

Hammersmith and Fulham Local Plan Examination 2017

Main Issues and Questions identified by the Inspector

Royal Borough of Kensington and Chelsea Further Written Statement

LEGAL COMPLIANCE, SPATIAL VISION AND STRATEGIC OBJECTIVES

Q2. Does the Plan acknowledge adequately cross border issues, particularly with regard to the Duty to Cooperate on strategic matters? Have there been timely, effective and conclusive discussions with key stakeholders and prescribed bodies on what the plan should contain? How does the Plan align with those of adjacent Boroughs?

The Royal Borough of Kensington and Chelsea (RBKC) officers conveyed to officers of the London Borough of Hammersmith and Fulham at a planning policy liaison meeting in October 2016 that all references to a Crossrail 2 station at Imperial Wharf have been removed from RBKC's Local Plan Partial Review because this option is not being considered by Transport for London, as detailed in RBKC's Local Plan Partial Review Submission¹ Policy Formulation Report for Rail Infrastructure.

Q8. Does the Plan contain a positively prepared, clear and justified vision for the Borough? How have reasonable alternatives been considered and discounted? Is the spatial vision justified and robust with due regard to inclusive design?

Please see response above.

¹ <https://planningconsult.rbkc.gov.uk/consult.ti/LPPRexam/consultationHome>

REGENERATION STRATEGIES – WHITE CITY, HAMMERSMITH, FULHAM, SOUTH FULHAM

White City

Q3. Is Strategic Policy WCRA justified, with due regard to reasonable alternatives and the duty to cooperate, and will it be effective? Is it clear whether the housing numbers are targets/minimums?

Should the plan reference the Opportunity Area Planning Framework for WCRA?

Are the White City East and Shepherds Bush Town Centre defined robustly in the LP and shown appropriately on the policies map?

The Council considers the proposed changes are adequate.

Q4. Is WCRA 1 (White City East) justified and will it be effective?

The Council made the following representations to the LBHF Draft Local Plan Regulation 19 consultation on the 28 October 2016, however these representations do not seem to appear in KD3 “Representations” or in EX6 “Regulation 19 Representations Schedule (with council responses)”.

Strategic Site Policy WCRA1 – White City East

- Bullet 4 – The wording should be amended: “demonstrate how the proposal fits within the context of a detailed masterplan, and how it integrates and connects with the surrounding context including land adjacent to the boundary with RBKC”. **[Duty to Cooperate; Consistency with National Policy; Effectiveness]**.
- Paragraph 5.28 – We support the statement that development beside the West London Line and A3220 should provide for east-west pedestrian connections to encourage sustainable modes of transport. The text should explicitly state the east west connections are to RBKC. The requirement for such links should be included with the wording of the policy itself and not only in the reasoned justification. **[Duty to Cooperate; Effectiveness]**.
- Paragraph 5.30 – We do not support the statement that White City East is the most appropriate site within the WCRA for taller buildings as set out under 5.23 above. **[Duty to Cooperate; Justification; Effectiveness]**.
- Our previous consultation response noted that this Regeneration Area is in close proximity to the Travellers’ site at Stable Way. The justification text for this site policy could acknowledge that fact given its importance in meeting LBHF’s Gypsy and Traveller accommodation need. See also comments on Borough-wide Policy HO10 Gypsy and Traveller accommodation. We note this was not changed and we reiterate this request. **[Duty to Cooperate; Effectiveness]**.

The Council is concerned that these points have not been considered.

Fulham

Q9. Are Strategic Policies FRA and FRA 1 justified, with regard to reasonable alternatives, and will they be effective?

The Council notes, in response to its previous representations, that a reference to Grade 1 Historic Park and Garden at Brompton Cemetery is proposed to be added and that reference to heritage assets would include conservation areas.

South Fulham

Q11. Are Policies SFRRRA and SFRRRA 1 justified, with due regard to reasonable alternatives, and will they be effective?

The Council is pleased to see the reference added to surrounding areas to paragraph 5.110 and Policy SFRRRA.

Please also see response to Q2, the Council's understanding is that Transport for London is not investigating the option of a new Crossrail 2 station at Imperial Wharf.

