

London Borough of Hammersmith and Fulham Council  
Submission Local Plan

**Duty to Cooperate Statement**

**February 2017**

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## 1 Background

- 1.1 The 'duty to cooperate' was introduced by the Localism Act 2011 as part of the Planning and Compulsory Act 2004 under Section 33A. The act places a legal duty upon local authorities and other public bodies to engage constructively, actively and on an ongoing basis to deal with local plan preparation relating to strategic cross boundary matters.
- 1.2 The National Planning Policy Framework (NPPF) sets out the further information, including how local authorities are expected to work collaboratively to ensure cross border issues are properly coordinated and clearly reflected in local plans. Paragraph 156 of the NPPF outlines the strategic priorities that Local Plans should deal with. This includes: homes and jobs, social and community infrastructure, transport related and other infrastructure, climate change mitigation, and other matters.
- 1.3 The National Planning Practice Guidance (NPPG) establishes that the duty must take a focussed approach to strategic matters; cooperation must be constructive and part of the plan preparation with clear policy outcomes that can be demonstrated through the examination process.
- 1.4 This document sets out LBHF's Duty to Cooperate statement as part of the Local Plan preparation. This document will set out how the Council has undertaken this duty positively and proactively throughout the preparation of the Local Plan, the key strategic matters and where policy outcomes have been achieved. The Consultation Statement sets out how the council has consulted and the specific issues raised by individuals, organisations and groups, at each stage of consultation. The Duty to Cooperate does not duplicate this, rather it sets out how the strategic matters have been dealt with.

### **Localism Act 2011**

- 1.5 With the introduction of the Localism Act 2011, it amended the Planning and Compulsory Purchase Act 2004 to prescribe new duties in relation to the preparation of development plan documents and the relevant bodies that require co-operation. It also sets out what is considered as a 'strategic matter'.
- 1.6 The relevant bodies are as follows:
  - Environment Agency,
  - Historic England,
  - Natural England,
  - Mayor of London (as represented by the Greater London Authority),
  - Civil Aviation Authority,
  - Homes and Communities Agency,
  - Clinical Commissioning group (as the relevant each Primary Care Trust established under section 18 of the National Health Service Act 2006 or continued in existence by virtue of that section)

- Office of Rail Regulation,
- Transport for London,
- Highways Agency,
- Marine Management Organisation

## **2 Local Plan Context**

### Engagement on a regional level

- 2.1 As part of preparing and developing the Local Plan, the Local Plan is underpinned by evidence prepared by the GLA and other relevant authorities. The LBHF Local Plan has been prepared in accordance with national and regional policies, particularly the London Plan (2016). The council has engaged with the GLA on a number of strategic matters through consultation on the the Further Alterations to the London Plan (FALP) 2015 and Minor Alterations to the London Plan (2016) and other forms of engagement at officer and member level. As part of the London Plan FALP and MALP consultations, the council provided comments and input into the process through the relevant consultation channels. These have been an important part in terms of identifying growth in the Local Plan and forming localised policy responses. Some of these matters will be dealt with in more detail in the key strategic matters.
- 2.2 As part of the review of the current London Plan, the council has been involved in policy review meetings at the Urban Design London forums and feedback sessions as active participants; provided comments on other GLA related consultations, such as the Affordable Housing Supplementary Planning Guidance (Feb 2017). The council will continue to engage with the GLA on these matters as the London Plan review continues.
- 2.3 LBHF also forms part of the regional group the West London Alliance (WLA). Involvement of the group works at executive and officer level. The WLA membership is made up of the following councils: Barnet, Brent, Ealing, Hillingdon, Harrow, Hounslow, OPDC, LBHF & Transport for London. The group discusses key strategic planning matters effecting the wider region and ways of coordinating responses or solutions, pooling resources and sharing of information. LBHF has been a member from when the Alliance was established over 17 years ago. This is an additional forum used to discuss matters with neighbouring authorities with regard to the preparation of the Local Plan and other matters.
- 2.4 The council is also an active member of the Association of London Borough Planning Officer (ALBPO) meetings which cover a range of London-wide policy matters. ALBPO is made up of officers from the London borough planning departments to discuss policy related matters of national, regional and local relevance and updates from relevant authorities. This is a useful forum for officers to raise issues with neighbouring authorities and the GLA. The schedule of meetings is included in Appendix 1.

### **Neighbouring authorities**

- 2.5 LBHF borders five Local Planning Authorities (LPA) the Royal Borough of Kensington and Chelsea (RBKC) to the east, the London Boroughs of Hounslow and Ealing to the west, the London Borough of Richmond upon Thames, south of the Thames, and the Old Oak and Park Royal Development Corporation (OPDC) to the north. Before the establishment of the OPDC, the Hammersmith and Fulham Planning Authority Area also shared a border with the London Borough of Brent.
- 2.6 In developing the Local Plan, LBHF has liaised with neighbouring boroughs on a range of matters. LBHF and RBKC have held regular meetings at an officer level throughout the Local Plan process (the schedule of meetings and most recent agenda can be seen at Appendix 1). RBKC are an important partner located to the east of Hammersmith and Fulham with strategic transport, areas of growth, heritage and other matters in common.
- 2.7 Since the inauguration of the OPDC, the council has been working closely with the Development Corporation at a political and officer level. The Old Oak area was identified as a strategic growth area for London with transport – led regeneration of the area. Prior to the OPDC, the majority of this area was in LBHF’s planning control. The council has been working closely on the development of the OPDC Local Plan, HS2 and Crossrail developments, as well as on major planning applications. The OPDC board and planning committee have democratic representatives from the council to influence the decision making process. Officers also partake in a number of project meetings on a range of topics including housing, transport, social and community infrastructure, the OPDC Local Plan, and in order to inform and address these strategic matters. These meetings are part of a wider project group which includes Ealing, Brent, RBKC and Transport for London (TfL) and where Local Plan issues are discussed.
- 2.8 The London Borough of Wandsworth and Richmond (LBWR) is located to the south of the borough, divided by the River Thames. In preparation of the Local Plan, officers met to discuss strategic policy matters, including employment land.

