

Application No:	Consultees Name:	Consultees Addr:	Received:	Comment:	Response:
2016/5358/P	Alex Kuznetsov	Alex Kuznetsov 150 Bacton Haversock Road London NW5 4PS	19/10/2016 11:20:52	OBJ	Ed Watson Director of Culture and Environment

RE: Bacton Low Rise - Objections to application 2016/4815/P + criminal behavior of the scheme promoters

Dear Mr. Watson,

It has come to my attention that the applicant has made a planning application 2016/4815/P requesting amending the schedule to discharge condition

39 and Clause 4.16.1 of the Shadow Section 106 Agreement IN RESPECT OF PLANNING PERMISSION REF. 2012/6338/P

I am objecting this application on several grounds.

First of all, I have not been informed that this application has been made. This is despite me specifically requesting the applicant represented by Julia Farr to inform me, as an interested party, about all further application. This was done after I found out that the Applicant has failed to inform me about earlier applications. I have a letter and email confirming such requests made in June 2016.

Second, the suggested delay is unwarranted, especially given the shortage of affordable housing in London, including the London Borough of Camden.

Third, it is evident that the applicant does not know what it is doing and does not have either financial resources or expertise. Apart from the delay, the latter is confirmed by the massive number of applications to dispose with or vary conditions.

The original planning application REF. 2012/6338/P had 59 conditions. After obtaining a planning permission under the original application, the Applicant has made at least 30 further application (at substantial costs to public funds and diverting resources of the planning department). As shown in the table below, having made at least 30 further applications, the Applicant was seeking to dispose with or vary 59 conditions. In other words, the number of the conditions the Applicant was seeking to dispose or vary was the same as the number of conditions attached originally.

The latter confirms that the Applicant does not know what it is doing and does not have the required financial resources and expertise.

On a separate note, I would also like to draw your attention that even the original application REF. 2012/6338/P has been made with material procedural violations and contrary to the contemporary local planning policies and national regulations, including but not limited to the National Planning Policy Framework, as stressed in the attached Closing submission. As stated in the submission, the application was also made in violation of several national and European statutes while the Council's cabinet was misled by the promoters of the scheme.

There have also been several vocal examples of the conflicts of interests and corruption. Although there are several less clear examples, the Applicant's team leader, MR. ADAM TUCKER (who has a fiduciary duty to act in the public interests) admitted being paid and being on secondment from Savills Estate Agents. Not surprisingly, the latter was handed a 1.95mn pound contract for "advisory and marketing services".

Application No: **Consultees Name:** **Consultees Addr:** **Received:**

Comment: **Response:**

Similarly, it was also confirmed that Sarah Robbins and other members of the association called Real Deal Community Partnership have been paid by the applicant to "show support for the scheme". Essentially, the promoters have bribed a few council tenants (using public funds) to mislead the decision makers and make an impression that the scheme has support. Amazingly, the promoters continued using Sarah Robbins for the same purpose even after she had been relocated to a different property (as shown in the attached submission).

1. The statement of case discloses that a group of tenants called the Real Deal Community Partnership, including Sarah Robbins, has been paid to promote the scheme (S.6.170 of the Application for the planning permission #2012/6338/P, Addendum 5 to the Statement of Case). Incidentally, I can also see that the interested parties within the Applicant continue utilizing the services of Sarah Robbins even after she has moved to a different property from Bacton Estate. As can be seen in the submission, the applicant provided a letter of support from Sarah Robbins who, being paid by the Applicant, was happy to produce such a letter even after her move to a different house. Arguably, the practice of using public funds to get such "Letters of support" or favourable feedback for unreasonable proposals is worse than bribing media for favourable coverage or bribing politicians for lobbying favourable decisions and/or legal initiatives.

