation to traffic are already referenced in the existing Local Plan paragraph 29.2.4 subsection 5 and this is not proposed to be removed (although the paragraph number is updated to 29.2.6). The detailed requirements relating to this will be considered in the Planning Obligations SPD for which a revised draft will be consulted on by the Council in due course.
John Eagle	What on earth does this mean??	The Council is seeking views on what it should continue to seek s106s for.
Jo Poole	S106s must be used for the betterment of the area and residents lives, not eaten up in temporary measures such as construction traffic management which should be the responsibility of the developer.	Noted
Turley (Ian Fergusson)	<p>The Council would reduce burdens on itself as well as applicants by limiting the use of Section 106 agreements to where they are absolutely necessary. Preparing a Section 106 agreement (and paying the Council's own legal costs) prior to securing a formal recommendation for approval makes a planning application more expensive for applicants to prepare.</p> <p>The use of Section 106 agreements for minor applications is a consistent complaint from applicants operating in RBKC. There is a practical consequence in this in that some small—scale developers (which the government expressly wants to support under the current NPPF consultation) would be discouraged from pursuing schemes in the Borough, given the increased burden placed on applicants before applications are determined. This could contribute to hindering, for example, the Council achieving its housing targets.</p>	S106s will be negotiated in accordance with regulations, including “fairly and reasonably related in scale and kind to the development” and in accordance with national planning policy and guidance on thresholds for the application of S106, which will be addressed further in an update to the Council's Planning Obligations SPD, to be consulted on in due course.
Kerry Davis-Head	Funds are needed for officers to enforce conditions. The developer needs to pay for this plus a helpline for residents	Planning conditions are currently enforced by the Council's Planning Enforcement Team. Enforcement issues can be reported to the Council by email or the main switchboard.
Austin Mackie Associates Limited (Private Clients)	No	The Council considers that the types of planning contributions listed in proposed Local Plan Partial Review Draft Policies paragraph 29.2.6 are appropriate.
Savills (Charlotte Handscomb)	<p>We do not consider that the Council should require financial contributions towards monitoring, programme and revenue costs. As set out below, we consider that this requirement would not be justified and as such does not meet the NPPG's tests of 'soundness'.</p> <p>As noted above, CIL Regulation 122 sets out three tests which must be met when requiring a s106 financial contribution, repeated here:</p> <ul style="list-style-type: none"> a) necessary to make the development acceptable in planning terms b) directly related to the development c) fairly and reasonably related in scale and kind to the development <p>We do not consider that requiring financial contributions towards monitoring, programme and revenue costs is 'necessary to make the development acceptable in planning terms'. We consider that the cost to the Council for carrying out these roles are likely to be minimal when compared to the benefit of bringing forward development within the Borough. This is as reflected in an appeal decision ref. APP/X5210/W/14/3001424 where an Inspector considered monitoring costs and concluded:</p> <p><i>“The obligation sets out a monitoring fee of £2310 which did equate to £462 per for each of the main requirements detailed on the agreement, namely car free development, construction management plan, sustainable building design, education and public open space.</i></p> <p><i>However, there is no evidence before me that any of the requirements would be exceptionally difficult to monitor with regard to</i></p>	The Council considers monitoring costs are regulation 122 compliant and is aware of a number of appeals decisions which support this. Monitoring costs are likely to be negotiated on a case by case basis. The Council has included such provisions in proposed Local Plan Partial Review Draft Policies paragraph 29.2.6 and considers that these are appropriate.

Name	Comment	Council's Response
	<p>compliance and for this reason, I am not convinced that the costs of monitoring cannot come within the scope of reasonable everyday functions of the local planning authority. For school and public open space provision, contributions are also no longer payable given the introduction of the Council's CIL schedule and therefore monitoring of these requirements would not be necessary.</p> <p><i>In the case of sustainable building design, I have concluded requirements can be met by a condition instead and would be much reduced due to changes in government policy. On this basis, the monitoring fees would not be necessary to make the development acceptable. For these reasons, this part of the obligation would not meet the tests of Regulation 122 of CIL and has not been taken into account.</i>" [Emphasis added]</p> <p>In terms of enforcement of Construction Traffic Management Plans, applicants are already required to carry out their own monitoring to ensure they stay in compliance with details approved under the Plans. We do not consider it fair and reasonable to require developments to contribute towards the cost of enforcement when Councils have their own budget for this.</p>	
Cllr E Dent Coad	Yes we must monitor closely, but CTMPs should not be funded out of 'planning gain' funds, they must be part of the overall application.	The requirement of CTMPs, for example, for basements is already currently required to be submitted with the planning application.
Sainsbury's Supermarkets Ltd (Indigo Planning)	Question 1 In our view, contributions towards monitoring costs and programme costs should be assessed on a case by case basis.	The Council considers that the types of planning contributions listed in proposed Local Plan Partial Review Draft Policies paragraph 29.2.6 are appropriate and can still be considered on a case by case basis.
Christian Durie	That Construction Traffic Management be STRICTLY enforced.	Noted

Question: Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?

