



Defence
Infrastructure
Organisation

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By post and by email [REDACTED]

Dear Sir

**Representation of the Defence Infrastructure Organisation to the Knightsbridge
Neighbourhood Forum on the
Knightsbridge Neighbourhood Plan 2017-2036 Pre-Submission Consultation Version
The Neighbourhood Planning (General) Regulations 2012, Regulation 14**

INTRODUCTION

1. This letter constitutes the Defence Infrastructure Organisation's (DIO) response to the Knightsbridge Neighbourhood Plan (**KNP**), Pre-Submission Consultation Version.
2. The DIO plays a vital role in supporting our armed forces by building, maintaining and servicing what the men and women who serve our country need to live work, train and deploy on operations. DIO was established in 2011, following a defence reform review and is part of the Ministry of Defence (MOD). DIO's creation brought the management of all Defence Infrastructure together under a single organisation for the first time.
3. The Government's Strategic Defence and Security Review, published in 2016, set out an objective to reduce the size of the Defence Estate by 30 per cent. by 2040. Achieving that objective requires a review of the Defence Estate in London and DIO is undertaking that review. Paramount objectives are ensuring value for the public purse and meeting the needs of the Army.
4. The review includes consideration of how Barracks can most efficiently and effectively be provided in Central London and, in that context, consideration is being given to the future of HPB. No decisions have been taken but we can confirm that the DIO has had, and is continuing to have, discussions with the local planning authority, Westminster City Council, about the future of HPB.

5. The DIO will ensure that it consults relevant stakeholders, including the KNF and the Royal Parks, on any proposals for HPB. However, the DIO does not consider it appropriate for the KNF to include policy relating to the HPB site in the KNP.

THE ROLE OF NEIGHBOURHOOD PLANS

6. The Town and Country Planning Act 1990, paragraph 8(2) of Schedule 4B, states that a Neighbourhood Plan must meet a number of “basic conditions”. These include:

- (i) It [the Plan] must have appropriate regard to national policy and advice contained in guidance issued by the Secretary of State.

Such policy and advice are set out in the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).

The NPPF states that:

- a. All plans should reflect a presumption in favour of sustainable development (para. 15).
- b. Neighbourhood plans should support the strategic needs set out in Local Plans, including policies for housing and economic development (para. 16).
- c. They should plan positively to support local development, shaping and directing development that is outside the strategic elements of the Local Plan (para. 16).
- d. The ambition of the neighbourhood should be aligned with the strategic need and priorities of the wider local area (para. 184).
- e. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan (para. 184).
- f. Neighbourhoods should plan positively to support local policies (para. 184).
- g. Neighbourhood plans should not promote less development than set out in the Local Plan or undermine its strategic policies (para. 184)

- (ii) It must contribute towards the achievement of sustainable development.

The NPPF defines this as including three dimensions, economic, social and environmental. The NPPG advises that a sustainability appraisal would be a useful tool against which a plan's objectives and policies could be considered.

- (iii) It must also be in general conformity with the strategic policies of the development plan for the local area.

The “strategic policies” of the development plan comprise those in the London Plan (2016) and all of those in the adopted Westminster City Plan (November 2016).

The NPPG states that in considering whether a plan is in “general conformity” the following should be assessed:

- a) Whether the plan supports the general principles of strategic policy.
- b) The degree of conflict between neighbourhood and strategic policies.
- c) Whether the neighbourhood plan provides an additional level of detail to strategic policy without undermining that policy.
- d) The rationale for and evidence in support of the approach taken.

7. In short, a neighbourhood forum through a neighbourhood plan must set out a positive vision for development in its area and it must not seek to prevent development from coming forward.

COMMENTS ON THE KNP AS A WHOLE

(i) Lack of regard to national policy

8. It is considered that the draft KNP has not had appropriate regard to national policy for reasons including:

- There is no reference to the presumption in favour of sustainable development.
- The draft plan does not positively support local development needs, either housing for which there is a pressing need across London (a key theme of the London Plan), or economically.
- It does not respond positively to opportunities for growth and does not include an ambition for development. The focus of the plan instead is on scrutiny and development management. Indeed, the draft KNP would prevent planned development in the area from going ahead and promotes less development than set out in the City Plan.
- The KNP does not conform with the strategic policies of the development plan. As a guide to the degree of conflict, a schedule is attached at Appendix A identifying over 30 statements within the emerging KNP relevant to the DIO's interest which appear to be in conflict with the "basic conditions" and/ or the London Plan and/or Westminster's City Plan. The cumulative effect means that the plan in its entirety is not, and cannot be, in general conformity with the strategic policies of the local plan. Our solutions are also set out at Appendix A.

