

GREATER LONDON AUTHORITY

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Our ref: LDF20LDD01 07/03
Date: 9 December 2009

Mr Peter Lerner

Executive Director of Planning and Borough Development
f.a.o. The Planning Policy Team
The Town Hall
Horton Street
LONDON W8 7NX

Dear Mr Lerner,

Planning and Compulsory Purchase Act 2004; Town and Country Planning (Local Development) (England) Regulations 2004 (as amended)

Kensington & Chelsea Council Local Development Framework: proposed submission of the Core Strategy

Statement of general conformity with the London Plan

Thank you for your letter of 29 October 2009, consulting the Mayor on the above documents. The Mayor has delegated his planning powers to me and having now considered a report on this case (reference PDU/LDF20/LDD01 07/01 copy enclosed) I can advise as follows.

As you will be aware, by virtue of section 24(1)(b) of the Planning and Compulsory Purchase Act 2004, all development plan documents must be in general conformity with the London Plan. It is my opinion that the proposed submission document is not in general conformity with the London Plan in respect of the following matters:

- Policy CH1 of the proposed submission document proposes a split target with regard to affordable housing delivery. The evidence suggests significant need within the borough and emerging capacity to support some of the substantial need. A target of 200 units per annum is proposed, however this is not to be applied until 2011/2012, in line with the anticipated adoption of the draft consultation replacement London Plan. An interim target is proposed, based on a previously agreed target as part of the Mayor's Draft Housing Strategy. This is a lower target at 90 units per annum, which, based on need and supply, is not fully justified or effective in terms of addressing the needs arising within the borough for affordable housing. It therefore currently fails the test set out in PPS12. The split target has the potential to harm the delivery of affordable housing having regard to the current strategic target set out in policy 3A.9 of the London Plan and emerging policy 3.12 of the draft consultation replacement plan.

- The Council has not produced an open space strategy and therefore the approach has potential to harm the implementation of policy 3D.11 and 3D.12 of the London Plan and emerging policy 2.18 of the draft consultation replacement London Plan. The approach is not currently justified in terms of the tests set out in PPS12. I may, however, wish to alter my position on this matter having considered the Council's emerging evidence and justification, which has only recently been submitted.
- Policy CF1 of the proposed submission document seeks to protect hotel provision, except in Earls Court ward. There is no commentary regarding the Council's specific concerns at Earls Court or why specific reference to the area is made within policy. The approach within the policy is, therefore, not currently justified as required by PPS 12 and may harm the Mayor's target to deliver 40,000 new hotel bedspaces and protect important strategic supply as set out in Policy 3D.7 of the London Plan and policy 4.5 of the emerging draft consultation replacement London Plan. Should the Council wish to consider an approach that maintains hotel floor space on a borough wide basis, it would allow management of areas as appropriate whilst maintaining the Mayoral objective to increase hotel provision and protect important strategic supply. Such an approach would address my general conformity concern on this issue.
- The Council has undertaken considerable work on tall buildings and takes a pragmatic approach, which is evidence based. The Council accept that tall buildings of a district scale may be suitable in certain circumstances subject to positive tests, however, the Council has not identified any specific sites where this may be the case. The approach may restrict the Council's ability to manage the development of tall buildings within the borough which could harm the implementation of policy 4B.9 of the London Plan and policy 7.7 of the emerging draft consultation replacement London Plan. The approach is not effective in terms of the tests set out in PPS12. I may, however, wish to alter my position on this matter following discussions regarding the locations identified within the attached report.

If you would like to discuss any of my representations in more detail, please contact Matthew Carpen (020 7983 4272) who will be happy to discuss and arrange further meetings in advance of the formal Examination in Public.