2. Third, the Document No 30 which is an article titled "Camden Council Land-Lords of the manor" (Bundle B, Section A) confirms that the Council offers incentives, including monetary to a specific resident group called the Real Deal Community Partnership to achieve a visibility of support by the residents. Dave and Simone Lewis and Sarah Robbins are named as representatives of the Real Deal Community Partnership group at Bacton Estate. In fact, I know Sarah and am well aware that she has been acting on behalf of and in the interests of Camden Council. The document confirms that "the council has been working with one group (the Real Deal Community Partnership (RDCP) on how to spend a significant amount of the money – all other groups were excluded". The Statement of Case also contains reference to paying some tenants for "promoting" the redevelopment. This is the true reason of the "tenant support" the Applicant relied on in the Statement. The article suggests that the Council has an agreement with RDCP for promoting the Council's interests. Respectively, the comment's on the "tenant's support" should be disregarded or, at least, discounted.

3. In fact, the Applicant went as far as put a comment attributed to Sarah Robbins in The Architect's Journal to stress that Bacton is an "Exemplary Housing Estate Regeneration". However, the difficulty is that (1) I know Sarah Robbins and the way she talks is very different from the way in which the comment attributed to her is written; (2) as admitted in both the Statement of Case and the article titled "Camden Council Land-Lords of the manor", Ms. Robbins and other members of the Real Deal Community Partnership have been paid to promote the scheme. Naturally, being paid to promote the scheme, they will be biased and won't offer an honest and balanced opinion. Contrary to the allegations of widespread support, the Equality Impact Assessment presented as Appendix D in Part 3 of the Statement of Case confirms that (i) Demolition and rebuild will have a negative impact on all age groups (p. 31); (ii) will be disruptive for anyone who lives in the local area (p. 31); (iii) women who were single parents with children are more seriously affected if outdoor space is limited (p. 32).

Respectively, I am seeking the PLANNING PERMISSION REF. 2012/6338/P with all consecutive

Application No: **Consultees Name:** **Consultees Addr:** **Received:** **Comment:** **Response:**

amendments, including 2016/4815/P, to be revoked. I wish I were informed about the original and consecutive applications in a due course so that the proper objections could be put forward. However, not only the promoters failed to inform me about their applications in the past but, as the evidence confirm, continued doing so even after I explicitly requested to be informed about all applications in respect of Bacton Low Rise estate as well as the PLANNING PERMISSION REF. 2012/6338/P. Respectively, if I am not allowed to resist the unreasonable and, arguably, criminal behavior of the promoters, I would have no option but to expose such behavior in the local and national media.

Kind regards,
Alex Kuznetsov, CFA, FRM, CPA
Honorary Citizen of Harrisburg, PA, USA
150 Bacton,
Haversock Road
London NW5 4PS
Ph: 078 0620 1451

