



THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

Local Plan Partial Review (LPPR)

Council's Response to Representations on Main Modifications Consultation (23 July to 17 September 2018)

September 2018

Please note that in some cases comments have been summarised to include the main points. This has been done where a long response has been submitted which is not possible to tabulate. The full responses can be found [on-line](#).

General Comments

No.	Name of consultee	Main Mod	Comment/ Summary of Comment	Council's response
1	Highways England	NA	Thank you for consulting us, however on this occasion we have no comments to make.	Noted.
2	National Grid (Agent – Wood)	NA	We have reviewed the above consultation document and can confirm that National Grid has no comments to make in response to this consultation.	Noted.
3	Port of London Authority	NA	I have now had the opportunity to review the proposed main modifications and can confirm the PLA has no comments to make on the proposed amendments.	Noted.
4	Surrey County Council	NA	Thank you for consulting Surrey County Council on the Main Modifications.	Noted.
5	Environment Agency	NA	Thank you for consulting us on your Local Plan Partial Review, which we received 23 July 2018. We have identified the chapter most relevant to us as Chapter 36	Noted.

			<p>(MM119 to M133). Having reviewed this chapter, we have no comments on the minor changes made.</p> <p>We therefore consider the document to be sound and legally compliant in its current form.</p>	
6	Natural England	NA	<p>Natural England does not consider that this Local Plan review poses any likely risk or opportunity in relation to our statutory purpose, and so does not wish to comment on this consultation.</p> <p>The lack of comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment. Other bodies and individuals may wish to make comments that might help the Local Planning Authority (LPA) to fully take account of any environmental risks and opportunities relating to this document.</p> <p>If you disagree with our assessment of this proposal as low risk, or should the proposal be amended in a way which significantly affects its impact on the natural environment, then in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, please consult Natural England again.</p>	Noted.

Chapter 4: Delivering Success: Our Spatial Strategy

No.	Name of consultee	Main Mod	Comment/ Summary of Comment	Council's response
1	Mayor of London	MM8	Support the clarification that a minimum of 35% of residential floorspace should be affordable on qualifying sites.	Noted
2	Mayor of London	MM9	Welcome the update to reflect the latest evidence.	Noted
3	Mayor of London	MM17	Welcome the reference to the London Plan and optimising densities.	Noted
4	Thames Water		If possible the opportunity could be taken to incorporate further minor modifications to other text referencing the Counters Creek Sewer Flood Alleviation Scheme including text at paragraph 4.2.8.	<p>Noted. Changes can be made to the text to ensure the Plan is up to date and effective in respect of an important cross boundary infrastructure project. However, the Council is yet to reach the conclusion that the strategic sewer for the Counters Creek is no longer required. Therefore, including the statement in full from Thames Water is considered premature at this stage.</p> <p>The Council agrees that changes can be made to paragraph 4.2.8 as follows:</p> <p>Thames Water is <u>was</u> planning to undertake a major upgrade of the Counters Creek sewer catchment (which runs along the western borough boundary), to help resolve current flooding issues. <u>This is currently being</u></p>

				<p>reviewed., although this is subject to planning permission and, if granted, is not anticipated to start construction until 2017/18, and is likely to be a three year programme. In the interim Thames Water has been <u>delivering the Counters Creek Sewer Flood Alleviation Scheme which includes</u> fitting ‘flip valves’ to vulnerable properties.</p>
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Chapter 5: Kensal

No.	Name of consultee	Main Mod	Comment/ Summary of Comment	Council’s response
1	Mayor of London	MM29	It is noted that these modifications safeguard the provision of transport infrastructure at Kensal Canalside and allow for scenarios where the Kensal Portobello station and /or the road bridge over the railway lines is not delivered and how other transport interventions could support development of the site.	Noted.
2	Sainsbury and Ballymore (Agent – Indigo)	MM31	5.7.4 If a new station on the Elizabeth Line is not agreed, the capacity and masterplan for Kensal Canalside Opportunity Area will need to be reviewed. Any change to the housing capacity and infrastructure provision of the site would need to be brought forward through the early review of the Local Plan.	The Council has signed a Statement of Common Ground with the owners of the site (Sainsbury and Ballymore) and supports these changes.

			<p>CA1 (b) a station on the Elizabeth line <u>or, alternative transport infrastructure to improve transport connectivity;</u></p> <p>CA1 (i) attractive, usable and flexible public realm <u>with excellent walking and cycling facilities</u> providing an appropriate setting for mixed use canalside development which features leisure, education and business uses as well as housing.</p>	
3	St William	MM29 and MM31	<p>St William has an interest in the National Grid owned site at the former Kensal Gasworks which forms part of CA1 – <i>Kensal Canalside Opportunity Area ('KCOA')</i>. In the Local Plan Partial Review, the KCOA is identified for the delivery of a minimum of 3,500 new homes, 10,000m² of new offices and 2,000m² of non-residential floorspace.</p> <p>St William support the intention of the proposed main and minor modifications to CA1. St William understands that the rationale behind modifications MM29 and MM31 is to secure viable alternative transport infrastructure should the Elizabeth Line Station fail to come forward. However, the currently proposed wording fails to provide the certainty and policy support needed for all stakeholders to progress the delivery of the KCOA.</p> <p>As such, St William supports the proposed amendments to MM29 and MM31 agreed between RBKC, Sainsbury's Supermarkets Limited and Ballymore Group in the Statement of Common Ground between the parties dated September 2018. For the avoidance of doubt, these amendments are as follows:</p>	<p>The Council has signed a Statement of Common Ground with the owners of the site (Sainsbury and Ballymore) and supports these changes.</p> <p>It is noted that the text agreed to be deleted from paragraph 5.7.4 is repeated in the last sentence of paragraph 5.7.3 (MM29). The Council supports its deletion.</p>

