Diversity of Housing Policy CH5: Estate Regeneration
1. **INTRODUCTION**

1.1 **LOCAL PLAN PARTIAL REVIEW**

1.1.1 The Council is undertaking a Partial Review of its existing Local Plan to ensure it is up-to-date and fit-for-purpose.

1.1.2 The Local Plan Partial Review covers the topics which have not already been subject to recent reviews since the existing Local Plan was adopted by the Council in 2010 (then known as the Core Strategy). As part of this, the topic of **housing needs reviewing**.

1.1.3 This Policy Formulation Report has been written to explain the reasoning behind **Policy CH5: Estate Regeneration** of the Publication Policies with Proposed Modifications.

1.2 **POLICY CH5: ESTATE REGENERATION**

1.2.1 This topic of the Local Plan Partial Review relates primarily to the following chapters and policies of the existing Local Plan:

- **CO6 Strategic Objective for Diversity of Housing**
- **Chapter 35: Housing Diversity**
- **Policy CH5: Estate Regeneration**
2. ISSUE: ESTATE REGENERATION

2.1 INTRODUCTION

2.1.1 The existing Local Plan promotes a diversity of housing that at a local level will cater for a variety of housing needs, built for adaptability and to a high quality. Existing Local Plan Policy CH4: Estate Renewal sets out the planning policy for the redevelopment of social rented housing estates to further this objective.

2.1.2 The existing Local Plan Policy CH4 was adopted in 2010 and needs to be updated to reflect national policy, corporate aspirations and up to date evidence.

2.2 LEGISLATION, POLICY AND GUIDANCE CONTEXT

NATIONAL

ESTATE REGENERATION STATEMENT (FEBRUARY 2016)

2.2.1 The Government published an estate regeneration statement in February 2016. Although this was more of a call for expressions of interest, it nevertheless suggests how estate regeneration fits within a national policy context and puts forward some guiding principles. It was announced that, “The Prime Minister has called for an ambitious new estates regeneration programme—ambitious at every level. We will engage with up to 100 estates from around the country, to stimulate proposals for the transformation of those estates, a significant increase in housing, and, most importantly, improvements in estate residents’ quality of life.”

2.2.2 Some of the guiding principles for regeneration from the document are set out below:

- Schemes must deliver regeneration through the redevelopment of existing social housing estates.

- Ultimately, schemes will need to be viable, so financial considerations need to be paramount in early planning, including which partners or joint ventures could potentially be included to support or fund proposals. To maintain the trust of existing residents and to ensure transparency, submitters of proposals for regeneration should expect to make public the results of the viability assessments underpinning their proposals at all stages of the development process.

- What preparatory work has been undertaken, such as land assembly, identification of land ownership, initial construction work, or identification of infrastructure links or opportunities?

- Design – what levels of design are the proposals targeting? Do they rely on large-scale masterplans or smaller-scale initiatives? Indicate how far proposals have reached in terms of options appraisals and consolidating specific designs. Are these designs innovative and do they directly respond to the needs of the
local community?

- Community engagement – an indication of the level of community support, and what sort of consultation has been undertaken, and with whom.

- How arrangements for existing residents are expected to operate – such as for leaseholders, tenants, owner-occupiers and non-resident property owners. Indicate what alternative housing arrangements may be needed. This is a particularly important aspect of the programme.

- What tenure mix is proposed, including affordable housing provision?

- Ultimately schemes should deliver a net increase in new housing supply and be value for money.

- Are wider societal benefits demonstrated by the proposal, such as positive effects on local employment, health, poverty and education and training?

- Is there a delivery plan in place, with a workable and reasonable timetable?

- What non-housing projects are involved as part of the concept to make the estate more attractive a place to live? For example, associated infrastructure schemes.

ESTATE REGENERATION NATIONAL STRATEGY (DECEMBER 2016)

2.2.3 The Government recognises the benefits that Estate Regeneration can bring to neighbourhoods including a better quality of life and new opportunities for residents. The national strategy aims to support local partners to improve and accelerate local estate regeneration to deliver more and better quality housing, drive local growth and improve opportunities for residents. It highlights three key principles that underpin successful estate regeneration –

a. Community engaged as partners

b. Support and leadership of the local authority

c. Willingness to work with the private sector to access commercial skills and lever in investment.

2.2.4 The national strategy comprises:

a. Resident engagement and protection: sets out Government expectations for ensuring that residents are at the centre of re-shaping their estates, in partnership with authorities and developers, and are protected during the lifetime of an estate regeneration scheme.

b. Role of the local authority: sets out the importance of wider place making, strategic use of public sector land, design and effective use of the planning system.

c. Financing and delivering estate regeneration: provides options for building a
sound financial base, including setting out the key challenges, advice on particular aspects and de-mystifying the processes and terminology.

d. Good practice guide: steers schemes through all the key stages, from developing the initial idea through to build out and delivery; includes checklists on process design and quality to ensure important issues or stages are not overlooked; provides a framework for overall sequencing.

e. Better social outcomes: reports on Government’s work with four estates on mapping public spend in estates, in the broader context of looking at how estate regeneration schemes can be part of a place based approach to tackling poor life chances.

f. Alternative approaches: provides advice on community-led housing development as an effective means of putting the community at the heart of housing delivery.

g. Case studies: illustrate and highlight particularly positive elements from a range of schemes, including design and quality, community engagement and strategic and innovative financing.

COMPULSORY PURCHASE PROCESS AND THE CRICHEL DOWN RULES: GUIDANCE

2.2.5 The legislative framework for compulsory purchase is set out in the Acquisition of Land Act 1981, section 226 of the Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 (as amended) and Part 7 of the Housing and Planning Act 2016.

2.2.6 Compulsory purchase powers enable public bodies to acquire land compulsorily. These powers are mostly exercised by local authorities to promote schemes for various purposes. Compulsory purchase of land requires the approval of a confirming minister. Whilst at this stage it is not known if compulsory purchase of any land may be required it is considered useful to set out a summary of the pertinent guidance.

2.2.7 This guidance was published in October 2015 and updated the previous guidance to reflect legislative changes and case law since 2004.

