

Draft Planning Contributions Supplementary Planning Document - First Consultation Schedule of Responses



THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

Question 1: Do you have any comments on Section 1: Introduction?

Name	Comment	Response
Greg Hammond	Having read through the document, I am amazed at the complexity we have managed to build into the planning system. This complexity is undoubtedly adding cost and delay into projects, though also providing some protection against poor development. This is a wider point, however, than RBKC's draft document which is presumably designed to fit into a national template. No specific points about the introduction.	<p>Comment noted.</p> <p>The Draft Planning Contributions SPD has been prepared in accordance with national legislation, the National Planning Policy Framework, National Planning Practice Guidance and the London Plan.</p>
Victoria Kirkham (Natural England)	Whilst we welcome this opportunity to give our views, the topic of the Supplementary Planning Document does not appear to relate to our interests to any significant extent. We therefore do not wish to comment.	<p>Support noted.</p> <p>The Council notes that Natural England does not consider the Planning Contributions SPD to be of any significant interest to the organisation.</p>
Andree Gregory (Highways England)	It should be noted that, in accordance with DCLG guidance, any development contributions towards SRN improvements would be secured via S278 agreements, and	The CIL Regulation 123 List contains a list of items that the

Name	Comment	Response
	<p>not via a CIL Reg123 List or S106. The use of S278s will enable multiple sites to contribute if appropriate, and also secures the Secretary of State's position by ensuring that 100% of contributions go towards the SRN improvement.</p>	<p>Council will seek CIL towards. It also clarifies that there are a number of exceptions to the Regulation123 list where S106s/S278s will be necessary.</p> <p>Paragraph 10.5 of the second Draft Planning Contributions SPD also sets out that <i>“where the site specific impacts of development are more appropriately mitigated by a Section 278 agreements or “highways agreement” this will be used to secure the measures required.”</i></p>
<p>Michael Atkins (Port of London Authority)</p>	<p>In regards to this first consultation on the proposed Planning Obligations SPD, the PLA wish to ensure that the functions and regime of the River Thames are preserved as a result of CIL and S106 obligations and requirements. It is noted that a planning obligation may only constitute a reason for granting planning permission for a particular development if the obligation is:</p> <ul style="list-style-type: none"> - Necessary to make the development acceptable in planning terms; - Directly related to the development; and - Fairly and reasonably related in scale and kind to the development. <p>It is reassuring to note that any CIL or S106 contribution would not be as a result of unacceptable (in planning terms) development and would be themselves acceptable and unlikely to cause detriment to the workings of the Thames, for example regarding impacts on river navigation. In some cases this may aid in achieving the aims and objectives to the PLAs Vision of Tidal Thames document (July 2016)</p>	<p>Support noted.</p> <p>The Draft Planning Contributions SPD has been prepared in accordance with national legislation, the National Planning Policy Framework, National Planning Practice Guidance and the London Plan.</p>
<p>Stephanie Walker</p>	<p>This letter has been prepared by Lichfields on behalf of our client, St William Homes LLP.</p>	<p>Viability will be assessed on a case by case basis.</p>