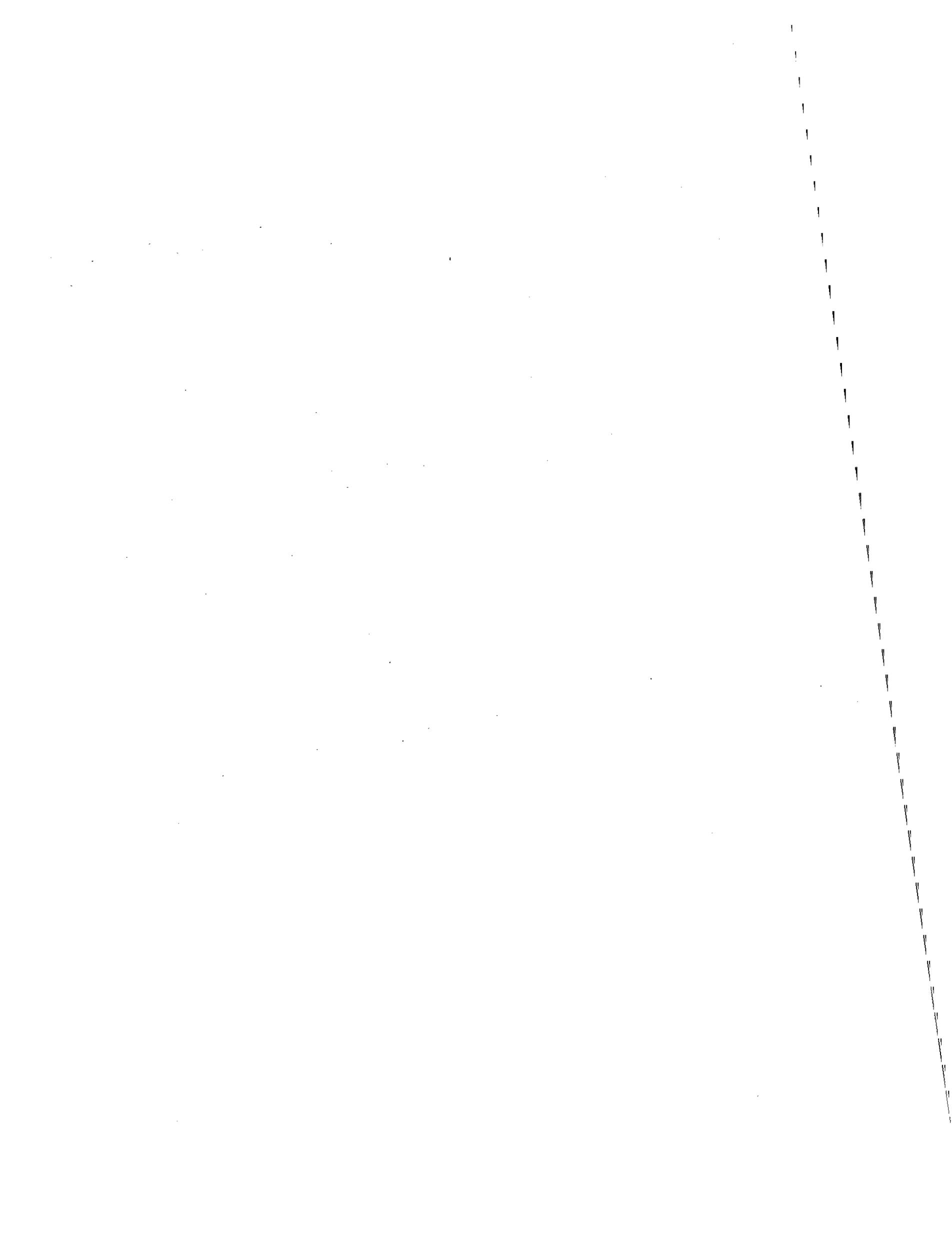
Yours sincerely



Sir Simon Milton

Deputy Mayor – Policy and Planning

cc Kit Malthouse, London Assembly Constituency Member
Jenny Jones, Chair of London Assembly Planning and Spatial Development Committee
Ian McNally & John Pierce, GoL
Colin Lovell, TfL
Dean Williams/Helen Wood, LDA



Royal Borough of Kensington & Chelsea Local Development Framework

Consultation on Submission Document

Town & Country Planning Act 1990 (as amended); Greater London Authority Act 1999 and 2007; Planning and Compulsory Purchase Act 2004 (as amended); Town and Country Planning (Local Development) (England) Regulations 2004 (as amended).

Strategic issues

- Affordable housing targets.
- Open space.
- Hotels.
- Tall buildings.
- Climate change.

