

LONDON BOROUGH OF HAMMERSMITH & FULHAM

LOCAL PLAN EXAMINATION

WRITTEN STATEMENT

ISSUE 1: LEGAL COMPLIANCE, SPATIAL VISION AND STRATEGIC OBJECTIVES

Is the Plan legally compliant? Does the Plan contain a robust spatial vision and justified strategic objectives consistent with national policy and in general conformity with the London Plan?

Date: 22 May 2017

1. Has the Plan been prepared in accordance with the statutory procedures of the 2004 Act (as amended) and the associated regulations , including in respect of the publication and availability of documents, advertisements and notification?

The Plan has been prepared fully in accordance with the statutory procedures and Regulations as set out by the Planning and Compulsory Purchase Act 2004 (as amended), the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2012 and in accordance with the National Planning Policy Framework.

The full details of compliance are set out within the Council's Legal Compliance checklist (SD10) and Soundness self assessment (SD9), and also within the Local Plan Consultation Statement (KD5) and Duty to Cooperate statement (KD6). A summary of compliance has also been provided in the council's response to the Inspector's procedural letter 2 (EX3).

2. 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 Local Plan has been prepared in accordance with the duty to co-operate and it aligns with the plans of neighbouring authorities. In preparing the Plan, Hammersmith and Fulham Council has engaged constructively, actively and on an ongoing basis with neighbouring boroughs and other public bodies on strategic issues.

Section 2 of the Duty to Co-operate Statement (KD6) sets out how Hammersmith and Fulham has engaged with its neighbouring boroughs – the Royal Borough of Kensington and Chelsea, Wandsworth, Hounslow, Richmond, Ealing and the Old Oak and Park Royal Development Corporation and outer London Boroughs, where relevant, throughout the process of preparing the Plan particularly regarding cross-boundary issues to ensure consistency and ensuring the Plan aligns with other authorities.

During the preparation of the Local Plan, the Council has met with each neighbouring borough to discuss specific cross-boundary policy and strategic issues. At these meetings, the full range of strategic matters has been discussed, including in particular the Council's proposed approach to housing need, regeneration areas, waste , employment and retail. Discussions embraced joint evidence, development plan documents and other strategies including neighbourhood plans. Section 3 of the Council's Duty to cooperate statement sets out in full the details of the key strategic issue discussions and outcomes.

Section 4 of the duty to cooperate Statement details how the council have co-operated with prescribed bodies on what the plan should contain. Further detail

on this co-operation is included within the council's response to the Inspector's procedural letter 2 (EX3).

The Local Plan aligns with the plans of neighbouring boroughs including in relation to the following cross boundary matters:

Earls Court and West Kensington Opportunity Area – this London Plan Opportunity Area covers part of the Royal Borough of Kensington and Chelsea and is designated in the plans of both boroughs.

Gypsy and Travellers site (Stable Way) – Stable Way is a traveller site located within the RBKC borough boundary adjacent to LBHF, to the east of White City. The site is joint funded and is included within the plans of both authorities.

Waste – LBHF is part of the Western Riverside Waste Authority (WRWA) area along with the London boroughs of RBKC, Lambeth and Wandsworth including OPDC for the part in LBHF. LBHF and the other boroughs within the WRWA area have been working jointly on waste planning matters, including identifying waste movements between the WRWA area and other authorities, as well as preparing joint evidence base work to inform individual Local Plans. Over the development of the Local Plan, officers met regularly to discuss waste matters as well as to continually sharing relevant data and coordinating joint engagement work.

3. Has the production of the Plan followed the Local Development Scheme (is the LDS up to date in accordance with the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011)?

A revised LDS (KD12) was published by the Council in May 2016 replacing an earlier 2015 edition. The content of the submitted Plan, and that consulted upon at earlier stages of its preparation including the proposed submission (Reg 19), can be seen to be entirely consistent with the content outlined in the current LDS. The timetable for preparation has been broadly in accordance with that published within the LDS revised timetable except for stages related to the regulation 19 consultation and examination of the Plan. However, the amended timetable has been made available on the Council's website to take account of all consequential changes to the key milestones. The council would be happy to issue an updated LDS to the Inspector prior to the hearings to take account of the changes in timetable that occurred.

4. Has the production of the Plan followed the Statement of Community Involvement? Has the consultation on the submitted plan (and its changes) been adequate?

The Council can confirm that the Plan has been prepared in compliance with the adopted Statement of Community Involvement (SCI) (KD11) and as such has allowed for the adequate and effective consultation and engagement of the community and all interested parties.

The SCI was approved by the Council in 2015 and was therefore prepared within the context of and with respect to the consultation requirements set out in the Town and Country (Local Planning) (England) 2012 Regulations.