2.2.8 Page 6 of the guidance clarifies that, “Acquiring authorities should use compulsory purchase powers where it is expedient to do so. However, a compulsory purchase order should only be made where there is a compelling case in the public interest. Compulsory purchase is intended as a last resort to secure the assembly of all the land needed for the implementation of projects. However, if an acquiring authority waits for negotiations to break down before starting the compulsory purchase process, valuable time will be lost. Therefore, depending on when the land is required, it may often be sensible, given the amount of time required to complete the compulsory purchase process, for the acquiring authority to:

- plan a compulsory purchase timetable as a contingency measure; and
- initiate formal procedures
This will also help to make the seriousness of the authority’s intentions clear from the outset, which in turn might encourage those whose land is affected to enter more readily into meaningful negotiations.

When making and confirming an order, acquiring authorities and authorising authorities should be sure that the purposes for which the compulsory purchase order is made justify interfering with the human rights of those with an interest in the land affected. The officers’ report seeking authorisation for the compulsory purchase order should address human rights issues. Further guidance on human rights issues can be found on the Equality and Human Rights Commission’s website.”

2.2.9 Page 8 of the guidance sets out how the public sector equality duty should be taken into account in exercising compulsory purchase powers. The document sets out a six stage process of making a compulsory purchase order. Stage 1 of this process is about choosing the right compulsory purchase powers. Page 10 sets out a list of most commonly used powers including local authorities for planning purposes.

2.2.10 Page 38 (Q 65) details that the power of local authorities under section 226 of the Town and Country Planning Act 1990 for planning purposes is “intended to provide a positive tool to help acquiring authorities with planning powers to assemble land where this is necessary to implement proposals in their Local Plan or where strong planning justifications for the use of the power exist. It is expressed in wide terms and can therefore be used to assemble land for regeneration and other schemes where the range of activities or purposes proposed mean that no other single specific compulsory purchase power would be appropriate.”

NPPF

2.2.11 Sustainable development is the golden thread running through the NPPF. In terms of the social dimension of sustainable development (health and economy being the other two), the NPPF states at paragraph 7, “supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being;”

2.2.12 Paragraph 50 of the NPPF requires Councils to plan for a mix of housing based on current and future demographic and market trends, as well as the needs of specific groups within the community. The size, type, tenure and range of housing required should also be identified. Where a need for affordable housing has been identified, policies should be set for meeting this need.

2.2.13 In order to have a clear understanding of the housing needs in their area, paragraph 159 states that Councils should prepare a Strategic Housing Market Assessment (SHMA) to identify the scale and mix of housing and the range of tenures that the local population is likely to need over the plan period.

2.2.14 Section 7 of the NPPF recognises the importance of good design and states at paragraph 56 that “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is
indivisible from good planning, and should contribute positively to making places better for people.” Paragraph 60 states that “Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.”

2.2.15 Paragraph 61 further states that “Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”

NATIONAL PLANNING PRACTICE PRACTICE PRACTICE PRACTICE PRACTICE PRACTICE PRACTICE PRACTICE PRACTICE PRACTICE (NPPG): HOUSING AND ECONOMIC DEVELOPMENT NEEDS ASSESSMENTS

2.2.16 The NPPG sets out detailed guidance in relation to undertaking Housing and Economic Development Needs Assessments as part of the evidence for the Local Plan Partial Review. The primary objective of the assessment is to “identify the future quantity of housing needed, including a breakdown by type, tenure and size;”

REGIONAL

THE LONDON PLAN

2.2.17 The whole of Policy 3.9: Mixed and balanced communities of the London Plan and its supporting text is relevant. These are reproduced below:

“Policy 3.9: Mixed and balanced communities

A. Communities mixed and balanced by tenure and household income should be promoted across London through incremental small scale as well as larger scale developments which foster social diversity, redress social exclusion and strengthen communities’ sense of responsibility for, and identity with, their neighbourhoods. They must be supported by effective and attractive design, adequate infrastructure and an enhanced environment.

B. A more balanced mix of tenures should be sought in all parts of London, particularly in some neighbourhoods where social renting predominates and there are concentrations of deprivation.”

Paragraph 3.58 “The Mayor is concerned that there should be no segregation of London’s population by housing tenure. London’s legacy of mono-tenure estates has in some cases contributed to concentrations of deprivation and worklessness. Coupled with some housing trends and management practices, these have been exacerbated by the tendency for new social housing to be built in the areas where it is already concentrated. Conversely, market homes have tended to be developed in areas with very little social housing. The affordable rent product

should be applied so as to help achieve the objectives of this Policy. Local Authorities’ allocation policies, tenancy strategies and homelessness strategies will also be important tools in delivering this aim.”

Paragraph 3.59: “The London Housing Strategy outlines how management and investment in mono-tenure estates can contribute to the creation of more mixed and balanced communities. The planning system should support this process. Infill schemes in predominantly social housing estates should primarily be targeted for intermediate and market housing. New social housing development should be encouraged in areas where it is currently under represented. These are essentially local matters for boroughs to address in light of their local circumstances because the key concern is the concentrations of deprivation in individual, or groups, of mono-tenure estates rather than the overall level of social renting in a borough.”

Paragraph 3.60: “Policy 3.5 requires the design of new development to help create a more socially inclusive London. The Housing SPG provides guidance on implementing this policy including support for boroughs to resist forms of development which might compromise it, such as gated communities.”

Policy 3.14 of the London Plan is also relevant as it resists the loss of housing, including affordable housing unless it is replaced at existing or higher densities with at least equivalent floorspace. The reasoned justification at paragraph 3.82 further states that, “Estate renewal should take into account the regeneration benefits to the local community, the proportion of affordable housing in the surrounding area (see Policy 3.9), and the amount of affordable housing intended to be provided elsewhere in the borough. Where redevelopment of affordable housing is proposed, it should not be permitted unless it is replaced by better quality accommodation, providing at least an equivalent floorspace of affordable housing.”