(ii) Lack of contribution towards the achievement of sustainable development

9. The draft KNP does not adequately contribute towards the economic and social elements of sustainable development set out in the NPPF and local plan, as well as environmental protection/management. It does not support economic growth or the supply of new housing for example. No sustainability appraisal has been prepared to inform how its policies contribute towards sustainable development as would be good practice. Further, there is no Strategic Environmental Assessment to provide the necessary information to inform the decisions on the draft plan; particularly important given its degree of conflict with the development plan.

(iii) Not in general conformity with the strategic policies of the development plan

10. It is considered that the draft KNP is not in general conformity with the strategic policies of the development plan for reasons including:

- It does not support the general principles of strategic policy. Neither the positive objectives of the London Plan nor those within the Council's City Plan are reflected in the draft KNP, including:
 - a) Accommodating sustainable growth and change that will contribute to Westminster's role as the heart of a pre-eminent world class city.
 - b) Increasing the supply of good quality housing to meet Westminster's housing target (of a minimum of 10,677 to 2025) and to meet housing needs including the provision of affordable housing. This is a key aspect of the London Plan that relates to Westminster, resultant from the pressing need to deliver new homes.
- The degree of conflict between the draft plan and strategic policies, as set out in Appendix A.

COMMENTS ON POLICIES IN THE KNP THAT RELATE TO HPB (KBR 14, 15 AND 16)

KBR 14 AND 15 – METROPOLITAN OPEN LAND (MOL)

11. A large part of the neighbourhood area's MOL constitutes the HPB site, but the KNP does not distinguish between it, which is in fact part of the existing urban fabric despite the MOL allocation, and open space to its east.

12. Instead, draft policies KBR 14 and KBR 15 (and policy KBR 16) refer to the entirety of the neighbourhood area's MOL and seek to amend/fetter a London Plan policy concerning MOL and it is not appropriate for them to do so. Policy 7.17 of the London Plan seeks "very special circumstances" in justification for any "inappropriate development". The proposed additional considerations with the draft KNP of impact on local "character" and "tranquillity" go beyond what should properly be included in a neighbourhood plan and are not based on relevant, appropriate evidence. Indeed, Westminster's City Plan does not include an explicit policy for MOL.

13. KBR 15C describes the physical works that will be considered "not inappropriate". However, legislation and guidance make it clear that neighbourhood plans must set out a positive vision of development that a neighbourhood forum does wish to see in the neighbourhood area.

KBR 16 – HYDE PARK BARRACKS

14. The plan proposes additional levels of detail to strategic policy for HPB to an extent that undermines that policy. In particular:

- a) Part of HPB is subject to an allocation in the City Plan as a "Strategic Housing Site" [Appendix 1, reference G3] defined as being of strategic importance to the delivery of the Westminster Plan with capacity for over 100 units and a failure to deliver those units, would have implications for the Borough's housing targets. The KNP's preference that the entire site be returned to parkland, or be retained as a barracks within draft Policy KBR16, is the promotion of less development and undermines this policy. The policy is clearly not in accordance with the strategic policies of the Local Plan.
- b) Paragraph 3.17 of the KNP states that the implication of legislation is that HPB is not realistically presently available for development for strategic housing. There is no basis for the neighbourhood plan to re-open the principle of this adopted strategic allocation which was confirmed through a Local Plan Examination. As such, the suggestion, in paragraph 3.17, that HPB is not realistically available for development is irrelevant and is not the role of a neighbourhood plan. Nevertheless, the DIO is able to confirm that it is progressing the primary legislation that is required to enable the development of the site.
- c) The imposition of a test of "tranquillity" (in draft policy KBR16A) on future development is not supported by the development plan or evidence and undermines the HBP site's allocation for housing development further. A test of "tranquillity" is referred to in the City Plan to protect the Royal Parks (Policy S11). Figure 28 of the City Plan shows that the site does not lie within a Royal Park and in this context, the KNP appears to be seeking to extend policy applicable to Hyde Park to the HPB site and is purporting to do so without any evidence base. This is not the role of a neighbourhood plan.
- d) Further, criteria D, E, F, G, H and I of draft Policy KBR16 seek to pre-judge the possible effects of development on the area and any future planning application for the HPB site without evidence. They also seek to undermine the strategic allocation for the site included in the local plan. We also note that such policies would need to be supported by a strategic environmental assessment and we have not seen such an assessment.

15. It is noted that the evidence that has been prepared in support of the draft KNP is largely anecdotal and a repetition of the text that is in the draft KNP.

CONCLUSION

16. For the reasons set out above, it is considered that the draft plan does not meet the 'basic conditions'. In particular, it is considered inappropriate for the KNP to include policies relating to HBP and that policies KBR 14, 15 and 16 should be deleted.

17. The DIO would welcome dialogue with the Forum as it prepares a further iteration for submission to the Council.

Yours faithfully,

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