Name	Comment	Response
(Lichfields obo St Williams Homes Ltd)	<p>St William Homes LLP is a joint venture between National Grid and the Berkeley Group, established to bring forward regeneration and the redevelopment of decommissioned National Grid sites and to deliver major residential and mixed-use developments across London and the south-east. The Berkeley Group brings substantial experience of redeveloping complex regeneration sites and has the ability to deliver a significant number of new homes. In respect of the Royal Borough of Kensington and Chelsea (RBKC), St William has an interest in the National Grid owned site at the former Kensal Gasworks in Kensal Green.</p> <p>This letter comprises formal representations to the Draft Planning Contributions Supplementary Planning Document. These representations are solely on behalf of St William, notwithstanding any representations made by other divisions of the Berkeley Group or National Grid and follow on from previous representations made on behalf of St William in February and December 2016</p> <p>St William welcomes the opportunity to be involved in commenting on the Draft Planning Contributions SPD. These representations provide feedback in relation to the consultation document generally, however they focus on the implications of obligations on the Kensal Gasworks, which is allocated by virtue of CV5, and the potential implications in relation to housing delivery and viability at the site.</p> <p>Brownfield strategic sites such as the Kensal Gasworks are complex to develop and require a number of issues to be addressed in order to ensure that they are optimised to their full potential to help meet the Borough's well established housing needs, particularly in respect of the recently announced Housing White Paper (February 2017) and the introduction of the standard methodology for OAN.</p> <p>As the Council are aware the development of the complex site for housing-led regeneration will require the decontamination of land, the need for enhanced access and accessibility and other planning and infrastructure obligations. In addition, and of relevance, the preliminary Draft Charging Schedule for MCIL 2 proposed a charge of £80 per sqm (+£30 / +60%) for Band 1 boroughs from April 2019 onwards. All of the aforementioned elements will significantly impact the viability and deliverability of the site.</p>	<p>Contributions for Kensal will be sought in line with the development plan- see paragraph 2.2 of the Second Draft SPD, the development plan consists of the Local Plan Partial Review and the Kensal SPD (when adopted).</p> <p>The Council is aware of the particular issue relating to Kensal Canalside and has liaised with land owners including St Williams during the site allocation process.</p> <p>As part of this ongoing work, the Council has specifically worked with the landowners to prepare the Kensal Canalside Development Infrastructure Funding Study. This sets out the infrastructure requirements for growth at the site, when the demand for infrastructure arises, the cost of infrastructure requirements and how it might be paid for. Decontamination requirements and costs are included in the study.</p>

Name	Comment	Response
	<p>In line with provisions set out in the NPPF and the recent Housing White Paper, it is felt that sites of a strategic importance such as this should be given much greater flexibility, so as to ensure a sustainable housing-led regeneration can be viably delivered. In light of both the current and emerging policy implications that place a significant emphasis on housing delivery, particularly delivery on brownfield land. We set out our comments to the draft Planning Contributions SPD below:</p> <p>Overall we consider that a list of Definitions would be helpful, as was included in the Council's previous Planning Contributions SPD.</p>	<p>A Glossary has been included in the Second Draft Planning Contributions SPD.</p>

Question 2: Do you have any comments on Section 2: What are Planning Contributions?

Name	Comment	Response
Stephanie Walker (Lichfields)	<p>It is stated that the Planning Contributions SPD, once adopted, will operate alongside the CIL Charging Schedule which took effect in the Borough in April 2015. The Council's CIL Charging schedule, and the Regulation 123 List (April 2015), confirm that "Kensal Gasworks Strategic Site / Kensal Canalside Opportunity Area" has a 'nil' charging rate, and that infrastructure provisions will be made through "S106. S278/on-site provision".</p> <p>For the avoidance of doubt, we suggest the wording of paragraph 2.3 is amended to specifically reference the Kensal Gasworks Strategic Site to align with the wording of RBKC's Regulation 123 list, therefore confirming that this strategic site is not required to make any Borough CIL contributions.</p>	<p>Paragraph 2.2 of the Second Draft Planning Contributions SPD clarifies that the "<i>Regulation 123 list also includes an exception for all categories of infrastructure for the Earls Court and Kensal Canalside Opportunity Areas. Infrastructure for these areas will be secured through planning obligations as set out in the Development Plan.</i>"</p> <p><i>Paragraph 5.2 provides further clarity "The CIL Regulation 123 List includes an exception for</i></p>

Name	Comment	Response
		<p><i>infrastructure provision within these two site allocations to be secured through s106 for any infrastructure required in accordance with the Development Plan. Therefore, the starting point is the infrastructure set out in the Local Plan site allocations and Opportunity Area Supplementary Planning Documents and this SPD.”</i></p> <p>The Regulation 123 list clarifies</p> <p><i>“Exceptions from the R123 List for which provision will be made by S106s/S278s/on-site provision:</i></p> <p><i>3. For development in the Earl’s Court and West Kensington Opportunity Area / Earl’s Court Strategic Site and/or the Kensal Gasworks Strategic Site / Kensal Canalside Opportunity Area, any infrastructure from all Categories required in accordance with the Development Plan (such as infrastructure specified in SPDs or the IDP)”.</i></p>
Rachel Yorke (Transport for London)	Para 2.10: The Council may wish to review the second sentence for its consistency with the aims and wording of the 123 list. The latter indicates the Council will or may use funding wholly or partly by the CIL charge whereas the draft SPD states more forcefully	This has been amended to more closely reflect wording in the