The SCI sets out who and how the Council will notify and engage with in respect of plan preparation. Details of the consultation undertaken specific to the submitted Plan are set out in the Council's Consultation Statement (KD5). This is considered to demonstrate that consultation efforts have met and actually consistently exceeded those set out in the SCI.

5. Is the Equalities Impact Assessment adequate and robust in terms of its methodology and conclusions?

The council has discharged its Public Sector Equality Duty (PSED) in line with s149 of the Equality Act 2010, a duty that has to be satisfied in the discharge of all of the council's functions including plan making.

Equalities Impact Assessments (EQIAs) were carried out at each suitable stage of the plan making process (KD10), to consider the impact of the Plan's policies on the protected characteristics groups identified in the Act and other potentially vulnerable groups, and the implications for the PSED. The assessment, revealed that the policies included within the Plan promote equality and eliminate discrimination by covering a number of areas including improved access for all; the promotion of good relations between different groups; supporting the development of future housing according to local needs; facilitating the provision of jobs; and supporting the retention of existing community facilities and the provision of new facilities. No negative impacts were identified on any of the groups considered.

6. Has the Plan been prepared to be consistent with the National Planning Policy Framework (NPPF) and in general conformity with the London Plan? What review mechanisms are inbuilt?

Is the Plan in general conformity with the London Plan?

The Local Plan is consistent with national policy in the National Planning Policy Framework (NPPF), with the 2004 Act (as amended) and 2012 Regulations. The Local Plan has been positively prepared using up to date and relevant evidence and is consistent with the objectives set out within the NPPF. The Local Plan has also been prepared to be in conformity with the London Plan (SD68). The council's Self-Assessment Soundness Check List) (SD9) provides confirmation.

The Mayor of London / Greater London Authority have confirmed in their response to regulation 19 consultation that the Plan "is in general conformity with the London Plan". The GLA response does set out some policy areas that could benefit from suggested minor wording changes for clarity.

With regard to review mechanisms, Planning Practice Guidance states that local planning authorities must publish information at least annually that shows progress with Local Plan preparation, reports any activity relating to the duty to

co-operate and shows how the implementation of policies in the Local Plan is progressing. The Council has committed to this process in the Local Development Scheme (KD12) which commits to the publication of an Annual Monitoring Report (AMR) each year. The AMR will monitor the delivery of policies in the Local Plan when they have been adopted, as well as referring to the Council's five year housing land supply; Neighbourhood plans; Infrastructure Delivery projects and programmes in relation to the Duty to Co-operate and the targets and indicators that have been identified for the policies within the Local Plan. Appendix 6 of the Local Plan (KD1) sets out the indicators that will be used to monitor all of the policies contained within the Local Plan in the Council's monitoring report. The table identifies relevant indicators and targets for each policy of the Local Plan. Through continuous monitoring of the targets and indicators, the Council will be able to determine when there is a need to undertake a partial or full review of the Local Plan.

The plan also includes a wide range of sites which are projected to provide a significant number of homes per year in line with the London Plan target. This is evidenced by the council's housing trajectory (SD14). The council consider that this is not a plan which rests on the delivery of a particular site or scheme and such a position helps minimise the potential need for an early review of the Plan. Further detail on deliverability and review is contained with the council's response to the inspector's procedural letter 2 (EX3).

7. Has adequate consideration been given to the Habitat Regulations? Will the implementation of the Plan, alone or in combination, affect adversely any Natura 2000 sites? Is Natural England satisfied with the content of the Plan, particularly with regard to potential effects on Richmond Park SAC?

The council consider that adequate consideration has been given to the Habitat regulations and consider that with the mitigation measures included in the Local Plan, the plan is unlikely to have any significant effects on the relevant European Site identified, either alone or in combination with other plans or projects. As such, it is considered that an Appropriate Assessment is not necessary. Natural England made representations to the Local Plan as part of the Regulation 18 and 19 consultations and are satisfied with its contents; in particular they have not expressed any concern with regard to potential effects on the Richmond Park SAC.

Further explanation on this matter is included within the council's response to the Inspector's procedural letter 2 (EX3) and the council's Sustainability Appraisal (KD8).

8. 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?

The Local Plan's Spatial Vision is set out within Section 3 of the Plan (KD1). The spatial vision links to the goals of the Council contained in the Labour Manifesto - "The change we need" (SD44) and the council's housing Strategy (SD16). The vision is positively prepared, clear and justified.

The policies in the plan follow logically from the vision and objectives (section 3) and the vision flows from the Labour Manifesto. Policies have been agreed corporately and the Council considers that the preparation of the Plan has eliminated internal inconsistencies.