Recommendation

That the Mayor agrees to submit the comments set out in this report and in the attached appendix to Kensington & Chelsea Council as the formal response to the Submission consultation, and that Kensington & Chelsea Council be advised that the Submission Document is not in general conformity with the London Plan in relation to the above strategic issues.

Context

1. On 29 October 2009, Kensington & Chelsea Council consulted the Mayor of London on the above Document. This report sets out information for the Mayor's use in deciding what comments to make in relation to the general conformity of the document with the London Plan. The consultation period ends on 10 December 2009.

2. The Planning and Compulsory Purchase Act 2004 ("the Act") introduced a new system of preparing development plans. This requires boroughs to progressively replace existing unitary development plans with a portfolio of local development documents that will collectively form the local development framework for each of the boroughs. The local development framework together with the London Plan provides the essential framework for planning at the borough level. The "development plan" in London for the purposes of section 38(6) of the Act is:

- The London Plan (consolidated with alterations since 2004), and
- Development plan documents produced by the borough councils (and saved unitary development plan policies in transitional period).

3. There are three types of local development documents: development plan documents; supplementary planning documents; and statements of community involvement. The document now being consulted on (Core Strategy) is a development plan document with development plan status, which will be subject to an examination to test the 'soundness' of the plan.

4. Planning Policy Statement 12 (*'Creating strong, safe and prosperous communities through Local Spatial Planning'*) sets out that to be 'sound' a core strategy should be justified, effective and consistent with national policy. Paragraph 4.50 of PPS 12 sets out that an Inspector is charged with checking that the plan has complied with legislation, which will include checking that the plan conforms generally to the London Plan. Therefore general conformity with the London Plan is a legal requirement.

The Mayor's role

5. All development plan documents must be in general conformity with the London Plan, in accordance with Section 24(1)(b) of the Act. It is also a statutory requirement for local planning authorities to request the Mayor's opinion on general conformity at the same time as it submits the documents to the Secretary of State.

6. PPS12 sets out the definition of general conformity: *"The test is of general conformity and not conformity. This means that it is only where an inconsistency or omission in a development plan document would cause significant harm to the implementation of the spatial development strategy, that it should be considered to not be in general conformity. The fact that the development plan document is inconsistent with one or more policies in the spatial development strategy, either directly or through the omission of a policy or proposal, does not, by itself, mean that the document is not in general conformity. Rather the test is how significant the inconsistency is from the point of view of delivery of the spatial development strategy."*

7. The Mayor's General Conformity Guidance Note (July 2006) confirms that the principle of general conformity applies to all policy areas of the London Plan and can apply to a single policy issue. The Guidance Note also confirms that the Mayor will make other comments on development plan documents. However, where these are made they must relate to one of the other tests of soundness.

8. An opinion from the Mayor that the plan is not in general conformity does not mean that the plan automatically falls. Rather, the opinion will automatically be treated as a representation to be dealt with at the examination. The Inspector will determine whether he or she supports the opinion and will recommend accordingly. The Planning Inspectorate has stated that the view of the Mayor's opinion *"will be given considerable weight"*¹ and that a lack of general conformity with the London Plan will need to be fully justified on the basis of local circumstances, based on relevant evidence. Under the new development plan system the Inspector's recommendations are binding on the local planning authority, and there is no subsequent modifications stage.

9. Based on experience elsewhere in the country it is likely that, where an opinion that a plan is not in general conformity is made, the Mayor will be expected to be represented in person at the examination. Other representations may be dealt with in person or through further written representations. The examination in the present case is due to be held in the middle of 2010.

10. The Mayor of London's comments will be made available on the GLA website www.london.gov.uk.

¹ Development Plans Examination – A Guide to the Process of Assessing the Soundness of Development Plan Documents (The Planning Inspectorate, 2005), paragraph 1.2.6

Previous representations

11. The Mayor made representations at the pre-submission consultation stage of the plan preparation process on 9 September 2009, (planning report PDU/LDF20/LDD01 06/01).

Proposed representations

12. The Kensington & Chelsea Local Development Framework will replace the adopted 2002 Kensington & Chelsea Unitary Development Plan (as saved September 2007). It will set the Council's approach to the planning of the borough up to 2028. The Council submitted the Local Development Scheme to the Mayor for approval in January 2009. At that time the Council's intention was to produce four DPD's consisting of the Core Strategy, Proposals Map, Development Control Policies and Site Specific Allocations Documents, plus a number of supplementary planning documents.