### **3 Strategic matters and cross boundary cooperation**

- 3.1 This section will identify the key strategic matters that have required cross boundary co-operation.

#### **Housing Market Area and housing need**

- 3.2 The NPPF and PPG set out that in relation to plan-making, LPAs are expected to have a clear understanding of housing needs in their area, expected to prepare a Strategic Housing Market Assessment (SHMA) and a Strategic Housing Land Availability Assessment (SHLAA) to establish the land capacity in the area. The GLA prepared a London-wide SHMA (2013) as part of the London Plan, which concluded that London is a single housing market

area therefore Hammersmith and Fulham falls within the London Housing Market Area. The London Plan further advises that there will be locally defined housing market areas across London that may go beyond authority boundaries. The GLA advises sub regions or local planning authorities to work collaboratively where possible to identify where housing can be delivered and the locally identified needs in terms of tenure and mix.

- 3.3 The London SHMA provides an assessment of need which alongside the SHLAA sets out the housing target identified in the Local Plan. The council has inputted and been involved in both processes throughout with the GLA.
- 3.4 The council commenced work on the development of a SHMA in 2010 and has updated it regularly. Based on the 2007 CLG Report on the Geography of Housing Market Areas, LBHF was identified as being within the London (West) Housing Market Area. Further guidance from the Planning Advisory Service (PAS) on Objectively Assessed Need and Housing Targets in 2014, outlined that there is a three-tiered system of nationally-defined housing market areas- strategic, local and single-tier. PAS identified that the single tier is the most useful for housing needs studies. These were important considerations in identifying the housing market area. Based on the initial findings from the SHMA, the main range of commuter movements were to the City and Westminster and RBKC. From analysis of the SHMA, it assessed the commuting flows and migration movements and found that key commuter movements within London were to Westminster and the City of London (32.3% of residents work in those area) and at a lower percentage to Kensington and Chelsea. The numbers of residents out-commuting to areas outside of London were relatively low.
- 3.5 Officers discussed the SHMA work being undertaken at other forums with neighbouring authorities, however there was no interest in doing any joint housing needs assessment nor were there any objections to LBHF's approach to dealing with housing needs.
- 3.6 Through the Regulation 18 Local Plan consultation, RBKC commented that there is a requirement for planning authorities to meet the 'full, objectively assessed needs for market and affordable housing in the housing market area.' Through the regular bi-monthly meetings between LBHF and RBKC officers, LBHF officers explained that there was little interest from the council in undertaking a joint housing market assessment with RBKC based on the evidence to suggest that the authorities do not share a single housing market area; and that both councils were at different stages in the development of their Local Plans. LBHF is included in London (West) housing market area and RBKC is in London (North Central).
- 3.7 As part of addressing housing capacity across London, the SHLAA is also produced by the GLA, which sets out the available land and capacity of development across the London boroughs. All London boroughs participate in this exercise with the GLA, the most recently completed SHLAA was in 2013. The council has been involved in the process throughout this exercise in understanding past and housing trends in the borough. As a result of the

SHLAA, the council has produced further detailed regeneration area work in order to meet the housing targets in the borough.

- 3.8 The council continues to work with the GLA on the update of the SHLAA. Officers attend regular meetings with the GLA and London boroughs.

### **Outcomes**

- 3.9 During the Regulation 19 Draft Submission version of the Local Plan, RBKC concluded that RBKC and LBHF have separate housing market areas. Following commencement of their SHMA in 2015, RBKC found distinctive features including: housing prices being the highest in London with a large number of foreign and overseas investors. In terms of migration, there are linkages to Westminster and Hammersmith and Fulham, however the levels of migration do not justify the need for a joint housing needs assessment. The council agreed with these conclusions.
- 3.10 As a result of the SHLAA and SHMA, the council has adopted the London Plan targets and has identified sufficient land to meet those targets by identifying the regeneration areas.

### **Gypsy and Traveller Accommodation Needs Assessment**

- 3.11 Stable Way is a traveller site located within the RBKC borough boundary adjacent to LBHF, to the east of White City. Until 1995 when there was a boundary change, Stable Way was located in LBHF. The site provides 20 pitches, 19 of which are authorised, 1 is un-authorised. RBKC established a Tenant Management Organisation (TMO) to manage the site which is joint funded by both authorities. Based on the history of the site, the proximity to both boundaries and the use of both authority services; gypsy and traveller housing needs was considered a strategic matter by both authorities and considered a joint matter in order to meet the NPPF and the Planning Policy for Traveller Sites requirements. Officers agreed to prepare a joint Gypsy and Traveller Accommodation Needs Assessment (GTANA).
- 3.12 In early 2013, the authorities commenced work on the GTANA as part of both authorities' Local Plan preparation. It was agreed that the GTANA could be done 'in-house' by the Insight and Analytics team based in LBHF with support from others when necessary (for example, an independent person to undertake the surveys). Following a meeting with officers from both authorities, it was agreed that a residents survey should be undertaken in order to identify current and future capacity on the site, to identify concealed need, issues of overcrowding, future and arising need on site, as well as the relevant data and information sources. The survey findings provide an understanding of the demand arising over the plan period, which would provide the need figure for both local authority plans.
- 3.13 Prior to the survey being undertaken on site, LBHF and RBKC officers went to Stable Way to consult the residents of the work, the process and to agree the approach being taken. Further meetings were held in July 2015 by both

authority officers to explain the findings of the survey, and in 2016 following the second residents survey by officers from both authorities.