		<p>MM29 5.7.3..... If a new station on the Elizabeth Line is not agreed, the capacity and masterplan for Kensal Canalside Opportunity Area will need to be reviewed. Any change to the housing capacity and infrastructure provision of the site would need to be brought forward through the early review of the Local Plan.</p> <p>MM31 5.7.4 If a new station on the Elizabeth Line is not agreed, the capacity and masterplan for Kensal Canalside Opportunity Area will need to be reviewed. Any change to the housing capacity and infrastructure provision of the site would need to be brought forward through the early review of the Local Plan.</p> <p>CA1 (b) a station on the Elizabeth line <u>or, alternative transport infrastructure to improve transport connectivity;</u></p> <p>CA1 (i) attractive, usable and flexible public realm <u>with excellent walking and cycling facilities</u> providing an appropriate setting for mixed use canalside development which features leisure, education and business uses as well as housing.</p> <p>Summary St William welcomes the opportunity to comment on the proposed main modifications to the RBKC Local Plan Partial Review. We remain committed to working</p>	
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			collaboratively with all stakeholders, including other landowners and the Council to deliver a comprehensive development proposal for the KCOA.	
4	Historic England		<p>However, a number of our recommendations for changes to strengthen the Plan and to ensure the delivery of a positive strategy for the conservation and enhancement of the historic environment are not proposed to be taken forward. Specifically we remain concerned about the wording of policies affecting Kensal Green Cemetery and the Borough's green spaces.</p> <p>Kensal Green Cemetery:</p> <p>Kensal Green Cemetery's importance as the first of the so-called 'Magnificent Seven' great Victorian commercial cemeteries is reflected in its Grade I Registered Parks and Gardens status. The Cemetery also contains a number of Grade I, II* and II listed structures. Given the concentration of highly graded heritage assets on the National Heritage at Risk Register within Kensal Green Cemetery and given the intense development pressures within its setting from both within the RBKC and the nearby Old Oak Common and Park Royal Development Corporation, it is disappointing to see that our recommendations regarding bullet 10 paragraph 5.4 'Priorities' have not been taken on board. Paragraph 156 the NPPF requires strategic policies to set out a strategy to deliver the conservation and, where appropriate enhancement, of the historic environment. The expectation is that development will as a minimum conserve its setting and ideally provide enhancements</p>	<p>The Council has been working with Historic England to ensure that future development at the Kensal site is sensitively designed to preserve the historic significance of the adjacent heritage assets.</p> <p>We have commissioned a Heritage Impact Assessment study to assess the significance of the Kensal Cemetery and to provide design principles for the Kensal site. We will continue to work with Historic England to ensure any impact of new development at Kensal is managed and the setting of listed buildings close by are preserved.</p> <p>The Council therefore supports the requested amendment to 5.4, bullet 10.</p> <p>Require Encourage new development to respond sensitively to the historic canal and setting of Kensal Green Cemetery, Kensal House and Day Nursery'.</p>

			<p>where there are opportunities to better reveal the significance of heritage assets. The Local Plan Review provides the opportunity to encourage the improvement of the unique and irreplaceable heritage assets within the Kensal area and to address heritage at risk by placing a firmer emphasis on enhancement throughout the Chapter, particularly within paragraphs 5.4, 5.6 and policy CA1. Principally, concern remains regarding the wording of bullet 10 and the ability of this criterion to secure the conservation and to seek the enhancement of historic environment. Local Plans should be aspirational as well as realistic; we therefore reiterate our previous recommendation and suggest that the wording is amended from 'Encourage' to 'Require new development to respond sensitively to the historic canal and setting of Kensal Green Cemetery, Kensal House and Day Nursery'. Encouraging development to respond sensitively rather than requiring it to implies that development which does not conserve the historic environment would still be acceptable. A minor amendment to the wording as advised will help strengthen the ability of the Plan to protect the historic environment and deliver sustainable development.</p>	
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Chapter 9: Lots Road/ Worlds End

No.	Name of consultee	Main Mod	Comment/ Summary of Comment	Council's response
1	Thames Water Utilities	MM45	<p>Within Paragraph 9.2 reference is made to the Counters Creek storm relief sewer project. A response was issued in relation to the draft London Plan highlighting the latest position with regard to the Counters Creek Flood Alleviation Scheme.</p> <p>To ensure that the Local Plan is up to date with regard to references to the Counters Creek Flood Alleviation Scheme it is considered that the paragraph 9.2 should be revised to state:</p> <p>Thames Water previously planned a major sewer tunnel in the Counters Creek catchment of west London, which was planned to be driven from Cremorne Wharf. Following a detailed review of the requirement for the strategic sewer Thames Water have concluded that it is not, at present, required. Thames Water will continue to investigate what future resilience is required for the sewer network, taking into account population growth, development, urban creep and climate change.</p>	<p>Noted. Changes can be made to the text to ensure the Plan is up to date and effective in respect of an important cross boundary infrastructure project. However, the Council is yet to reach the conclusion that the strategic sewer for the Counters Creek is no longer required. Therefore, including the statement in full from Thames Water is considered premature at this stage.</p> <p>MM45</p> <p>The current text in paragraph 9.2 provides a brief overview of the area and therefore such a large paragraph regarding the Counters Creek scheme is not suitable. The Council considers that the text in the last bullet point can be updated as follows.</p> <p>9.2 (last bullet) Cremorne Wharf is currently being used as a tunnelling site for the Thames Tideway Tunnel <u>which is due to be complete by 2022.</u> The site may not be required for the and may in future be used as a site for Counters Creek Sewer Flood</p>

				Alleviation Scheme. storm-relief sewer project, which is due to continue beyond 2022. The site is safeguarded for waste management, water transport and cargo handling purposes in Policy CE3.
2	Mayor of London	MM46	Welcome the safeguarding of Cremorne Wharf for waste management, water transport and cargo handling purposes.	Noted
3	Mayor of London	MM49	The provision of an east west cycling and pedestrian link across the West London Line connecting to the Imperial Gasworks National Grid site is supported, in principle. The current Fulham Gas work proposals include a connection point for the link. Therefore, any Lots Road proposal should include the continuation of this link through the Lots Road site.	MM49 is set within the Lots Road site allocation and provides a clear expectation that the site will deliver the Borough and GLA's aspiration for an east/west cycle and pedestrian link to Fulham Gasworks site.
4	Mayor of London	MM49	The provision of an east west cycling and pedestrian link across the West London Line connecting to the Imperial Gasworks National Grid site is supported, in principle. The current Fulham Gas work proposals include a connection point for the link. Therefore, any Lots Road proposal should include the continuation of this link through the Lots Road site.	Noted

Chapter 11: Notting Hill Gate

No.	Name of consultee	Main Mod	Comment/ Summary of Comment	Council's response
1	Notting Hill Gate KCS Limited	MM51 and MM52	<p>At the Examination in Public the owner of Newcombe House (Notting Hill Gate KCS Ltd, referred to as 'NHGKL') was represented by John Rhodes. A discussion was held about the site, its long history and its important future. The Inspector acknowledged the significance of the wording in Chapter 11 and asked the Council to engage further with NHGKL to agree text that better reflected the opportunity available in Notting Hill Gate in order for the Plan to be found sound.</p> <p>Representations were subsequently made by NHGKL to the Council, but the revised text proposed by the Council in the Main Modifications is not considered to reflect the case made. The proposed amendments, by continuing to refer to an opportunity to refurbish the Newcombe House building, are wholly inadequate and would prevent the Local Plan from being found sound on the basis it that it does not plan positively for the area or the Borough, nor would it be able to effectively deliver against the objectives of the Development Plan, nor would it reflect the clear direction in the NPPF that planning policies should make efficient use of sustainable land (paragraph 117).</p> <p>The Council's case for the inclusion of a reference to refurbishment of Newcombe House is based on the fact that some local residents have supported its refurbishment during consultation. Whilst NHGKL is</p>	<p>The Council can confirm that at the request of the Inspector we engaged further with Quod acting on behalf of NHGKL to agree revised text to fully reflect the opportunities available in Notting Hill Gate, specifically in relation to the redevelopment of Newcombe House. Representations were made by NHGKL and a full response given by the Council as to what could be agreed. The following points were made:</p> <p>The Council did not disagree that the vision contained within the Plan has been reduced down from a more radical redevelopment vision containing the 'wow factor' but that did not mean that it had not been positively prepared. Indeed, it now refers to the Notting Hill Gate Supplementary Planning Document (SPD) setting out opportunities to refurbish, or redevelop outdated 50s buildings (which could include Newcombe House). The evidence for a degree of rowing back from the more radical redevelopment option in the vision in the adopted</p>