**LONDON HOUSING STRATEGY**

2.2.18 The overriding aims of the strategy are to increase the supply of housing of all tenures and to ensure that these homes better support London’s continued economic success. The strategy is not just about supply; policies range from improving the existing stock to tackling rough sleeping – but supply is at the heart of it, underpinning each of its five key priorities:

- increasing housing supply to levels not seen since the 1930s;

- better supporting working Londoners and helping more of them into home ownership;

- improving the private rented sector and promoting new purpose-built and well managed private rented housing;

- pushing for a new, long-term financial settlement for London Government to drive housing delivery; and

- bringing forward land for development and accelerating the pace of housing
delivery through Housing Zones and the London Housing Bank.

2.2.19 The Housing Strategy acknowledges that increasing housing supply is central to London’s housing needs. It states that with increased supply come opportunities to address affordability, help for people to meet their aspirations, improved quality, renewal of postwar estates, and the ability to tackle entrenched issues like homelessness and overcrowding.

2.2.20 Section 4.8 deals with estate regeneration and comments on their development potential and related benefits. The regeneration of over 100 estates is underway with a pipeline of over 35,000 new and reprovided homes over the next ten to fifteen years. It acknowledges that estate regeneration projects are susceptible to delays with the cause of delay often being the cost of infrastructure works, leaseholder purchase costs and land assembly. To mitigate these problems, the Mayor and partners have been working with Government on a proposal for a major new estate regeneration fund of up to £150m for London. This would work with a Government-backed loan to support cash flows and project costs. It states that “From a sample of the eight largest projects currently struggling with viability and upfront costs it is estimated that approximately 22,000 new homes could be built over the next 15 years through this type of intervention. Of these homes, approximately 15,500 would be net additional private sale homes, the profits of which are required to cross-subsidise the early stages of development. The unbuilt private sale pipeline of the top eight London estate regeneration projects could be worth over £5bn over the next 15-20 years. In addition, construction at this scale will generate over 43,000 jobs on building sites and in the supply chain. If established as a revolving fund further loans could be made as others were repaid, enabling a sustainable and long term approach to estate regeneration in London.”

HOUSING SPG

2.2.21 The Mayor’s Housing SPG is capable of being a material consideration in determining planning applications. Part 5 of the SPG deals with stock and investment and includes a specific section on estate renewal. It provides further guidance on Policy 3.14 of the London Plan referred to above. It emphasises that redevelopment of affordable housing should only be permitted where it is replaced by better quality accommodation providing at least equivalent floorspace of affordable housing. It states that the London Plan provides flexibility to take into account local circumstances when considering individual proposals for estate renewal in terms of:

- the regeneration benefits to the local community
- the proportion of affordable housing in the surrounding area and the need to provide mixed and balanced communities (Policy 3.9)
- the amount of affordable housing intended to be provided elsewhere in the borough.

2.2.22 It further elaborates on calculations about the loss of affordable or overall housing provision and that these can be made on the basis of habitable rooms rather than
dwellings, where the redevelopment of an estate is providing a housing mix more appropriate to the needs of both existing and prospective future residents – for example where there is increased provision of dwellings for larger households.

2.2.23 Paragraph 5.1.15 further comments on right to buy properties and states that “In calculating whether there is any net loss of affordable housing through estate renewal, former social rented properties sold under the right to buy/right to acquire should be categorised as market sector provision. The objective of no net loss of provision should generally be achieved without taking into account areas outside the estate boundary. This can include making more effective use of underused open space or non-residential sites within the overall estate boundary. Replacement of social/affordable rented units by intermediate provision is acceptable where it can be robustly demonstrated that this would achieve a more appropriate range of housing provision in a neighbourhood or borough and contribute to achieving more a mixed and balanced community. Replacement of social rent by affordable rent provision may be necessary in order to maximise affordable housing provision.”

2.2.24 The SPD provides a useful clarification which is applicable to the land assembly for estate renewal where the Council can purchase the right to buy units on the open market. Where such units are used for temporary accommodation in preparation for estate regeneration they would be considered market housing in line with the paragraph above. Using voids for temporary accommodation is a good use of existing stock while awaiting regeneration to take place.

2.2.25 Paragraph 5.1.16 of the Housing SPG states that, “To achieve no net loss, development at significantly increased density may be necessary to generate sufficient value from market development to support replacement of affordable housing provision, or to achieve a more mixed and balanced community. In such a case, the net gain in total provision need not achieve the usual proportion of affordable housing provision expected from a new build development.”

2.2.26 Design quality is referred to in paragraph 5.1.17 with the aim of maximising active frontages in order to increase natural surveillance and activity. Finally paragraph 5.1.18 emphasises the role of effective engagement with the existing community as an integral part of the estate renewal process.

DRAFT AFFORDABLE HOUSING AND VIABILITY SPG, NOVEMBER 2016

2.2.27 The new Mayor of London has a strategic aim of half of all new homes in London being affordable. The London Plan seeks ‘maximum reasonable amount of affordable housing. The Draft Affordable Housing and Viability SPG published for consultation in November 2016 provides guidance to ensure that existing policy is as effective as possible. It is not (and is not capable of) introducing new policy. The Draft SPG focuses on affordable housing and viability and includes four distinct parts: background and approach; the threshold approach to viability appraisals; detailed guidance on viability assessments; and a specific approach to Build to Rent schemes. When adopted the SPG will replace section 3.3 (Build to Rent) and Part 5 (Viability) of the Mayor’s Housing SPG, March 2016 set out above.

2.2.28 The Draft SPG specifies that it will always be necessary to include a financial
viability appraisal for “applications which involve the demolition of existing affordable housing (in particular estate regeneration schemes).”

2.2.29 Paragraph 2.54 of the Draft SPG further emphasises the need to replace existing affordable housing and also clarifies the position with regard to the tenure of ‘right to buy units’. It states “Policy 3.14 and paragraph 3.82 are clear that schemes which include the loss of affordable housing will be required to ensure that existing affordable housing is replaced by better quality accommodation, providing at least the equivalent floor space of affordable housing. The threshold approach therefore does not apply in these circumstances. The Mayor expects existing affordable housing to be replaced on a like-for-like basis, meaning there should be no net loss of existing affordable housing tenures (including social rented accommodation). Where market housing units (including those sold under the Right to Buy) have been used as temporary affordable accommodation on an estate, the units should be considered as market housing for the purposes of like-for-like re-provision.