Application No:	Consultees Name:	Consultees Addr:	Received:	Comment:	Response:
2016/5358/P	Alex Kuznetsov	150 Bacton Haverstock Road London NW5 4PS	19/10/2016 11:17:46	OBJ	<p>Application for a Direction for an Environmental Impact Assessment</p> <p>Dear Camden Council Planning Department, I am writing regarding the planning application made by Alistair Walker to the London Borough Council of Camden, Application 2016/4889/P submitted and registered on 6 September 2016.</p> <p>It came to my attention on 16 October 2016 that an application for an environmental assessment screening was made by Alistair Walker to the London Borough Council of Camden, Application 2016/4889/P submitted and registered on 6 September 2016. I would like to stress that I have neither been informed about this application nor am aware about other residents being informed of this application.</p> <p>Having considered the submission and having weighted the submission and contemporary evidence against contemporary statutory UK and EU requirements and the Secretary of State Guidance, I became convinced that an environmental impact assessment is necessary in this case.</p> <p>There are several grounds requiring undertaking an Environmental Impact Assessment.</p> <p>First, since the application is for a major urban development with the total area exceeding 1 hectare, the EIA is required under Section 10(b) of Schedule 2 of the The Town and Country Planning (Environmental Impact Assessment) Regulations 2011.</p> <p>Second, the area of the development falls under the definition of the “sensitive areas” which suggests that even a development of under 0.5 hectare would require an Environmental Impact Assessment. However, in the instant case, the area is 1.89 hectare which automatically requires an EIA, pursuant to Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. Since the development includes more than than 1 hectare of urban development which is not dwellinghouse and the development includes more than 150 dwellings the EIA is also required under the EIA Regulations 2015.</p> <p>Third, it is not in dispute that Bacton Estate is located in a flood area. In fact, the risk of flooding is “HIGH”, as defined by the defined in section 20(5)(c) of the Flood Risk Regulations 2009. Respectively, not only the EIA is required but, in fact, both the National Planning Policy Framework (including Sections 99-104), the Local Plan and the Planning Guidance.</p> <p>It is a common ground and confirmed in the London Borough of Camden flood risk management strategy that the Gospel Oak is an area with high flood risk. Furthermore, not only Gospel Oak has the highest flood risk in Camden but also the NW5 post code has the highest flood risk in Gospel Oak. Respectively, the NPPF requires to avoid developments and redevelopments in the area. The document also explains the reasons for selecting the existing design of the building which includes: (1) allocating the ground floor to non-residential use (e.g. garages); (2) entrance to all houses from the first floor; (3)</p>

Application No: **Consultees Name:** **Consultees Addr:** **Received:**

Comment: **Response:**

allocating public areas on the first floor and (4) spreading the properties over several floors to allow relocation to the upper floors in case of a serious flooding. The current layout of the estate complies with the requirements of minimizing the flood risk by distinctive architectural design features summarized above. The new scheme, however, disregards the fact that the development is located in a high risk area (in fact, such a development explicitly prohibited by Sections 99-101 of the National Planning Policy Framework (NPPF)).

Specifically, Section 100 of the NPPF requires “Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk”. Respectively, it is not appropriate to allocate the development to the area with the highest flooding risk in the borough. Importantly, as admitted by Camden Council, there is abundance of alternative sites for development. First, the Applicant’s own policies require prioritizing developing high growth and “opportunities” areas which are presented in the Camden Local Plan 2016 (CLP 2016). Not only the area presently occupied by Bacton Estate has high flood risk but is neither the growth nor opportunity area. Second, as admitted by the Applicant at S3.9 of the CLP 2016, “The 2014 AMR indicates that there are sufficient identified sites in place to exceed our housing targets in the early years of the Plan period”, “Deliverable sites are in place to provide more than 6,500 homes from 2015/16 to 2019/20, exceeding Camden’s overall housing target of 1,120 per year (deliverable sites are sites that are suitably located, viable and available to develop now, and that have a realistic prospect of delivery within five years).” This alone confirms that the initiative fails the test set by the NPPF (Sections 100, 101). Furthermore, if there is any doubt, the Applicant admitted that it has more than enough sites for the 5-year supply (S 3.9 of CLP 2016). Respectively, each of these arguments, jointly and severely, confirms that the redevelopment of Bacton Estate shall not be allowed, pursuant to the NPPF.

Fourth, as admitted in the Applicant’s Statement of Case, the local area is exposed to all 3 major hydrological risks. The latter is further exacerbated by (1) the powerful river Fleet flowing through the area; (2) the existence of the underground mainline railway preventing the normal drainage and (3) an additional risk from Highgate ponds.

The NPPF requires not to build or rebuild in the areas with flood risk as explicitly stated in Section 101 of the NPPF

“Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.”

Arguably, the new development should have been placed in one of the growth or opportunity areas outlined in CLP 2016, especially since such areas have lower risk (as stressed in the London Borough of Camden flood risk management strategy, Gospel Oak area has the highest flood risk in Camden while NW5 area has the highest risk of flooding in Gospel Oak).