Name	Comment	Council's Response
Onslow Neighbourhood Association (Eva Skinner)	There is a feeling amongst residents that the 106 payments do not benefit the residents whose lives have been most upset by a particular development; but that some other section of the borough gets the benefit. Why cannot there be a 106 payment towards their residents parking permit, which could have the charge reduced by a 106 contribution; under Category E Transport/ Parking Restrictions.	Legislation requires S106s to be (a) necessary to make the development acceptable in planning terms; (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development. The consultee's suggestion here would not pass these legal tests and so the Council does not propose to include this within the Local Plan Partial Review.
John Eagle	See previous	Noted
Turley (Ian Fergusson)	Please see comment above.	Noted
Greater London Authority Development (Stewart Murray)	Infrastructure and Planning Contributions. In January 2016, the Department for Communities and Local Government (DCLG) concluded a consultation on a wide ranging review of the Community Infrastructure Levy (CIL). It may be prudent to wait and understand the outcome of that review before formalising your approach on both S106 and CIL.	The Council will continue to monitor the Government's CIL review and its implications on draft policy C1.

Issue 2: Public art

Option 1: Local Plan policy should confirm a 'standard charges' approach to seeking S106 financial contributions for public art.

Option 2: Local Plan policy should seek public art as an integral part of the design and development of sites, rather than through separate S106 financial contributions.

Option 3: Local Plan policy should no longer seek public art through the planning system.

Name	Comment	Selected Option	Council's Response
Charles Bezoari Elder	<p>Stop with Public art. It is rapidly defaced; urinated upon etc anyway. Maybe a space might be provided, and artists can donate their art for a time(good advertising for their "work") like the spate of coloured cows; elephants; London buses;... etc</p>	3	<p>The Council recognises the importance of public art in contributing to sustainable development and will negotiate public art contributions where appropriate. This approach is confirmed in the proposed amendments to Policy CR4h.</p>
Onslow Neighbourhood Association (Eva Skinner)		3	<p>The Council recognises the importance of public art in contributing to sustainable development and will negotiate public art contributions where appropriate. This approach is confirmed in the proposed amendments to Policy CR4h.</p>
Sonia Richardson		2	<p>The proposed Policy CR4h requires all major development to provide new public art that is of high quality and either incorporated into the external design of the new building or carefully located within the public realm. Where such provision is not appropriate, the Council may seek planning contributions for the provision of public art.</p>
Roy Burns		2	<p>The proposed Policy CR4h requires all major development to provide new public art that is of high quality and either incorporated into the external design of the new building or carefully located within the public realm. Where such provision is not appropriate, the Council may seek planning contributions for the provision of public art.</p>
Victoria and Albert Museum (Steve Hyde)	<p>The V&A support the provision of public art within the South Kensington Strategic Cultural Quarter. The V&A promotes public art because public art extend the reach of art to the general public whilst also enabling the working with a wider portfolio of creative practitioners, new perspectives and inquiry. The V&A have numerous opportunities for exhibitions of public art which enhance visits to the strategic cultural quarter either at or within the vicinity of the V&A - including at Exhibition Road. The delivery of public art within the cultural quarter could be enhanced by financial contributions for the provision of public art off site from specified qualifying planning permissions via section 106 agreements where public art is not appropriate or viable at that development site.</p>	1	<p>The proposed Policy CR4h requires all major development to provide new public art that is of high quality and either incorporated into the external design of the new building or carefully located within the public realm. Where such provision is not appropriate, the Council may</p>

Name	Comment	Selected Option	Council's Response
			seek planning contributions for the provision of public art.
Jo Poole	Contributions for public art should not be at the expense of contributions towards infrastructure and community facilities such as schools. Public Art must also be consulted on by the entire community and high standards must be upheld in its conception and production.		Generally, public art contributions represent a relatively small amount when compared to contributions necessary for infrastructure. Policy CR4h has been amended to make clear that new public art proposals should be designed in consultation with the Public Art Panel.
Turley (Ian Fergusson)	The alternative approaches outlined could: necessitate Section 106 agreements for developments of a trivial or modest scale (undesirable for the reason outlined above); create a risk of applications either not being positively determined or not allowed to commence on site until this relatively minor point was addressed; or result in mediocre public art being provided as a tick-box response. CIL is a much better method for collecting monies for public art than the approaches outlined. The Council's expectation for high quality buildings and public realm ensures a more important contribution is made to the local environment than would be delivered through a modest public art contribution.	3	CIL is a mechanism to help deliver infrastructure to support the development of an area. Public art is not considered as infrastructure. The proposed Policy CR4h requires all major development to provide new public art that is of high quality and either incorporated into the external design of the new building or carefully located within the public realm. Where such provision is not appropriate, the Council may seek planning contributions for the provision of public art.
Christie's South Kensington (Francesca Filippini Pinto)		1	The proposed Policy CR4h requires all major development to provide new public art that is of high quality and either incorporated into the external design of the new building or carefully located within the public realm. Where such provision is not appropriate, the Council may seek planning contributions for the provision of public art.
Kerry Davis-Head	I'm sure most people would rather have improvements to pavements than public art which generally only benefits the development itself or causes disagreement to the style and form of the art.	3	Generally, public art contributions represent a relatively small amount when compared to contributions necessary for infrastructure. Policy CR4h has been amended to make clear that new public art proposals