The Council accepts in response to its previous representations that Brompton Cemetery and Lots Village Conservation Area would be included within 'other heritage assets'.

HOUSING

Question 19. Has the duty to cooperate been employed adequately (and sufficiently widely) to address the issue of gypsy and traveller accommodation effectively?

Kensington & Chelsea and Hammersmith & Fulham have worked closely with each other to complete a Joint Gypsy and Traveller Needs Assessment (SD17). The GTANA was undertaken on a joint basis due to the history and location of the Stable Way Traveller site as explained between paragraphs 1.3 and 1.5 of SD17. In addition to this, the Kensington and Chelsea Tenant Management Organisation's management of the site is funded by the two Councils. SD17 has been undertaken in accordance with the Duty to Cooperate (DtC) between RBKC and LBHF identifying additional pitch need across both local authority areas. RBKC considers the DtC has been employed adequately in respect of identifying Traveller accommodation needs and that this must continue in addressing accommodation needs effectively.

Both Councils have jointly agreed a common approach to identifying and appraising site suitability for Gypsy and Traveller accommodation within their respective local authority areas. The approach is set out in the Joint Site Appraisal Study Methodology² which is part of RBKC's Local Plan Partial Review submission³. RBKC has also submitted its actual Site Appraisal Study⁴ showing the results of working through the Methodology for sites in RBKC, as part of its Local Plan Partial Review.

The proposed modification to paragraph 6.63, MC82, is factually incorrect. The wording should be amended to "The Stable Way Traveller Site is a permanent site with a total of 20 pitches, of which 1 is occupied by 'The Hut' community centre."

Question 20. How have alternatives been considered and discounted? Has consideration been given to accommodating needs elsewhere within the Borough?

As explained above RBKC and LBHF have agreed a Joint Site Appraisal Study (SAS) Methodology⁵. Each borough is responsible for identifying and appraising sites within their borough (paragraph 1.5 and 1.6 of the SAS Methodology). RBKC has

² https://planningconsult.rbkc.gov.uk/gf2.ti/f/799106/26726949.1/PDF/-/GTASAS_Joint_Methodology_May_2017.pdf

³ <https://planningconsult.rbkc.gov.uk/consult.ti/LPPRexam/consultationHome>

⁴ https://planningconsult.rbkc.gov.uk/gf2.ti/f/799106/26793701.1/PDF/-/Gypsy_and_Traveller_Accommodation_Site_Appraisal_Study_GTASAS_May_2017.pdf

⁵ https://planningconsult.rbkc.gov.uk/gf2.ti/f/799106/26726949.1/PDF/-/GTASAS_Joint_Methodology_May_2017.pdf

undertaken a site identification and appraisal exercise to support the RBKC Local Plan Partial Review (LPPR). The initial findings were published as part of the LPPR Publication Policies Consultation in February 2017. The SAS Methodology and RBKC SAS⁶ were published as submission documents to the RBKC LPPR⁷. This concludes that there is limited scope for additional capacity within the existing site, but there are potential opportunities adjacent which will need to be explored further. These are unlikely to meet the full accommodation needs identified in the Joint GTANA. When LBHF undertakes its exercise it is expected that LBHF will apply the agreed approach in the SAS Methodology for identifying and appraising sites within its area to assist meeting the identified need in SD17.

The current LBHF policy approach is supportive of continued joint work with RBKC with a focus on exploring opportunities at the existing Stable Way Site which is within RBKC. The RBKC SAS concludes that there is limited scope for additional capacity within the existing site, but there are two potential opportunities adjacent which will need to be explored further. Until these opportunities are further explored the precise capacity is unknown. However, it is unlikely that there will be capacity to meet the full accommodation needs identified in the Joint GTANA. The scope of the LBHF policy approach could be widened to include reference to identifying and appraising sites within LBHF. This would make the policy more effective and indicate how the Council intends to address needs. This has partly been addressed in KD4 Schedule of Minor and Technical Changes, MC82, but could helpfully be expanded upon and referred to within Policy HO10. The further explanation would provide clarity on how LBHF intends to plan for additional Gypsy and Traveller accommodation within its area in addition to relying on the existing Stable Way site in RBKC.