		<p>aware that there has been some support, including this within the Local Plan would render it unsound. The need to fully support redevelopment of this highly sustainable site, in the District Centre with a PTAL of 6, is clearly set out at all levels of planning policy. Only by promoting this opportunity for the site, will the Council be able to deliver the new homes, business and retail floorspace that the District Centre needs as well as the affordable housing and infrastructure investment so desperately required in the Borough and the wider City.</p> <p>All parties that have ever engaged with NHGKCL, including Council officers, GLA officers and the Government appointed Inspector for the planning appeal have maintained extensive agreement on the following:</p> <ol style="list-style-type: none"> 1. there is a need to improve the appearance of the eyesore site; 2. there is support for the delivery of step free access, doctor's surgery, new public space, high quality retail; 3. any proposal must reprovide and enhance the existing office, retail and residential floorspace as a minimum; and 4. the site must also deliver additional new homes for the Council to be able to meet its 5 year housing supply. <p>There is no real dispute about these matters.</p> <p>One further requirement of the site, which is not always recognised by the local community, but is nevertheless very important and has been agreed by all planning professionals, is that there is an identified need to</p>	<p>Consolidated Local Plan was the overall consultation response we received as part of the SPD process (which was extensive), the thrust of which did not reflect a desire for a more radical redevelopment of Notting Hill Gate (this being subsequently reflected in the wording of the SPD).</p> <p>The other factor was the Notting Hill Gate Place consultation process as part of the Local Plan partial review process which also did not reflect an overwhelming desire for redevelopment. Indeed, as referred to by one of the attendees of the public hearing when Notting Hill Gate was discussed, the vision was an accurate reflection of the workshop consultation and reflected the overwhelming thrust of the points that were made and the consultation responses received. The context is important in terms of how the latest NHGKL comments should be viewed.</p> <p>The undertaking given by the Council at the hearing was that they would go back to ensure that the wording in the Notting Hill Gate Place accurately reflected the SPD, especially in relation to Newcombe House. The points made</p>
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		<p>accommodate growth in London and this is a site ideally suited for intensification. Not only does the site sit at the heart of the District Centre, benefiting from exceptional levels of public transport accessibility, in its current state it is significantly underutilised in land use terms. As the Council stated at the examination, centrally located, highly accessible town centre brownfield sites in need of regeneration are a very scarce resource and the Council has very few sites available to meet its targets.</p> <p>Delivery of all of the above objectives simply isn't feasible without the comprehensive redevelopment of the site and there is, therefore, a need for the Local Plan to be positively prepared to support this. Our position is that the Notting Hill Gate chapter should positively support redevelopment of the Newcombe House site, rather than suggesting that refurbishment is an appropriate option.</p>	<p>by NHGKL at the examination hearing in relation to the views of a planning appeal Inspector in relation to a specific scheme for the redevelopment of Newcombe House were noted but it would not have been appropriate to incorporate these as they were not part of the Local Plan consultation process.</p> <p>The Local Plan Inspector requested whether the vision for Notting Hill Gate could be amended to make it more positively prepared. The vision (MM51) now states opportunities to refurbish, or in some cases redevelop outdated 50s buildings. This is positively prepared supporting redevelopment opportunities. It also strikes the right balance as it also reflects the thrust of the responses received as part of the Local Plan partial review process. The Council has also provided some additional wording within the Place chapter itself to give a more accurate reflection of the SPD wording, so under 11.4 Priorities (MM52) the Council propose the following:</p> <ul style="list-style-type: none"> • Refurbish or redevelop a number of sites identified in the Notting Hill Gate Supplementary Planning Document, including one of the
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				<p>tower bocks, Newcombe House, where refurbishment is identified as the appropriate option <u>or redevelopment in a different plan form are both identified as appropriate options</u></p> <ul style="list-style-type: none"> • <u>Redevelopment options should provide active frontages at ground floor level.</u> <p>NHGKL acknowledge that the SPD refers to the opportunity for refurbishment of the Newcombe House site but then state this is inconsistent with the outcomes the SPD expects from the site. It is not clear what is meant by this. The details of whether refurbishment was a realistic option which were discussed at the planning appeal inquiry and the merits of a particular scheme would have been matters for the appeal Inspector to consider but there is clearly sufficient support in the revised wording to support the principle of the redevelopment of Newcombe House.</p>
2	The Hillgate Village Residents' Association	MM51 and MM52	1. Your reference MM51, policy/para CV11, Final sentence. The words "in some cases" should be reinstated to reflect accurately the Notting Hill Gate SPD,	1. This was the subject to detailed discussion at the Examination Hearing. MM51 was a consequence of those discussions. The Council is content

	(John Learmonth)	<p>which states in 4.16 that "redevelopment to a different plan form might be acceptable" (our emphasis).</p> <p>2. Your reference MM52, policy/para 11.4 Amend and add too priorities. The amended phrase in the first bullet should be re-written as follows to reflect accurately sections 4.15 and 4.16 of the Notting Hill Gate SPD: "where refurbishment is considered to be an appropriate option, or where redevelopment to a different plan form might be acceptable." For consistency the second bullet should be amended to include the word "Refurbishment" as follows: "Refurbishment or redevelopment options should provide active frontages at ground floor level."</p> <p>The Notting Hill Gate SPD sets out clearly in sections 4.11-4.14 why the refurbishment of Newcombe House "is considered to be an appropriate option for the site" (section 4.15), whereas redevelopment of Newcombe House is only seen as a possibility if certain clear conditions and qualifications, as set out in sections 4.16-4.23, are met. The proposed Main Modifications to the LPPR do not accurately reflect the priorities, conditions and qualifications for Newcombe House contained in the Notting Hill Gate SPD which is why the further changes outlined above need to be made.</p>	<p>MM51 accurately reflects the SPD, especially in relation to Newcombe House and responds to the Local Plan Inspector's request to make the policy more positively prepared as noted in the response above.</p> <p>It worth noting that the redevelopment of the Newcombe House site was granted planning permission subject to s106 by the Mayor of London on 18/09/2018. It is therefore appropriate that the Local Plan responds to and reflects the likelihood of redevelopment at the site.</p> <p>2. As with MM51, the modification was the result of discussion at the Examination Hearing and stemmed from the Local Plan Inspector's request for the policy to be more positively prepared.</p> <p>The Council would support the addition proposed wording to ensure that refurbishments options also deliver active frontages at ground floor level.</p> <p>MM52 11.4 <u>Refurbishment or</u> <u>R</u>redevelopment options should</p>
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				<u>provide active frontages at ground floor level.</u>
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Chapter 12: Kensington High Street

No.	Name of consultee	Main Mod	Comment/ Summary of Comment	Council's response
1	Mayor of London	MM54	The reason for this modification is understood. TfL is in the process of commissioning a Feasibility Study for High Street Kensington station to look at potential opportunities for capacity improvements and step-free access. This has been funded by RBKC. It should be noted that there is no current commitment or funding from TfL to implement step free access and so third-party funding would need to meet the full costs of station improvements.	Noted.

