

Questionnaire Responses - Main Modifications Consultation, September 2018

No.	Name	Q1: MM Ref	Q2: MMs are Legally Compliant	Q2: MMs are sound	Q3: If you consider MM to be unsound which test of soundness the rep relates to? Justified	Q3: If you consider MM to be unsound which test of soundness the rep relates to? Effective	Q3: If you consider MM to be unsound which test of soundness the rep relates to? Consistent with National Policy	Question: Q4 Please give details of why you consider the Local Plan is not legally compliant or is unsound	Question: Q5 Please set out what changes you consider necessary to make the proposed MM legally compliant or sound	Q6: Do you have any comments on the IA Addendum in respect of this particular modification?	Q: Notifications Please confirm whether you wish to be notified - Inspector's Report	Q: Notifications Please confirm whether you wish to be notified - LPPR Adoption	Any supporting document attached		
1	Highways England (Kayley Smith)	MM01	Yes	Yes	Yes						Yes	Yes			
2	National Grid (Agent - Wood E&I Solutions UK Ltd) (Hanna Loria Reims)								We have reviewed the above consultation document and can confirm that National Grid has no comments to make in response to this consultation.				Yes		
3	Quod (Ben Ford)	MMB3	No	No	No	No	No	<p>The full response is attached. In summary,</p> <p>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.</p> <p>20% buffer A 20% rather than a 5% buffer should be used as there has been persistent under delivery of housing over time.</p> <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 Sedgfield rather than the Liverpool method should be used to address past under supply.</p> <p>The PPG on housing states that LPAs should aim to deliver with past undersupply within the first 5 year of the plan periods (the Sedgfield method). The Council instead is using the Liverpool method "for no sound reason".</p> <p>The consultee suggest that Council should introduce more flexible policies to further increase the delivery of housing.</p> <p>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> <p>The Council's calculation of its five year supply is not sound:</p> <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 five year period is unrealistic. <p>The Council has failed in its duty to identify specific developable sites to meet housing need for years 6-10.</p>	See attached as text field too small to paste response	No	Yes	Yes	Yes		
4	Sport England (Mark Fuman)								<p>As explained in previous representations, Sport England has an established role within the planning system which includes providing advice and guidance on all relevant areas of national and local policy as well as supporting Local Authorities in developing their evidence base for sport.</p> <p>Sport England aims to ensure positive planning for sport by enabling the right facilities to be provided in the right places based on robust and up-to-date assessments of need for all levels of sport and for all sectors of the community. To achieve this aim our planning objectives are to Protect sports facilities from loss as a result of redevelopment, Enhance existing facilities through improving their quality, accessibility and management and to Provide new facilities that are fit for purpose and meet demands for participation now and in the future. You will also be aware that Sport England is a statutory consultee on planning applications affecting playing fields. Further detail on Sport England's role and objectives within the planning system can be found at https://www.sportengland.org/facilities/planning-for-sportians-and-objectives/</p> <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 address 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 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 underpinning Playing Pitch and Built Facility Strategies.</p>						
5	Historic England (Katie Parsons)								<p>We have reviewed the schedule of modifications in light of the National Planning Policy Framework (NPPF) which requires, as one of its core principles, that heritage assets be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. The place of the historic environment as a key strand of sustainable development (para 7, NPPF) provides for conservation and positive enhancement to be an integrated part of planning future development sustainably.</p> <p>Comments on suggested Main Modifications</p> <p>On reviewing the details of the proposed Main and Minor Modifications we note that a number of changes in response to our previous comments have been proposed (see letter dated 16th March 2017). Main Modifications MM02, MM50, and MM79 regarding Archaeological Priority Areas, in particular are greatly welcomed. These modifications will strengthen the Plan by ensuring that all the relevant site considerations concerning the historic environment are highlighted from the outset. Although not included as part of the Main Modifications consultation we are pleased to see that the schedule of Minor Modifications proposes changes which will better highlight the presence of the Grade II* listed Kensal House and Kensal Day Nursery throughout Chapter 5. This will strengthen the Plan and better outline the considerations for prospective applicants.</p> <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>	IA Addendum 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.	Conclusion	We hope these comments are of assistance and I am happy to comment on revised wording as needed.	Finally, we should like to stress that this opinion is based on the information provided by the Council in its consultation. To avoid any doubt, this does not affect our obligation to provide further advice and, potentially, object to specific proposals which may subsequently arise where we consider that these would have an adverse effect upon the historic environment.	Yes
	Historic England (Katie Parsons) cont...								<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 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> <p>Policy CR5: Parks, Gardens, Open Spaces and Waterways</p> <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>						
6	Surrey County Council (Maureen Prescott)								Thank you for consulting Surrey County Council on the Main Modifications.						