HOMES FOR LONDONERS: AFFORDABLE HOMES PROGRAMME 2016-21

2.2.30 The Mayor has secured £3 bn government funds to help start building at least 90,000 affordable homes in London by 2021. The Mayor published a funding guidance - Homes for Londoners: Affordable Homes Programme 2016-2021 in November 2016. The purpose of the document is to help housing associations, community groups, London Boroughs and private developers to build new affordable homes in London. It explains how to get the funding from the Mayor and the rules that apply. Funding is available for the following tenures – London Affordable Rent, London Living Rent and London Shared Ownership. The document outlines eligible providers who can bid for funding. It specifies that only organisations who are intending, either independently or as part of a consortium, to own the completed affordable homes are eligible to bid for grant. The document encourages funding bids from London boroughs but highlights that properties delivered as London Affordable Rent and London Living Rent may be eligible for Right to Buy, where the local authority is the landlord.

HOMES FOR LONDONERS: DRAFT GOOD PRACTICE GUIDE TO ESTATE REGENERATION

2.2.31 The Mayor has published a Draft Good Practice Guide to Regeneration which is subject to consultation until March 2017. The introduction to the document provides a definition of ‘Estate Regeneration’. It states “‘Estate regeneration’ covers a broad range of projects in London, and for the purpose of this document it is defined as the process of physical renewal of social housing estates through various combinations of refurbishment, investment, intensification, demolition and rebuilding. Many of London’s housing estates have undergone or are undergoing this process, meaning it has come to affect many thousands of Londoners.”

2.2.32 The Draft Guidance emphasises the role of resident support and engagement in bringing about successful regeneration. The key principles for all estate regeneration projects are as set out below:

Further guidance can be found in the 2016 Housing SPG (Sections 5.1.13 -5.1.18)
• there is a clear statement of the aims and objectives of the borough or housing association in maintaining and improving at housing estates.

• there has been full and transparent consultation and resident engagement.

• proposals should offer full rights to return for displaced tenants and a fair deal for leaseholders.

• demolition should only be followed where it does not result in a loss of social housing, or where all other options have been exhausted.

2.2.33 Once adopted, the Guide is intended to reassure Londoners that they will be given real opportunities to shape estate regeneration, that engagement and consultation will be meaningful, and that offers of rehousing and compensation will meet guaranteed standards.

LOCAL

HOUSING STRATEGY 2013 – 17

2.2.34 The Council’s Housing Strategy sets out how it wants to improve both the quality of accommodation and lives of people who live here by:

• Resources – Develop effective asset management and longer term business planning, taking advantage of the new regime for Council Housing finance.

• Development and regeneration – Regenerate, renew and develop new affordable housing where opportunities arise.

• Housing options – Provide a service that enables people to make informed decisions about their housing options.

• Vulnerable residents – Support people who are vulnerable with appropriate accommodation and advice services.

• Employment and training – Enable people in social housing to access employment and training opportunities.

2.2.35 The Council will publish a new four year Housing Strategy in 2017.

2.2.36 In relation to regenerating the Borough’s housing the Housing Strategy Summary states that “We are currently developing Worthington Green and Silchester Estates, in the north of the borough, in partnership with housing providers. We are also looking to redevelop the area around Edenham Way and Trellick Tower and looking at how we take this forward. We will also look at regeneration schemes on a smaller scale.” It also states that “regeneration is not just about the physical environment, but also about the development of the community so we will continue to work with other Council departments to achieve this.”

2.2.37 Section 2: Development and regeneration of the Housing Strategy is particularly
relevant to the issue of estate regeneration. It refers back to the existing Local Plan strategic objective CO6: Diversity of Housing. It also refers to other parts of the existing Local Plan such as regenerating North Kensington. The Housing Strategy acknowledges the issues of affordability in the Borough given the highest property prices anywhere in the country. It states that “We want to continue to ensure access to homes on a social or target rent, to provide a springboard so that tenants have a realistic chance of making the transition from being reliant on benefits to being financially independent and in paid employment. We will continue to support the development of affordable ownership options, such as shared ownership housing. We also want to support low and middle income earners by exploring how affordable housing can be provided for this group through new housing developments.” (page 12)

2.2.38 Pages 17 to 19 of the Housing Strategy specifically deal with regeneration and includes information on the Silchester Garages Site (now complete) and Edenham Way. More up to date information on potential estate regeneration schemes is available in the Corporate Case for Regeneration which is discussed below.

LEASEHOLDER AND FREEHOLDER POLICY OPTIONS, CONSULTATION DRAFT

2.2.39 The Council as a housing authority is exploring possible options to regenerate a number of its housing estates. As part of this work the Council is consulting on its policy for leaseholders and freeholders. The policy provides the principles and commitments that will determine the offer the Council makes available to leaseholders and freeholders on affected estates. The consultation is taking place until Wednesday 7 June and a decision will be taken at the Council’s Cabinet at the end of June.

2.2.40 The policy will apply to both resident and non-resident leaseholders and freeholders with definitions of resident and non-resident set out in the document. Paragraph 3.4 specifies that “The definition of a resident leaseholder or freeholder (for the purpose of qualifying for rehousing options) is that they have used their property as their only or main residence for at least 12 months from a given date.”

2.2.41 The options offered for resident leaseholders and freeholders are -

- Outright purchase
- Shared Equity
- Shared Ownership
- Provision of a secure or intermediate rent tenancy
- Resident leaseholders who wish to move to another regeneration area

2.2.42 The document also sets out options for temporary accommodation. It clarifies that the Council’s aim is to design and phase regeneration so that resident leaseholders and freeholders exercising the right to return under the terms of this policy only
need to move once. However, it may prove necessary to accommodate returning leaseholders and freeholders in temporary housing pending the move to their new home.

2.2.43 Non-resident leaseholders and freeholders may sell their property to the Council.

EXISTING LOCAL PLAN POLICY

2.2.44 Within Chapter 35 of the existing Local Plan, Policy CH4: Estate Renewal sets out the relevant policy. This is reproduced below for ease of reference.