- 3.14 A draft GTANA was produced in 2015, which identified a need of 5 pitches over the first five years. Officers agreed at this stage to update Members of the findings and the purpose of the needs assessment in relation to the Local Plan.
- 3.15 Following the changes made to the definition of a traveller in the PPTS (August 2016), officers arranged a meeting to discuss this in relation to the GTANA. Officers agreed it was pragmatic to update the GTANA and set out the key responsibilities. It was agreed that RBKC would notify the TMO and arrange an independent person from both authorities to undertake the survey; LBHF officers made contact with the Insight and Analytics team to engage them as part of the process; both officers agreed to start drafting the survey and questions in line with the PPTS. It was also agreed that officers would include a question as to whether the residents knew of any suitable sites, to be used as part of site search/appraisal work once the findings from the GTANA had been finalised. Officers arranged timelines of work around the Local Plan preparation- it was agreed the survey should be completed over August/September, with analysis of the findings over September/October to be completed by December 2016.
- 3.16 In preparation of the second site survey, officers agreed it would be helpful to have input from the London Gypsy and Traveller Unit. RBKC officers initiated the discussion and arranged a telephone call to discuss the approach being taken by both authorities.
- 3.17 Further joint working and engagement was undertaken as part of a consultation on Stable Way to inform and update residents of the RBKC Local Plan and the GTANA in November 2016. RBKC officers organised the event with the TMO, with attendance from a LBHF officer and RBKC councillors.

### **Outcomes**

- 3.18 The findings from the updated GTANA have been included in the Local Plan Gypsy and Traveller policy HO10 with further proposed amendments from the Regulation 19 consultation feedback. An updated joint need figure was identified through the process that both councils have agreed to use as evidence for the respective Local Plans. In the first five years there is a need of 3 additional pitches, 3 pitches in the years 6- 10, and 3 pitches between years 11-15.
- 3.19 Furthermore, it has been agreed by officers that further site assessment and a joint site selection criteria should be progressed to try to find a solution to meeting the findings from the needs assessment. Officers will continue to discuss this matter jointly via the on-going Duty to Cooperate meetings with RBKC.



- 3.20 The Local Plan HO10 includes reference to the GTANA assessment and the findings. Further additions have been proposed in the Minor Amendments Schedule following comments from RBKC officers during the Regulation 19 consultation regarding the inclusion of criteria for planning applications and to make reference to the on-going work between authorities.

## **Regeneration Areas**

- 3.21 In order to meet the housing needs and requirements set out in the London Plan, the council is required to identify land and sites in the production of the Local Plan. The Local Plan contains four regeneration areas: White City, Hammersmith, Fulham and South Fulham. Previously, the council had a further regeneration area in its planning authority: Old Oak, until the OPDC was established. This area was removed from the council's planning control shortly after the Regulation 18 consultation.
- 3.22 The council are keenly aware that the challenges and opportunities facing London have little regard to administrative boundaries and this has been particularly important in relation to the council's Regeneration Area Strategies. Two of the four proposed regeneration areas in the Local Plan are also designated as opportunity areas in the London Plan (2016) and are therefore considered to be of strategic significance for London. One of these, the Earls Court and West Kensington Opportunity Area, also includes part of the Royal Borough of Kensington and Chelsea.
- 3.23 As this issue has cross boundary implications and requires a co-ordinated approach, the Council over recent years has established partnerships with neighbouring authorities and the GLA in order to identify the challenges and opportunities in these areas and to develop planning frameworks and policies. Details of these are outlined below.

### **Earls Court and West Kensington Opportunity Area**

- 3.24 In 2012 a Supplementary Planning Document (SPD) was prepared jointly by the London Borough of Hammersmith and Fulham (LBHF) and the Royal Borough of Kensington and Chelsea (RBKC) in partnership with the Greater London Authority (GLA) and Transport for London (TfL). The two council's received representations from 133 individuals, organisations and statutory consultees, including the Environment Agency, Natural England and English Heritage (now Historic England). A number of joint studies were also compiled to support the SPD including a Sustainability Appraisal, townscape and visual analysis study, character area analysis, development capacity scenarios, an office study, a transport study and a viability review. The joint SPD has also been adopted by the Mayor of London as SPG to the London Plan.

### **White City Opportunity Area**

- 3.25 In 2013 a SPD was prepared jointly by the London Borough of Hammersmith and Fulham (LBHF) and the Greater London Authority (GLA) in partnership

with TfL. The current White City East area, with the addition of the site that now contains the existing Westfield Shopping Centre, was identified as an Opportunity Area in the 2004 London Plan which led to the development of the White City Opportunity Area- A Framework for Development, adopted in 2004 by the Council and endorsed by the Mayor of London. Subsequently, a number of landowners collaborated and commissioned designers OMA to work on a masterplan for the area. Many of the principles and aspirations put forward in the OMA masterplan were positive but it was not taken forward. The Council and GLA then put forward a mixed use approach in the London Plan and Core Strategy in the context of a wider opportunity area which provides the context for the 2013 SPD and has helped inform the proposed Local Plan policies WCRA1, 2, 3. The joint SPD has also been adopted by the Mayor of London as SPG to the London Plan.

### **South Fulham Riverside**

- 3.26 In 2013, a SPD was prepared by the London Borough of Hammersmith and Fulham. The Princes Foundation were commissioned to facilitate community workshops to inform the SPD. The workshops were attended by local developers, landowners, local residents, resident groups and local interest groups. An informal first round of public consultation was undertaken on the SPD for 6 weeks from 8th April until 20th May 2011 with a total of 119 responses. A second round of public consultation on a revised draft (March 2012) took place between 30th March and 11th May 2012. A total of 83 responses were received. A Delivery and Infrastructure Funding Study was undertaken in 2011 which investigated the infrastructure required to support growth of homes and jobs in the area. These have informed Local Plan policies SFRA and SFRA1.