7	Port of London Authority (Michael Atkins)								We have no comments to make.						
8	Natural England (Victoria Kirkham)								<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>				Yes		
9	Planware Ltd (Benjamin Fox)							<p>Royal Borough of Kensington and Chelsea Local Plan Review – Main Modifications Objection Response to Proposed Policy CF3 (Clause arb i)</p> <p>Introduction</p> <p>1.1 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 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 AS uses within Nothing 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 AS 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 a 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>2. Such an approach is not positive, justified, effective or consistent with the Framework.</p> <p>2.1 Not permitting new AS 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 AS 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 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 AS uses with centres would restrict all AS 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>3. Soundness - summary</p> <p>3.1 We consider that restricting hot food takeaways (AS) 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> <p>3.2 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>					Yes		

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	Planware Ltd (Benjamin Fox) contd...							4. Conclusion 4.1 Proposed Policy CF3 (MM6) 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. 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. 4.3 It is considered that the proposed Policy CF3 (MM6) 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.					
10	Thames Water Utilities Ltd (Sir Madam)	MM45	Yes	No		No		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.	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: 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.	Yes	Yes	Yes	
11	Thames Water Utilities Ltd (Sir Madam)	MM122	Yes	No		No		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. 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. It is considered that the text in Paragraph 36.3.29 should be revised to reflect the latest position.	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. Olow 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." 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.	Yes	Yes	Yes	
12	GLA (Celeste Giusti)	MM8, MM9, MM17, MM29, MM46, MM49, MM54, MM71, MM83, MM84, MM85, MM86, MM87, MM91, MM101, MM102, MM127, MM128, MM143-148							Thank you for consulting the Mayor of London on the proposed Main Modifications to Kensington and Chelsea's draft Local Plan following the Examination Hearing sessions. As you are aware, all development plan documents must be in general conformity with the London Plan under section 24 (1)(b) of the Planning and Compulsory Purchase Act 2004. The Mayor provided comments on the Submission version of the draft Kensington and Chelsea Local Plan on 16 March 2017 (reference: LDF20LDD20/KR01) and two sets of Modifications on 3 November 2017 (reference: LDF20LDD20/CG01) and 3 May 2018 (reference: LDF20LDD20/CG02). The Mayor has considered the proposed Modifications and does not consider that they alter his opinion that the draft Kensington and Chelsea Local Plan is in general conformity with the London Plan. However, the Mayor has afforded me delegated authority to make more detailed comments on his behalf as set out below. Representations from Transport for London (TL), which the Mayor endorses, are included within this response. Chapter 3: Building on Success MM8: 4.2.8 Policy CP1 – bullet 1 Support the clarification that a minimum of 35% of residential floorspace should be affordable on qualifying sites. MM5: 4.2.8 Policy CP1 – bullet 2 Welcome the update to reflect the latest evidence Chapter 4: Delivering Success: Our Spatial Strategy MM17 -4.4.4 Welcome the reference to the London Plan and optimising densities. MM29: Kensal Canalide It is noted that these modifications safeguard the provision of transport infrastructure at Kensal Canalide and allow for scenarios where the Kensal Portobello station and for the road bridge over the railway lines is not delivered and how other transport interventions could support development of the site. MM46: Cremorne Wharf Welcome the safeguarding of Cremorne Wharf for waste management, water transport and cargo handling purposes.			Yes	
	GLA (Celeste Giusti) contd...	MM8, MM9, MM17, MM29, MM46, MM49, MM54, MM71, MM83, MM84, MM85, MM86, MM87, MM91, MM101, MM102, MM127, MM128, MM143-148							MM49: Link Across West London Line to Fulham Gasworks 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. MM54: High Street Kensington The reason for this modification is understood. TL 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 TL to implement step free access and so third-party funding would need to meet the full costs of station improvements. Fostering Vitality The GLA Industrial Land Demand 2017 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 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/warehouse uses in the borough.				
	GLA (Celeste Giusti) contd...	MM8, MM9, MM17, MM29, MM46, MM49, MM54, MM71, MM83, MM84, MM85, MM86, MM87, MM91, MM101, MM102, MM127, MM128, MM143-148							Amend suggested wording to: 31.3.465 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. 31.3.498 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 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. 31.2.48b 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 Chapter 35: Diversity of Housing MM3, MM84, MM85: 35.3.3 – 35.3.5 As stated in his correspondence LDF20LDD20/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 MM3, MM84, MM85: 35.3.3 – 35.3.5 As stated in his correspondence LDF20LDD20/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 4,860 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).				