13. Subsequent drafts of the core strategy have highlighted that the Council may consider revisions to the LDS where programmed DPD's may not be required. Paragraph 1.3.15 of the Core Strategy confirms the Council's intention to alter the programme and timetable for the preparation of DPD's. The Council has taken the view that there is no longer a requirement for a Development Management DPD or Site Allocations DPD as the Core Strategy performs both these functions. It goes on to state that the LDS has been updated to address this.

14. The Council has published an interim statement on its website which explains the intention further. Whilst the LDS has not formally been amended at this stage nor has the Mayor been formally consulted, it is the Council's intention to follow through with this process before the Core Strategy is formally submitted to the Secretary of State.

15. There is concern that the change in programme has not given statutory, non statutory and other stakeholder consultees the opportunity to consider the implications of the proposed changes with regard to the detail found within the Core Strategy. These late changes to the programme of anticipated DPD's may alter earlier representations on the Core Strategy where consultees may have considered matters that would be addressed in other DPD's to follow, as programmed within the LDS. It is therefore questioned whether the core strategy sufficiently performs the functions of all four originally programmed documents (Core Strategy, Site Allocations, Proposals Map and Development Management Document), in particular whether the Core Strategy covers the detailed policies expected of the Development Management DPD.

16. Notwithstanding this concern, the Mayor is considering the document and its content and whether it conforms generally to the London Plan.

17. With that objective in mind, the Submission Document for the Core Strategy and Proposals Map are, on the whole, broadly consistent with the London Plan. There are, however, some outstanding, albeit few, issues of general conformity. These general conformity matters relate to affordable housing targets, the protection of hotel use within the borough; open space and tall buildings. The report considers these matters as well as matters regarding climate change and transport. Whilst the comments on the latter do not raise matters of non-conformity, the comments should be treated as formal representations made by the Mayor and should be considered in order to improve the clarity and robustness of the Core Strategy overall.

Housing

Housing targets

18. Within the Core Strategy, the Council has made reference to a target of 3,500 additional homes to be built in the ten year period 2007/8 – 2016/17, equating to an annual monitoring target of 350. This is in accordance with the housing targets set out in table 3A.1 of the adopted London Plan and is supported. The overall target is, however, set out in the reasoned justification, not the policy. Previous iterations (policy CH1 in the July pre-submission draft) included the target 3,500 within policy. Whilst the annual monitoring target of 350 is included within policy, the overall target is not. The exclusion of the overall target from policy does not undermine the ability of the Council to achieve its targets, however, for clarity it should be included within policy and amended in due course in line with the emerging London Plan targets as required.

19. The draft consultation replacement London Plan was published on 12 October 2009 and includes new targets for housing delivery for the borough. The proposed revised ten year figure for Kensington & Chelsea is 5,850 with an annual monitoring figure of 585 new homes.

20. These figures are based on the Strategic Housing Land Availability Assessment (SHLAA)/Housing Capacity Study (HCS). The SHLAA/HCS is part of the evidence base for the review of the London Plan. These are minimum targets with which the DPD must be in general conformity following formal publication of the new London Plan in 2011

21. The Core Strategy has taken account of the latest published annual monitoring targets in the draft consultation replacement London Plan by setting a target of 600 units per annum, which exceeds the targets currently being consulted on as set out above and significantly exceeds the existing monitoring target in the adopted plan. The Core Strategy is clear that the revised targets will be delivered once tested through EIP, i.e after 2011 and the adoption of the new London Plan.

22. London Plan policy 3A.2 states that “*DPD policies should (amongst other matters) seek to exceed the figures in Table 3A.1*”. Policy 3.3 C of the draft consultation replacement plan seeks the same. This aspect of the policy is therefore in general conformity with the London Plan and draft replacement plan on overall provision of new homes.