**Policy CH4 Estate Renewal**
The Council will require that where the redevelopment of social rented housing estates is proposed, a compelling case is demonstrated that the long term benefits outweigh the considerable uncertainty and disruption such projects will cause.

To deliver this the Council will:

a. require the maximum reasonable amount of affordable housing, with the minimum being no net loss of existing social rented provision;
b. require a guarantee that all existing tenants have an opportunity of a home that meets their needs, with those wishing to stay in the neighbourhood being able to do so;
c. require that the mix of house sizes for the re-provided social rented housing will be determined by the housing needs of the tenants of the estate and by the housing needs of the borough, at the time that an application is submitted;
d. require that where estate renewal is being funded through the provision of private housing or other commercial development, schemes must be supported by a financial appraisal;
e. recognise that cross subsidy between estates may also be required where proposals involve several estates. The principles set out above for one estate would be applied to two or more estates, taken as a whole.

EXISTING UNITARY DEVELOPMENT PLAN (UDP) POLICY

2.2.45 Extant policies H8 and H17 of the UDP have some relevance to estate regeneration schemes. These are set out below:

**H8** To require the provision of appropriate social and community facilities within major residential schemes.

**H17** To resist the loss of existing small, self-contained flats of one or two habitable rooms.
### SUMMARY

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### 2.3 EVIDENCE BASE

#### COMMUNITY STRATEGY 2008-2018

2.3.1 The vision and strategic objectives of the existing Local Plan are very much based on the Kensington and Chelsea Partnership’s ‘Community Strategy 2008-2018’ document. In particular, the evidence base for Chapter 2 'Issues and Patterns: Our Spatial Portrait’ of the existing Local Plan “draws heavily on The Picture of Our Community (2005 and 2008), a companion guide to the Community Strategy” (paragraph 2.14).

#### AMBITIOUS FOR TOMORROW

2.3.2 The Council published a document called ‘Ambitious for Tomorrow 2014-2018’ in December 2014 to set out the Council’s vision to:

- Maintain our excellent services
- Protect our most vulnerable residents
- Rethink housing
- Create new opportunities
- Make our borough yet more beautiful

2.3.3 The document notes, with regard to health and housing:
Kensington and Chelsea has a strong claim to be the best borough in the capital: best in terms of longevity, diversity, desirability and with the best built environment. But not all parts of it are the same. In North Kensington, many of our residents are missing out on years of good health. And much of our housing stock there requires refurbishment or replacement and is, in terms of architecture and urban design, markedly less attractive than the rest of the borough.

2.3.4 In terms of social and environmental, the document elaborates:

The relentless march of property prices is creating something of a ‘dumbbell community’, with lots of people at either end of the income spectrum but not so many in the middle. For those on ordinary or middle incomes who would like to live here to be closer to work or family, the stark truth is that they have little chance.

... In terms of social housing, we have far too many studios and one-bed flats but nowhere near enough family homes. That means we can have families stuck on the waiting list for years and is something that can only change through estate renewal.

Moreover, the borough’s housing stock only caters for those with either very high or very low incomes – there are even fewer opportunities for those on ordinary incomes to live in the borough. That, too, is something that can only be changed by making better use of Council land.

We want a borough in which people from every background can live. Estate renewal provides us with an opportunity to rebalance our community, and introduce more affordable homes and more intermediate homes for people on middle incomes.

2.3.5 In particular on housing estates:

Some of our estates date from the 60s and 70s and exhibit all the faults of that far from golden era of public architecture. A few of them are coming to the end of their lives. Redevelopment could give our tenants better-quality homes, while all residents could benefit from the restoration of traditional street patterns, new shops and other infrastructure, as well as from a dramatically more attractive public realm.

It should be possible to transform the conditions in which many of our existing tenants live. The difference between a social home built as part of a 1960s estate and one built today in a street-front property integrated into the wider neighbourhood really is that dramatic.

And crucially, we will only redevelop an estate if it is possible to rehouse all existing tenants in better homes in the same area. Conserving and enhancing the local community is our primary objective in any regeneration project.

2.3.6 On Barlby Primary School and the Treverton Estate:

The Royal Borough’s Cabinet has agreed to explore options for redeveloping the
tired and outdated Barlby Primary School and regenerating the area around the Treverton Estate at the same time.

The proposals could see a brand new school expanded to two forms of entry to help meet demand for primary school places, together with a new school for children with special educational needs.

The school is next to the Treverton Estate, parts of which are in need of investment, and the Council believes there may be an opportunity to improve existing homes, provide new affordable homes and improve the area significantly.

2.3.7 On Pembroke Road:

The Council is putting forward ambitious plans to redevelop two 1960s Council buildings in Kensington in order to provide nearly 300 new homes.

The 3.3 acre site on Pembroke Road currently houses a depot for refuse vehicles, as well as Council offices and a car park which are becoming surplus to the Council’s requirements. There are also 116 homes above the depot and car park.

Redeveloping Pembroke Road would allow the Council to provide more housing and improve the streetscape while bringing in more income to support front line services.

As part of the process of creating a vibrant new community, the Council will make sure it protects the interest of the tenants and leaseholders who currently live above the depot and car park.

2.3.8 On Edenham Way:

Architects have been appointed by the Royal Borough to design a major new housing scheme for North Kensington.

The award winning firm will tackle the challenge of designing approximately 100 new homes at Edenham Way, a cleared site at the foot of Trellick Tower that has been used for car parking over the past eight years.

SHMA

2.3.9 Chapter 4 of the SHMA presents an area profile of the Borough. It notes that the most striking characteristic of the Borough’s dwelling type is the low proportion of houses (17%) and the high proportion of flats (79%). It also notes that whilst the Borough is one of London’s and the UK’s wealthiest and most highly developed boroughs, there are small pockets of deprivation, with residents with lower educational qualifications, poorer economic prospects and lower incomes, and living in housing in need of regeneration. Whilst the English Indices of Deprivation classify the Borough as the fifth wealthiest in England, it is also the seventh most deprived in terms of the number of small areas that fall into 10% most deprived in England.