Chapter 31: Fostering Vitality

No.	Name of consultee	Main Mod	Comment/ Summary of Comment	Council's response
1	Metro Bank PLC (Agent – Deloitte)	MM68	This consultation response follows both oral and written representations to the Local Plan Partial Review Examination. These representations have focused on Policy CF3 – Diversity of Uses within Town Centres, and its inconsistency with national policy, inconsistency with Permitted Development Rights and a failure to recognise the vitality that banks can contribute to the high street as it continues to evolve.	This issue was addressed in Q4 of the Council's response to the Inspector's MIQs (CED016) and discussed at length during the examination hearings. The Council remains of the view that the proposed policy CF3 allows for the diversity necessary for vital and viable town centres. Banks form part of the

			<p>Main Modification MM68 includes proposed changes to bring Policy CF3 in accordance with the General Permitted Development Order for changes of use from Use Class A1 to A2 by removing an exclusion for estate agents.</p> <p>However, the proposed policy wording does not respond to concerns of soundness in respect of the disadvantage that would be experienced by new banks seeking to open within the Borough. These matters are set out within our Hearing Statement (9 January 2018) and, notwithstanding the changes made by MM68, remain:</p> <p>i. The Council's evidence does not justify the policy, as it does not demonstrate a proliferation of A2 uses, much less banks, which require the proposed level of control;</p> <p>ii. Positive wording could be incorporated to support banks which contribute to the vitality of the high street, without creating a 'carte blanche' as is suggested by the Council. Currently, the proposed policy can be considered ineffective, as it lacks the flexibility required to respond to structural changes in the high street and retail environment.</p>	<p>assemblage of uses but non-retail uses must not detract from the primary retail function of the centres.</p> <p>The Council has demonstrated that Policy CF3 with proposed Main Modifications is legally compliant and meets the tests of soundness.</p>
2	Planware Ltd	MM68 Policy CF3 (Clause a/b ii)	<p>We have considered the policy with regard to the principles set out within the Framework. Local Plans should "plan" positively for development; be justified; effective; and consistent with the Framework.</p> <p>1.2 We consider that limiting the number and location of hot food takeaways Nothing Hill Gate would be unsound. By way of overview, the Framework provides no</p>	<p>The approach taken for A5 uses (hot food takeaways) was not a main modification as set out in MM68. As such the consultation response is not on the Proposed Main Modifications as set out in guidance.</p>

		<p>justification at all for using the development control system to seek to influence people's dietary choices.</p> <p>1.3 There is no adequate evidence to justify the underlying assumption, that A5 uses within Notting Hill Gate cause adverse impacts. Such a restriction would in turn have negative land use planning consequences. No evidence is submitted to support this chain of reasoning or the restriction of A5 use.</p> <p>1.4 The policy is overly vague and provides no quantifiable method of implementation. No parameters are outlined to determine why these centres are at capacity or what constitutes this. Flexibility should be afforded to uses which provide an active shopfront, such as mixed use A3/A5 uses</p> <p>Such an approach is not positive, justified, effective or consistent with the Framework.</p> <p>2.1 Not permitting new A5 proposals within Nothing Hill Gate and Notting Hill Gate District Centre, is not a positive approach to planning. The Framework “foreword” sustainable development is about positive growth, making economic, environmental and social progress for this and future generations.</p> <p>2.2 The suggested restrictions take an ambiguous view of A5 uses. It would apply an over-generic approach to restrict development with little sound planning reasoning or planning justification. This is contrary to Para 11 of the</p>	<p>This is the first time that Planware, or indeed any representative has raised an issue with regard the role of A5 uses in supporting the vitality of our town centres.</p> <p>The Council recognises that A5 uses can form part of the assemblage of town centre uses within a centre. However, these non-shop town centre uses should not be allowed to harm the retail function of the centres. The proportion of non-A1 uses (including A5 uses) within town centres was addressed by Q4 of the Council’s response to the Inspectors MIQs (CED016) and discussed at length during the hearing phase of the examination.</p> <p>The soundness of the policy is also detailed in the submitted policy Formulation Report for Fostering Vitality (SUB31)</p>
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		<p>Framework, which advises authorities to positively seek opportunities to meet development needs of their area.</p> <p>2.3 The proposed policy is contrary to the sequential approach and Chapter 7 of the Framework. Restricting A5 uses with centres would restrict all A5 development in the area.</p> <p>2.4 The Framework cannot be interpreted to provide generic restrictions on a particular use class in certain centres without justification. Moreover, the evidence does not support such restrictions. The need for evidence is emphasised in para 31 of the Framework which states that each local plan should be based on adequate, up-to-date and relevant evidence. Compliance with the soundness test is still required.</p> <p>2.5 The proposal does not accord with the “golden thread” running through the Framework which seeks to build a strong competitive economy. Such a policy could potentially stifle economic development and is not consistent with the Framework.</p> <p>Soundness - summary</p> <p>3.1 We consider that restricting hot food takeaways (A5) would be unsound and fails to meet the four tests of the Framework. It is not a positive approach to planning; justified; effective; or consistent with national planning policy. Such a proposed policy should therefore not be taken forward to the next stage of the plan making process.</p>	
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			<p>Many restaurant operators have made major steps to expand the range of healthy options and work with the communities within which they are / will be part of.</p> <p>4. Conclusion</p> <p>4.1 Proposed Policy CF3 (MM68) has been prepared in a negative way which is not in line with national policy. It is unjustified and unsound to imply that takeaway foods have direct impacts upon centres without reviewing applications on their own merit.</p> <p>4.2 It would be unsound to propose such a widespread land use policy clause; any issues could be dealt with on a case by case basis using relevant conditions.</p> <p>4.3 It is considered that the proposed Policy CF3 (MM68) has not been positively prepared, is unjustified and unsound. The proposal is contrary to the sequential approach and is therefore not consistent with the Framework.</p>	
3	Mayor of London	MM71	<p>The GLA Industrial Land Demand 2017¹ shows that non-designated industrial land makes up 35% of the supply of industrial land in London, and therefore makes a strategic contribution as a whole to London's industrial supply. The evidence also shows that Central London has the smallest industrial stock accounting for just 4.8% of London's total, down from 6.2% in 2006. The quantity of industrial land in Central London fell by one third over the period 2006-15. Losses were greatest for general industrial land which fell by over a half. 26.3% of Central</p>	<p>31.3.45</p> <p>Raise no objection to the amendment to 31.3.45.</p> <p>However, it is considered that the suggested text is not borough specific and is not necessary to ensure soundness of the plan. It is merely a statement that recognises the contribution that non-designated</p>

¹ https://www.london.gov.uk/sites/default/files/ilds_revised_final_report_october_2017.pdf