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			should be designed in consultation with the Public Art Panel.
Austin Mackie Associates Limited (Private Clients)		2	The proposed Policy CR4h requires all major development to provide new public art that is of high quality and either incorporated into the external design of the new building or carefully located within the public realm. Where such provision is not appropriate, the Council may seek planning contributions for the provision of public art.
Royal British Society of Sculptors (A Rawcliffe-King)	On 5.5.8 we would support option 1 as this opens a greater range of suitable options to enhance the public realm with considered interventions.	1	The proposed Policy CR4h requires all major development to provide new public art that is of high quality and either incorporated into the external design of the new building or carefully located within the public realm. Where such provision is not appropriate, the Council may seek planning contributions for the provision of public art.
Silchester Residents Association (Jo Poole)	These planning contributions should not be at the expense of contributions for other public amenities such as making Latimer Road station accessible to disabled commuters or the introduction of cycle routes. In addition, residents must be consulted on public art and their views acted on. They should also be involved in its production.		<p>Generally, public art contributions represent a relatively small amount when compared to contributions necessary for infrastructure.</p> <p>Policy CR4h has been amended to make clear that new public art proposals should be designed in consultation with the Public Art Panel.</p> <p>Once a planning application for public art is submitted to the Council, if required, it is then put out for public consultation as a standard part of the planning application process.</p>
Gerald Eve obo CEL - Cadogan Estates Ltd (Neil Henderson)		2	The proposed Policy CR4h requires all major development to provide new public art that is of high quality and either incorporated into

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			the external design of the new building or carefully located within the public realm. Where such provision is not appropriate, the Council may seek planning contributions for the provision of public art.
Savills (Charlotte Handscomb)	We consider that it is acceptable to require public art through scheme design, only where it is appropriate and practical to provide it on site.	2	The proposed Policy CR4h requires all major development to provide new public art that is of high quality and either incorporated into the external design of the new building or carefully located within the public realm. Where such provision is not appropriate, the Council may seek planning contributions for the provision of public art.
Bilfinger GVA (Thomas Edmunds)	'Infrastructure and planning contributions' With regards to public art contributions, we support Issue 2 Option 1 for local plan policy to confirm a standard charges approach towards applying S106 contributions, as this provides transparency and certainty.	1	The proposed Policy CR4h requires all major development to provide new public art that is of high quality and either incorporated into the external design of the new building or carefully located within the public realm. Where such provision is not appropriate, the Council may seek planning contributions for the provision of public art.
Cllr Judith Blakeman	Public art should not be imposed on a community without consultation, as it was at the Silchester Garages/More West development on Silchester Estate. Furthermore, many residents question whether public art is necessary and whether the money could be better spent on things more important to their community, such as green walls, play equipment, etc.		Generally, public art contributions represent a relatively small amount when compared to contributions necessary for infrastructure. Policy CR4h has been amended to make clear that new public art proposals should be designed in consultation Once a planning application for public art is submitted to the Council, if required, it is then put out for public consultation as a standard part of the planning application process.
Cllr E Dent Coad	Public Art is hugely controversial, and often produces very poor outcomes. Generally residents tell us they would prefer improvements to the public realm, eg trees, play or recreation areas, benches and flowers, rather than questionable art.		Generally, public art contributions represent a relatively small amount when

Name	Comment	Selected Option	Council's Response
			<p>compared to contributions necessary for infrastructure.</p> <p>Policy CR4h has been amended to make clear that new public art proposals should be designed in consultation</p>
Sainsbury's Supermarkets Ltd (Indigo Planning)	<p>Issue 2 Public Art</p> <p>Sainsbury's support Option 3 as it is not considered necessary to seek public art through the planning system. Provision of public art should be determined on a case by case basis and satisfy the relevant CIL tests.</p>	3	<p>The Council recognises the importance of public art in contributing to sustainable development and will negotiate public art contributions where appropriate. This approach is confirmed in the proposed amendments to Policy CR4h.</p>
Earl's Court Partnership Ltd (ECPL)	<p>Para 5.5.8, Issue 2, Options 1 and 2 Recommend that both options are taken forward as the Plan ought to include flexibility to consider development on a case by case basis.</p>	1&2	<p>The proposed Policy CR4h requires all major development to provide new public art that is of high quality and either incorporated into the external design of the new building or carefully located within the public realm. Where such provision is not appropriate, the Council may seek planning contributions for the provision of public art.</p>
Exhibition Road Cultural Group (Emily Candler)	<p>The institutions in South Kensington have experience and expertise in sculpture commissioning, display and interpretation, which could be drawn on to strengthen public art across the Borough. The benefits of Public art funding from s106 should be spread across the Borough, so that areas where there is no substantial new development can also contribute to RBKC's reputation for art in public places. The definition of "art" should be broadly drawn to include installations relating to architecture, design and engineering. Funds from s106 should be able to fund temporary installations across the Borough, for example in Exhibition Road.</p>		<p>The proposed Policy CR4h requires all major development to provide new public art that is of high quality and either incorporated into the external design of the new building or carefully located within the public realm. Where such provision is not appropriate, the Council may seek planning contributions for the provision of public art. It is unlikely that temporary art installations will satisfy the statutory S106 'tests' and benefit from S106 money.</p>
Royal Brompton & Harefield NHS Foundation Trust (RBHT)	<p>Requirements for the inclusion of Public Art or a contribution towards provision should be considered on a case by case basis and no standard approach should be adopted.</p>		<p>The proposed Policy CR4h requires all major development to provide new public art that is of high quality and either incorporated into the external design of the new building or carefully located</p>