2.3.10 Paragraph 4.33 notes that “There are clear locational concentrations of deprivation
that mirror patterns of tenure to a certain extent: the highest concentrations of income and employment deprivation are in the areas where social housing is concentrated (Maps 4.4 and 4.5). The ‘Barriers to housing and services’ domain includes such indicators as affordability, overcrowding and homelessness, and as can be seen from Map 4.6, higher levels of deprivation under this indicator are more widespread across RBKC.’

2.3.11 In terms of tenure of homes, the proportion of social rented stock in the Borough (nearly 25%) is below that of Inner London as a whole (35%), and that of Hammersmith and Fulham (31%), and is also slightly lower than Westminster’s. A comparison of tenure patterns with adjoining boroughs, London and England is shown in Figure 1 below.

![Figure 1: Tenure Patterns (SHMA 2015 Figure 4.4)](source: Census 2011 Table KS402EW)

Paragraph 4.17 comments on the spatial distribution of tenures and states that, “Within RBKC there are clear local patterns to the distribution of tenures, especially socially renting, which is highly concentrated in the north of the borough, and to certain extent along the Hammersmith and Fulham boundary. Conversely, owner-occupation is more prevalent in the centre and south, while private renting is more dispersed, across most of the borough”. Figure 2 below shows the pattern for social renting.
2.3.13 The dwelling size by tenure prevalent in the Borough is shown in Figure 3 below. As evident almost half the stock (47%) in the social rented section is one bed – implying a restricted range of household sizes that these tenures could potentially house.
2.3.14 The SHMA comments on the stock condition survey and notes in paragraph 4.26 that “A stock condition survey of local authority dwellings undertaken in 2012 identified a requirement of an additional £108 million needed to fund condition-related works to the stock between 2013-2017. The current Housing Strategy also notes a condition survey of sheltered accommodation being carried out, but no data seems to be published from it. The latest Local Authority Housing Statistics (LAHS) dataset (2013-2014) indicates that within the local authority stock managed by the TMO, there were 1159 ‘non-decent’ homes, 1343 homes not in a reasonable state of repair, and 68 homes with Category 1 (severe) hazards under the Housing Health and Safety Rating System. Accurate data on private sector stock condition is not available.”

2.3.15 Annex 3 of the SHMA explores the options for intermediate housing market development. It comments that given the difference in incomes and house prices, there are only limited areas within the Borough where shared ownership homes would be affordable to those within the GLA maximum household limits and these would be smaller homes i.e. one or two bed units.

2.3.16 It explores some options for low cost home ownership (LCHO). Paragraph A3.51 in particular comments on regeneration schemes that “We have not looked at RBKC’s regeneration schemes from the point of view of LCHO, though there may well be opportunities here, using the Royal Borough’s ownership of the land as a factor in discounting cost. We are aware that there are a number of schemes already considering this, not only using the authorities’ own stock, but also in conjunction with housing association partners. While we understand that increasing density through developing taller buildings is not current policy, nonetheless where the local environment is more conducive to tall developments, this should be considered in the interests of reducing the cost-per-unit, and enabling more
realistically priced LCHO homes to be built.”

**STRATEGIC CONSIDERATIONS FOR ESTATE REGENERATION PROPOSALS**

2.3.17 The Strategic-considerations for Estate Regeneration proposals outlines the Council’s ambitions for regeneration of selected council housing estates to provide new market and affordable housing, as well as to tackle the underlying causes of deprivation and to deliver the “conservation areas of the future”. It provides the Council’s ambitions in the context of different corporate programmes and recognises that regeneration may take a number of different forms, with estate regeneration not a ‘one size fits all’ concept.

2.3.18 It explains the background going back to a Housing Stock Review in 2009. The review identified potential sites for redevelopment where there may be clear benefits and opportunities for residents. It was agreed that a regeneration project team would be set up to take forward opportunities for the sites, realise the development ambitions of the Council, achieve defined benefits, and limit identified risks. This would become the template for reviewing the Council’s other housing assets.

2.3.19 The Council’s ambitions were outlined in the document Ambitious for Tomorrow 2014-18 which is summarised above.

2.3.20 The document outlines the Council’s programme objectives for estate regeneration with reference to a Full Council motion on 24 June 2015 which committed the Council “to a programme of redeveloping selecting low density council estates”. The motion set out the following:

“An estate's redevelopment will only progress where and when it is possible to meet the following two criteria:

A) All tenants, whose homes must be redeveloped, can be re-provided with better quality new homes, on the same terms and rent levels, on or very near to the redevelopment.

B) The redevelopment is financially viable and can be completed with no recurrent cost to the General Fund or cross-subsidy between the General Fund and the Housing Revenue Account. (the Council may decide to fund both capital and recurrent costs of assets such as a park as part of a scheme but this would be a separate decision from the redevelopment of housing and any other assets essential to such redevelopment.)

Proposed redevelopments that meet those criteria will then be designed around traditional streets and squares to be mixed-tenure and mixed-use, and to optimise on the following Council objectives:

1) To provide additional affordable housing, thereby preserving our mixed communities.

2) To tackle the underlying causes of deprivation by improving health outcomes, employment opportunities, educational attainment and aspiration, and by
reducing crime and the fear of crime.

3) To build the "conservation areas of the future" by reflecting and matching the high quality urban design in the rest of the borough.

2.3.21 It points out that as a motion passed by Full Council, the motion simply sets a broad direction of travel. It is for the Royal Borough’s Cabinet, as decision-making body, to identify the specific criteria that estate regeneration projects will need to meet and the approach they will need to follow.

2.3.22 The document highlights that based on the above the regeneration potential of Warwick Road Estate, Silchester Estate and Treverton Estate is currently being considered for further options testing. It presents a summary of the work undertaken so far in exploring the options on each of these estates.

2.3.23 The document notes that the Royal Borough’s ambitions for estate regeneration are already supported in principle by Policy CH4 of the Royal Borough’s adopted Consolidated Local Plan, and a number of area-specific designations and allocations.

2.3.24 It outlines the progress made to date with reference to specific housing estates as well as the future programme. It emphasises the need to integrate consultation and community engagement in the process of regeneration.