		<p>London's industrial land is occupied by general industry and the same percentage is occupied by warehouses, with utilities occupying 11.7%. Vacant industrial land is just 1.7% and land with vacant industrial buildings accounts for just 0.6%. The vacancy rate expressed as a percentage of Core uses is 3.6%. A range of industrial, logistics and related uses are essential for the functioning of London and serving the needs of its population and businesses. Given the need and the loss of industrial land in central London, RBKC is designated in the draft London Plan as a retain industrial capacity borough. Therefore, the Mayor would support a stronger approach to protecting industrial/warehousing uses in the borough.</p> <p>Amend suggested wording to: <i>31.3.45 Across London non-designated industrial land makes up 35% of the supply of industrial land, and therefore makes a strategic contribution as a whole to London's industrial supply. The borough's light industrial and warehousing sectors are much smaller in scale, estimated by the GLA to be some 4.5 ha. Much of this is made up by studios and hybrid workshop/office uses, rather than traditional factories, workshops or warehouses. The general industrial sector is smaller, located largely in the north of the borough.</i></p> <p>31.3.48 The borough contains a small number of storage and distribution uses. Whilst these are not of a scale that serve a strategic function they do provide a particular service which is used by both residents and by the small businesses scattered across the borough. As with</p>	<p>industrial land makes to London's industrial supply. There is no evidence, or indeed suggestion, that either designated or un-designated industrial land within the borough has a strategic function</p> <p>31.3.48 and 34.3.48B The Mayor's proposed change to paragraphs 31.3.48 and 31.3.48b are not supported by the Council.</p>
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		<p>industrial premises, this dwindling sector is under pressure from changes of use to higher value uses. Whilst loss to office uses may see a change of function it will ensure that the important business function is retained. This will not be the case if the loss of storage and distribution uses is to a residential use. Such a change of use will have a detrimental impact on the borough's economy and upon employment opportunities with it.</p> <p>31.2.48b <i>The borough will seek to retain these uses in order to support the functioning of the local economy as well as businesses and residents. Where an applicant can demonstrate that there are no strong economic reasons to retain a warehouse use, the loss to a non-business use may be appropriate. However, the Council will have regard to the length of time that the warehouse has been in operation and must be satisfied that the warehouse use is established. Where this is not the case, the Council will have regard to the contribution that the previous use had in meeting the ambitions of the Local Plan</i></p>	<p>Taking each change in turn – Deletion of sentences referring to change to office use and then to residential use.</p> <p>The reason for this was discussed at the hearing and is explained in Q8 of the Council's response to the Inspectors MIQs (CED016). The changes would appear to be to be at odds with Policy CF5 (e) which supports changes of uses within the B classes. The Council recognises that warehousing itself may be of limited value, and that a change of use to an office (or alternative B class uses) may be appropriate. Indeed, the very purpose of the flexibility is to help ensure that the space "supports the functioning of the local economy."</p> <p>The flexibility with regard to warehousing was discussed in section 8 of the Council's response to the Inspectors MIQs (CED016) and at the examination. No further modifications were postulated at this time.</p> <p>In addition I note that the GLA have raised no objection to this approach in the letter of conformity of March 2017 (SUB9) or at any other time during the</p>
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				<p>examination. At no stage have they objected to CF5(e).</p> <p>31.3.48B The Council would accept the suggested wording with the following addition - <i>The borough will seek to retain these <u>B class</u> uses in order to...</i></p>
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Chapter 33: An Engaging Public Realm

No.	Name of consultee	Main Mod	Comment/ Summary of Comment	Council's response
1	Historic England	NA	<p>The majority of the Borough's open spaces, parks, gardens and waterways are of historic interest and are often integral elements of the Borough's unique historic composition alongside its built heritage. The Plan would be improved by recognising the contribution these types of spaces and places make to the Borough's character. The amendments suggested within our letter dated 17th March 2017 outlined some suggested wording which would highlight the heritage value of the Borough's parks, gardens, open spaces, and waterways. It is disappointing to see that these minor changes have not been included in the proposed modifications. The Royal Hospital in Chelsea in particular is sensitive to development pressures for both temporary and permanent developments. It would be helpful to both prospective applicants and decision makers if this was highlighted as advised previously.</p>	<p>The consultation was limited to the proposed Main Modifications. The response does not relate to any proposed Main Modification.</p> <p>The scope of review of Policy CR5 was discussed at length at the Examination Hearings. The Council's Policy Formulation Report (SUB29, paragraphs 4.2.5 and 4.2.6) and Hearing Statement on Issue 3e (CED019, paragraphs 8.2, 10.1 to 10.7) explain that the updated part of Policy CR5 included in the Local Plan Partial Review is only concerned with aspects of the policy relating to planning contributions. Policy CR5 was</p>

				<p>subject to a recent Conservation and Design Policy Review policy and adopted in December 2014. Other aspects of Policy CR5 are not within the scope of the LPPR which started only a year later in December 2015.</p> <p>Notwithstanding the above, Policy CR5b. resists <i>“development that has an adverse effect upon the environmental and open character, appearance and function of Conservation Areas, Metropolitan Open Land or sites which are listed within the Register of Parks and Gardens of Special Historic Interest in England, or their setting;”</i></p> <p>The policies in the Local Plan work alongside a suite of other policy documents including Conservation Area Appraisals (CAA). The Council has recently updated (March 2016) the CAA for the Royal Hospital. This document dedicates section 4 to Public Realm including formal green spaces. The Royal Hospital grounds and Royal Avenue are designated Grade II listed Registered Park and Gardens of historic interest and are of a high design quality. These are clearly</p>
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				identified within this section and their significance in contributing to the character and appearance of the conservation area are well documented. Policy CR5b already offers sufficient protection to this.
2	Sport England	NA	<p>Sport England has reviewed the Main Modifications in light of these planning objectives and national planning policy set out in the National Planning Policy Framework (NPPF) and still does not consider that the modifications addresses its previous concerns raised about the soundness of the Local Plan. In particular, the Royal Borough of Kensington and Chelsea do not have up-to-date assessments and strategies for outdoor and indoor sports provision, such as a Playing Pitch Strategy and a Built Facility Strategy, that has been developed through a robust process with all key stakeholders engaged. As a result, the sporting infrastructure requirements are not clear for any policy to be based, for example it is not known what sites should be protected, which sites should be enhanced to accommodate current and future demand and where new provision, if it is required, should be located. Sport England, therefore, still consider that the main modifications still do not render the Local Plan to comply with the NPPF, namely paragraph 96, which requires planning policies to be based on robust and up-to-date assessments of need for sport and recreation facilities and opportunities for new provision with the information gained from these</p>	<p>The consultation was limited to the proposed Main Modifications. The response does not relate to any proposed Main Modification.</p> <p>A response to Sport England comments was previously provided in the submitted consultation schedules on the Publication Policies (SUB8).</p> <p>To reiterate - the scope of the review of Policy CR5 relates to seeking planning contributions, reflecting that the Council operates Community Infrastructure Levy alongside S106.</p> <p>The Council will be updating the Planning Obligations (contributions) SPD to reflect the operation of CIL in the borough. This will draw on the latest available evidence, including updated evidence being prepared by leisure colleagues.</p>

			<p>assessments and strategies used to determine what sport and recreational provision is needed.</p> <p>Sport England would be happy to work with the Council to overcome this issue, including advising on undergoing Playing Pitch and Built Facility Strategies.</p>	<p>Other aspects of Policy CR5 not relating to planning contributions will be considered as part of a full review of the Local Plan in the future.</p>
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Chapter 35: Housing Diversity