### **Hammersmith Town Centre**

- 3.27 Hammersmith Town centre is a key contributor to the economy of West London, representing one of West London's most important commercial centres. The Proposed Submission Local Plan designates it as a Regeneration Area. Over the last few years the council have been working with TfL to develop options to remove the Hammersmith Flyover within the centre and replace it with a flyunder tunnel. In 2015, a Feasibility Study was produced by the council which included the option to also replace the Hammersmith gyratory with two way traffic. The council will continue with the assistance of TfL to run a number of models to see if this is a viable option for the town centre on its own as it could provide considerable public open space improvements. A flyunder summit was held in Hammersmith Town Hall on 10 October 2013. This was an opportunity for the public to see and hear about the work completed to date and the feasibility study on the flyunder concept. The flyunder champion hosted the summit and heard a number of presentations, including from TfL. This work has informed Local Plan policies HRA and HRA1.
- 3.28 In July 2016, Grimshaw Architects were appointed to produce, in cooperation with the Council and Hammersmith Residents' Working Party an illustrative

masterplan and urban design strategy for the town centre. This piece of work should be completed by December 2016. An Area based SPD will be produced to supplement the emerging Local Plan.

### **Old Oak Common**

- 3.29 Old Oak Common was identified as an Opportunity Area through the GLA London Plan with HS2, Crossrail and Great Western Main Line as catalysts for regeneration. The area has been identified with the potential to provide for up to 24,000 homes and 55,000 jobs. The council worked with the GLA on the production of the Old Oak Opportunity Area Planning Framework through officer meetings and formal consultation processes.
- 3.30 The development of the Old Oak and Park Royal Development Corporation took place alongside the development of the Local Plan. At Regulation 18 stage, LBHF consulted on the plan with Old Oak Common as a regeneration area, with the housing targets included in the draft Local Plan. Following this, the OPDC were granted planning powers in April 2016 with the responsibility of determining large planning applications and for producing an up-to-date Local Plan. OPDC have planning powers for LBHF, London Borough of Brent and Ealing. It was agreed that OPDC would determine all major applications, whilst minor applications would be determined by the remaining local authorities until OPDC have an up to date Local Plan.
- 3.31 The council remains an important stakeholder in the development of the OPDC area. Whilst, the OPDC have planning powers, the council remains responsible for matters such as waste collection, highways and contaminated land, air quality and education authority. Therefore, the council will continue to work with the OPDC to ensure the council's objectives and needs are met. Officers share evidence and data, where possible, with the OPDC and assist with the drafting of Local Plan policy.
- 3.32 During the Regulation 19 consultation, the OPDC commented on a range of matters including the need to support the regeneration of transport and growth matters in the Local Plan as well as the inclusion of the overground stations Hythe Road and Old Oak Common. The council agrees with these changes and has proposed to make these amendments.

### **Employment**

- 3.33 Employment is a key strategic issue as recognised by the London Plan and therefore planning for employment opportunities in Hammersmith and Fulham is a key strategic matter. Employment fell in LBHF in 2013 and 2014 from a peak of 164,750 sqm in 2012 down to 156,450 sqm in 2013 and 155,450 sqm in 2014. From 2004 to 2012 employment had been growing but it is now down -0.3% for the period from 2009-2014. During this period employment grew 0.4% in the neighbouring Borough, the Royal Borough of Kensington & Chelsea (RBKC) that had an exemption from Permitted Development (PD) rights from 30th May 2013, and in London generally employment grew at 0.1%. Despite the fall in employment the number of businesses in LBHF

increased by 1.4% between 2009 and 2014, a faster increase than the London average which was 1%.

- 3.34 The council commissioned an Employment Land Study in 2016 to inform the Local Plan and assess the demand and supply of land and premises for a range of employment types, but in particular B1 class (office) uses. The study reports on the borough as a whole as well as on sub-locations, such as the individual town centres. The study assesses this demand and supply in the context of other employment centres in west London and in London as a whole and takes into account changes expected to occur in these centres.
- 3.35 The council has collaborated closely with neighbouring boroughs, the West London Alliance and the Greater London Authority (GLA) to ensure that strategic employment priorities are delivered and that more localised issues around the borough's boundaries are adequately addressed. This has included ongoing liaison and engagement with neighbouring authorities in relation to managing strategic development areas, such as Earls Court and West Kensington Opportunity Area, the White City Opportunity Area and the Old Oak and Park Royal Opportunity Area. The council has, in particular, co-operated with the OPDC and the London Borough of Wandsworth to ensure a consistent approach to managing employment clusters along the borough boundary, primarily because the planning authorities share similar issues in terms of the release of employment land to housing. This approach has been reflected in Policies E1 and E2 which seek to protect viable employment land and premises and only permit release of employment land where strict criteria are met. A specific Duty to Co-operate meeting with Wandsworth Council was held in October 2016 to discuss policy provision in the Local Plan for employment. The council are proposing amendments to the Local Plan employment policy to take account of issues raised.

## **Retail**

- 3.36 London's town centres are a key spatial priority in the London Plan, providing access to a range of services and enabling all parts of London to make a greater contribution to London's economic success. Retail catchment areas in the borough for the three main town centres typically extend beyond the local authority boundaries and therefore necessitate a strategic approach. As retail has cross boundary implications, the Council commissioned a joint West London Retail Needs Study in 2010 with neighbouring boroughs Hounslow and Ealing which projected the need for additional retail floorspace across the three boroughs up to 2021. In 2011 the council also worked jointly with the GLA and the Royal Borough of Kensington and Chelsea on a Retail Needs Study for the Earls Court and West Kensington Opportunity Area.
- 3.37 In 2016 Hammersmith and Fulham commissioned an update to the 2010 Retail Study to project retail need for the Local Plan period. This study was commissioned independently from Hounslow and Ealing councils due to differing Local Plan timetables. The 2016 Retail Study was consulted on widely as part of the Regulation 19 Local Plan consultation and was also sent separately for comment and review to the Royal Borough of Kensington and

Chelsea. The council have also recently co-operated in the preparation, review and publication of the Old Oak and Park Royal Development Corporation's Retail and Leisure Needs Study 2016.