Name	Comment	Selected Option	Council's Response
			within the public realm. Where such provision is not appropriate, the Council may seek planning contributions for the provision of public art.
Barton Willmore (Paul Newton)	Issue 2 (Public Art) 15. Ballymore recognises that public art can often make an important contribution to the public realm and sense of place. However it is not considered necessary to seek public art through the planning system, except where this is integral to development and can be appropriately justified against the CIL tests on a case-by-case basis.	3	The proposed Policy CR4h requires all major development to provide new public art that is of high quality and either incorporated into the external design of the new building or carefully located within the public realm. Where such provision is not appropriate, the Council may seek planning contributions for the provision of public art.

Question: Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?

Name	Comment	Council's Response
Sonia Richardson	Chelsea has so much to offer; I think n more could be done in terms of capitalising on the Victorian Artists connections, more greening of the area	Noted
Victoria and Albert Museum (Steve Hyde)	The V&A would welcome discussions with RBKC and interested parties to possibly take this public art policy imitative further.	Noted
Christie's South Kensington (Francesca Filippini Pinto)	The benefits of Public art funding from s106 should be spread across the Borough, so that areas where there is no substantial new development can also contribute to RBKC's reputation for art in public places. The definition of "art" should be broadly drawn to include installations relating to architecture, design and engineering. Funds from s106 should be able to fund temporary installations across the Borough, including Exhibition Road.	Public art needs to meet the tests in Regulation 122. It is unlikely that temporary art installations will satisfy the statutory S106 'tests' and benefit from S106 money.
Cllr E Dent Coad	These funds are better used as proposed above	Noted

Issue 3: Open space

Option 1: Local Plan policy should set out high level principles regarding 'planning contributions' for open space and not make a distinction between S106 / CIL, for which the detail can be considered in any revisions to the R123 List and/or the Planning Obligations SPD.

Option 2: Local Plan policy should reflect the detail of the R123 List and no longer seek open space through S106s (except where the R123 List exceptions apply).

Name	Comment	Selected Option	Council's Response
Charles Bezoari Elder		2	The Council's current approach is to seek CIL, as per the RBKC adopted CIL Charging Schedule, towards items included in the Council's Regulation 123 List. CIL charge setting and production of Regulation 123 List are part of a separate

Name	Comment	Selected Option	Council's Response
			<p>process to the Local Plan Partial Review process. Therefore, Local Plan policy sets high level principles on how CIL and S106 will be applied.</p> <p>Paragraphs 29.2.4 and 29.2.5 of the reasoned justification explain that items to be funded through CIL are be set out in the Council's Regulation 123 List and the items to be negotiated through S106 are clarified through the Planning Obligations SPD. This approach provides a clearer approach in comparison to the former Local Plan policy approach.</p> <p>Planning contributions related to the provision of open space is referenced in the existing Local Plan paragraph 29.2.4 subsection 8 and this is not proposed to be removed (although the paragraph number is updated to 29.2.6). The detailed requirements relating to this will be considered in the Planning Obligations SPD for which a revised draft will be consulted on by the Council in due course.</p>
Onslow Neighbourhood Association (Eva Skinner)	As before: residents feel that 106 contributions should reflect on the inconvenience endured during the development with a contribution the relate to them and their locality and not benefit some other part of the borough.	2	<p>Planning contributions related to the impact of the construction of development on the amenity of residents are already referenced in the existing Local Plan paragraph 29.2.4 subsection 5 and this is not proposed to be removed (although the paragraph number is updated to 29.2.6). The detailed requirements relating to this will be considered in the Planning Obligations SPD for which a revised draft will be consulted on by the Council in due course.</p>
Sonia Richardson		1	<p>The proposed Local Plan Partial Review Draft Policies and supporting paragraphs wording provide the general requirement for planning contributions. These do not explicitly go into detail for each infrastructure 'category' as to whether standard charges are</p>

