

Ref:

(For official use only)

K+20 Kingston Town Centre Area Action Plan
Consultation on Site Allocation Representations
REPRESENTATION FORM
Royal Borough of Kingston upon Thames
Local Development Framework



The Royal Borough of Kingston submitted its Kingston Town Centre Area Action Plan to the Secretary of State on 25 May 2007 and a six-week period of consultation followed. In response to the consultation the Council received representations (comments on the Area Action Plan) which relate to site allocations in the Area Action Plan and is required to consult on these representations.

- This form can only be used to comment on the site allocation representations that the Council received. It cannot be used to make any other general comments on the Area Action Plan.
- Please use one form for each representation you wish to make (i.e. You can only refer to one test of soundness and one site representation on each form).
- The form can be photocopied or additional forms can be obtained by contacting the Projects Team on 0208 547 5420 or 0208 547 5328 or e-mailing kplus20@rbk.kingston.gov.uk or by downloading the form from the K+20 website www.kingston.gov.uk/kplus20
- Representations received after **5pm on 12 September 2007** will not be considered.

1. Personal Details		Agent's Details (if applicable)
Title	<input type="text"/>	<input type="text"/>
Name	<input type="text"/>	<input type="text"/>
Job Title (where relevant)	<input type="text"/>	<input type="text"/>
Organisation (where relevant)	<input type="text"/>	<input type="text"/>
Address	<input type="text"/>	<input type="text"/>
Post Code	<input type="text"/>	<input type="text"/>
Telephone Number	<input type="text"/>	<input type="text"/>
E-mail Address (where relevant)	<input type="text"/>	<input type="text"/>

2. To which site allocation representation does your representation relate?

Please refer to the list of representations (found on page 3 of this form) and insert Reference No.

3. Do you object to or support the site allocation representation? (Please tick one box)

Support Please go to Question 4.

Object Please go to Question 5.

4. Reason for support

If you are supporting a site allocation representation your support needs to relate to one of the 'tests of soundness'. Please specify on which of the tests of soundness you consider the Area Action Plan fails. (Please see attached Guidance Notes for more information on the tests.)

Please note **you should complete a separate form for each test you consider the Area Action Plan fails** even if you are only supporting **one** site representation.

You DO NOT need to complete this section if you are OBJECTING to a site representation.

Test of soundness:

5. Please explain why you support or object to the site representation.

If you are **supporting** the site representation, please give details of why you would like to see the recommended changes made to the Area Action Plan having regard to the test of soundness you have specified in Question 4 above. You will need to say why the changes will make the Area Action Plan sound.

If you are **objecting** to the site representation please give details of why you object to the changes recommended in the site representation.

Please be as precise as possible.

(Continue on a separate sheet if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations based on the original representation. ***After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.***

6. Can your representation be considered by written representations or do you consider it necessary to participate at the oral part of the examination?

Written representations

Participate at the oral examination

7. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

Signature:

Date:

Representation forms should be returned by **5pm on 12 September 2007** to:

Site representations received

Ref No.	Site	Summary of Representation	Representer
1	P2 Eden Quarter	Should specify "high density" residential development	Hammerson Plc (Montagu Evans LLP)
2	P2 Eden Quarter	Amend 3 rd bullet to specify high density residential development	Coal Pension Properties (La Salle)
3	P3 East of Eden Street	Considers proposed increase in retail floorspace is not in the interest of local residential community. Concerned new library is not included in policies.	Kingston upon Thames Society
4	P4 St James Area	Considers proposed increase in retail floorspace is not in the interest of local residential community. Concerned new library is not included in policies.	Kingston upon Thames Society
5	P6 Kingfisher leisure centre, open space and Kingston Library and Museum	Requests additional reference to museum	Friends of Kingston Museum & Heritage Service
6	P8 107-163 Clarence Street	Questions the allocation of rear yard site for student housing and suggests capacity/viability of site is tested	Kingston University (Nathaniel Lichfield)
7	P10 Kingston Station	Questions suitability of site for student housing and suggests reference is deleted	Kingston University (Nathaniel Lichfield)
8	P10 Kingston Station	Should include residential as an appropriate use.	Network Rail
9	P11 Quebec House	Questions suitability of site for residential and viability for student housing	Kingston University (Nathaniel Lichfield)
10	P12 Northern Riverfront	Disagrees with lack of height limit on this site which is identified for landmark buildings.	London Borough of Richmond upon Thames
11	P12 Northern Riverfront	Suggests identification of additional parking	Hammerson Plc (Montagu Evans LLP)
12	P12 Northern Riverfront	As significant proportion of site is under development or has planning permission for uses other than those identified in policy P12. P12 site should be reduced to show only the area which still remains to be developed and uses amended.	Grace Lea Associates (Indigo Planning Limited)
13	P12 Northern Riverfront	Policy wording is too prescriptive.	Fenwick Limited (Cushman and Wakefield)
14	P13 Bishops Palace House and 11-31 Thames Street	Disagrees with lack of height limit on this site which is identified for landmark buildings.	London Borough of Richmond upon Thames
15	P14 Guildhall 1, County Court and Bath Passage/St James Road Corner	Suggests additional wording to reflect lack of space for court expansion and other potential development opportunities for courts elsewhere	HM Courts Service
16	P17 Former Power Station Site	Requests deletion of nursery as an appropriate community use due to lack of need; reference to improved facilities to barge dock is inappropriate. Policy should include reference to restaurant as appropriate use above Barge Dock.	NHP Leisure Development Ltd (Indigo Planning)
17	P17a Former Power Station Site	Disagrees with lack of height limit on this site which is identified for landmark buildings.	London Borough of Richmond upon Thames