## **Waste**

- 3.38 As well as being the Planning Authority, the council is also the Waste Planning Authority (WPA). In order to deliver both national and London Plan requirements, waste planning authorities must show that they have worked together in exchanging information and developing appropriate strategies to manage waste sustainably.
- 3.39 The London Plan policies require relevant bodies to work collaboratively to manage as much of London's waste within London as practicable, working towards managing the equivalent of 100% of London's waste within London by 2026. In order to do this, the London Plan sets out the waste apportionment target to be managed by London boroughs for household, commercial and industrial waste.
- 3.40 LBHF is a member of the Western Riverside Waste Authority (WRWA) along with RBKC, Wandsworth, Lambeth, and the OPDC. The WRWA represents the grouping of waste authorities that send their waste to the same place and part of a wider strategic area. Officers of the WRWA participate in regular engagement via duty to cooperate meetings, share evidence and other relevant data. Where practical and appropriate, the WRWA make representations on waste planning issues in regard to representations to the Mayor of London, respond to other WPA's and engagement around satisfying London Plan waste apportionment targets. The WPA's in the WRWA area have agreed to deal with waste planning matters through their respective Local Plans, prepare joint evidence when necessary and to continue to work closely together.
- 3.41 In LBHF, there are two large waste sites (Powerday and EMR) and some other smaller sites that deal with the council's waste and meet the apportionment target. As of April 2015, these sites are now located within the OPDC area. Subsequently, the council has relinquished planning authority of them, however the council retains the apportionment target set by the London Plan. The OPDC does not have a waste apportionment target; paragraph 5.80 of the London Plan states that where a Mayoral Development Corporation (MDC) exists or is established within a borough, the MDC will co-operate with the borough to ensure that the boroughs apportionment requirements are met.
- 3.42 In response to the OPDC and the potential loss of waste sites due to the regeneration of the area, the WRWA agreed to assess waste capacity within the WRWA area. In April 2015, a letter was sent out to other London boroughs requesting under the Duty to Cooperate consideration regarding any spare waste management capacity that they might be able to share with the WRWA WPA's. The letter also set out the latest evidence base from the WRWA WPA's in terms of waste apportionments and shortfall figures.

- 3.43 Following this, the WRWA published a Waste Engagement Statement which provided a summary of the key issues raised to the engagement letter, as part of commissioning further joint evidence (see below), these comments were reviewed. Officers agreed that further and more up to date evidence on waste capacity within the WRWA area should be undertaken jointly. On preparation of the brief for the study, input and advice was requested from the GLA and the EA and waste operators were involved throughout its preparation. Meetings were chaired and arranged by RBKC officers, regular meetings were set up and deadlines established at commencement.
- 3.44 As a result, a joint Waste Technical Paper has been prepared that demonstrates LBHF can meet the waste apportionment targets. The Waste Technical Paper takes into account site closures planned in the OPDC area and also includes details on the management of other waste streams not apportioned in the London Plan (construction, demolition and excavation, low level radioactive, agricultural, hazardous and waste water).
- 3.45 In preparation of the Regulation 18 and 19 consultations, the council also prepared a waste strategy alongside the Local Plan. The council sent consultation letters in 2015 and 2016 to all authorities which LBHF exports a significant amount of its waste, particularly those areas where waste is disposed of by landfill, the WRWA authorities, neighbouring boroughs, the EA and the GLA. Waste consultees were invited to comment on the Local Plan alongside the council's waste background paper, particularly the accuracy and significance of the waste recordings within it. At both consultation stages, comments were received on Policy CC6: Strategic Waste Management from other waste planning authorities including RBKC, Surrey County Council, Thurrock Council, Westminster City Council, Oxfordshire County Council, Buckinghamshire County Council and OPDC, as well as those from statutory consultees including the Environment Agency and the GLA.
- 3.46 Westminster City Council highlighted that they were unlikely to meet its apportionment targets and asked to undertake joint evidence working as part of a 'Tri-Borough banner'. Both LBHF and RBKC welcomed this engagement, however given that the authorities within the WRWA area have a long history of working together on waste matters, with evidence work already undertaken, it was felt that the WRWA area was the most sensible waste planning grouping for further work to be undertaken and therefore it was not considered appropriate for RBKC/LBHF to commence a separate joint piece of work with Westminster at that time. The council also pointed out that it was no longer the local planning authority for the Old Oak area and its waste sites now lie within OPDC boundary.
- 3.47 RBKC objected as part of the Regulation 18 and 19 consultations to the removal of text in the adopted LBHF Core Strategy Policy CC3 (para 8.102) which indicates that any spare waste capacity identified in LBHF could meet RBKC's apportionment target. Given the proposals for new housing and commercial development in the Old Oak area and that LBHF's waste sites now lie within OPDC boundary, LBHF has less control over these sites and cannot guarantee that any surplus capacity can meet RBKC's needs. The

council therefore considered that it was not appropriate to include this wording in the Local Plan with further evidence base work on waste capacity required to take account of any potential site closures in the OPDC area in order to investigate how this could impact on LBHF's ability to meet its apportionments.

- 3.48 In terms of the OPDC and the council meeting its apportionment target, LBHF provided comments to OPDC's draft Local Plan (Regulation 18 consultation) and accompanying draft waste strategy, which expressed support for their preferred policy option to safeguard the Powerday site and to ensure suitable relocation of the other waste sites, which are being considered for redevelopment. Working with LBHF, OPDC have prepared a draft waste strategy which demonstrates that LBHF's apportionments can be met through the Powerday site. Furthermore, the OPDC have been involved in the WRWA Waste Technical Paper to identify capacity. The council has also been involved and discussed draft waste policy in the emerging OPDC Local Plan.