Name	Comment	Selected Option	Council's Response
			appropriate or not. This level of detail is more appropriate for the Planning Obligations SPD for which a revised draft will be consulted on by the Council in due course..
Roy Burns		1	The proposed Local Plan Partial Review Draft Policies and supporting paragraphs wording provide the general requirement for planning contributions. These do not explicitly go into detail for each infrastructure 'category' as to whether standard charges are appropriate or not. This level of detail is more appropriate for the Planning Obligations SPD for which a revised draft will be consulted on by the Council in due course.
Jo Poole	Open Space, especially public open space, should be kept to the maximum amount on any development. This should be for all, not gated for use of immediate residents only. Where public land is developed, e.g. housing estate regeneration, the same amount of green space must remain after the regeneration, including all mature trees, and this amenity should be open to all, ie not locked or enclosed in any way.	0	Policy CR5 as existing and as proposed to be amended refers to "publicly accessible open space". Existing Policy CR5 states "The Council will protect, enhance and make the most of existing parks, gardens and open spaces..." and this is not proposed to be changed.
Turley (Ian Fergusson)	Planning contributions to open space should only be sought where there is a site-specific case for this. Please see related comments above.	2	Policy CR5 includes a high level principle that planning contributions will be sought. The Regulation 123 list and Planning Obligations SPD will clarify the mechanism and circumstances where contributions will be sought.
Christian Durie	Protect our open spaces and try to increase the number.	0	Existing Policy CR5 states "The Council will protect, enhance and make the most of existing parks, gardens and open spaces..." and this is not proposed to be changed.
Kerry Davis-Head	Open space should be high priority but not at the expense of height, IE low rise housing with less open space is preferable to high rise with more open ground.	1	Noted. The issue of building heights is dealt with in Policy CL12 Building Heights of Chapter 34 Renewing the Legacy which is not part of the scope of the Local Plan Partial Review.
Silchester Residents Association (Jo Poole)	This question is not clear All existing public space, playgrounds and gardens must be maintained at their original scale, and mature trees left in situ. If developers are allowed to build on public land then these public amenities must be maintained and their access to the public safeguarded (i.e. not locked for neighbouring residents' use only). They are public amenities, not just residents' amenities.	0	Policy CR5 as existing and as proposed to be amended refers to "publicly accessible open space". Existing Policy CR5 states "The Council will protect, enhance and

Name	Comment	Selected Option	Council's Response
			make the most of existing parks, gardens and open spaces..." and this is not proposed to be changed.
Gerald Eve obo CEL - Cadogan Estates Ltd (Neil Henderson)		2	Policy CR5 includes a high level principle that planning contributions will be sought. The Regulation 123 list and Planning Obligations SPD will clarify the mechanism and circumstances where contributions will be sought.
Cllr Judith Blakeman	There is very little green open space in the Latimer and Silchester East and West areas. Any redevelopment of these areas should include a significant increase in public open green space.		Noted. More detail on Latimer and Silchester is provided in the 'Place' chapters of the Local Plan Partial Review Draft Policies.
Cllr E Dent Coad		1	The proposed Local Plan Partial Review Draft Policies and supporting paragraphs wording provide the general requirement for planning contributions. These do not explicitly go into detail for each infrastructure 'category' as to whether standard charges are appropriate or not. This level of detail is more appropriate for the Planning Obligations SPD for which a revised draft will be consulted on by the Council in due course.
Sainsbury's Supermarkets Ltd (Indigo Planning)	Issue Three – Open Space Sainsbury's support Option 2 which states that Local Plan policy should reflect the detail of the R123 List and no longer seek open space through S106s (except where the R123 List exceptions apply).	2	Policy CR5 includes a high level principle that planning contributions will be sought. The Regulation 123 list and Planning Obligations SPD will clarify the mechanism and circumstances where contributions will be sought.
Earl's Court Partnership Ltd (ECPL)	Para 5.5.9, Issue 2, Option As above, this needs to include flexibility.		Policy CR5 includes a high level principle that planning contributions will be sought. The Regulation 123 list and Planning Obligations SPD will clarify the mechanism and circumstances where contributions will be sought.

Issue 4: Infrastructure planning

Question 1: Do you have any suggestions for an updated Infrastructure Delivery Plan in terms of methodology, categories of infrastructure or specific infrastructure schemes?

Name	Comment	Council's Response
Charles Bezoari Elder	As mentioned, there is a need for medical/dental facilities- no mention is made of this anywhere. Space should be allocated to the increasing need for doctors practices; dental; and even medical support (testing, x-ray etc) facilities. An aging population needs this. There is very little in the quanta that serves local residents' needs. Much of the quanta is geared to retail/office etc - we already have far too many take-	As part of the Local Plan Partial Review the Council is updating the Infrastructure Delivery Plan (IDP). Health, transport, libraries and education infrastructure