18	P19 Kingston College, Kingsgate Business Centre and Gas Holder site.	Questions suitability of site for student housing and suggests viability testing	Kingston University (Nathaniel Lichfield)
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**Guidance Notes on completing the Representation Form
K+20 Kingston Town Centre Area Action Plan
Development Plan Documents**

Tests of Soundness	
1	It has not been prepared in accordance with the authority's Local Development Scheme (LDS).
2	A It has not been prepared in compliance with the Statement of Community involvement (SCI).
	B Where no SCI exists, it has not been prepared in accordance with the minimum requirements of the Town and Country Planning (Local Development) (England) Regulations 2004.
3	The plan and its policies have not been subject to sustainability appraisal.
4	A It is not a spatial plan, or it has not properly had regard to any other relevant plans, policies and strategies relating to the area or to adjoining areas.
	B It is inconsistent with national planning policy.
	C It is not in general conformity with the regional spatial strategy (or spatial development strategy in London).
5	It does not have regard to the authority's community strategy.
6	The strategies/policies/allocations in the plan are not coherent and consistent within and between Development Plan Documents (DPDs) prepared by the authority and by neighbouring authorities, where cross boundary issues are relevant.
7	The strategies/policies/allocations fail to represent the most appropriate in all the circumstances, having considered the relevant alternatives, and they are not founded on a robust and credible evidence base.
8	There are no clear mechanisms for implementation and monitoring.
9	The plan is not reasonably flexible to enable it to deal with changing circumstances.

1. Introduction

- 1.1 Following this final stage of consultation on the Kingston Town Centre Area Action Plan, an examination will be held by an independent Planning Inspector. The Planning and Compulsory Purchase Act 2004 (the 2004 Act) states that the purpose of the examination is to consider whether the Development Plan Document is "sound". This means those who wish to make a representation seeking a change to a DPD which has been submitted by the Local Planning Authority (LPA) for independent examination will need to show how that DPD is unsound and what needs to be done to make it sound.
- 1.2 In order to decide whether the DPD is sound, the Inspector will apply a number of tests to the document. These are explained below. It would be helpful to ensure that any representations seeking a change to the DPD are clearly related to one of the tests of soundness.
- If you are seeking to make representations on the way in which the LPA has prepared the submitted DPD it is likely that your comments or objections should be set out under one of the 'procedural' tests.

- If it is the actual content on which you wish to comment or object you should look at the 'conformity' and the 'coherence, consistency and effectiveness' tests.
- 1.3 Whilst you should endeavour to make clear which soundness test you consider the DPD fails, if you fail to identify a test in relation to your representation seeking a change this will not lead to your representation not being considered, providing it relates to the relevant DPD. Where your representation seeks more than one change (and relates to the failure to meet more than one test of soundness), a separate form should be used for your representation on each change and relevant soundness test. A separate form should also be used for representations supporting the DPD as opposed to objecting to it.
- 1.4 Where there are groups who share a common view on how they wish to see a DPD changed, it would be very helpful for that group to send a single representation which represents the view, rather than for a large number of individuals to send in separate representations which repeat the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised.
- 1.5 The tests to be applied to assess the soundness of DPDs are set out in paragraph 4.24 of *Planning Policy Statement 12: Local Development Frameworks (PPS12)*. The following gives some brief guidance on each of the tests.

2. Procedural Tests

Test 1: The DPD has been prepared in accordance with the Local Development Scheme.

The Local Development Scheme (LDS) is effectively a programme of work prepared by LPA, setting out the Local Development Documents it proposes to produce over a 3 year period. It will set out the key stages in the production of any DPDs which the LPA propose to bring forward for independent examination. If the DPD is not in the current LDS it should not have been submitted for examination.

Test 2: The DPD has been prepared in compliance with the Statement of Community Involvement, or with the minimum requirements set out in the Town and Country Planning (Local Development) (England) Regulations 2004 where no Statement of Community Involvement exists.

The Statement of Community Involvement (SCI) is a document which sets out a LPA's strategy for involving the community in the preparation and revision of Local Development Documents (including DPDs) and the consideration of planning applications. The LPA will submit a consultation statement with the DPD to show how they have complied with their SCI.

Test 3: The DPD has been subjected to a Sustainability Appraisal.