No.	Name of consultee	Main Mod	Comment/ Summary of Comment	Council's response
1	Mayor of London	MM83, 84 and 85	<p>As stated in his correspondence LDF20/LDD20/CG02, the Mayor supports the inclusion of the un-delivered housing numbers in the borough's rolled forward housing target. In addition, paragraph 3.19A of the London Plan, states that in order to support the range of activities and functions required in London, buffers should not lead to approval of schemes which compromise the need to secure sustainable development in line with the NPPF. Kensington and Chelsea has input into the London SHLAA 2017 and from 2019/20 will have a revised housing target of 4,880 over 10 years as set out in Table 4.1 of the draft new London Plan based on the housing capacity in the borough. In addition, the mayor is satisfied that Kensington and Chelsea has committed to an early review (within five years of the adoption of this Local Plan).</p>	Noted.
2	Mayor of London	MM86 and 86	<p>The Mayor welcomes the removal of the reference to the London Plan density matrix, and its replacement with a reference to London Plan policy in general. The draft</p>	Noted.

			new London Plan promotes a capacity and design led approach to density.	
3	Mayor of London	MM91	Support the clarification that the minimum affordable housing that should be sought is 35% in order for the threshold approach to apply.	Noted.
4	Mayor of London	MM101	Welcome the expectation that Build to Rent schemes deliver affordable housing.	Noted.
5	Mayor of London	MM102	Support addition	Noted.
6	Mayor of London	MM127	Welcome the modification in order to avoid confusion when the new London Plan is published.	Noted.
7	Mayor of London	MM128	Welcome the reference to the safeguarded wharf.	Noted.
8	Mayor of London	MM143-148	As per MM83, MM84, MM85 above	Noted.
9	Clarion Housing Group (Agent – Quod, Mr Ben Ford)	MM83, 143, 144, 145, 147, 148, 149	The main modifications represent the first formal opportunity for stakeholders to comment on the Council's supplementary strategy concerning the borough's five year supply and Housing Trajectory (EX024.). Clarion was not consulted.	Email dated 8 May 2018 from the programme officer to Mr Ford (Quod) explained that Quod were notified of the publication of EX024 on 10 April 2018 when it was first published, the deadline for commenting was 30 April 2018. The Council is satisfied that the LPPR is legally compliant in respect of the consultation undertaken in preparing the LPPR. Consultation was one of the key issues identified by the Inspector to assess legal compliance of the LPPR

				<p>and discussed at length at the hearing sessions.</p> <p>Quod have been engaged with the LPPR process since the initial pre-regulation 18 Issues and Options consultation in December 2015. Quod act for a number of developers as well as for Clarion. Representations were made by Quod on behalf of other clients (Chelsfield and Notting Hill Gate QCS) in response to the pre-regulation 18 consultation (December 2015 to February 2016) and Regulation 18 consultation (October to December 2016) . The first response from Mr Ford was received when a 'Call for Further Participants' was undertaken in October 2017 indicating that he did not wish to attend the hearings. The response from Mr Ford is available on-line.</p> <p>Clarion have had the opportunity to comment on each stage of the plan's formulation as a number of Quod's other clients have chosen to do so. Clarion have not until now.</p>
10	Clarion Housing Group	MM83, 143, 144,	A 20% rather than a 5% buffer should be used as there has been persistent under delivery of housing over time.	As a general point it should be noted that the proposed development at the Sutton Estate that Mr Quod is

	(Agent – Quod, Mr Ben Ford)	145, 147, 148, 149	<p>The Council has not properly addressed the concern of the Inspector, when he was of the view that the Council had failed to demonstrate a 5 year supply. Rather than seeking to deliver additional homes by introducing flexible policy wording to support the NPPF in favour of development the Council has merely changed the methodology to show that it does in fact have a five year supply.</p> <p>Before changing the 20% buffer the Council should have considered alternative policy options to address the need, and to investigate how best any shortfall be addressed. There is no evidence that this options exercise was carried out.</p> <p>The Sedgefield rather than the Liverpool method should be used to address past under supply The PPG on housing states that LPAs should aim to deliver with past undersupply within the first 5 year of the plan periods (the Sedgefield method). The Council instead is using the Liverpool method “for no sound reason”.</p>	<p>concerned with will result in a net loss of dwellings. As such the proposed development does not contribute towards achieving the borough’s housing supply targets.</p> <p>The justification for the use of the 5% buffer and the Liverpool approach to dealing with past undersupply has been addressed in some detail in the Council’s document EX024 (see paragraphs 1.6 to 1.16). This approach is fully justified, reflecting the particular circumstances of this borough.</p> <p>In essence the Council recognises the need to meet “<i>in full, objectively assessed need for market and affordable housing in the housing market area.</i>” (Paragraph 47 of the NPPF,) if it is to “<i>boost significantly the supply of housing</i>”. The Council is satisfied that it has the policies in place which allow it to meet this OAN. Incidentally, the loss of housing as proposed by Clarion in their application which is currently being examined by the Inspectorate (APP/K5600/W/17/3177810) will hinder rather than support this approach.</p>
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				<p>The borough's OAN is not disputed. The Council's SHMA (2015) has calculated this OAN to be 575 dpa. This is a figure lower than the Council's target of 733 dpa as per the GLA. This is a capacity based target, and an attempt to maximise housing provision. The latest assessment of the borough's housing capacity as set out in the London-wide Strategic Housing Land Availability Assessment (SHLAA) 2017 is 488 dwellings per annum.</p> <p>The second paragraph of NPPF paragraph 47 considers the use of a 5% or a 20% buffer. The 20% buffer is to ensure choice and competition in the market and is <u>to provide a realistic prospect of achieving the planned supply.</u></p> <p>The correct approach cannot be to cherry pick select bullet points from paragraph 47, i.e. to disregard the lower OAN for this borough but then take into account a requirement to move forward sites that do not exist into the first five years. Given that the borough's housing targets, as per the London Plan, is capacity driven and not based on a borough specific OAN, it follows that</p>
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				<p>the 20% buffer (moved forward from later in the plan period) does not provide a realistic prospect of achieving the planned supply. The borough has unique capacity constraints. It is not appropriate to move forward sites which do not exist into the first five years. These unique constraints are addressed in some detail in paragraphs 1.20 to 1.31 of EX024.</p> <p>The limited number of deliverable sites were discussed in some detail at the hearings and set out in Q 4 of the Council's Hearing's Statement (CED015) and in the Council's policy formulation report for Policy H1 (SUB43.1.).</p>
11	Clarion Housing Group (Agent – Quod, Mr Ben Ford)	MM83, 143, 144, 145, 147, 148, 149	The consultee suggest that Council should introduce more flexible polices to further increase the delivery of housing.	Notwithstanding that there is no need, given the Council has demonstrated a five year supply, it is essential to recognise that any housing shortfall cannot simply be addressed by the release of non-residential uses to housing. Such an approach would result in the homogenisation of uses across the borough, contrary to our ambition to “maintain a diversity of uses”, a thread which runs across the Local Plan. Such an approach would