Affordable housing targets

23. London Plan policy 3A.9 requires that DPD policies should set an overall target for the amount of affordable housing provision over the plan period in their area, based on an assessment of all housing needs and a realistic assessment of supply. Planning Policy Statement 3 (PPS3) further emphasises this requirement for a borough wide affordable housing target at Paragraph 29. Policy 3.12 of the draft consultation replacement London Plan seeks that boroughs set an overall target for the amount of affordable housing needed over the plan period and separate targets for social rented and intermediate housing to reflect the strategic priority for affordable family housing. In setting those targets account should be taken of current and future housing requirements identified in the London Plan, need for family housing, strategic, sub-regional and local needs, mixed and balanced communities, capacity and viability.

24. Policy CH1 in the Core Strategy is not clear regarding affordable housing targets. The reasoned justification (paragraph 35.3.2) states that 90 units a year is the agreed target in the draft Mayor’s Housing Strategy between 2008-11. This then leads into a higher target that is formed on the back of emerging housing targets and capacity work set out in the draft consultation replacement London Plan (200 per annum target between 2011/12- 2021/22 or 2000 over ten years).

25. As such, the policy seeks the “maximum amount of affordable housing with a target of 200 units per annum from 2011/2012 until 2021/222”. There is no reference in policy to the targets to be applied from the adoption of the Core Strategy up to 2011/2012 other than reference in the paragraph 35.3.2 to the targets agreed as part of the draft Mayor’s Housing Strategy.

26. Whilst a three-year target has been negotiated with the GLA as the short-term delivery target for the borough having regard to the Mayor’s aspiration to deliver 50,000 homes by 2011 as part of his housing strategy across London; this three year target is a funding based target and is not subject to the tests of policy 3A.9 of the London Plan or the tests set out in PPS3, PPS12 or subject to the examination process, which require a rigorous assessment against the realistic needs and supply within the borough.

27. The appropriateness to adopt the three-year target as forming part of the Core Strategy target does not follow the more recent evidence being presented in setting the latter target of 200 units per annum, due to be implemented from 2011/2012. The 200 unit target should therefore apply from the adoption of the plan on the basis of the evidence.

28. The Council’s evidence suggests an overwhelming need for affordable housing in the borough. On the basis of the evidence the Council could justify a target closer to the current strategic target of 50%. Regard should, however, be had to both need and supply amongst other factors. The Council has presented the argument that a target closer to the current strategic target in the London Plan would not be deliverable. The Council delivered zero affordable housing units in 2008.

29. Whilst this is the case, the Council proposes detailed affordable housing policies for site specific delivery (contained within policy CH2). These policies provide a robust basis to achieve substantial delivery of affordable housing in order to meet the emerging targets that have been put forward. The 200 per annum target should therefore be a minimum target on this basis, having regard to the particular circumstances of land and viability constraints within the borough.

30. Whilst the GLA can accept the numeric target proposed in the latter part of policy CH1, it should be brought forward within the whole of the plan period, so as not to harm the implementation of the London Plan strategic affordable housing target set out in policy 3A.9 and emerging policy 3.12 of the draft consultation replacement plan. Parts of policy CH1 are therefore not fully justified in terms of the tests set out in PPS12 and therefore raise non-conformity matters that should be taken forward for discussion at any subsequent examination.

Waste

31. The Council has made significant changes in the approach to waste since the previous round of consultation. The intention is to produce a separate Waste DPD by 2011, which will set out how the apportionment will be met. The approach at this stage is supported. The Mayor will be required to consider the merits of the Waste DPD as this is developed as part of his statutory role. The LDS should be updated to reflect the changes to the Council’s work programme, and the Mayor should be consulted on these changes.

Open space

32. Policy 3D.12 of the London Plan requires boroughs to prepare Open Space Strategies and lists what should be included in Paragraph 3.309. The strategy should inform the basis for open space policies within the Core Strategy and has an important role to play in managing and dealing with open space over the plan period within the borough.

33. The Council has confirmed that they do not intend to produce an open space strategy but that the work towards a strategy has been undertaken to a detailed level. In order to form a view as to the extent that a strategy has been undertaken in all but name, the evidence needs to be provided. At the time of writing this report the Council has submitted (4 December 2009) reasoned justification in support of the approach following detailed officer level discussion. Unfortunately GLA officers have not had sufficient time to consider the contents at this stage. At this stage therefore the approach has potential to harm the implementation of policy 3D.11 and 3D.12 of the London Plan and emerging policy 2.18 of the draft consultation replacement plan and is not justified in terms of the tests set out in PPS12. The Mayor may wish to alter his position on this matter having considered the emerging evidence provided by the Council before the start of examination. Unless otherwise indicated, this matter should therefore be taken forward for discussion at any subsequent examination.