Name	Comment	Council's Response
	<p>away food emporia which are used by visitors not residents. The rubbish on the streets attests to the Council's excessive allocation of space to this sector, while not investing anything in providing improved rubbish support.</p> <p>Libraries- The council needs to grasp this thorny problem. The advent of electronically delivered written words is upon us. I rarely see anyone on public transport consuming the written word through a book or paid -for newspaper/magazine. The Kindle or its equivalent seems to be the preferred method of reading books etc. Thus, why is the council still setting aside massive amounts of space; staff; heat, light, energy, resources etc to sustain these huge libraries that are rarely used anymore by anyone????</p> <p>Is it not time to "move on" and recognize that there is no/little demand for so many libraries in the borough? Just as the vinyl record, and the transistor radio, technology has replaced the paper book with electronic. Time to scale back the libraries, even if the Daily Mail will scream hypocritically. See comments on TFL; High St. Kensington station etc</p>	<p>needs are being reviewed as part of the emerging update to the IDP evidence base and Infrastructure Schedule.</p>
<p>Onslow Neighbourhood Association (Eva Skinner)</p>	<p>Yes: another category could be usefully added namely STREETS: this would cover litter, dog waste, detritus, litter bins.</p>	<p>The Infrastructure Delivery Plan (IDP) and Infrastructure Schedule is concerned with largely strategic infrastructure to support development in the Borough. Whilst the items named are important (and are dealt with by Council departments other than Planning), they are not strategic infrastructure which is necessary to support development in the Borough relevant to the Local Plan.</p>
<p>Sonia Richardson</p>	<p>Ensure quality of life is always considered</p>	<p>Noted</p>
<p>Roy Burns</p>	<p>I should like to see Pelham Street pedestrianized. This would allow the development of commercial activities (e.g. the Underground Station redevelopment at the north and the Wellcome Trust property at the south end of the street to be realised. (The narrowness of the pavements prohibit the Wellcome development). additionally, it would eliminate the current rat race route through Thurloe Square, and eliminate the very dangerous corner (traffic turning out of Pelham street into South Kensington). On pedestrianizing, the traffic should be redirected along Sidney Place (this would require the current prohibition of a right turn from Fulham Road into Sidney Place to be abandoned). The pedestrianisation would recognise that the visitors leaving SK station are different for those heading north (for the museums, Imperial College RAH, etc) from those turning south (heading towards the boutique cluster at Brompton Cross).</p>	<p>The Council has no plans to make Pelham Street pedestrian only. Pelham Street is an important link in the Borough's street network. The closure of the street to vehicles would displace traffic to other streets and this would likely result in deleterious traffic impacts.</p> <p>Pelham Street is used by the Route 360 bus. This is a valuable service used by many residents. Any modification to the route to avoid Pelham Street is likely to lengthen bus journey times. This would be unacceptable.</p>
<p>Cllr E Dent Coad</p>	<p>On more specific issues not covered in the comments below, we would like to add the following:</p> <p>- The Inspector's recommendation in 2010 that health inequalities should be addressed through the Core Strategy (as it was then known) have not been incorporated. In fact they are conspicuously missing throughout the document as far as we can see. This is of concern given that there was a proposal in the Wornington Green SPD for primary care health facilities to be added to the Venture Centre, and specifically for there to be a new Health Centre at the Edenham site, which was included in the SPD and the Local Plan but has now been designed out. There are three GP practices in inadequate premises within 100m of the Edenham site (two have poor reviews and one is under special measures), and there have been numerous discussions in the past seven years as to how these could be consolidated and expanded in a new building. The Council has implied that we do not have the processes in place to negotiate with the CCG on these issues, which is a very poor state of affairs indeed. If development does not address our worsening health inequalities then we cannot pretend that there is any benefit whatever from development to existing local people, and indeed it is bad planning.</p>	<p>As part of the Local Plan Partial Review the Council is updating the Infrastructure Delivery Plan (IDP). Health, transport, libraries and education infrastructure needs are being reviewed as part of the emerging update to the IDP evidence base and Infrastructure Schedule.</p>
<p>Savills (Chris Ball)</p>	<p>In our view, policy in relation to social and community uses should have been included in the Partial Review Consultation.</p> <p>Policy Context</p>	<p>Policy CK1 Social and Community Uses is not part of the scope of the Local Plan Partial Review.</p>