	GLA (Celeste Giusti) contd...	MM8, MM9, MM17, MM29, MM46, MM49, MM54, MM71, MM83, MM84, MM85, MM86, MM87, MM91, MM101, MM102, MM127, MM128, MM143-148							MM86 and MM87: 35.13 Policy CH1 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 new London Plan promotes a capacity and design led approach to density. MM91: 35.3.24 Support the clarification that the minimum affordable housing that should be sought is 35% in order for the threshold approach to apply. MM101: 35.3.71A Welcome the expectation that Build to Rent schemes deliver affordable housing MM102: Policy 4e Support addition Chapter 36: Respecting Environmental Limits MM127: 36.3.37 Welcome the modification in order to avoid confusion when the new London Plan is published. MM128: 36.3.38 Welcome the reference to the safeguarded wharf. Chapter 40: Housing Trajectory and Supporting Information MM143-148: 40.1.1 – 40.1.9 As per MM3, MM84, MM85 above				
13	Deloitte LLP (Ross Rafferty)	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. 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. 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: 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. 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. We trust that the above comments are helpful in finalising the amendments to Policy CF3 and recognising the changing nature of our high streets.	Please see attached			Yes	

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14	Sainsbury's Supermarkets Limited ("SSL") and the Balmore Group (Agent - Indigo Planning)	MM29 and MM31						See attached	Common Ground was agreed with the Council on 9th February 2018, which confirmed that infrastructure requirements to support 3,500 homes, including the Elizabeth Line Station and the bridge over the rail way should be subject to further technical assessment and testing. It was agreed the appropriate mechanism for this was the forthcoming SPD process. 1.4. We welcome incorporation of the Common Ground agreed, dated 9th February 2018 in the proposed modifications at M29, paragraph 5.7.3 and MM31, in respect of this further testing required. 1.5. We note, however, the addition of the following and provide commentary in relation to the modification proposed: 1.6 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. 1.7. We understand that this modification is intended to secure a suitable transport alternative in the eventuality that Crossrail does not come forward. 1.8. The proposed modification, however, provides insufficient certainty and an inadequate policy basis for the joint landowners to take forward delivery of the KCOA. 1.9. The infrastructure requirements of the KCOA cannot be pre-determined and require further technical and feasibility assessment. Landowners have been collaborating with RBKC in relation to the proposed KCOA SPD to take forward this testing. 1.10. Against this background further dialogue has taken place between RBKC and the Landowners to agree an amendment to the Main Modifications, which provides sufficient flexibility, but ensures a suitable alternative transport infrastructure comes forward to ensure policy objectives set out in LPPR Policies CA1 and CV5 are delivered.				Yes
	Sainsbury's Supermarkets Limited ("SSL") and the Balmore Group (Agent - Indigo Planning) contd...							Agreed Matters Modification to Reference MM29 Paragraph 5.7.3 2.1. Deletion of: 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. Modification to Reference MM 31 Paragraph 5.7.4 2.2. Deletion of: 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. 2.3. Addition of: CA1 (b) a station on the Elizabeth line or, alternative transport infrastructure to improve transport connectivity CA1 (i) attractive, usable and flexible public realm with excellent walking and cycling facilities providing an appropriate setting for mixed use canalside development which features leisure, education and business uses as well as housing.					
15	Notting Hill Gate KCS Limited	MM51 and MM52	Yes	No	No	No	No	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. 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 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). 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 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 to dispersely required in the Borough and the wider City. All parties that have ever engaged with NHGKL, including Council officers, GLA officers and the Government appointed Inspector for the planning appeal have maintained extensive agreement on the following: 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 re-provide 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. There is no real dispute about these matters. 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 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. 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.	Any reference to the opportunity for refurbishment of Newcombe House should be removed from chapter 11 and further modifications made to reinstate support for the comprehensive redevelopment of Newcombe House. The chapter should recognise that redevelopment of the site is the only feasible solution that would deliver new homes, including affordable homes, high quality retail and office floorspace, a new surgery, a new public square and a significant investment in the tube network to deliver Step Free Access. Proposed text is below: (11.4) Refurbish or redevelop a number of sites identified in the Notting Hill Gate Supplementary Planning Document, including one of the tower blocks, Newcombe House, where redevelopment is necessary to achieve a high-quality mixed use development that should deliver enhanced office and retail floorspace, private and affordable homes, a new health centre, an improved public space and delivery of Step Free Access to the underground.	No	Yes	Yes	Yes
