

# First Draft Planning Contributions Supplementary Planning Document Summary of Main Issues Raised

Regulation 12 (a) (ii) of The Town and Country Planning (Local Planning) (England)  
Regulations 2012



THE ROYAL BOROUGH OF  
KENSINGTON  
AND CHELSEA

## Question 1:

Do you have any comments on Section 1: Introduction?

### 5 responses. Key points:

- SPD does not relate to Natural England's interests to any significant extent and therefore the organisation does not wish to comment
- Contributions towards SRN improvements would be secured via S278 agreements, and not via a CIL Reg123 List or S106
- Sites of a strategic importance should be given much greater flexibility to ensure they can be viably delivered.
- A list of definitions should be included.

## Question 2:

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

### 2 responses. Key points:

- Wording of paragraph 2.3 should be amended to confirm that Kensal Gasworks site is not required to make any Borough CIL contributions.
- Update paragraph 2.10 wording to align with wording in CIL Charging Schedule

## Question 3:

Do you have any comments on Section 3: What Planning Obligations will be Sought?

### 1 Response:

- Agree that planning obligation should be sought on a case by case basis

**Question 4:**

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

**3 responses. Key points:**

- Agree that a more localised approach to planning contributions for strategic sites in accordance with the Mayor's Affordable Housing and Viability SPD and the exceptions outlined in the CIL Regulation 123 list be taken.
- The approach to opportunity areas must be explicit. 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.
- Infrastructure requirements for opportunity areas should be subject to comprehensive and robust testing and be flexible to reflect the complexity of land assembly issues and development phasing

**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?**

**3 responses. Key points:**

- Query whether it is suitable for all viability appraisals to become 'open book' particularly for strategic sites where there is sensitive commercial data
- Suggest that viability appraisal remain confidential and redacted version be published alongside planning application documents.
- Reference should be made to opportunity areas, noting their viability challenges and that specific approaches will be necessary
- Flexibility is needed for opportunity areas to ensure approaches to viability can be tailored appropriately to best suit site specifics.
- GLA TfL offer pre-application services

**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?**

**2 responses. Key points:**

- Define term “Affordable Housing”
- More precision about the outcomes desired in the area of affordable housing.
- Modified paragraph 8.12 to reflect Paragraph 2.74 of the Mayor’s Affordable Housing and Viability SPG which states there are limited circumstances vacant building credit is appropriate.

**Question 9:**

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

**3 responses, Key points:**

- Public art contributions could be used as a substitute for poor design of developments
- 1% value of development value is too onerous as a Public Art contribution.
- Include a section on contributions for conservation of historic buildings

**Question 10:**

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

**2 responses, Key points:**

- A North Kensington station on the Elizabeth Line should be pursued urgently.
- Transport and Highways section of the Draft SPD should encourage developers to consider River Bus and access to the river bank.
- Reference to the importance of Construction Traffic Management Plans (CTMP) should be included

**Question 11:**

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

**1 response:**

- Acknowledge that on occasion it may be necessary to seek planning contributions for flood defences
- S106 may be required for biodiversity improvements including works or contributions to off-site biodiversity enhancements where on-site mitigation or compensation is unachievable.

**Question 12:**

**Do you have any comments on Section 21: Fostering Vitality?**

**1 response:**

- In some circumstances specialist suppliers may be required who may not be local.
- Text should be worded to ensure developers of Major developments are “encouraged” to use local suppliers and this will be negotiated on a site specific basis

**Question 13:**

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

**1 response:**

- Clarification on the status of the Planning Contributions SPD sought if there are substantive changes arising from further LPPR consultations, proposed modifications or LPPR Inspectors findings.