Name	Comment	Response
	in para 2.10 that “The Council has published a list of infrastructure types and projects that it intends will be funded wholly or partly by its CIL charge which is known as the Regulation 123 List”. [my emphasis]	Regulation 123 list and is now paragraph 2.8 <i>“The Council has published a list of infrastructure types and projects that it intends, will be, or may be, funded wholly or partly by its CIL charge which is known as the Regulation 123 List.”</i>

Question 3: Do you have any comments on Section 3: What Planning Obligations Will Be Sought?

Name	Comment	Response
Stephanie Walker (Lichfields)	<p>As the Council is aware, the redevelopment of the Kensal Gasworks site will bring forward a significant housing-led regeneration; however, due to the complexities of the site the development will require the remediation of land and the need for enhanced access and accessibility to be brought forward by landowners/developers by way of significant upfront infrastructure.</p> <p>Accordingly, it is agreed that planning obligations should be sought on a case-by-case basis (paragraph 3.3) and that the characteristics of a site, the infrastructure needs and the surrounding area are all important factors when negotiating the necessity and reasonableness of planning obligations. It is agreed that consideration for viability and deliverability is key in assessing when planning obligations should be sought.</p>	<p>Support noted.</p> <p>Planning contributions for Kensal Canalside Opportunity Area will be required in accordance with the Development Plan (such as infrastructure specified in SPDs or the Infrastructure Delivery Plan Schedule). See paragraph 2.2 of the Draft SPD.</p>

Question 4: Do you have any comments on Section 4: Approach to Opportunity Areas

Name	Comment	Response
Stephanie Walker (Lichfields)	St William welcomes the inclusion of a section that identifies the strategic importance of opportunity areas within the borough. It is agreed that the borough should take a "more localised approach to planning contributions including affordable housing in these areas" (paragraph 4.1), in accordance with the Mayor's Affordable Housing and Viability SPG, and the exceptions outlined within the CIL Regulation 123 list.	Support noted. This is now paragraph 5.1
Rebecca Rogers (DP9 obo Capital & Counties Properties plc. And Earls Court Partnership Limited)	<p>We note that paragraph 4.1 outlines the approach for planning obligations relating to Opportunity Areas (OAs) and recognises that these developments are complex to bring forward for redevelopment. We welcome the approach in distinguishing OAs as very different to other development sites and schemes within the Royal Borough.</p> <p>The Earls Court and West Kensington OA is a large-scale multi-phased redevelopment and represents a complex arrangement of development and infrastructure issues. It does not lend itself to a Borough-wide blanket set of planning obligation requirements or formula. Whether that be in relation to calculating necessary obligations for social infrastructure, contributions to employment and skills or the analysis to development viability and affordable housing. It is far from a 'normal' development site and must be the subject of a bespoke site specific arrangement.</p> <p>In light of this, whilst – as mentioned above – the text at paragraph 4.1 is welcomed, it does not go far enough and is not sufficiently clear. It appears to imply that the approach to OAs needs to be bespoke and different, but does not explain what this means in the context of the various requirements / approach set out in the remainder of the draft SPD. The approach to OAs must be explicit and we strongly suggest that the text at paragraph 4.1 is further developed and is explicit in stating that OAs are to be the subject of bespoke arrangements and fall outside the scope of the Planning Contributions SPD.</p>	<p>Support noted. This is now paragraph 5.1</p> <p>Section 5 on Opportunity Areas of the Second Draft Planning Contributions SPD refers to the Earls Court and West Kensington Opportunity Area Joint SPD which sets out the approach to planning contributions for the Opportunity Area.</p> <p>Paragraph 5.2 further clarifies that that <i>"The CIL Regulation 123 List includes an exception for infrastructure provision within these two site allocations to be secured through s106 for any infrastructure required in accordance with the Development Plan. Therefore, the starting point is the infrastructure set out in the Local Plan site allocations and Opportunity Area</i></p>