Alternatives were prepared and consulted upon in the Council's regulation 18 Draft Local plan (SD1) and appraised and discounted within the council's regulation 18 Sustainability Appraisal (KD13). Representations on the alternative options helped inform the proposed submission Local Plan (KD1).

The council consider that inclusive design has been referenced adequately in the spatial vision. Minor amendments MC24 and MC25 in the Minor amendments schedule (KD4) have been proposed to further reference inclusive design.

9. How have the Strategic Objectives been derived, are these adequate and linked to specific policy provision? Is inclusive design referenced adequately?

The Plan's strategic objectives are set out within Section 3 of the Plan (KD1). The strategic objectives identified acknowledge and link to the goals of the Council contained in the Labour Manifesto - "The change we need" (SD44) . The policies follow logically from the objectives (section 3) and, as mentioned above, the objectives themselves flow from the Labour Manifesto. The council considers that the objectives are linked to, and addressed in the policies of the plan and there are no policy gaps.

The Local plan and the London Plan provide a comprehensive development plan for the borough. Policies have been agreed corporately and the Council considers that the preparation of the Plan has eliminated internal inconsistencies.

The council consider that inclusive design has been referenced adequately in the strategic objectives. Minor amendment MC27 in the Minor amendments schedule (KD4) has been proposed to further reference accessible and inclusive design.

10. To what extent has the Sustainability Appraisal (SA) informed the content of the Plan ?

Is the Council satisfied that the SA adequately summarises or repeats the reasons that were given for rejecting the alternatives at the time when they were ruled out (and that those reasons are still valid)?

The Council can confirm that the Plan has been subject to the process of Sustainability Appraisal (SA), as evidenced by the SA Report (KD8) on the published Plan and as summarised in the SA Non-Technical Summary (KD7). The

process of SA has been integral to the development of the Plan, with findings published and consulted upon alongside the Plan at each stage of its preparation.

SA has been used as a mechanism for considering and communicating the likely effects of the Plan and any reasonable alternatives. The SA Report (KD8) throughout the process of plan preparation has been instrumental in assessing the options available, both in terms of policy development and site selection. The council's Regulation 18 Sustainability Appraisal (KD13) adequately summarises the reasons that were given for rejecting the alternatives. That reasoning is still valid.

11. Is Policy DEL 1 positively prepared and justified by the evidence? Is this policy consistent with the LDS?

The council consider that Policy DEL1 has been positively prepared and is justified by evidence. Policy DEL1 sets out how the Plan will be delivered. The council have produced an Infrastructure Delivery Plan 2016 (SD45) which supports the Local plan. This document was prepared in collaboration with the infrastructure providers. It sets out responsibilities for the delivery of each scheme, funding arrangements and likely timescales of delivery. Information is provided for infrastructure relating to children and education services; healthcare services; adult care services; leisure and community facilities; emergency services; strategic transport; utilities and physical infrastructure. The Council has also consulted infrastructure providers at key stages of the Plan's development. Key comments made by infrastructure providers are set out in the Consultation Statement (KD5).

Policy DEL1 forms part of the Local Plan which is consistent with the LDS.

12. Are issues of development viability recognised adequately by the Plan and its evidence base? Has a viability assessment been undertaken for the content of the Plan as a whole?

Is the Viability Protocol a suitable approach to the issue of viability which is consistent with national policy (eg NPPF para 173 et al)? Is the requirement for a 'viability assessment' justified in all cases?

The supporting text to policy DEL1 cross references the NPPF in respect of viability at paras.4.8 to 4.12. In particular, para.4.11 speaks to the extensive evidence which has informed the relevant Local Plan policies, including a Housing Viability Assessment 2016 (SD15); the Council's CIL Viability Study (SD47) and three Development Infrastructure Studies (DIFs) to support the planning framework documents for three of our Opportunity/Regeneration Areas (SD54 to 56). The studies have been carried out by independent consultants with specialist skills and understanding in the area of development viability. The Council is also currently drafting an SPD for the Hammersmith Regeneration Area and Peter Brett Associates are currently carrying out a DIF study to support

this SPD and the more detailed guidance that will emerge to supplement the strategic policy in the draft Local Plan.

In addition to the background papers referenced above, the Council has undertaken a further 'Assessment of Policies and their Impact on the Local Plan' which is found at 'Appendix 1 – Policy analysis' of the Housing Viability Assessment (SD15).

The 'General comment' section to Appendix 1 – Policy analysis, advises on how the draft Local Plan policies have been a product of a number of iterations of former Council development plan policies in particular the current Core Strategy and Development Management Local Plan (DMLP), which this draft Local Plan seeks to merge into one development plan document. The Core Strategy and DMLP policies were assessed in the council's CIL Viability Study (SD47). This iterative process is consistent with advice in PPG on Viability and plan making (Para.005 Ref ID:10-005-20140306).