Fifth, in any case, Sections 100-109 of the National Planning Policy Framework require undertaking a Sequential Test and, if necessary, the Exemption Test to developments in the areas at the risk of flooding. As confirmed in the London Borough of Camden flood risk management strategy, not only the area of the proposed development has a high flooding risk but it has the highest flooding risk in the borough (Gospel Oak area has the highest flood risk in Camden and the NW5 area has the highest risk

Application No: **Consultees Name:** **Consultees Addr:** **Received:**

Comment: **Response:**

within Gospel Oak). If there are any further doubts, given that the area was exposed to two major floods over the last 40 years, the risk of flooding is “HIGH”, as defined by Section 20 of the Flood risk regulations 2009.

Sixth, not only the risk of flooding is high but it is also a common ground and admitted by the applicant that the area where the Bacton Estate is located is exposed to all three major hydrological risks. In fact, the national regulations and Camden Local Plan explicitly prohibit developing and redeveloping areas with flood risk (let alone high flood risk). Respectively, the NPPF requires undertaking the Sequential Test. The contemporary evidence suggests that the applicant has failed to undertake the sequential test which has resulted in the failure to steer the new development to areas with the lowest probability of flooding, as required by the NPPF. Specifically, Section 101 explicitly states “The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.”

Last but not least, the land in the area is contaminated, as confirmed by the Camden Council. The risk originating from the contamination is amplified by the high flood risk and exceptionally strong underground watercourse levels while the fact that the Fleet river is flowing through the area brings a risk of contamination being spread through the entire Northern part of London up until the presently underground Fleet river joins the Thames River. The contaminated substances may be spread through a wider area by the Thames River thereafter. Importantly, the Fleet river is the biggest underground river and one of the strongest rivers after the Thames River in the entire Greater London Area.

I would also like to refer to paragraph 58 of the Department for Communities and Local Government, Planning Practice Guidance. Although the guidance does not provide an exclusive list of cases when the guidance is required it stipulates that the EIA is likely to be required if there is a high level of contamination or the gross development includes over 150 dwellings or the development includes more than 1 hectare of urban development which is not dwellinghouse developments. In fact, the proposed scheme ticks all boxes. Respectively, there is an evident requirement for an Environmental Impact Assessment. On a separate note, since the scheme is located in an area with high flooding risk, the National Planning Policy Framework (Sections 99-109) also requires undertaking a Sequential Test.

On a separate note, the proposed application is also contrary to the open space policies adopted at local (e.g. Camden Local Plan and planning guidances) and national (including the National Planning Policy Framework).

It may also be helpful to refer to Schedule 3 providing Selection criteria for screening Schedule 2 developments.

Characteristics of development

1. The characteristics of development must be considered having regard, in particular, to—
 - (a) the size of the development; The urban development is located in the Central Part of London. Since it covers area of 1.86 hectares, it is one of the largest developments in London.
 - (b) the cumulation with other development; The development is part of a larger regeneration scheme

Application No: Consultees Name: Consultees Addr: Received:

Comment: Response:

undertaken by the regeneration team. The overall scope of the scheme is hundreds of millions of pounds.

(c)the use of natural resources;

(d)the production of waste; The implementation of the scheme will result in a substantial production of waste. The amount is so material that the original waste storage/absorbing facilities were deemed insufficient and new waste facilities had to be provisioned.

(e)pollution and nuisances; The scheme being undertaken in a densely populated area of the largest city in the UK will generate substantial pollution and nuisance. The pollution impact will be amplified by the fact that the implementation of the scheme requires demolition of a major residential estate occupying the area of 1.89 hectares at present. The impact will be further amplified by the presence of asbestos in the estate. As a result, the asbestos dust is likely to be spread over a substantial part of Camden, one of the most densely populated parts of London. Furthermore, not only the area is exposed to all three major hydrological risks and has risk of flooding but also the land is contaminated. This amplifies the risk of contaminating substances being carried by either underground waters or by the Fleet River, one of the strongest rivers in the entire London area, passing through the area.