Local authorities are required to carry out a Sustainability Appraisal of DPDs which incorporates the requirements of the European Directive on Strategic Environmental Assessment (the SEA Directive). The LPA is required to submit a Sustainability Appraisal Report when they submit a DPD for examination. This should identify the process by which the Sustainability Appraisal has been carried out, and the baseline information used to inform the process and the outcomes of that process.

3. Conformity Tests

Test 4: The DPD is a spatial plan which is consistent with national planning policy and in general conformity with the Regional Spatial Strategy for the region or, in London, the Spatial Development Strategy. It has properly had regard to any other relevant plans, policies and strategies relating to the area or to adjoining areas.

Spatial planning should not just be concerned with the physical aspects of location but also with economic, social and environmental matters relating to the development and use of land. Further guidance on what spatial planning means can be found in paragraphs 30-32 of *Planning Policy Statement 1: Delivering Sustainable Development (PPS1)* and 1.8-1.11 of *PPS12*.

The Government Office for the Region can be expected to comment on any possible inconsistency with national planning policy and the Regional Planning Body (or the Mayor in London) should identify any issue about the general conformity of a DPD with the Regional Spatial Strategy (Spatial Development Strategy in London).

Test 5: The DPD has had regard to the authority's Community Strategy.

The Community Strategy is usually prepared by the Local Strategic Partnership which is representative of a range of interests in the LPA's area. The Community Strategy is subject to consultation but not to an independent examination.

4. Coherence, Consistency and Effectiveness Tests

There are four tests under this heading, test numbers 6-9. These are the tests to which you are most likely to wish to respond as they relate to the content of the DPD i.e. what the authority is proposing for your area. The tests require that:

Test 6: The strategies/policies/allocations in the DPD are coherent and consistent within and between DPDs prepared by the authority and by neighbouring authorities, where cross boundary issues are relevant.

The DPD should show how the policies and proposals within it relate to other relevant policies and proposals in the LPA's area and in neighbouring areas.

Test 7: The strategies/policies/allocations represent the most appropriate in all the circumstances, having considered the relevant alternatives, and they are founded on a robust and credible evidence base.

The DPD should show how the policies and proposals help to ensure that the social, environmental, economic and resource use objectives of sustainability will be achieved.

Test 8: There are clear mechanisms for implementation and monitoring.

The DPD should indicate who is to be responsible for making sure that the policies and proposals happen and when they will happen. Any measures which the LPA has included to make sure that targets are met should be clearly linked to an Annual Monitoring Report. This report must be produced each year by all local authorities and will show whether the DPD needs amendment.

Test 9: The DPD is reasonably flexible to enable it to deal with changing circumstances.

The plan should be flexible to deal with changing circumstances, which may involve minor changes to respond to the outcome of the monitoring process or more significant changes to respond to problems such as lack of funding for major infrastructure proposals. Although it is important that policies are flexible, the DPD should make clear that major changes may require a formal review including public consultation.

5. Additional Considerations

- 5.1 If you think the process by which the DPD has been prepared is not sound you should consider the following before making representations:

- Is the DPD in question within the current Local Development Scheme (LDS) and if so have the key stages been followed? The LDS should be on the Council's website and available at their main offices.
- Has the process of community involvement for the DPD in question been in general accordance with the LPA's Statement of Community Involvement (or does it meet the minimum requirements set out in the 2004 Regulations)? NB It would not be appropriate to object to the processes set out in the SCI at this stage, since it is subject to a separate independent examination process.
- Has a Sustainability Appraisal Report been produced and does it relate to the DPD in question? Whether the resultant policies of the DPD are sustainable will be covered by other tests, notably the tests relating to the coherence, consistency and effectiveness of the plan, which deal with the content of the DPD.

5.2 If you think the content of a DPD is not sound because it does not include a policy where it should do, you should go through the following steps before making representations:

- Is the issue with which you are concerned already covered specifically by any national planning policy or in the Regional Spatial Strategy (or the Spatial Development Strategy in London)? If so it does not need to be included.
- Is what you are concerned with covered by any other policies in the DPD on which you are seeking to make representations or in any other DPD in the LPA's Local Development Framework (LDF). There is no need for repetition between documents in the LDF.
- If the policy is not covered elsewhere, in what way is the DPD unsound without the policy?
- If the DPD is unsound without the policy, what should the policy say?

5.3 If you feel that the LPA has not put forward sufficient evidence to justify a significant departure from national or regional policy, your comments should try to make it clear why you think the LPA's case for departure is inadequate. Conversely, you may feel the LPA should include a policy or policies which would depart from national or regional policy to some degree in order to meet a clearly identified and fully justified local need, but they have not done so. In this instance it will be important for you to say in your representations what the local circumstances are that justify a different policy approach to that in national or regional policy and support your assertion with evidence.

6. General advice

6.1 If you wish to make a representation seeking a change to a DPD or part of a DPD you should make clear in what way the DPD or part of the DPD is not sound having regard to the tests set out above. You should try to support your representation by evidence showing why the DPD should be changed. It will be helpful if you also say precisely how you think the DPD should be changed. Representations should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations based on the original representation. After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.