

## ***King's Cross—Think Again* campaign press release, 19 October 2006**

### **King's Cross Central development legal challenge: Camden concedes some wrong advice but fails to answer many issues**

Solicitors acting for Camden Council have admitted that councillors were wrongly advised in March on the proportion of social housing there would be in the King's Cross Central development. For some councillors this was a key issue, and the advice could have affected the decision to grant provisional consent to the outline scheme.

EarthRights, solicitors for the consortium of local groups challenging the legality of the Camden's decision last March, received the Camden letter on 3 October. Now they have written to press for a more detailed response to the points raised in their letter of 8 September.

'We are pleased Camden is offering to look at some of the issues, particularly affordable housing, but very disappointed they have still not answered several important points properly, and in some cases have failed to answer points at all,' said John Dunkley of EarthRights. 'We have asked for a full response to our original letter.'

In addition, the campaign takes heart from a recent decision by the Secretary of State, Ruth Kelly, on a site at Cory's Wharf in Purfleet. On 2 October, she ruled she did not consider 'that outline applications provide sufficient information to enable her to conclude that [the applications] would result in developments of an acceptable standard'. A key part of her decision was that 'tall building proposals should not be granted permission on the basis of outline applications'.

Camden's decision in March granted provisional outline planning consent for the scheme to developers Argent. It is currently due to return to Camden's Development Control Committee on 16 November for councillors to consider the final draft of the 'section 106' agreements (undertakings by the developer intended to offset the impacts of the scheme). Only then can planning consent be finalised.

No reply has yet been received from Islington Council, which is affected by many of the issues raised by the groups.

The local campaigners making the challenge include King's Cross Conservation Area Advisory Committee, Regents Network, Cally Rail Group and members of Camden Green Party. Michael Edwards, co-chair of the King's Cross Railway Lands Group, which is heading up the consortium of groups, said:

'We hope that Camden will think again. First, we need proper answers to all the points we have made. Unless they can refute them all, then councillors should look again at the whole application. Plainly this development got provisional consent on the basis of flawed advice. Councillors have a duty to reconsider that consent, particularly in the light of the Cory's Wharf decision and Camden's new Unitary Development Plan, and we urge them to do so rather than risk finding they have acted unlawfully.'

### **Some of the points at issue**

#### ***Affordable housing***

Camden's Revised Unitary Development Plan was adopted in June this year. It includes a key target of 50% affordable housing on the site, but the King's Cross scheme only provides between 40% and 44% so does not conform with the existing policy. EarthRights has asked whether the Committee will now be given an opportunity to reconsider the percentage of affordable housing.

Camden admits incorrect information was given to councillors in written answers about how much of the affordable housing would be social rented housing, claiming this was due to a 'typographical error'. But they have replied to only one of the three errors pointed out to them.

***Heritage and conservation***

Camden's letter does not reply in detail to the contention that the committee *could not* and indeed *still cannot* make a properly informed decision on the impact of the proposals—including demolitions—on the character of the Conservation Area.

***Environmental Impact Assessment***

Camden's response is very general and fails to address specific points relating to how existing case law on assessing environmental impacts was applied.

***Strategic Environmental Assessment***

Camden's Revised Unitary Development Plan requires a 'masterplan strategy' for the King's Cross Opportunity Area but their response does not identify whether, and if so in which document, such a strategy exists.

***Air quality***

Camden is already in breach of European Directives on air quality and acknowledged the current scheme would be likely to damage air quality further. Camden has now undertaken to remind the Committee of the relevant law. Appendix A of EarthRights' response outlines some of the ways poor air quality could be counteracted without rejecting the whole scheme.

***Blue Ribbon Network***

Again, Camden agrees merely to 'remind' the Committee of these *London Plan* policies relating to waterside development (in this case the Regent's Canal). But Camden's proposals were not evaluated under those policies, and should be.

***Office floorspace limits***

Camden has not answered the specific points made by EarthRights. The vast amount of office space (more than 400,000 square metres) was alleged to be needed to provide a so-called 'critical mass'—without any basis being given for this claim.

—ends—

*Note to editors*

**Attachments to press release (now available for download from [www.kxrlg.org.uk](http://www.kxrlg.org.uk))**

Letter of from EarthRights of 19 October

Letter from Denton Wilde Sapte (Camden's solicitors) of 29 September

Original letter from EarthRights of 8 September.

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