(f)the risk of accidents, having regard in particular to substances or technologies used. There is a high risk of accidents due to (1) the scale of the project; (2) the need for a demolition of a major estate in central London, (3) presence of asbestos in the estate earmarked for demolition; (4) contamination of land; (5) strong waterflows (6) high density of population; (7) presence of several schools and kindergartens in the area; (8) proximity of children playgrounds; (9) little distances from other buildings (in fact, other buildings are located within 10 meters from each side of the site; (10) high flood risk, as defined by Section 20 of the Flood Risk Regulation 2009.

Location of development

2. The environmental sensitivity of geographical areas likely to be affected by development must be considered, having regard, in particular, to—

(a)the existing land use; The proposal requires rebuilding on open space and gardens, even despite the Gospel Oak area lacking access to open space and gardens, as emphasized in the Camden Local Plan 2016.

(b)the relative abundance, quality and regenerative capacity of natural resources in the area; The development is located in one of the most densely populated areas of Camden which, on its own, is one of the most densely populated areas of London. Although Camden has several large public parks, Gospel Oak, as admitted in the Camden Local Plan 2016 suffers from insufficient access to open spaces and gardens. The development will further contribute to the shortage of open space and playgrounds. Furthermore, the proposed development requires destruction of not less than 46 trees in the area which is contrary to the Camden and GLA policies. Due to the location in the major urban centre, the regeneration capacity is low to non-existing.

(c)the absorption capacity of the natural environment, paying particular attention to the following areas—

(i)wetlands;

(ii)coastal zones;

(iii)mountain and forest areas;

Application No: Consultees Name: Consultees Addr: Received:

Comment: Response:

(iv) nature reserves and parks;

(v) areas designated by Member States pursuant to Council Directive 2009/147/EC on the conservation of wild birds(1) and Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora(2);

The absorption capacity is low since the problems of location in the major densely populated urban center are further exacerbated by (i) the contamination of land; (2) location in a flood risk area (furthermore, the risk of flood is high, as defined by Section 20 of the Flood Risk Regulations 2009 and one of the highest in London); (3) presence of asbestos and (4) proposed eradication of at least 46 trees. The development is also contrary to the Directive 2000/60/EC and DIRECTIVE 2007/60/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL and the EU Council Directive (85/337/EEC).

(vi) areas in which the environmental quality standards laid down in EU legislation have already been exceeded; The EU regulation requires the EIA in areas with flood risk.

(vii) densely populated areas; The development is located in one of the most densely populated areas in London. As admitted in the Applicant's submission, even before the proposed 10% increase in the number of dwellings, the density was already above the Greater London Authority's guidance. This is despite of the GLA guidance already adopting the highest allowable density in the country. Yet, even before the adjustment, the proposed density was 479 habitable rooms per hectare which was above the UPPER bound set by the GLA in the London Plan (200-450 habitable rooms per hectare). With the proposed increase in the number of rooms, the density would deviate by over 10% from the UPPER bound (and 2.5x above the lower bound) of the London Plan target.

(viii) landscapes of historical, cultural or archaeological significance. The development area is immediately adjacent to the local landmark, St Martin's Church, a Grade I building, and is in a proximity to St. Dominique's Priory, a Grade II building which is also one of the largest and functioning churches in Camden. Not only the development would overshadow and overlook the churches but there is also a material risk of the structural damages to the buildings due to (1) a direct impact of the construction works; (2) change of the underground watercourse directions and (3) impact of the Fleet river. To make things worse, the promoter suggested placing a major waste storage tank under the St. Martin's Square.

Respectively, there is an overriding need for an Environmental Impact Assessment.

Yours faithfully,

Alex Kuznetsov, CFA, FRM, CPA

Honorary Citizen of Harrisburg, PA, USA

150 Bacton

Haverstock Road,

London, NW5 4PS

Ph: 07806201451