				<p>also be in direct conflict with the expectations of national policy, an expectation that planning “<i>proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the county needs</i>” (bullet 3, paragraph 17.) The paragraph goes on to note that, “<i>every effort should be made objectively to identify and then meet the housing, business and other development needs of an area...</i>” (emphasis added) The NPPF is clear. Whilst the delivery of housing is important, it must not be provided at the expense of all other uses.</p> <p>Paragraphs 1.32 to 1.50 of EX024 considers the question raised by Quod and succinctly summarises the Council’s position in this regard. A generally restrictive policy is required if the objectively assessed need for a range of non-residential uses is to be met, and the diversity of uses within the borough is to be maintained. This diversity is not diversity for its own sake, but essential if the borough is to function as it does. The OAN and methods to meet the need are addressed in the Council’s Policy</p>
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				Formulation Report for Fostering Vitality (SUB31) and the subsequent responses to the Inspector's Initial Questions (CED001) and MIQs (CED016). These explore differing options, before concluding that there will be circumstances where non-residential uses should be prioritised.
12	Clarion Housing Group (Agent – Quod, Mr Ben Ford)	MM83, 143, 144, 145, 147, 148, 149	The consultee state that the London Plan Inspector's report refers to shortfalls being addressed in the first five years, rather than over the lifetime of the plan, and where this cannot be achieved LPAs should work with neighbouring authorities under the duty to cooperate. They suggest that there is no evidence that this has occurred.	<p>The Council notes that the GLA supports the Council's approach to make up past under delivery. In their response to the Further Modifications Consultation (April 2018) EX027, the GLA stated that, "<i>the Mayor supports the inclusion of the un-delivered housing numbers in the rolled forward housing target..., including a 5% buffer, over the remaining 12 years of the Plan period.</i>" The GLA go on to state, "<i>...in order to support the range of activities and functions required in London, buffers should not lead to approval of schemes which compromise the need to secure sustainable development in line with the NPPF. In this regard, the Mayor has no objection to the use of a revised buffer of 5% instead of a 20% buffer.</i>"</p> <p>The Inspector's report on Further Alterations to the London Plan (FALP)</p>

				<p>referred to by Quod is being misinterpreted. Paragraph 40 of the report refers to the PPG but does not support this approach for London. It states <i>“Even if it can be achieved, 49,000 dpa meets objectively assessed needs (and backlog) over 20 years. The PPG states that local planning authorities should aim to deal with any undersupply in 5 years.”</i> It should be noted that the London Plan’s target is a minimum of 42,000 dpa.”</p> <p>In addition paragraph 35 states that <i>“Further, given that the minimum targets in Table 3.1 are based on the SHLAA’s estimate of capacity in each Borough, it is difficult to see how co-operation between them will increase supply.”</i></p> <p>The Council recognises its duty to cooperate. However, it also notes that housing need/delivery are matters considered on a pan-London basis and this was supported by the FALP Inspector as stated above. Indeed, the Borough’s housing target exceeds our actual OAN.</p>
13	Clarion Housing Group	MM83, 143, 144,	The Council’s calculation of its five year supply is not sound:	The Council’s housing supply was and individual sites were discussed in detail at the hearings. As a general point it

	(Agent – Quod, Mr Ben Ford)	145, 147, 148, 149	<p>The sites and assumptions used to inform the supply of housing do not meet the NPPF tests of being developable and deliverable in the required time.</p> <ul style="list-style-type: none"> • The LPPR assumes a minimum delivery of 882 dwellings per annum for 5 years. This is substantially above the actual delivery over the last 12 years. • It is unsound to accept a forecast delivery rate more than three times the historic delivery rate given the uncertainty expressed by the Council for the delivery of its larger sites. • The delivery of housing in the main sites should be questioned. The reality means that the Council’s surplus of 152 homes over the five years is unrealistic, and that in reality the Council cannot demonstrate a five year supply. • At 138 dwellings the average annual completion rate for small sites with planning permission is extremely optimistic. Similarly the assumption that 152 small sites will come forward per year at the latter end of the first five year period is unrealistic. 	<p>should be noted that the FALP Inspector also considered an increased delivery London-wide. It was stepped up from an average rate of 24,694 dpa from 2004 to 2012 to an annual target of 42,000 dpa in the current London Plan.</p> <p>The Council is satisfied that it has shown that future delivery will be as predicted. Each of the sites identified will be deliverable as is the requirement in paragraph 47 of the NPPF. Each site was discussed in some detail at the examination and set out in response to Q 4 of the Inspector’s MIQs of February 2018 (CED015). Deliverability was confirmed by the owners of the sites/ other stakeholders at the hearing session including submission of additional information by the applicants for Lots Road Power Station and Earl’s Court and verbal confirmation of delivery by other planning agents. These discussions are not reproduced again.</p> <p>This cyclical development reflects the nature of development in a borough such as ours, a borough whose additional housing is dependent on a relatively small number of larger sites.</p>
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				<p>Having lain idle for a number of years, many of these sites now benefit from planning permissions and are being built out. Indeed the very concept of a five year supply is intended to iron out the peaks and troughs of housing delivery. Some years will see large levels of completions, others fewer.</p> <p>The delivery of small sites is based upon the Mayor's London-wide methodology used within the GLA's SHLAA (2013). Appendix 7 of the SHLAA (small site calculations) identifies the yearly small site average of 152 homes. This was based on trends in previous years and is a standard input into housing trajectories for London boroughs. The figure will be changed in the future based on an updated London-wide SHLAA 2017.</p>
14	Clarion Housing Group (Agent – Quod, Mr Ben Ford)	MM83, 143, 144, 145, 147, 148, 149	The Council has failed in its duty to identify specific developable sites to meet housing need for years 6-10.	<p>The Council recognises that there will be a shortfall between housing supply and its requirements for the years 6 to 10, a shortfall of 601 units. This is set out in paragraphs 1.59 and 1.60 and table 4 of EX24.</p> <p>Over the Plan period there is a deficit of 752 dwellings. Therefore, the housing supply that can be</p>

				<p>demonstrated against the London Plan target is about 11 years rather than 12 years until the end of the plan period. It is re-iterated that the London Plan target is for 10 years, from 2015 to 2025. Whilst the housing target has been rolled forward to cover the Local Plan period, it is expected that a new lower target of 488 dpa will be adopted in the latter half of 2019.</p> <p>In addition it should also be noted that whilst the approach in London is different in terms of capacity based housing targets, national policy (NPPF paragraph 47) requires the Council to demonstrate the supply against its objectively assessed need (OAN). The OAN as set out in the SHMA 2015 is 575 dpa.</p>
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Chapter 36: Respecting Environmental Limits

No.	Name of consultee	Main Mod	Comment/ Summary of Comment	Council's response
1	Thames Water Utilities	MM122	<p>Within Paragraph 36.3.29 alterations are proposed to ensure that the Plan is up to date with regard to the Counters Creek Sewer Flood Alleviation Scheme.</p> <p>A response was issued in relation to the draft London Plan in March 2018 highlighting the latest position with regard to the Counters Creek Flood Alleviation Scheme.</p>	<p>Noted. Changes can be made to the text to ensure the Plan is up to date and effective in respect of an important cross boundary infrastructure project. However, the Council is yet to reach the conclusion that the strategic sewer</p>