Name	Comment	Response
		<p><i>Supplementary Planning Documents and this SPD.</i>” The localised approach for opportunity areas is the Local Plan Site Allocations, Opportunity Area SPDs and the Planning Contributions SPD.</p>
<p>Alice French (Indigo obo Sainsbury’s Supermarket Limited and Ballymore Group)</p>	<p>Introduction We support the Council’s intention to produce a site-specific SPD for the Kensal Canalside OA setting out infrastructure and related contributions and confirmation of CIL exemption. We request, however, further clarification is provided on the site’s Opportunity Area status and matters of strategic planning policy, including affordable housing and viability.</p> <p>Opportunity Areas We welcome the Councils’ approach to Opportunity Areas, and recognition that they are complex to bring forward and rely on significant infrastructure investment. We strongly support Paragraph 4.1 and the Council’s intention to address infrastructure issues through a separate SPD process and confirmation that Kensal Canalside is CIL exempt. The SPD should acknowledge, however, that infrastructure requirements</p>	<p>Support noted. The proposed Kensal Canalside SPD will provide further detail on strategic planning policy including on s106 planning contributions. Paragraph 5.2 further clarifies that that <i>“The CIL Regulation 123 List includes an exception for infrastructure provision within these two site allocations to be secured through s106 for any infrastructure required in accordance with the Development Plan. Therefore, the starting point is the infrastructure set out in the Local Plan site allocations and Opportunity Area Supplementary Planning Documents and this SPD.”</i></p> <p>Support noted.</p> <p>This will be addressed in the proposed Kensal Canalside SPD.</p>

Name	Comment	Response
	<p>should be subject to comprehensive and robust testing and be flexible to reflect the complexity of land assembly issues and development phasing.</p> <p>Affordable Housing We request that Paragraph 4.1 is modified to take account of Paragraph 2.84 of the Mayor's adopted Affordable Housing SPG on Opportunity Areas to acknowledge that LPAs can apply a localised affordable housing threshold for the Fast Track Route. Accordingly, Paragraph 4.1 should clarify that review mechanisms will only be sought if an agreed level of progress on implementation has not been achieved in accordance with the Mayor's threshold approach to viability.</p>	<p>Paragraph 7.17 of the Second Draft SPD clarifies that <i>"The Local Plan supports the use of review mechanisms when financial viability assessments demonstrate that current market conditions will support less than the target for affordable housing in Policy CH2"</i> paragraph 8.3 further clarifies the approach to review mechanisms and the Mayors "fast track" mechanism.</p>

Question 5: Do you have any comments on Section 5: Negotiating Planning Obligations

No Comments received to Section 5.

Question 6: Do you have any comments on Section 6: Assessing Viability

Name	Comment	Response
Stephanie Walker (Lichfields)	St William would query whether it is suitable for all viability appraisals to become 'open book' particularly for strategic sites where there is sensitive commercial data. Instead, as with other London boroughs, it is suggested that this is amended to state that the	This approach aligns with the Mayor's Affordable Housing and Viability SPG, paragraphs 1.18 and

Name	Comment	Response
	<p>viability appraisal is to remain confidential however a redacted version should be prepared and published on the Council's planning explorer alongside the application documents.</p>	<p>1.25 and recent Government consultation "<i>Planning for the Right Homes in the Right Places</i>" which encourages viability assessments to be simpler, quicker and more transparent.</p> <p>The council notes that recent Information Commissioner's Office and First Tier Tribunal decisions on requests to release financial appraisals, submitted as part of planning applications under the Environmental Impact Regulations 2004, have been upheld. Therefore, in the interest of increasing public trust in the planning process confidential information in financial viability appraisals should be kept to the minimum.</p> <p>The Local Plan Partial Review reasoned justification paragraph 35.3.39 does recognise that some information may be confidential although it states that this should be kept to the minimum.</p>
<p>Rebecca Rogers (DP9 obo Capital & Counties Properties</p>	<p>Also, and along the same lines, the approach to viability set out in Section 6 should also make reference to OAs, note their viability challenges and again state that OA specific approaches will be necessary (i.e. separate to the Borough wide blanket type approach</p>	<p>See Council's response to comment at question 4.</p>