**PROJECT-LEVEL CONSIDERATIONS FOR ESTATE REGENERATION PROPOSALS – SILCHESTER EAST AND WEST, WARWICK ROAD ESTATE AND TREVERTON ESTATE**

2.3.25 Site specific documents on three housing estates with regeneration potential – Silchester East and West, Warwick Road Estate and Treverton Estate have also been produced to capture the Council’s corporate rationale and decisions taken to date. These documents support the proposed PublicationPolicies chapters on Site Allocations.

**SUMMARY**

<table>
<thead>
<tr>
<th>Date</th>
<th>Document</th>
<th>Organisation</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008</td>
<td>Community Strategy 2008-18</td>
<td>K&amp;C Partnership</td>
</tr>
<tr>
<td>Dec 2014</td>
<td>Ambitious for Tomorrow</td>
<td>RBKC</td>
</tr>
<tr>
<td>Dec 2015</td>
<td>Strategic Housing Market Assessment</td>
<td>RBKC</td>
</tr>
<tr>
<td>Oct 2016</td>
<td>Strategic Considerations for Estate Regeneration Proposals</td>
<td>RBKC</td>
</tr>
<tr>
<td>Jan 2017</td>
<td>Considerations for Estate Regeneration Proposals – Silchester East and West, Warwick Road Estate and Treverton Estate</td>
<td>RBKC</td>
</tr>
</tbody>
</table>
2.4 OPTIONS, CONSULTATION AND INTEGRATED IMPACT ASSESSMENT (IIA)

2.4.1 Alternative options were consulted on as part of the Issues and Options (December 2015) and Draft Policies (October 2016) consultation documents. The Consultation Schedules and Consultation Summaries for these are set out in the Consultation Statement published alongside the Publication Policies (January 2017) consultation document and as part of the Submission (May 2017) documents. The options considered through the consultations and as part of the Integrated Impact Assessment (IIA) are summarised below. The Council has considered the options particularly in light of the ‘tests of soundness’ which are set out in the NPPF:

- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;

- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;

- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and

- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework. (paragraph 182)

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**ESTATE REGENERATION**

2.4.2 The options and alternatives considered are:

<table>
<thead>
<tr>
<th>Option</th>
<th>Status</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>All elements of the existing policy including the requirement for no net loss of affordable housing provision should be retained.</td>
<td>Reasonable Alternative</td>
</tr>
<tr>
<td>Option</td>
<td>Status</td>
<td>Reason</td>
</tr>
<tr>
<td>--------</td>
<td>--------</td>
<td>--------</td>
</tr>
<tr>
<td>2</td>
<td>Preferred option for Publication Policy with Proposed Modifications</td>
<td>The existing policy does align with the current corporate aspirations for estate regeneration. However, the guarantee for a particular tenure within planning policy is not considered to be a planning issue. The policy requires as a minimum that there is no net loss of affordable housing provision. The re-provision for the various tenures is considered to be an issue for the Council as a Local Housing Authority. To this end text should be added to the policy supporting text to explain that the Council will produce a Tenant Decant Policy and a Strategy for Leaseholders. This will provide the Council’s policies on right to return, deals for leaseholders, including opportunities for resident leaseholders to return and offers for adult children or other family members.</td>
</tr>
<tr>
<td>3</td>
<td>Not a reasonable alternative</td>
<td>The NPPF requires an assessment of housing need and to plan for the identified objectively assessed need. The Council’s Strategic Housing Market Assessment (SHMA) indicates an overwhelming need for affordable housing. This option would not meet the tests of soundness set out in the NPPF.</td>
</tr>
<tr>
<td>Option</td>
<td>Status</td>
<td>Reason</td>
</tr>
<tr>
<td>--------</td>
<td>--------</td>
<td>--------</td>
</tr>
<tr>
<td>4</td>
<td>Policy should address overcrowding.</td>
<td>Reasonable alternative</td>
</tr>
<tr>
<td>5</td>
<td>Policy should specify that rents should remain the same.</td>
<td>Not a reasonable alternative</td>
</tr>
<tr>
<td>6</td>
<td>The policy should safeguard right to return for secure tenants or leaseholders.</td>
<td>Reasonable alternative</td>
</tr>
</tbody>
</table>

### 2.5 PUBLICATION POLICY WITH PROPOSED MODIFICATIONS

#### 2.5.1 Following consideration of the above options, consultation and reasonable alternatives, the existing Local Plan policy is proposed to be amended as follows (red = Draft Policies and blue = Publication Policies and green = Submission Proposed Modifications):

<table>
<thead>
<tr>
<th>Policy CH45 Estate Renewal-Regeneration</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Council will require that where the redevelopment of social rented housing estates including affordable housing is proposed, a compelling case is demonstrated made that the long term benefits outweigh the considerable uncertainty and disruption such projects will cause.</td>
</tr>
</tbody>
</table>

To deliver this the Council will:
<table>
<thead>
<tr>
<th></th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td>require the maximum reasonable amount of affordable housing, with the</td>
</tr>
<tr>
<td></td>
<td>minimum being no net loss of existing social rented affordable housing</td>
</tr>
<tr>
<td></td>
<td>provision;</td>
</tr>
<tr>
<td>b.</td>
<td>require a guarantee that all existing social rented tenants have an</td>
</tr>
<tr>
<td></td>
<td>opportunity of a home that meets their needs, with those wishing to stay in</td>
</tr>
<tr>
<td></td>
<td>the neighbourhood being able to do so;</td>
</tr>
<tr>
<td>b.</td>
<td>require that the mix of house sizes for the re-provided social rented</td>
</tr>
<tr>
<td></td>
<td>housing will be determined by the housing needs of the tenants of the</td>
</tr>
<tr>
<td></td>
<td>estate and by the housing needs of the borough, at the time that an</td>
</tr>
<tr>
<td></td>
<td>application is submitted;</td>
</tr>
<tr>
<td>c.</td>
<td>require that where estate renewal regeneration is being funded through the</td>
</tr>
<tr>
<td></td>
<td>provision of private housing or other commercial development, schemes must</td>
</tr>
<tr>
<td></td>
<td>be supported by a financial viability appraisal;</td>
</tr>
<tr>
<td>d.</td>
<td>recognise that cross subsidy between estates may also be required where</td>
</tr>
<tr>
<td></td>
<td>proposals involve several estates. The principles set out above for one</td>
</tr>
<tr>
<td></td>
<td>estate would be applied to two or more estates, taken as a whole.</td>
</tr>
</tbody>
</table>