		<p>It is considered that the text in Paragraph 36.3.29 should be revised to reflect the latest position.</p> <p>To ensure that the Local Plan is up to date with regard to references to the Counters Creek Sewer Flood Alleviation Scheme it is considered that paragraph 36.3.29 should be revised to state: “To address sewer flooding in the borough, Thames Water is delivering the Counters Creek Sewer Flood Alleviation Scheme. Ofwat approved the fund need to undertake this Scheme in December 2014. Thames Water previously planned a major sewer tunnel in the Counters Creek catchment of west London. Following a detailed review of the requirement for the strategic sewer Thames Water have concluded that it is not, at present, required. Thames Water will continue to investigate what future resilience is required for the sewer network, taking into account population growth, development, urban creep and climate change.”</p>	<p>for the Counters Creek is no longer required. Therefore, including the statement in full from Thames Water is considered premature at this stage.</p> <p>MM122 The Council agrees that changes can be made to paragraph 36.3.29 as follows: To address sewer flooding in the borough, Thames Water is <u>proposing to build-delivering</u> the Counters Creek Sewer <u>Flood Alleviation Scheme Storm Relief Sewer</u>. Ofwat approved the funds needed to undertake the this <u>Counters Creek Sewer Alleviation Scheme</u> in December 2014. Thames Water’s proposal includes <u>sd</u> four elements: a new storm relief sewer to increase the sewer capacity (<u>currently under review</u>); SuDS to reduce surface water run-off; anti-flooding (FLIP) devices to stop the sewers surcharging into lower properties; and, local sewer improvements to increase the capacity of local sewers. <u>Thames Water will continue to investigate the future resilience required for the sewer network, taking into account population growth, development, urban creep and climate change.</u></p>
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2	Boroughs working on the North London Waste Plan	NA	<p>I am writing to you on behalf of the London Boroughs of Barnet, Camden, Enfield, Hackney, Haringey, Islington and Waltham Forest (the “North London Boroughs”) who are working together to prepare the North London Waste Plan (NLWP).</p> <p>Thank you for inviting us to comment on Kensington and Chelsea’s Local Plan Partial Review Main Modifications. We wrote to you on 14th March 2017 about the publication policies and the waste technical paper. In that letter we commented on the lack of clarity about how Kensington and Chelsea were planning for waste.</p> <p>Having considered the main modifications that you are proposing, it remains unclear how Kensington and Chelsea are proposing to meet their requirements to plan for waste and to meet their apportionment target.</p>	<p>This response does not indicate a specific Main Modification.</p> <p>Waste was discussed in considerable detail at the Examination Hearings and in the Council’s hearing statements for Issue 1a: Duty to Co-operate (CED010, paragraphs 1.9 to 1.33) and Issue 3c: Respecting Environmental Limits (CED017, paragraphs 4.1 to 4.33). The Council feels that this matter has been fully addressed.</p> <p>MM126 explains currently there is a contract in place which will run until 2031 for Belvedere to receive waste from the WRWA area. This is reflected in Policy CE3 b) which states the council “work in partnership with the GLA and other London boroughs to manage any shortfall to meet the apportionment figure;”. MM126 clarifies that “The Council will continue to work jointly with the WRWA to ensure that existing arrangements can continue and if necessary its apportionment gap can be met at the plant.”</p> <p>MM128 and 129 set out the Council’s capacity position and MM130 explains that “The Council is working jointly with the WPAs in the WRWA area to try to</p>
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				secure pooling of the London Plan apportionment and to manage waste arisings from other waste streams. Ongoing monitoring of arisings and capacity will be required. If it is established that there is a change in available capacity, the Council will need to work with the WPAs in the WRWA area and other London WPAs to manage any shortfall.”
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IIA Addendum

No.	Name of consultee	Main Mod	Comment/ Summary of Comment	Council's response
1	Historic England	IIA Report	We concur with the Council that the proposed Main Modifications do affect the conclusions of the Integrated Impact Assessment or the sustainability of the Plan.	The IIA Addendum Report concludes that the Main Modifications do not affect the conclusions of the IIA Report on the Local Plan.

Various suggested changes by the Council relating to Thames Water's Comments on Counter's Creek

No.	Name of consultee	Main Mod	Comment/ Summary of Comment	Council's response
1	Thames Water Utilities	MM45 MM122	Thames Water commented on MM45 and MM122 but their comments relate to a factual update on the status of the Counter's Creek storm relief sewer.	In response to Thames Water's comments on MM45 and MM122, the Local Plan has been checked for references to the Counters Creek scheme and other factual changes as follows can be made to ensure the Plan is up to date and effective. The

				<p>additional proposed changes are in CV1, paragraph 36.3.24, infrastructure table and glossary as follows:</p> <p>CV1 (penultimate sentence) The waste we produce will be re-used, recycled or disposed of in or very near to the borough. Sustainable Drainage Systems will be commonplace throughout the borough, reducing the risk of flood events, especially in the west of the borough when combined with the upgrading of Counters Creek sewer and storm drain Counters Creek Sewer Flood Alleviation Scheme.</p> <p>Paragraph 36.3.24 Thames Water has identified a 17 per cent increase in the amount of impermeable area in the borough between 1971 and 2009, which increases the amount of rainfall discharging to the storm water sewer. This, together with surface water and foul flows from upstream development, may contribute to surface water and sewer flooding, as the Counters Creek sewer catchment does not currently have the capacity to discharge storm water during extreme rainfall. Thames Water is currently looking at improving capacity in the Counters Creek storm</p>
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				<p>water sewer by 2020 <u>through the Counters Creek Sewer Flood Alleviation Scheme.</u></p> <p>Infrastructure Table (under Utilities) Counters Creek Storm Relief Sewer <u>Counters Creek Sewer Flood Alleviation Scheme</u> (Counters Creek Catchment)</p> <p>Sewerage upgrades <u>A series of measures</u> within the <u>sewer</u> catchment which provides foul and surface water drainage for part of north London</p> <p>Storm relief sewerage upgrades <u>The Counters Creek Sewer Flood Alleviation Scheme measures</u> are required to address existing capacity constraints experienced during storm conditions which can result in sewer flooding.</p> <p>Upgrades of the sewerage network <u>A series of measures</u> within the Counters Creek catchment</p> <p><u>Up to £250 million. Thames Water previously planned a major sewer tunnel in the Counters Creek catchment of west London which is currently under review. However, they</u></p>
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				<p><u>continue to deliver the Counters Creek Sewer Flood Alleviation Scheme for all of the elements of the scheme</u> which includes <u>A new storm relief sewer to increase the sewer capacity;</u> Sustainable drainage systems to reduce surface water run-off entering the sewers (<u>including a pilot study is proposed for in Arundel Gardens</u>); Anti-flooding (FLIP) devices to stop the sewers surcharging into lower properties; and, Local sewer improvements.</p> <p><u>2013 onwards Up to 2020</u></p> <p>Glossary Counters Creek Storm Relief Sewer Flood Alleviation Scheme. <u>A sewer infrastructure project series of measures</u> proposed by Thames Water to address sewer flooding in the Borough. <u>These measures include a major sewer tunnel in the Counters Creek catchment of west London which is currently under review; SuDS to reduce surface water run-off; anti-flooding (FLIP) devices to stop the sewers surcharging into lower properties; and, local sewer improvements to increase the capacity of local sewers.</u> Ofwat approved the</p>
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				funds needed to undertake the Counters Creek Sewer Alleviation Scheme in December 2014.
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