Name	Comment	Council's Response
	<p>To frame social and community uses into an appropriate policy context, the National Planning Policy Framework (the 'Framework') encourages local authorities to plan positively for community facilities. Paragraph 70 states that:</p> <p>To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments; guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.</p> <p>Paragraph 72 goes on to state that: The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education.</p> <p>They should:</p> <ul style="list-style-type: none"> • give great weight to the need to create, expand or alter schools; • work with schools promoters to identify and resolve key planning issues before applications are submitted. <p>Policy 3.16 from the London Plan requires local authorities to secure sites for social infrastructure provision and if a facility is no longer needed: 'take reasonable steps to identify alternative community uses where the needs have been identified'</p> <p>The intent of both National and London wide policy is for authorities to take a proactive approach to policy development and ensure there is sufficient choice in school places available.</p> <p>Referring to RBKC's adopted Local Plan; policy CK1 states inter alia that the Council will aim to protect and enhance social and community uses throughout the Borough which should be preserved for the benefit of future generations.</p> <p>While our client commends the thrust and intent of this policy, we are concerned that it does not provide suitable clarification on the importance of independent schools, which are growing in demand and should be suitably catered for through local policy.</p> <p>In support of this we would refer to Department for Education data that shows demand for independent school places has grown at a positive rate with pupils in London, increasing from 138,710 in 2012 to 146,341 in 2015, (which represents a 5.5% increase in three years).</p> <p>The Greater London Authority forecasts that on the basis of the current proportion of entrants going to state/independent schools, London will generate an additional 24,897 independent school pupils within 10 years – a 16% increase. In the Royal Borough, over half (52%) children currently attend Independent Schools (13,461 children), which amounts to 9.2% of the total London demand for independent schools.</p> <p>These figures demonstrate that there is clearly a demand for independent schools, which we expect will only increase in the future given expected housing growth which we understand can be summarised as follows:</p> <ul style="list-style-type: none"> • RBKC's minimum housing target to 2027/28 is now 11,728 new dwellings. • Since 2010: 1,588 new homes have been built, with 3,897 dwellings granted planning permission, albeit that these permissions are not yet implemented suggesting there could be an underlying issue with the viability of permitted schemes. • Site allocations currently equate to 5,300 units, although the consultation document indicates capacity on these sites may have increased to an estimated 6,500 units. • The remainder of sites are expected to come through windfall development. <p>With only circa 50% of the minimum housing required in the Borough over the plan period, in our view there is far too much emphasis on windfall development that by definition, cannot be planned for at a strategic level. By adopting this approach, this limits the Council's ability to direct development to identified locations within Borough (except at a decision making level), which in turn limits the Council's ability to coordinate complementing land uses, including education facilities.</p> <p>It is for this reason that we somewhat question whether excluding social and community uses from the partial review provides the Council with sufficient up-to-date evidence to deliver sustainable development, particularly when taking into account paragraph 14 of the Framework which states that when plan-making, planning authorities should "positively seek opportunities to meet the development needs of their area".</p>	<p>However, Policy C1 'Infrastructure Delivery' and Chapter 37 'Infrastructure' is part of the scope of the Local Plan Partial Review. Chapter 37 will include an updated Infrastructure Schedule and be supported by an updated Infrastructure Delivery Plan (IDP), which will include the provision of schools.</p>

Name	Comment	Council's Response
	<p>In relation to education, while we acknowledge policy CK1 does set out a generally permissive framework to encourage social and community uses, given the proportional split between child entrants going to state versus independent school we consider there should at least be some investigation as to whether existing policy is suitable for delivering new independent schools. In our view, the policy and its supporting text should be clarified to make clear independent schools will be treated in the same manner as state schools and would fall within the first sequential test of policy CK1.</p> <p>Given the amount of competing land uses that currently exist, we also consider that as part of the call for sites, the Council would have benefited from seeking to identify new sites for independent schools, which could be coordinated with existing and proposed strategic residential allocations. This approach would have been the most optimal way to ensure new education provision grew in parallel with new residential provision and in a way that balanced competing needs for all forms of development over the plan period.</p> <p>I hope that the Council will take into account these comments as part of the local plan review.</p>	
Alpha Plus Ltd (Richard Jones)	<p>Policy Context To frame social and community uses into an appropriate policy context, the National Planning Policy Framework (the 'Framework') encourages local authorities to plan positively for community facilities. Paragraph 70 states that:</p> <p>To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:</p> <p>plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments; guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.</p> <p>Paragraph 72 goes on to state that: The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education.</p> <p>They should:</p> <ul style="list-style-type: none"> • give great weight to the need to create, expand or alter schools; • work with schools promoters to identify and resolve key planning issues before applications are submitted. <p>Policy 3.16 from the London Plan requires local authorities to secure sites for social infrastructure provision and if a facility is no longer needed:</p> <p>'take reasonable steps to identify alternative community uses where the needs have been identified'</p> <p>The intent of both National and London wide policy is for authorities to take a proactive approach to policy development and ensure there is sufficient choice in school places available.</p> <p>Referring to RBKC's adopted Local Plan; policy CK1 states inter alia that the Council will aim to protect and enhance social and community uses throughout the Borough which should be preserved for the benefit of future generations.</p> <p>While our client commends the thrust and intent of this policy, we are concerned that it does not provide suitable clarification on the importance of independent schools, which are growing in demand and should be suitably catered for through local policy.</p> <p>In support of this we would refer to Department for Education data that shows demand for independent school places has grown at a positive rate with pupils in London, increasing from 138,710 in 2012 to 146,341 in 2015, (which represents a 5.5% increase in three years).</p> <p>The Greater London Authority forecasts that on the basis of the current proportion of entrants going to state/independent schools, London will generate an additional 24,897 independent school pupils within 10 years – a 16% increase. In the Royal Borough, over half (52%) children currently attend Independent Schools (13,461 children), which amounts to 9.2% of the total London demand for independent schools.</p> <p>These figures demonstrate that there is clearly a demand for independent schools, which we expect will only increase in the future given expected housing growth which we understand can be summarised as follows:</p> <ul style="list-style-type: none"> • RBKC's minimum housing target to 2027/28 is now 11,728 new dwellings. • Since 2010: 1,588 new homes have been built, with 3,897 dwellings granted planning permission, albeit that these permissions are not yet 	<p>Policy CK1 Social and Community Uses is not part of the scope of the Local Plan Partial Review.</p> <p>However, Policy C1 'Infrastructure Delivery' and Chapter 37 'Infrastructure' is part of the scope of the Local Plan Partial Review. Chapter 37 will include an updated Infrastructure Schedule and be supported by an updated Infrastructure Delivery Plan (IDP), which will include the provision of schools.</p>