**KEY DIAGRAM AND PROPOSALS MAP**

2.5.2 Related to the publication policy, no changes are required to be made to the Key Diagram and the Proposals Map:

2.6 **DUTY TO COOPERATE AND STRATEGIC ISSUES**

2.6.1 The legal obligation of the ‘duty to cooperate’ requires the Council to “engage constructively, actively and on an ongoing basis” and have “regard to activities” (i.e. strategies, plans, policies) of other bodies in the preparation of Local Plans “so far as relating to a strategic matter”. This includes “considering whether to consult on and prepare… agreements or joint approaches”\(^3\). A “strategic matter” relates to “sustainable development or use of land that has or would have a significant impact on at least two planning areas, including (in particular)… in connection with infrastructure that is strategic”\(^4\). Strategic matters are further defined in paragraph 156 of the NPPF\(^5\) and paragraph 013 of the NPPG on the duty to cooperate\(^6\).

2.6.2 Nevertheless, Figure 4 shows the actions the Council has taken with regard to the duty and the relevant prescribed bodies.

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\(^3\) Section 33A of the Planning and Compulsory Purchase Act 2004, as inserted by Section 110 of the Localism Act 2010

\(^4\) Section 33A(4) of the Planning and Compulsory Purchase Act 2004, as inserted by Section 110 of the Localism Act 2010

\(^5\) [http://planningguidance.communities.gov.uk/blog/policy/](http://planningguidance.communities.gov.uk/blog/policy/)

<table>
<thead>
<tr>
<th>Prescribed body/ies / LPAs7</th>
<th>Action(s)</th>
<th>Date(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>All</td>
<td>The Council has had regard to all relevant strategies, plans and policies of the relevant prescribed bodies in preparing the policies – as set out in Legislation, Policy and Guidance sections of Policy Formulation Reports (PFRs)</td>
<td>Ongoing</td>
</tr>
<tr>
<td>All</td>
<td>Local Plan Partial Review Issues and Options consultation – see Consultation Schedule</td>
<td>Dec 2015 – Feb 2016</td>
</tr>
<tr>
<td>All</td>
<td>Local Plan Partial Review Publication Policies Regulation 19 Consultation – see Consultation Schedule</td>
<td>Feb – Mar 2017</td>
</tr>
<tr>
<td>Mayor of London</td>
<td>Liaison meeting with GLA officers on the LPPR and emerging London Plan / SPGs. There was general support from GLA officers on the approach taken for housing policies.</td>
<td>Feb + Nov 2016 and Mar 2017</td>
</tr>
<tr>
<td>Mayor of London</td>
<td>Ongoing contribution to the London Development Database (LDD) – monitor housing completions, approvals and development pipeline.</td>
<td>Ongoing</td>
</tr>
<tr>
<td>LBHF</td>
<td>RBKC/LBHF Planning Policy Liaison meetings - The meetings cover a range of issues including updates on progress with the LPPR.</td>
<td>Quarterly</td>
</tr>
<tr>
<td>LBHF</td>
<td>RBKC response to LBHF Regulation 18 Draft Local Plan – RBKC responded with reference to the Duty to Cooperate to clarify how the housing market area has been defined for LBHF. It was noted that the published Strategic Housing Market Assessment 2014/15 seems to take the borough boundaries as a starting point.</td>
<td>Feb 2015</td>
</tr>
<tr>
<td>LBHF</td>
<td>RBKC response to LBHF Regulation 19 Proposed Submission Local Plan - The Council noted that LBHF concluded that LBHF and RBKC are not within a single housing market area and agreed with this approach.</td>
<td>Oct 2016</td>
</tr>
<tr>
<td>OPDC / LBHF / LB Ealing / LB Brent</td>
<td>Regular OPDC Project Team Meetings – attendance when necessary – OPDC housing issues are discussed when relevant.</td>
<td>Fortnightly</td>
</tr>
</tbody>
</table>

7 Regulation 4 of The Town and Country Planning (Local Planning) (England) Regulations 2012
<table>
<thead>
<tr>
<th>Prescribed body/ies / LPAs</th>
<th>Action(s)</th>
<th>Date(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>OPDC</td>
<td>RBKC/OPDC Planning Policy Liaison Meetings - OPDC housing issues are discussed when relevant.</td>
<td>May + Sep 2015; Jan + Apr 2016</td>
</tr>
<tr>
<td>OPDC</td>
<td>RBKC response to Regulation 18 Draft Local Plan - The Council responded to the consultation and in relation to housing noted that “In realising its wider strategic role and in supporting west London’s housing needs, the combined area of the London Boroughs of Brent, Ealing and Hammersmith &amp; Fulham has been identified as OPDC’s housing market area in OPDC’s draft SHMA….. The Council supports this approach. It does not contradict the Council’s position (as proposed in the published Local Plan Partial Review Issues and Options SHMA), in that Kensington and Chelsea, whilst within the London housing market area, is its own housing market area for the purpose of defining objectively assessed need.”</td>
<td>Mar 2016</td>
</tr>
<tr>
<td>Mayor of London</td>
<td>Draft Minor Alterations to the London Plan – Attended and Observed</td>
<td>Oct 2015</td>
</tr>
<tr>
<td>Neighbouring LPAs</td>
<td>Housing Responses to Local Plan consultations relating to SHMAs and Objectively Assessed Need (OAN) - LBHF, OPDC</td>
<td>As above.</td>
</tr>
<tr>
<td>Mayor of London, OPDC, Historic England</td>
<td>Relevant responses to Issues and Options Consultation (Dec 2015) - All prescribed bodies were consulted as part of the Issues and Options consultation. No specific comments on estate regeneration were received.</td>
<td>Feb 2016</td>
</tr>
</tbody>
</table>

*Figure 4: Duty to cooperate strategic issues, prescribed bodies and Council actions*