



St Quintin and Woodlands Neighbourhood Forum

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Pauline Butcher
Programme Officer

May 20th 2017

Dear Ms Butcher,

Representations on the LB Hammersmith and Fulham Regulation 19 Local Plan

We wish to reconfirm a number of points made in our earlier representations. These are points which are either not addressed at all, or not satisfactorily, in the LBHF officer responses to date.

Neighbourhood Planning (representation 406 in schedule).

We pointed out that a new Local Plan for LBHF needs to be drafted in a form that makes clear the relationship between a Local Plan and neighbourhood plans, and which takes into account of NPPF principles and DCLG Planning Practice Guidance on the subject.

In response the Council has introduced an additional wording after paragraph 1.9 (see at KD3 paragraph MP4). This reads as below:

'Neighbourhood Planning was introduced as part of the Localism Act 2011. Neighbourhood plans are development and land use documents led by members of the community. Neighbourhood plans must be developed in conformity with the strategic policies in the relevant local, regional and national documents. Neighbourhood Planning Regulations sets out the procedure and key milestones in developing a neighbourhood plan. Notably, for a neighbourhood plan to be adopted and form part of the Development Plan, they must be voted on in a local Referendum.'

We consider this wording to be inaccurate and insufficient in reflecting the NPPF. NPPF paragraph 184 (and the statutory framework) states *Neighbourhood plans must be in **general** conformity with the strategic policies of the Local Plan* (our emphasis added). This is different from 'must be developed in conformity with'.

The distinction is an important one in terms of the scope of neighbourhood plans and has been the subject of decisions in the Courts (see the judgment in the BDW Trading case (Tattenhall) which stated at paragraph 82: "...I accept [the] submission that the only statutory requirement imposed by Condition (e) is that the Neighbourhood Plan as a whole should be in general conformity with the adopted Development Plan as a whole").

The last sentence in the LBHF new wording, apart from being ungrammatical, is curiously worded and could be seen as an attempt to dissuade local people from embarking on a neighbourhood plan.

We suggest alternative wording for this paragraph, more closely aligned to that used in the NPPF, as follows:
Neighbourhood planning was introduced by the Localism Act 2011. Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community. In non-parished areas including London, neighbourhood plans are led by a neighbourhood forum, designated by the local authority. Neighbourhood plan policies must be in general conformity with the strategic policies of the Local Plan. Draft plans are independently examined prior to a referendum in the neighbourhood area. Where supported by a simple majority, a neighbourhood plans becomes part of the development plan for the area and its policies are used in making planning decisions.

We consider that paragraph 1.4 of the Local Plan should be amended to include the additional wording in red below, so as to ensure NPPF compliance.

*1.4 When adopted, the Local Plan will be used, together with the London Plan (2016)(1) **and any made (adopted) neighbourhood plans**, to help shape the future of the borough and to determine individual planning applications and deliver development.*

We also pointed out in representation 406 that the Regulation 19 draft did not make clear (as required by paragraph 184 of the NPPF) which of the policies in the updated LBHF Local Plan are deemed 'strategic' and which are not, in order that neighbourhood forums (and independent examiners of neighbourhood plans) can apply the test of general conformity as and when neighbourhood plans come forward. This point has not been addressed in the officer responses to schedule KD3.

This will lead to problems for any neighbourhood forum and independent examiner, as and when draft neighbourhood plans come forward during the lifetime of the Local Plan. A designation application for a forum and neighbourhood area within LBHF is out to public consultation in May/June 2017 and further designation proposals may well come forward in the lifetime of the new Local Plan.

The StQW Neighbourhood Forum has experience of resultant additional work for all parties involved if guidance if NPPF paragraph 184 is not followed. This included the need for the examiner to convene a public hearing to explore whether certain LPA policies were 'strategic', during the process of preparation and examination of the St Quintin and Woodlands Neighbourhood Plan in 2015.

Paragraph 156 of the NPPF sets out what the Government sees as 'strategic priorities'. Planning Practice Guidance Paragraph: 076 Reference ID: 41-076-20140306 provides a list of criteria for distinguishing between strategic and non-strategic policies. While many of the policies proposed in the current LBHF Regulation 19 Draft are clearly 'strategic' there are many others which do not meet these criteria. Other London Boroughs have addressed the requirements of paragraph 184 of the NPPF in updating their Local Plans since 2012. We do not see why the Council feels that it can ignore this NPPF and Planning Practice Guidance.

Strategic Policy WCRA5 for the White City Regeneration Area (Representation 409)

We welcome the fact that the Council has amended original wording in paragraph 5.23 to read 'may be' rather than 'are' in the sentence *'However, parts of the area such as the A40 and A3220 may be less sensitive to the impact of building height due to large pieces of road and rail infrastructure that act to separate potential taller elements from nearby lower rise residential areas.'*

We continue to question how the 'separation' of areas by road or rail infrastructure impacts on public perception of building heights? When dealing with buildings of over 30 storeys (as have been granted permission by LBHF in the White City Regeneration Area) the fact that these buildings may be adjacent to road or rail infrastructure is largely irrelevant to their impact on views, daylight/sunlight or sense of enclosure. The impact of such buildings can be seen for miles, whereas the rail or road infrastructure cannot.

This sentence of justification for locating tall buildings in one particular part of the White City regeneration area we see as irrational and unsound. It appears to date back to a time when LBHF planners supported the concept of allowing one very tall tower on each side of the access and exit ramps to the Westway, thereby creating a 'gateway to London'. This was a similarly weak justification for plan-led location of tall buildings and their associated very high residential densities. Placing residential towers next to one of London's worst locations for air pollution cannot be sensible planning.

A more relevant set of criteria for the location of tall buildings within the White City East regeneration area would be proximity to public transport nodes, where London Plan policy 3.4 and the accompanying Density Matrix supports high density. We therefore suggest that this sentence in 5.23 is redrafted as below, with

Some parts of the regeneration area may be suitable for tall buildings, where high levels of public transport accessibility are available (such as White City station on the Central Line) in line with London Plan policy 3.4 and the related Density Matrix.

Latest proposals published for public consultation by the landowner of the sites north and south of the Westway (Imperial College) relocate their second proposed tower (above 30 storeys) from a previous location immediately adjacent to the Westway, to the southern end of their site and closer to White City Underground.

The previously proposed location for a second (32 storey) tower in this part of the regeneration area was granted planning permission in 2013 by LBHF as part of an Helical Bar/Aviva application for a 'Brickfields Urban Community'. Imperial subsequently purchased the development site and inherited this planning approval, but now propose an alternative location for the tower, as noted above. We support this alternative approach as being more closely aligned with London Plan policy. The proposed rewording of Paragraph 5.23 of the Local Plan accommodates this change in approach by Imperial College.

Planning Contributions and Infrastructure

The additional text on Neighbourhood CIL shown at MC 204 is welcomed.

Glossary

The addition of a glossary entry for neighbourhood planning shown at MC 211 is also welcomed.

In relation to neighbourhood planning we consider the issues raised above to be sufficient importance for the omissions in the Regulation 19 draft to have been picked up in either the soundness or legal compliance checklists. This has not been the case.

We would be grateful if these written representations can be taken into account as modifications to be included in the final stage of preparation of the LBHF Local Plan.

Yours sincerely,

Henry Peterson
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