Name	Comment	Council's Response
	<p>implemented suggesting there could be an underlying issue with the viability of permitted schemes.</p> <ul style="list-style-type: none"> • Site allocations currently equate to 5,300 units, although the consultation document indicates capacity on these sites may have increased to an estimated 6,500 units. • The remainder of sites are expected to come through windfall development. <p>With only circa 50% of the minimum housing required in the Borough over the plan period, in our view there is far too much emphasis on windfall development that by definition, cannot be planned for at a strategic level. By adopting this approach, this limits the Council's ability to direct development to identified locations within Borough (except at a decision making level), which in turn limits the Council's ability to coordinate complementing land uses, including education facilities.</p> <p>It is for this reason that we somewhat question whether excluding social and community uses from the partial review provides the Council with sufficient up-to-date evidence to deliver sustainable development, particularly when taking into account paragraph 14 of the Framework which states that when plan-making, planning authorities should "positively seek opportunities to meet the development needs of their area".</p> <p>In relation to education, while we acknowledge policy CK1 does set out a generally permissive framework to encourage social and community uses, given the proportional split between child entrants going to state versus independent school we consider there should at least be some investigation as to whether existing policy is suitable for delivering new independent schools. In our view, the policy and its supporting text should be clarified to make clear independent schools will be treated in the same manner as state schools and would fall within the first sequential test of policy CK1.</p> <p>Given the amount of competing land uses that currently exist, we also consider that as part of the call for sites, the Council would have benefited from seeking to identify new sites for independent schools, which could be coordinated with existing and proposed strategic residential allocations. This approach would have been the most optimal way to ensure new education provision grew in parallel with new residential provision and in a way that balanced competing needs for all forms of development over the plan period.</p> <p>I hope that the Council will take into account these comments as part of the local plan review.</p>	

Question: Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?
[No comments received]

Issue 5: S106 thresholds

Question 1: Do you have any comments on the existing thresholds for S106s set out in Figure 5.4?

Name	Comment	Council's Response
Onslow Neighbourhood Association (Eva Skinner)	Yes: this section is unintelligible to someone not involved with council procedure. How you can expect ordinary people to get involved with your consultation, when you provide jargon of this nature, amazes me.	Noted – This is a highly technical part of the Local Plan Partial Review which, whilst serving the purpose as a useful document for the public, must simultaneously serve the purpose as a statutory document with legal 'effect' and provide detailed requirements for developers. The Council will try to simplify by minimising jargon wherever possible.
Turley (Ian Fergusson)	Figure 5.4 suggests contributions towards education and community facilities will be required where 1 new house is proposed. This necessitates a Section 106 Agreement for schemes of this scale. Whilst the Council's current parking permit-free arrangement generally requires S106 Agreements in such instances in any case, seeking contributions as well creates an added burden for applicants. This is undesirable for the reasons outlined above. CIL is a much better method for collecting monies for these matters.	The Council will update the Planning Obligations SPD to reflect current regulations and the Council's Regulation 123 List in due course.
Gerald Eve obo CEL - Cadogan Estates Ltd (Neil Henderson)	While CEL have no issues concerning the thresholds set out in Figure 5.4, it is considered that there is duplication of contributions included in Section 106's which are already covered by CIL. Specifically, Figure 5.4 refers to education and community facilities and any aspects that are not site specific in respect of public realm and transport issues. These matters are already covered by CIL as set out in Figure 5.2. The table in Figure 5.4 should be updated and clarified accordingly.	The Council will update the Planning Obligations SPD to reflect current regulations and the Council's Regulation 123 List in due course.

Question: Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?

Name	Comments	Council's Response
Jo Poole	If any local authority in the UK can hold developers to a higher standard, including higher s106 contributions, it should be RBKC.	Noted – the Council's requirements in terms of S106 (and CIL) contributions, particularly relating to affordable housing, have been subject to viability testing as part of the published evidence base documents for the Local Plan Partial Review.
Kerry Davis-Head	S106 should concentrate on large scale developers and not on very small scale provision of small housing units/infill etc.	Noted. See above responses regarding Issue 5: S106 thresholds.

Issue 6: Viability and transparency

Question: Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?

Name	Comment	Council's Response
John Eagle	What does this mean - see my previous comments. If you wish to engage and consult with ratepayers, then a document as obtuse as this is entirely and completely the wrong way to go about it, unless you merely wish to have a "pretend" consultation	Noted – This is a highly technical part of the Local Plan Partial Review which, whilst serving the purpose as a useful document for the public, must simultaneously serve the purpose as a statutory document with legal 'effect' and provide detailed requirements for developers. The Council will try to simplify by minimising jargon wherever possible.