Name	Comment	Response
plc. And Earls Court Partnership Limited)	set out in the document). For large-scale OA sites such as Earls Court, we feel it is important the Royal Borough – through policy and guidance – provides itself with enough flexibility to ensure approaches to viability can be tailored appropriately to best suit site specifics. We do not feel that the current draft SPD suitably achieves this for OAs.	
Rachel Yorke (Transport for London)	Para 6.7: This helpfully states that “Where planning obligations will be required, the pre-application stage offers the opportunity to identify the draft S106 Heads of Terms and to consider viability appraisals prior to submission”, however we would point out that both the GLA and TfL offer pre-application services to applicants which can assist in this too.	The reference relates to pre-application services offered by the Council. It is noted that the GLA and TfL offer similar pre application services which the developers can make use of at their discretion.

Question 7: Do you have any comments on Section 7: Standard Charges and Obligations for S106

No Comments received to Section 7.

Question 8: Do you have any comments on Section 8: Diversity of Housing

Name	Comment	Response
Greg Hammond	The phrase 'affordable housing' is used a lot, but is never defined. Some people think the phrase is synonymous with 'social housing'; others think it includes private rental, part-ownership and cheap(er) ownership. Also, what is realistically 'affordable' in RBKC is going to be different from other parts of the UK and other parts of London. The document needs a lot more precision about what outcomes are desired in the area of 'affordable housing'.	Affordable Housing is defined in the Government’s National Planning Policy Framework in Annex 2. A Glossary has been included in the Second Draft Planning Contributions SPD.

Name	Comment	Response
		<p>The Planning Contributions SPD provides additional details on the Local Plan Partial Review policy CH2 Affordable Housing to secure affordable housing through planning obligations. The Local Plan sets the affordable housing threshold, requirement, and details of tenure and housing mix.</p>
<p>Alice French (Indigo obo Sainsbury's Supermarket Limited and Ballymore Group)</p>	<p>Vacant Building Credit Paragraph 8.12 notes that Vacant Building Credit (VBC) should not apply to the borough and that this approach has been endorsed through the Mayor's Affordable Housing and Viability SPG. We request that Paragraph 8.12 is modified to reflect Paragraph 2.74 of the Mayor's Affordable Housing and Viability SPG, which states that 'in most circumstances' it is not appropriate to apply Vacant Building Credit in London, however there are limited circumstances where it is appropriate and the criteria provided for accessing applicability.</p>	<p>This approach has already been set in the Local Plan Partial Review which has now been subject to Examination in Public (February 2018) and Proposed Main Modifications (September 2018). Vacant building credit does not apply to development in the borough. This is because given the central London location and highly dense character of the borough all sites are brownfield and the vacant building credit will not bring forward more development. Where affordable housing targets are not met only viable levels of affordable housing are required following consideration of detailed viability appraisals. The borough also has the highest property values in the UK and development has always come forward in the borough</p>

Name	Comment	Response
		without the need to incentivise it. Applying vacant building credit would run counter to the London Plan's objective of maximising the provision of affordable housing.

Question 9: Do you have any comments on Section 9: An Engaging Public Realm

Name	Comment	Response
Greg Hammond	I think the section on public art was a bit tokenistic and could be used as a substitute for poor design of developments. If new buildings themselves were attractive and included decorative features with good build quality (like the large amount of Victorian housing stock that gives RBKC its distinctive character), extra pieces of 'public art' would be less necessary. I am not against public art as such, however.	Good design and provision of public art are two distinct matters. The provision of public art is not a substitute for delivering poor design. The Consolidated Local Plan includes Policy CL2: Design Quality which <i>“requires all development to be of the highest architectural and urban design quality”</i> .
Stephanie Walker (Lichfields)	The requirement for 1% of the value of the development to be provided as public art is onerous within the public realm. For a strategic regeneration site, such as Kensal, with significant infrastructure costs, there should be flexibility as to what is provided by way of public realm and any public art.	The Local Plan Partial Review sets out a clear approach for public art to be provided as part of the development in the first instance and a financial contribution sought where such provision is not appropriate. The percentage requirement is set as a guideline

