

Christine Whyte

From: Steve Simms <steve.simms@ssaplanning.co.uk>
Sent: 14 September 2015 15:21
To: Local Plan
Subject: Responses on behalf of Kentucky Fried Chicken (Great Britain) Limited
Attachments: SADM Response Form (Completed).pdf; 20150914 1315 KFC Hertsmere SADM - Representations (FINAL).pdf

Importance: High

Dear Sirs

Please find attached our response on behalf of Kentucky Fried Chicken (Great Britain) Limited to consultation on your draft Site Allocations and Development Management Policies Plan. Please do not hesitate to contact us should you have any query.

Yours faithfully

Steve Simms
Director

0115 849 1234
[REDACTED]

SSA Planning
PO Box 10201
Nottingham
NG9 9FZ

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Please use this form to make Representations

Please return to Hertsmere Borough Council by 5pm on Monday 14 September 2015

By post: Policy and Transport Team, Planning and Building Control, Hertsmere Borough Council,
Civic Offices, Elstree Way, Borehamwood, Herts, WD6 1WA.

By email: local.plan@hertsmere.gov.uk

This form has three parts:

Part A – Personal details (only needed once).

Part B – Your representation(s). Please complete a separate sheet (Part B) for **every** representation you wish to make, remembering to insert your or your organisation's name at the top of the page.

Part C – What information you want the Council to provide you with about future progress of SADM (only needed once).

Please read the guidance notes at the end before completing this form. They explain the terms used and will help you make your representation(s).

Part A	1. Personal details*	2. Agent details (if applicable)
Title		Mr
First name		Steve
Last name		Simms
Job title (where relevant)		Director
Organisation (where relevant)	Kentucky Fried Chicken (Great Britain) Limited	SSA Planning Limited
Address		PO Box 10201 Nottingham
Post Code		NG9 9FZ
Telephone number		0115 849 1234
Email address		steve.simms@ssaplanning.co.uk

*If an agent is appointed, please enter the person and/or organisation being represented in column 1 and complete all contact details in column 2.

Please note that all representations received will be made publicly available and cannot be treated as confidential. This means that the names of all those making representations will be publicly available. Other personal information relating to private individuals, including Contact details, will not however be made publicly available.

Part B**Name or organisation:**

Kentucky Fried Chicken (Great Britain) Limited

For office use only

Ref No:

support:

object:

change:

IMPORTANT: Please use a separate Part B form for each representation**3. To which part of SADM ('the Plan') does this representation relate?**

Paragraph

Policy

SADM44

Policies Map

**Other part
of Plan
(specify)****4. In relation to the part of the Plan you identified in 3, do you consider the Plan to be:**

Please tick which boxes apply

4(a) Legally Compliant

Yes

No

☒

no comment to make

4(b) Compliant with the
Duty to Co-operate

Yes

No

no comment to make

☒

4(c) Sound

Yes

No

☒

no comment to make

*If you have entered 'No' to 4(c), please continue to Q5. In all other circumstances, please go to Q6.***5. If you consider the Plan to be unsound is this because it is not:**

5(a) Positively prepared

☒

Please tick which box(es) apply

5(b) Justified

☒

5(c) Effective

☒

5(d) Consistent with national policy

☒**6. If you consider the Plan is not legally compliant or fails to comply with the Duty to Co-operate or, having regard to the criteria you ticked at 5 above relating to soundness is unsound, please give details of why. Please be as precise as possible.****If you wish to comment in support of the Plan's legal compliance, compliance with the Duty to Co-operate or soundness or wish to make any other comment, please also use this box.**

We do not consider the policy complies with sub-section 19 (2) (a) of The Planning and Compulsory Purchase Act 2004 or regulation 8 (2) of The Town and Country Planning (Local Planning) (England) Regulations 2012 because NPPF paragraph 23 requires local planning authorities to promote town centres that provide a diverse offer and because the latest Retail Study does not identify an over-predominance of hot food takeaway uses that would warrant a complete ban on such uses in Primary Shopping Frontages.

The policy is not positively prepared because rather than setting a proportion of total units or frontage length in non-retail uses in Primary Shopping Frontages that would be acceptable, it effectively bans new hot food takeaways. This means that, regardless of however many existing hot food takeaways in Primary Shopping Frontages change to retail uses, no further hot food takeaways would be permitted. This must proceed from the view that none are acceptable, but that would be contrary to national policy that variety and diversity is needed. Further clarity is needed in respect of uses that are only partly hot food takeaways.