### **Outcomes**

- 3.49 The joint Waste Technical Paper 2016 demonstrates that as a whole the WPA's within the WRWA area have surplus capacity against the London Plan apportionments. It has been agreed that RBKC will refer to this work in their emerging Local Plan and we will continue to work together along with the other authorities within the WRWA. Further discussions are beginning to take place on the potential for pooling waste apportionments together, with OPDC being key to these discussions.
- 3.50 OPDC have confirmed that they will continue to work with LBHF to ensure its apportionment is met by safeguarding the Powerday site. This position is therefore reflected in Policy CC6 of the Local Plan. Through the duty to cooperate meetings, the council will maintain dialogue on this matter and deal with any changes through this.
- 3.51 Comments from the wider authorities with regard to waste matters received during the Regulation 18 and 19 consultation have informed the Local Plan policies CC6 and CC7.

### **Infrastructure**

- 3.52 In order to meet the housing objectives and to achieve sustainable growth, a wide range of infrastructure is required. To ensure the delivery of infrastructure in London is strategic and collaborative, the London Infrastructure Delivery Board was established in 2014 by the Mayor of London.
- 3.53 The Local Plan preparation has included infrastructure provider involvement from an early stage. The Local Plan has identified a number of key transport projects, including diverting the Hammersmith bypass with an underpass in Hammersmith, the potential for re-routing of Crossrail 2 via South Fulham and

the support for HS2/Crossrail/Great Western interchange at Old Oak. The council has been working with Transport for London and other partners to support the delivery of these projects in order to meet the objectives of the Local Plan. These are contained in Policy T1, which the council will continue to support and work with providers on these matters.

- 3.54 Involvement with a range of infrastructure providers has also taken place through the development of the Infrastructure Delivery Plan. The IDP sets out the more detailed provision of infrastructure required to support the Local Plan policies and vision.
- 3.55 The council have also been collaborating with West London boroughs and the West London Alliance to produce a West London sub-regional Infrastructure plan (WLIP) which will show existing and planned infrastructure and identify gaps. It is hoped that the infrastructure plan once completed will complement the GLA London Investment Infrastructure Plan 2050.
- 3.56 Education provision is predominantly dealt with through the School Planning department and is monitored and updated on an annual basis. Schools are identified as an integral to the area in CF1 policy which seeks to support the improvement or expansion of existing infrastructure. The need for new school infrastructure is identified in the regeneration area policies. The council remains involved in the future identification of schools with the OPDC.

### **Health**

- 3.57 The council wishes to see the improved health and wellbeing of the community and has been involved in ongoing discussions with Imperial College Healthcare NHS and other partners to achieve this objective. In particular, the Imperial College Healthcare NHS's strategy has led to the reorganisation of hospital facilities and other health services in the borough, including the closure of A&E services at Hammersmith Hospital. The council is concerned that such changes should not lead to the reduction of NHS services and particularly supports the continuation of A&E services at Charing Cross in the Strategy which has been reflected in the Local Plan. The Imperial College Healthcare NHS's strategy has directly informed Local Plan Policies CF1 and CF2 in terms of protecting and improving existing healthcare facilities and promoting new facilities.
- 3.58 In terms of secondary care, the three main hospitals operating in the borough (Queen Charlotte's Hospital, Hammersmith Hospital and Charing Cross Hospital) are managed by the Imperial College Healthcare NHS Trust which is one of the largest NHS trusts in the country. As part of the 'Shaping a Healthier Future' service re-modelling, due to be implemented in 2017, it has been announced that Charing Cross Hospital will become a world-class elective (non-emergency) surgery centre and will retain its local Accident and Emergency (A&E) service, along with other changes. The council are continuing to work with health delivery partners to protect hospitals and A&E units and to ensure adequate services are provided to support the existing and future population of the borough.



- 3.59 In terms of primary care, the Hammersmith & Fulham Clinical Commissioning Group (CCG) is responsible for commissioning local health care services in conjunction with the NHS Commissioning Board. The CCG commissions local community and acute services and works with GP's to support primary care. The ambitions of the CCG are set out in its Out of Hospital Care Strategy which aims to shift the emphasis towards providing more care in GP surgeries, people's homes, local communities, and in children's centres and schools. The NHS Commissioning Board develops and oversees all CCG's and directly commissions primary care services and some specialised services. The council have been meeting with the CCG every six months throughout the Local Plan preparation process to discuss health issues and policy provision. The CCG have commented on the Local Plan at both regulation and regulation 19 consultations and have helped review and prepare content for the council's Infrastructure Delivery Plan.
- 3.60 In terms of primary care property and estates, the Department of Health has set up NHS Property Services Limited (NHS PS) to provide expert management of a large portion of the NHS estate which owns and manage all PCT estate that was not transferred to NHS providers in March 2013. It also manages 'surplus' NHS and government estate. The focus of its role centres on delivering and developing cost-effective property solutions for community and primary care health services. The council have been working with NHS PS and the new commissioning bodies and the Health & Wellbeing Boards (HWBs) to ensure that estate needs of the local NHS can continue to be met.
- 3.61 Public health functions and statutory duties are managed by the Tri-Borough Public Health Department (jointly between LBHF, RBKC and City of Westminster). It works with and supports other council services in delivering public health benefits, including recognising the influence planning and the built environment has on improving health and wellbeing and reducing health inequalities. The Tri-borough health department have been involved in every stage of the Local Plan preparation and have made comments on both the Regulation 18 and Regulation 19 Local Plan consultations. This has led to a number of Local Plan amendments, including the development of policies to promote other ways of improving the health of residents, including access to new and existing parks and play areas, recreation facilities, opportunities to walk and cycle, community safety, access to shops, controls on hot food takeaways, educational attainment and access to jobs, and management of air quality and noise and light pollution.
- 3.62 The council also has a Health & Wellbeing Board (HWB) which has statutory duties including promoting integrated working, the production of a Joint Strategic Needs Assessment (JSNA) and a Joint Health and Wellbeing Strategy (JHWS) which is informed by the JSNA. The JHWS has been developed which sets out key priorities for the borough. These documents have informed Local Plan Policies CF1 and CF2 and the Infrastructure Delivery Plan.
- 3.63 In the council's regeneration areas it has be important for new health services to be provided as part of supporting social infrastructure. As part of this, the