Name	Comment	Response
		<p><i>“elements should be up to 1% of the value of the development.”</i> [emphasis added]</p>
<p>Katherine Fletcher (Historic England)</p>	<p>We note the extract on page 9 of this document, referring to para 29.2.6 of the Local Plan partial review. This refers to conservation of historic buildings and other conservation projects as potentially subjects of planning contributions. This is welcome. In view of the historic significance of the borough we consider it would be proportionate to amplify this aspect in the later sections, perhaps following section 9 on public realm.</p> <p>To assist with this, the Good Practice Advice in Planning Note 1 (GPA1) ‘The Historic Environment in Local Plans’ provides examples of where CIL or s106 contributions may be relevant to heritage assets. For instance, this may be in terms of repair/restoration or maintenance of heritage assets or their setting (which may particularly apply to heritage assets at risk); increased public access and signage to/from heritage assets; archaeological investigation; interpretation panels; production/implementation of conservation area appraisals/management plans; dissemination of historic environment information for education or research purposes; public realm improvements including enhancement of historic squares and gardens. The GPA1 note is available on our website at: https://historicengland.org.uk/images-books/publications/gpa1-historic-environmentlocal-plans/</p>	<p>Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. The Community Infrastructure Levy Regulations set out statutory tests for S106 planning obligations, they must be directly related to the development, and fairly and reasonably related in scale and kind. If these tests are met, planning obligations for historic buildings can be sought.</p>

Question 10: Do you have any comments on Section 10: Better Travel Choices

Name	Comment	Response
Greg Hammond	<p>I inferred from paras 10.5 and following that RBKC developments would have to pay a contribution towards Crossrail 1/Elizabeth Line. I think this is outrageous if the line is going to pass through RBKC without a station to give benefit to our residents. A North Kensington station on the Elizabeth Line would be transformative for residents in that poorly-connected part of RBKC and should be pursued urgently.</p>	<p>The council is actively pursuing a station in the north of the borough as part of the Kensal Canalside Opportunity Area.</p> <p>Contributions towards Crossrail 1 / Elizabeth Line is set by the Mayor of London (Mayor's CIL and Cross Rail Funding SPG, March 2016), the borough council is however responsible for collecting this on the Mayors behalf.</p> <p>This is explained in SPD at paragraph 10.8 to 10.11.</p>
Michael Atkins (Port of London Authority)	<p>It is noted that section 10 of the Draft Planning Contributions SPD, under 'Better Travel Choices' states that planning obligations may be sought for site specific traffic and highway works, contributions to public transport not capable of being collected through CIL, parking restrictions, travel plans or other management plans, and that further guidance is available through the adopted Transport and Streets SPD.</p> <p>The PLA consider that the promotion of river based transport must be considered as part of this, which would accord with the PLAs Vision for the Tidal Thames document and TfL's River Action Plan (Feb 2013). A key goal for the Thames Vision is to double the amount of people travelling by River by 2035, reaching 20 million commuter and tourist trips every year, and also to encourage more people to enjoy/use the River Thames and its banks. The River Action Plan (2013) outlines a number of specific measures to be taken by Transport for London (TfL) and other stakeholders to help</p>	<p>The Planning Contributions SPD relates to financial contributions which will be sought from developers. Promoting the use of River Bus and access to the river bank is not a matter appropriate for this SPD. This matter is addressed in the Transport and Streets SPD (2016) and in the Local Plan Partial Review, in particular Local Plan Partial Review policy CR5: Parks, Gardens, Open Spaces and Waterways, part h.</p>

Name	Comment	Response
	<p>boost the number of river trips. The PLA would like to see consideration given by developers to the use of the River Bus and access to the river bank and this should be cited within the Transport and Highways section of the draft SPD.</p> <p>Within the SPD, there should also be reference to the importance of Construction Traffic Management Plans (CTMP) under the Better Travel Choices section. It is recognised that there is some information on these within the adopted Transport and Streets SPD, however the PLA consider reference to these should also be included within the Planning Obligations SPD. As part of the Thames Vision, the PLA have set the goal to see more goods and materials moved on the river, and one method to help achieve this is through input into CTMPs for Riparian developments, to encourage developers to make more use of the River for the transportation of goods/materials/waste, for at least some part of the journey, and particularly during the construction phase.</p>	<p>Local Plan Partial Review Policy CE3 Waste also addresses promoting the use of waterways for transport Part g requires <i>“that development proposals make use of the rail and the waterway network for the transportation of construction waste and other waste;”</i></p> <p>Detailed information on CTMP’s is included in the Transport and Streets SPD (April 2016). This includes provision at 8.2.7 for considering river transport for construction and waste materials.</p>