(continue on a separate sheet/expand box if necessary)

7. Please set out as precisely as possible what change(s) you consider necessary to make the Plan

- **legally compliant or**
- **sound (having regard to the criteria you ticked at 5 above relating to soundness).**

You will need to say why this change will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text.

The policy should be amended to set a proportion (based on town centre healthcheck and other evidence in a Retail Study and typically set around 30%) of non-retail uses that would be acceptable in a Primary Shopping Frontage. If specific uses are considered particularly harmful, then individual treatment should be justified and evidence adduced for a smaller percentage (say, 10% for hot food takeaways) for those.

(continue on a separate sheet/expand box 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 for further submissions based on the representation you are currently making. ***After this current publication stage, further submissions will only be able to be made at the Inspector's request, based on the matters and issues he/she identifies for Examination.***

8. If you do not consider the Plan to be sound and the Council is prepared to make changes to the Plan which reflect your suggested change, would you be prepared to enter into a 'Statement of Common Ground' with this Council?

Yes ☒ No ☐

9. If your representation is seeking a modification/change to the Plan, do you consider it necessary to participate at the oral part of the Examination?

No, I do not wish to participate at the oral Examination

☐

Yes, I wish to participate at the oral Examination

☒

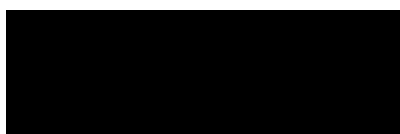
10. If you wish to participate at the oral part of the Examination, please outline why you consider this to be necessary:

Because evidence on the likely relative impacts of the policy upon health and upon economic development has not so far been produced by the Council and should be discussed.

(continue on a separate sheet/expand box if necessary)

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

Signature:



Date: 5th September 2015

Part B

Name or organisation:

Kentucky Fried Chicken (Great Britain) Limited

For office use only

Ref No:

support:

object:

change:

IMPORTANT: Please use a separate Part B form for each representation**3. To which part of SADM ('the Plan') does this representation relate?**

Paragraph

Policy

SADM48

Policies Map

Other part
of Plan
(specify)**4. In relation to the part of the Plan you identified in 3, do you consider the Plan to be:**

Please tick which boxes apply

4(a) Legally Compliant Yes ☐ No ☒ no comment to make ☐4(b) Compliant with the
Duty to Co-operate Yes ☐ No ☐ no comment to make ☒4(c) Sound Yes ☐ No ☒ no comment to make ☐*If you have entered 'No' to 4(c), please continue to Q5. In all other circumstances, please go to Q6.***5. If you consider the Plan to be unsound is this because it is not:**

5(a) Positively prepared

☒

Please tick which box(es) apply

5(b) Justified

☒

5(c) Effective

☒

5(d) Consistent with national policy

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- legally compliant or

Please see attached document.

(continue on a separate sheet/expand box if necessary)

- sound (having regard to the criteria you ticked at 5 above relating to soundness). You will need to say **why** this change will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text.

Please see attached document.

(continue on a separate sheet/expand box 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 for further submissions based on the representation you are currently making. **After this current publication stage, further submissions will only be able to be made at the Inspector's request, based on the matters and issues he/she identifies for Examination.**

8. If you do not consider the Plan to be sound and the Council is prepared to make changes to the Plan which reflect your suggested change, would you be prepared to enter into a 'Statement of Common Ground' with this Council?

Yes

☒

No

☐

9. If your representation is seeking a modification/change to the Plan, do you consider it necessary to participate at the oral part of the Examination?

No, I do not wish to participate at the oral Examination

☐

Yes, I wish to participate at the oral Examination

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

Because evidence on the likely relative impacts of the policy upon health and upon economic development has not so far been produced by the Council and should be discussed.

(continue on a separate sheet/expand box if necessary)

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

Signature:



Date: 5th September 2015

Part C

(Only needed once)

Name (Print): Kentucky Fried Chicken (Great Britain) Limited

☒

If you wish to be informed of the date of the submission of the Plan to the Secretary of State, please tick this box.

☒

If you wish to be informed of the recommendations of the Inspector appointed by the Secretary of State to carry out the independent Examination of the Plan, please tick this box.

☒

If you wish to be informed of the adoption of the Plan by Hertsmere Borough Council please tick this box.

☐

If you no longer wish to receive communications from the Council on SADM please tick this box.