The healthy track record (current and past) of planning permissions and development taking place in the borough is a strong indicator that the policies are meeting the requirements of the NPPF in facilitating the delivery of development. Key indicators such as successive Annual Monitoring Reports show that the Council has reached targets for housing approvals and completions (SD8). Any significant changes to the draft Local Plan policies now proposed by the council are not considered to impact significantly on viability as addressed in the Table to Appendix 1 – Policy analysis. The Table contains an assessment of each draft Local Plan policy to determine whether the policies continue from the adopted development plan; have been assessed as part of the work for the borough CIL; have been assessed as part of viability work on another policy document; or are inherently flexible enough for viability to be considered when determining planning applications. This assessment has enabled the council to meet the NPPF requirements on the issue of plan-making and viability (para.174), that cumulative impact of standards and policies should not put the implementation of the plan at serious risk and that evidence supporting the assessment should be proportionate, using appropriate available evidence.

The Council considers the Viability Protocol is a suitable approach to the issue of viability and one which is consistent with national policy. The NPPF directs at para.173, that careful attention should be given to viability and costs in plan-making and decision-taking. It directs that the costs applied to development should provide a competitive return to a landowner and developer to ensure deliverability. The Council believes that the Local Plan provides for just such an outcome.

The proposed Viability Protocol provides clarity to developers on what the Council expects from their viability appraisals and how we will approach matters such as viability review mechanisms. This should provide developers with greater certainty and ability to plan ahead. The Viability Protocol provides very

clear advice on inputs, such as development values and build costs, and is not overly prescriptive, having regard to the nature of economic conditions in the market. For example, the developer's profit is not set but we advise it should be proportional to the risk associated with the proposed development.

Importantly, the principles applied in the council's protocol have developed from our work with the London Borough Viability Group, formed in 2014 and made up of a wide collection of London and Outer London boroughs who have produced a London Borough Development Viability Protocol (November 2016). The Mayor's Draft Housing and Affordability SPG (SD73) advises that in relation to viability assessments the draft SPG builds on the work of the London Borough Viability Protocol and aims to provide a clear approach that can be consistently applied across London.

In relation to whether a 'viability assessment' is justified in all cases, the Viability Protocol itself stipulates that viability assessment will only be required when financial viability of a development is relevant. In this context, draft Local Plan policy HO3 – Affordable Housing, applies only to sites with the capacity for 10 or more dwellings, and advises at criteria (e) that financial viability (in light of site circumstances and the availability of public subsidy) is one of a number of considerations that will be taken into account, together with site size and constraints, when assessing what affordable housing provision should be delivered. Experience within the Council has been that developers preference is to submit a viability assessments to justify their proposed affordable housing offer, and it is their viability assessment that they attach most weight to in their justification and negotiations with us on affordable housing in their scheme.

13. Does the Plan reference the role of Neighbourhood Planning adequately and in line with national policy?

The council agrees that further reference should be made to neighbourhood planning. Neighbourhood planning is an important part of the planning framework, to recognise this the Council has proposed further wording in the main document and a definition in the Glossary section of the Proposed Submission Local Plan (KD1) to ensure the plan is in line with national policy. The council have made a minor change to the Local Plan (MC4) in the minor changes schedule (KD4) to better reference the role of neighbourhood planning.

14. How are changes to the policies map intended to be collated and shown within the Plan? Are the changes proposed to the map currently sufficiently clear and comprehensive?

Changes to the 2011 Proposals map (SD5) have been collated in the Proposals Map changes document (KD2) and are considered to be clear and comprehensive. This document provides a schedule of all map changes including a description of the change and whether it is an amendment, addition or deletion to the map. The schedule in KD2 is supported by associated A4 maps which clearly indicate the change proposed. The changes to the proposals map will, once agreed, form a new amended proposals map to be published alongside the

adopted Local Plan. For the purposes of the examination, the council consider that the proposals map changes document (KD2) adequately shows the proposed map changes.

All the proposed changes to the proposals map are included in KD2 except for a couple of more recent changes which need to be addressed, they are as follows:

- London Heliport safeguarding by the Civil Aviation Authority. This change has been included in the minor changes schedule, but a map was not included in the proposals map changes document (KD2) at submission. A map showing the extent of the heliport safeguarding can be issued to the Inspector prior to the hearing and will need to be included as a change to the 2011 proposals map (SD5).
- Fulham Gasholder. Since submission of the Local Plan, the hazardous substance consents for Fulham North and South Holder Stations at Imperial Road have been formally revoked. In line with representations made by Hadley Property Group and National Grid Property, the council therefore considers it appropriate to change to the designation of Notifiable installations as shown on the proposals map. This change is not currently shown in the proposals map changes document (KD2).