Question 11: Do you have any comments on Section 11: Renewable and Decentralised Energy

Name	Comment	Response
Keira Murphy (Environment Agency)	We are pleased the SPD references that ‘flooding and drainage’ and ‘biodiversity’ are included in paragraph 29.2.6 (supporting policy C1 of the Local Plan) as items which the Council may seek planning contributions for. The SPD includes further detail about seeking contributions for carbon offsetting, renewable energy and decentralised energy under section 11 ‘Respecting Environmental Limits.’ Ideally we would have liked to have seen a brief paragraph within the SPD in this section to recognise the role planning contributions may have in reducing flood risk on site and ensuring the	The Council’s Regulation 123 List includes flooding and biodiversity as types of infrastructure that the council intends, will be, or maybe, wholly or partially funded by CIL. Therefore, the Council is unable to collect S106 contributions for these

Name	Comment	Response
	development is protected from future climate change impacts. This could, for example, acknowledge that on occasion it may be necessary to seek planning contributions to ensure flood defences can protect a site for the lifetime of development, (e.g. on-site or off-site works to raise, repair or replace flood defences). Similarly a S106 may be required for biodiversity improvements including works or contributions to off-site biodiversity enhancements where on-site mitigation or compensation is unachievable.	<p>items. However, the Regulation 123 list sets out some exceptions to this. An exception to this is an item of infrastructure that is <u>specifically required to make a development acceptable</u>, subject to the “S106 Tests” and pooling restrictions, or if <u>onsite provision of infrastructure is required in accordance with the development plan</u>.</p> <p>The Consolidated Local Plan / Local Plan Partial Review addresses both flooding (flood risk assets) and biodiversity issues in Local Plan Partial Review policy CE2 Flooding and Consolidated Local Plan policy CE4 Biodiversity.</p>

Question 12: Do you have any comments on Section 21: Fostering Vitality

Name	Comment	Response
Stephanie Walker (Lichfields)	It should be noted that on certain complex sites, for example the decontamination and remediation of the former gasworks site, specialist suppliers may be required who may not be local. The text should therefore be worded so as to ensure that developers of major developments are 'encouraged' to use local suppliers, rather than 'required' to, and that this will be negotiated on a site specific basis.	<p>The wording of the Second Draft SPD acknowledges this circumstance: <i>“All major developments will be required to promote the use of local suppliers” [emphasis added]</i></p>

Name	Comment	Response
		<p>This is further reflected at paragraph 12.13, bullet point 1 “to aim to achieve the objectives set out in the Local Procurement Code 1; the procurement of construction contracts and goods and services from SMEs based in Kensington and Chelsea towards a target of 10% of the total value of the construction contract” [emphasis added]</p>

Question 13: Do you have any comments on Section 13: Delivery of Planning Obligations

Name	Comment	Response
<p>Alice French (Indigo obo Sainsbury’s Supermarket Limited and Ballymore Group)</p>	<p>Procedure It is noted that the SPD references the Council’s Local Plan Partial Review policies. We understand that the Local Plan Partial Review has been suspended at Regulation 22 Stage, subject to re-consultation.</p> <p>We note NPPG Paragraph: 028 Reference ID: 12-028-20140306, which states that Supplementary Planning Documents should provide detailed guidance based on Local Plan Policies.</p> <p>We, therefore, seek to clarify the status of the Planning Contributions SPD, should there be substantive modifications to proposed Local Plan Policies, either in response to any further consultation undertaken or proposed modifications in light of the Inspector’s findings.</p>	<p>The Local Plan Partial Review was subject to Examination in Public between 27 February and 16 March 2018. The council consulted on Main Modification arising from the examination hearings between 23 July and 27 September 2018. Where relevant these have been reflected in the second draft of the SPD.</p>

¹ <https://www.rbkc.gov.uk/idoxWAM/doc/Consultee%20Responses-1577973.pdf?extension=.pdf&id=1577973&location=volume2&contentType=application/pdf&pageCount=1>