council have worked with health providers to develop 'Development Infrastructure Studies' for Earls Court and West Kensington Opportunity Area, White City Opportunity Area and South Fulham Regeneration Area. The outcome of which has been the identification of existing facilities to be protected and where new facilities are required. This work has helped inform the regeneration area strategies in the Local Plan and the Infrastructure Schedule in the Infrastructure Delivery Plan.

#### **4 Prescribed Bodies**

- 4.1 As part of the development of the Local Plan, the council has worked with a wide range of partners including the Prescribed Bodies as set out in the Town & Country Planning (Local Planning) (England) Regulations 2012. This section summarises the collaboration and engagement with these organisations.

##### Environment Agency and Thames Water

- 4.2 In terms of the EA and Thames Water, both organisations were consulted on and submitted responses to the Reg 19 Draft submission Local Plan (and have been consulted previously at Reg 18 stage when they also submitted comments).
- 4.3 In their Reg 19 submission, Thames Water have supported our proposed changes to Policy CC4, in particular the requirement for surface water discharges to be made at greenfield run-off rates for all major planning applications. This approach is supported by the London Sewer Capacity assessment carried out by Thames Water which we refer to in the justification text to CC4. We also reproduce one of the sewer capacity maps in this section to emphasise the problems for H&F in terms of sewer capacity constraints. Thames Water state that they consider our policy to be "necessary to ensure that permanent developments which increase flows into the combined sewerage network mitigate this impact through the management of surface water to ensure that the development does not lead to overloading of existing infrastructure".
- 4.4 The EA have expressed their support for Policy CC2 which requires all major developments to implement the London Plan sustainable design and construction policies. They also welcomed the inclusion in our revised Policy CC3 of the requirements set out in their Thames Estuary 2100 plan that sites must, where necessary enhance or raise flood defences - or demonstrate that raising is possible in the future and our reference to Groundwater Source Protection Zones (GSPZs). In response to their comments, it is proposed to include some additional justification text on the GSPZs as this was identified by the EA as being missing. In relation to the issue of water resources, the issue of the borough being in a region that is classified as an area of serious water stress has been acknowledged and a revision of the CC3 justification text is proposed to acknowledge this. The inclusion of a SuDs policy (CC4) is welcomed although they considered that it is limited to flood mitigation and could be broader in the issues covered. Additional benefits of SuDS are

referenced in the Policy, but it is thought that wider discussions of the multiple benefits of SuDS could be covered in the planned Supplementary Planning Document. Policy CC5 was found to be sound although there were some minor amendments recommended, which were taken on board in terms of referencing the Water Framework Directive in the policy justification text.

- 4.5 Some points raised by the EA have been acknowledged but are not considered to require amendments – such as their comments about specifying the need to use a water efficiency calculator report and meet the excellent level of BREEAM water efficiency performance. These have not been taken on board as they are considered to be too restrictive as it is possible for water efficiency information to be provided in other ways that would also be acceptable.
- 4.6 The EA also commented on the council’s draft Strategic Flood Risk Assessment which is a background document for the Local Plan. A couple of issues were noted for revision in relation to referencing the 2100 flood defence breach scenario in addition to the 2065 scenario and to note that climate change impact factors had been revised since the draft SFRA had been completed. Overall though, the EA considered that the draft SFRA was sound. The issues highlighted as part of the consultation have been noted for amendment.
- 4.7 We are also in regular contact with the EA and Thames Water on planning policy issues to discuss specific cases and whether or not the issues arising have implications for planning policy. H&F Officers also attend regular meetings such as the DRAIN London/LoDEG meetings with other London Borough representatives and the EA and Thames Water where flood risk and surface water drainage matters, including planning policy, are discussed.

#### Natural England

- 4.8 Natural England commented that there is an opportunity to specifically link Policy CC4 on using SuDS to minimise surface water run-off with creating a safe environment for cyclists and pedestrians through use of Green Infrastructure. It is considered that the SPD would be an appropriate place to expand on the multiple benefits that SuDS can provide and set out guidance on how they can be designed to achieve a range of benefits.
- 4.9 Natural England have also provided support to the draft Local Plan supporting the inclusion of Green Infrastructure into Policies OS4& 5.

#### Historic England

- 4.10 Engagement with Historic England has taken place throughout the production of the Local. Historic England provided representations to the Regulation 18 and 19 consultations and the council have taken forward many of the suggested changes made, in particular the need to consider heritage assets in relation to proposed major development in the borough’s regeneration areas and the content of specific design and conservation policies. The

Council's response to the points raised is set out in the Local Plan Consultation Statement.

#### Port of London Authority

- 4.11 As a general point the PLA supported the promotion of river transport as a way to not only reduce CO2 emissions but also to help improve air quality through the promotion of modal shift. In relation to Policy CC3, the PLA encouraged further consideration to be given to the impact of surface water flooding and run off into the River Thames. In response to this comment, an amendment has been proposed to highlight that direct discharges of surface water into the Thames should only be implemented where this can be done without causing adverse impacts. The PLA also raised a point about how consideration needs to be given to noise, vibration and lighting issues in respect of how these are mitigated in the design of riverside developments from the outset, ensuring minimal impact on the river and surroundings. No changes were made as it is considered that Policies CC10 on Air Quality, CC11 on Noise and CC12 on Light are already worded such that they aim to prevent or mitigate detrimental impacts where these could occur as a result of new development, whether in riverside locations or other parts of the borough. The PLA raised the issue of wharf consolidation in their representation at regulation 19 consultation. The issue has been noted and amendments are proposed in the Local Plan to address the matter.