Question 21. Is the needs assessment adequate for the entire plan period and how does it relate to Section 124 of the Housing and Planning Act 2016 (caravans and houseboats)? How will the issue of needs assessment and site supply be addressed into the future?

The LBHF plan period is to 2035. The Joint GTANA identifies a need for 9 additional pitches between 2015 and 2030. Paragraph 7 b) of the PPTS advises that local authorities maintain an up-to-date understanding of the likely permanent and transit accommodation needs of their areas over the lifespan of their development plan. It is likely that the Joint GTANA will need to be reviewed before the end of the LBHF plan period, to ensure that an up-to-date understanding of needs is maintained. RBKC is supportive of jointly reviewing accommodation needs in the future. Wording at paragraph 6.63, MC82, should clarify that “The assessment identified that 3 additional pitches are required in the first 5 years, 9 in total between 2015 and 2030”.

Section 124 of the Housing and Planning Act 2016 removes the requirement for each local housing authority to carry out a specific assessment of the accommodation needs of Gypsies and Travellers. At the same time, it introduces a requirement under Section 8 of the Housing Act 1985 for local housing authorities (not local planning authorities) to undertake a periodical review of housing needs of the people residing or resorting to their area with respect to the provision of sites on which caravans (and houseboats) can be stationed.

The Government has published Draft Guidance on the Periodical Review of Housing Needs of Caravans and Houseboats which sets out guidance on how to consider the need for caravans and moorings for houseboats. This was published in March 2016 and

⁶ https://planningconsult.rbkc.gov.uk/gf2.ti/f/799106/26793701.1/PDF/-/Gypsy_and_Traveller_Accommodation_Site_Appraisal_Study_GTASAS_May_2017.pdf

⁷ <https://planningconsult.rbkc.gov.uk/consult.ti/LPPRexam/consultationHome>

remains in draft form. Councils, as local housing authorities, have a responsibility for assessing and providing for the accommodation needs of those living in caravans, separate to its local planning authority functions.

The Housing and Planning Act 2016 does not change requirements on Councils, as a local planning authority, as set out in the Planning Policy for Traveller Sites (PPTS).

The Joint GTANA approach considers the Draft Guidance and there are clear synergies in the approach taken. Figure 3.3 in the methodology and results section of the Joint GTANA shows the data sources suggested in the Draft Guidance and that used in the needs assessment.

Furthermore, results are set out for PPTS compliant (applying the PPTS planning definition of Travellers) and non PPTS compliant (not applying the PPTS planning definition of Travellers) accommodation needs.

Travellers who fall within the PPTS definition should be assessed and provided for as detailed in the PPTS. The needs of those travellers who do not fall within planning the definition should be assessed under the provisions of the NPPF, inferring as part of Strategic Housing Market Assessments.

In summary the Council, as a local planning authority, is required to assess accommodation needs of Gypsies and Travellers as set out in the PPTS.

COMMUNITY FACILITIES, LEISURE, RECREATION, GREEN AND PUBLIC OPEN SPACE, RIVER THAMES, TRANSPORT AND ACCESSIBILITY

Q11. Is Policy T1 (Transport) justified by the evidence base and in general conformity with the London Plan?

Is the reference to Crossrail justified and deliverable?

Is the proposed change, ref MC 121, minor (re river)?

The Council is pleased to see the wording “or adjacent to the Imperial College Campus” has been included in paragraph 6.307 in response to its previous representations.

Please also see the Council’s response to Q2. The Council understands that Transport for London is not investigating the option of a new Crossrail 2 station at Imperial Wharf.

