| Application No: | Consultees Name: | Received: | Comment: | Response: |
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| 2022/2019/P | John Cox | 04/12/2022 23:50:10 | OBJ | A further submission of opposition to 2022/2019/P Highline, in two parts. |

COMMON LAW

Having read virtually all the application and the various submissions, I recognise that Camden planning authority must weigh up opposing arguments.

However, officers are obliged to point out to the planning committee the authority's current position on the highline project's viability - to be built, to be maintained, and to be removed.

It must also confirm to the committee that viability actually is a valid material planning consideration.

English common law is built entirely from precedent, the practice of previous court cases being the basis for judgments in current cases, without reference to legislation passed by parliament.

Any officer report must comment in detail on viability and what the position of the planning authority is to the submitted planning application, given the lack of credible viability evidence provided.

There must not just be opinions from planning officers but the specific legal case precedent that the authority is using to justify its position on the subject of viability. Some of those quoted cases are likely to be quite recent.

Without that, the authority is guilty of maladministration in the pursuance of its legal powers, and would make unsafe, challengeable decisions. I see other objectors have made similar, parallel submissions.

Of considerable importance is the claim by the highline group that theirs is a 'meanwhile' project.

It is not a 'forever' project like the ex-Mayor's Garden Bridge, which was to last indefinitely.

It is apparently a 'not-forever' project, lasting only (only!) 20 or 30 years.

The authority cannot conceivably recommend acceptance of the application on that basis without evidence of funding to remove it, without resort to public funds. Where is that evidence? It doesn't exist, even in outline!

The ill-fated Marble Arch Mound was only consented because it was established through submitted evidence that it was only a meanwhile project. It either was or it wasn't, and apparently, on the basis of evidence provided, it was.

Any conclusion on the highline by officers or by the planning committee, accepting this is a 'meanwhile' project and not a permanent one, would be unlawful, because there is no offered submission that it is not permanent.

DESIGN AND ACCESS STATEMENT ADDENDUM

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| | | | | The Design and Access Statement Addendum is a lonely little ‘review’ document because there is insufficient submitted material to back it up.<br><br>First of all, the authority needs to confirm that the application has no connection with anything proposed or not proposed beyond the application boundary.<br><br>It is unacceptable that the addendum says ‘Phase 2: Not in Review’, because it most certainly is not in the application in the first place, capable of being ‘reviewed’ or not. There is no ‘Phase 2’, or can be any valid or reasonable assumption by the authority that there will be.<br><br>Secondly, the so-called ‘Residential Overlooking Assessment’ is unacceptable.<br><br>There is no sunlight assessment, no daylight assessment, no outlook assessment and no over-shadowing assessment.<br><br>There are no impact assessments regarding those essential matters and issues. Just calling something a ‘Residential Overlooking Assessment’ does not make it so.<br><br>Furthermore, why is there no alternative offered? How might the project be modified if the addendum were rejected? Or would the project become ‘unviable’. We don’t know.<br><br>Such additional documentation is required to take the addendum seriously, and that would require a further period of public consultation, if the planning authority wished to act reasonably under common law. |