#### GLA/TfL

- 4.12 As mentioned earlier in this statement, the council collaborate on a regular basis with the GLA, in particular on housing and regeneration area strategies. The GLA have also made comments to both the regulation 18 and regulation 19 consultations and have stated that the council's Local plan is in general conformity with the London Plan.
- 4.13 The GLA welcomed the council's continued approach to protecting the environment and addressing climate change through minimising energy use and carbon dioxide emissions in new developments and they also expressed support for our approach to flood risk from the River Thames and other sources, and its commitment to mitigation measures to protect both existing and new development from flooding. TfL welcomed the council's efforts to reduce the negative air quality impacts of new development via the requirement of an air quality assessment for all major developments although they also suggested that Policy CC10 should also consider lowering parking levels for proposed major developments in areas indicated to have poor air quality. A change to car parking levels was not on the basis that the council has adopted the GLA's parking standards which are generally maxima and are geared to the need to encourage the use of sustainable transport modes which provides air quality benefits.
- 4.14 GLA representatives attend the DRAIN London/LoDEG meetings with H&F council officers and other London Borough representatives, the EA and

Thames Water where flood risk and surface water drainage matters, including planning policy, are discussed.

#### Office of Rail Regulation

- 4.15 Regular engagement has taken place through the consultation process and no representations were received from the Office of Rail Regulation.

#### Homes and Communities Agency

- 4.16 From the 1 April 2012, the GLA took responsibility for programmes, functions and funding from the Homes and Communities Agency (HCA) London region through devolution powers set out in the Localism Act 2011. Camden does not therefore liaise directly with the HCA.

#### Highways Agency

- 4.17 In Hammermsith and Fulham, the highway authorities are the Council and, for 'A' roads, Transport for London. A representation was received from the Highways Agency in response to the Regulation 18 consultation regarding the proposals for significant Regeneration Areas including new homes and accompanying employment. In principle they supported the proposed development but stated that they would be concerned if any element of the developments impacted on the Strategic Road Network (i.e. M4 and M1). No representations were received from the Highways Agency at regulation 19 consultation.

#### Marine Management Organisation (MMO)

- 4.18 Engagement through the consultation process has resulted in no strategic planning matters being raised by the MMO. The MMO reviewed the regulation 18 document and whilst they had no specific comments to make they drew the council's attention to the remit of their organisation.

#### London Enterprise Panel (LEP)

- 4.19 Local enterprise panels do not fall under the Prescribed Bodies under the duty to cooperate, however the council must show regard to their activities where relevant to plan making. The London Enterprise Panel is the local enterprise panel for London, governed by the Mayor of London. The LEP works with London boroughs, business and Transport for London to take a strategic view of regeneration, employment and skills for London. Through the GLA/TfL, the council has coordinated with the LEP on these matters. The Local Plan has included policies on employment and skills that accord with the Council economic strategy which aligns with the LEP's objectives.

#### London Local Nature Partnership

- 4.20 The Local Nature Partnership is promoted by the Department for Environment, Food and Rural Affairs. The Local Nature Partnership are aimed to be self-sustaining partnerships of local organisations, businesses and local people to help manage the nature environment in a joined up, strategic way.

The partnership does not have a governance structure in place to respond to Local Plans. However, the Local Plan is considered to be consistent with the relevant London Plan policies.

## **5 Conclusion**

- 5.1 The council considers that the Duty to Cooperate has been met in preparation of the Local Plan that accords with the duties set out in Section 110 of the Localism Act and in the NPPF. The council has collaborated on a wide range of cross- boundary matters in an effective and open way. In preparation of the Local Plan the council has also sought input from a wide range of stakeholders, making changes where necessary to resolve certain strategic policy issues.
- 5.2 The council has had regard to the duty to cooperate in identifying housing targets, identifying sufficient land and cross-boundary working with all relevant authorities in the preparation of the Local Plan. The Local Plan policies positively reflect input and involvement from a range of stakeholders. This is a reflection of the constructive processes in place with neighbouring and regional engagement.

## Appendices

### Appendix 1 – Schedule of Meetings

Organisation	Dates
RBKC	Planning Officer meetings: Insert dates
OPDC Project Group (OPDC, GLA, London Borough of Brent, London Borough of Ealing, RBKC)	Planning officer meetings: Bi-monthly Duty to Cooperate meetings since May 2015
Wandsworth	9 July 2014 3 December 2014 27 October 2016
Hounslow	6 August 2013 7 July 2015
Richmond	20 September 2013 20 January 2016
ALBPO	<p>Development Plans Meetings:</p> <p><b>2013</b> 15 January, 5 March, 30 April, 25 June, 10 September, 5 November</p> <p><b>2014</b> 14 January, 4 March, 29 April, 24 June, 9 September, 4 November</p> <p><b>2015</b> 3 February, 31 March, 19 May, 7 July, 29 September, 24 November</p> <p><b>2016</b> 21 January, 1 March, 26 April 2016, 21 June, 6 September</p> <p><b>2017</b> 17 January,</p> <p><b>ALBPO Policy Officers Sub Group Meetings:</b></p> <p><b>2013</b> 6 February, 5 March, 1 July, 28 November</p> <p><b>2014</b> 10 July, 2 October, 20 November</p> <p><b>2015</b> 5 March, 16 July, 15 March</p> <p><b>2016</b> 16 March, 12 May, 14 July, 1 December</p>

	<b>2017</b> 9 February,
WLA	Bi- monthly meetings