								While the Notting Hill Gate SPD does refer to the opportunity for a refurbishment of the Newcombe House site, this was not tested at examination and is inconsistent with the outcomes the SPD expects from the site. Substantive representations were submitted to the Council on this matter, relating to: 1. the physical shortcomings of the building and the inaccessibility of the site; 2. the quality of office accommodation that could be achieved; and 3. the viability of refurbishment, and the need to ensure a deliverable proposal. We have provided these representations for ease. The feasibility of a refurbishment was discussed at the Appeal Inquiry. The architect provided clear evidence that any extension of the existing building would be more harmful given its monolithic slab form and such a scheme would struggle to provide any of the potential public benefits available. The Inspector strongly endorsed the proposal for redevelopment with the exception of the affordable housing offer. The case we did not make at the time of the Inquiry, but is clearly relevant now having seen the Council's most recent Annual Monitoring Report and heard the discussion at the EIP, is that the Site must deliver housing if the Council is to be able to demonstrate a 5 year housing supply. The Council has assumed that 46 homes will be delivered on the site in 2019-2020. Without a positive Local Plan that supports redevelopment of the site, this number is very unlikely to ever be achieved. Again we refer to the comments made by the Council at the Examination, that the Borough simply doesn't have an extensive supply of brownfield sites for housing. It is therefore clear that the Local Plan must plan positively for those sites which are available and have a willing owner. The need to first re-provide all existing office and retail floorspace within a refurbishment would almost entirely rule out any additional residential floorspace (Policy CP3 and CFS). Paragraph 118 of the NPPF states that planning policies should "promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (part d)." It is, of course, right for any redevelopment proposal to be assessed against the design and conservation policies of the Local Plan, which have been tested through examination. We accept that any proposal for the site should be of exceptional quality and this would be the correct way for any proposal to be tested, rather than against an SPD. In summary, the proposed Main Modifications are not based on a strategy that seeks to meet the needs of the borough; it is not based on an appropriate strategy for the site; it is not effective in securing the regeneration of the town centre; and it is not consistent with the NPPF which provide a clear framework for making effective use of sustainable land.					
16	Environment Agency (North London Sustainable Places)	MM119 to M133						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 (MM119 to M133). Having reviewed this chapter, we have no comments on the minor changes made. We therefore consider the document to be sound and legally compliant in its current form. We trust that in its current form, our representation in this letter is sufficient. However, if you have any issues, please contact us.					Yes
17	St William Homes LLP (Tom Simons)	MM29 and MM31						St William Homes LLP (St William) welcomes the opportunity to provide comments on the proposed main modifications to the Royal Borough of Kensington and Chelsea (RBKC) Local Plan Partial Review. Established in 2014, St William is a joint venture between the Berkeley Group and National Grid Property (National Grid). The partnership combines National Grid's extensive portfolio of surplus brownfield sites across London and the South East with the Berkeley Group's design expertise and proven track record of delivery to create high-quality residential and mixed use developments. St William has an interest in the National Grid owned site at the former Kensal Gasworks which forms part of CA1 - Kensal Canalside Opportunity Area ("KCOA"). In the Local Plan Partial Review, the KCOA is identified for the delivery of a minimum of 3,500 new homes, 10,000m ² of new offices and 2,000m ² of non-residential floorspace. MM29 and MM31 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. As such, St William supports the proposed amendments to MM29 and MM31 agreed between RBKC, Sainsbury's Supermarkets Limited and Balmore Group in the Statement of Common Ground between the parties dated September 2018. For the avoidance of doubt, these amendments are as follows: MM29, paragraph 5.7.3 The deletion of: 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. MM31, paragraph 5.7.4 The deletion of: 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 addition of: CA1 (b) a station on the Elizabeth Line, or alternative transport infrastructure to improve transport connectivity; and CA1 (i) attractive, usable and flexible public realm with excellent walking and cycling facilities providing an appropriate setting for mixed-use canalside development which features leisure, education and business uses as well as housing 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 collaboratively with all stakeholders, including other landowners and the Council to deliver a comprehensive development proposal for the KCOA. 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. 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 appointment target.					Yes
18	North London Waste Plan- London Boroughs of Barnet, Camden, Enfield, Hachway...												Yes

No.	Name	Q1: MM Ref	Q2: MMs are Legally Compliant	Q2: MMs are sound	Q3: If you consider MM to be unsound which test of soundness the rep relates to? Justified	Q3: If you consider MM to be unsound which test of soundness the rep relates to? Effectively	Q3: If you consider MM to be unsound which test of soundness the rep relates to? Consistent with National Policy	Question:Q4 Please give details of why you consider the Local Plan is not legally compliant or is unsound	Question:Q5 Please set out what changes you consider necessary to make the proposed MM legally compliant or sound	Q6: Do you have any comments on the IA Addendum in respect of this particular modification?	Q: Notifications Please confirm whether you wish to be notified - Inspector's Report	Q: Notifications Please confirm whether you wish to be notified - LPPR Adoption	Any supporting document attached
19	The Hillgate Village Residents' Association (John Leamonth)	MMS1 and MMS2							<p>1. Your reference MMS1, policy/para CV11. Final sentence. The words "in some cases" should be reinstated to reflect accurately the Notting Hill Gate SPD, which states in 4.16 that "redevelopment to a different plan form might be acceptable" (our emphasis).</p> <p>2. Your reference MMS2, 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>				