DESIGN, CONVERSATION, ENVIRONMENTAL SUSTAINABILITY

*Question 15. Are matters relating to waste management and hazardous substances dealt with adequately within the LP? Is Policy CC6 (Strategic Waste Management) justified and will it be effective in implementation?
Should Policy CC8 (Hazardous Substances) include a reference to the Fulham Holder Stations?*

The London Plan's apportionment figure for RBKC is 198,000 tonnes per annum by 2036. A combination of a stretching housing target, the constrained nature of the borough and competing land uses limits the Council's ability to allocate sufficient land to be able to meet its apportionment. This Council will need to rely on other WRWA WPAs to allocate and safeguard sites in their boroughs to meet the London Plan apportionment as part of the Duty to Cooperate.

The Council reiterates previous comments in respect of removal of LBHF Core Strategy Paragraph 8.102. Surplus capacity, which has previously been committed to assist RBKC in the LBHF Core Strategy, has effectively been taken away from RBKC in light of the formation of the OPDC. This Council acknowledges that LBHF's two strategic waste sites (Powerday and EMR) now fall within the boundary of OPDC. For this reason, LBHF has less planning control over these waste sites than previously (document EX6, officer response to comment number 403).

Whilst OPDC has planning responsibility for the two strategic waste sites within LBHF, OPDC itself does not have an apportionment target. Therefore, it is unclear which authority, OPDC or LBHF, is responsible for making decisions in respect of sharing surplus capacity in light of the DtC to meet the London Plan apportionment. Policy CC6 should clarify which authority is responsible for decision making in respect of available surplus capacity and confirm that any surplus will be made available to RBKC / the WRWA WPAs. This would provide reassurance that any surplus capacity will remain within the WRWA area in the first instance and not be utilised by LBHF/OPDC for other OPDC constituent boroughs.

Officers of the WRWA WPAs had agreed to continue working jointly to meet the pooled London Plan apportionment as a group of WPAs in January 2017, subject to a Memorandum of Understanding. The joint working arrangements will extend to monitoring pooled arisings, apportionment, available capacity, shortfall and/or surplus capacity for all waste streams. A Draft Memorandum of Understanding had been prepared and circulated to the WRWA WPAs in March 2017. However, due to further investigating of capacity at Powerday and internal governance reporting timescales the WPAs are still working towards agreeing this formally.

The WRWA WPA officers have agreed to continue working towards agreeing an MoU. RBKC has received email confirmations of this commitment from all of the constituent WRWA WPAs: Hammersmith and Fulham, OPDC, Lambeth and Wandsworth.

This should be reflected within the LBHF policy approach to waste management given the strategic cross boundary nature of the this planning matter. Suggested amendments to wording at paragraph 6.285 of the plan is *"The council is investigating the potential for pooling apportionment requirements with the other waste planning authorities within the WRWA area and is committed to agreeing an MoU with them."*

The effectiveness of Policy CC6 could be improved by including an additional point: “*d. the council will work with the other WRWA WPAs to ensure that as much waste as possible is managed within the WRWA area.*”

Policy CC6 refers to promoting maximum use of the WRWA Smugglers Way Facility. However, this is located within the London Borough of Wandsworth, outside of LBHF’s administrative area. Policy CC6 would be more effective if it were to refer to working closely with the OPDC and other WRWA WPAs to maximise waste management capacity at all WRWA WPA sites, including the Powerday facility in OPDC. Whilst LBHF has less planning control over the site, it is likely to have some influence over this facility given the wording in the London Plan paragraph 5.80 which requires MDC’s to co-operate with a borough it falls within.

The capacity assumed for Powerday is established by LBHF in its Submission Local Plan review background paper on waste which also replicates relevant tables of the Waste Technical Paper prepared jointly by the WRWA WPAs. The WRWA WPAs met with officers working for the Mayor of London in February 2017 to discuss waste planning matters. It was suggested to the WRWA WPAs that the assumed capacity at Powerday be further investigated. It must also be noted that North London Waste Planning group has provided comments on RBKC’s Local Plan Partial Review on capacity assumptions at Powerday which have been shared with the WRWA WPAs. It is not clear whether LBHF consulted the North London Waste Plan group on its Proposed Submission Local Plan. LBHF and OPDC will need to further investigate the capacity of the facility as part of their Local Plan processes on behalf of the WRWA WPAs. As part of this they should work with the facility operators and the GLA to maximise waste management operations which can count towards meeting waste apportionments.