Hotel protection

34. The impact of reducing concentrations of hotels should not be at the expense of the borough contributing to meeting the need for more hotels (40,000 net additional hotel bedrooms) across London in more appropriate locations. London Plan policy 3D.7 seeks to "resist the loss of strategically important hotel capacity". Current drafting may result in harm to implementation of policy 3D.7 and emerging policy 4.5 of the draft consultation replacement London Plan. There is no commentary regarding the Council's specific concerns at Earl's Court or why specific reference to the area is made within policy. Officers understand that there may be local issues with the management and amenity impacts of hotel provision in the area, which may support the Council's preferred approach. The approach within the policy is, however, not currently justified as required by PPS 12 and may harm the Mayor's target to deliver new hotel bedspaces and protect important strategic supply. Currently, therefore, this matter should be taken forward for discussion at any subsequent examination.

Tall buildings

35. The Council is in the process of producing supplementary planning guidance on tall buildings. The SPG provides the background to the policy approach within the Core Strategy regarding tall buildings. GLA officers believe that the SPG requires further work but that the approach has translated into a reasoned and justified response as articulated within the Core Strategy.

36. Notwithstanding the above, the Council has not identified suitable locations for tall buildings, even though there has been significant urban design and capacity work to support possible identification. In particular the areas at Kensal Canalside and Earls Court, both emerging as key Opportunity Areas for the Council and identified in the draft consultation replacement London Plan (emerging policy 2.13, Map 2.4 Earls Court and West Kensington (8) and Kensal Canalside (15)) may be suitable for tall buildings and further detailed testing.

37. Policy 4B.9 seeks that the Mayor will work with boroughs and the strategic partnership to help identify suitable locations for tall buildings that should be included in DPD's.

38. The Council has adopted a cautious approach to tall buildings based on the design rationale that the borough is unique in terms of its townscape and building stock. The approach within the draft SPG follows a sieve analysis where sensitive areas are identified and discounted. These include Conservation Areas, their buffer zones and listed buildings. The approach is understood but, requires further detailed work and testing, although the broad conclusions translate effectively across into the Core Strategy reasonably well. Whilst this is the case, the SPG does not identify suitable locations, but also does not dismiss the opportunities of tall buildings on a district scale where these perform

landmark functions. The SPG also allows for positive tests, which are translated across into policy CL2 of the Core Strategy.

39. The work undertaken by the Council to date is draft at the time of writing this report, however it is understood the SPG is due to be published imminently. The work can help to inform the Council's approach to tall buildings within the borough. The two locations identified above may be examples of possible locations suitable for tall buildings (there may be others the Council wish to identify), subject to the positive tests set out in the Core Strategy and emerging SPG guidance. These particular locations will be the subject of planning frameworks to be produced jointly with key landowners, local and strategic authorities and other stakeholders. At this stage, the lack of identification of suitable locations for tall buildings may result in the Council having an unclear position on tall buildings, which may allow tall building proposals to come forward in inappropriate locations across the borough in the more sensitive locations identified in the SPG rather than in identified locations or emerging clusters. The approach could undermine the Mayor's approach to management of tall buildings and weaken the Core Strategy in terms of its effectiveness with regard to the tests set out in PPS12. The omission is, therefore, a matter of non-conformity with the London Plan, however, there is sufficient work to be able to overcome the concerns, and the GLA would suggest the two locations identified above go forward for discussion at any subsequent examination.

40. The Core Strategy does not identify specifically the relevant strategic views set out in the London View Management Framework. In particular the strategic linear view from King Henry VIII's Mound, Richmond to St Paul's Cathedral. Policy 4B.16 of the London Plan states that Boroughs should base the designation and management of local views in their DPDs on Policies 4B.16-4B.18. The Core Strategy should reference the relevant views.

Climate change

41. Policy CE1 of the Core Strategy has developed considerably. The policy is broadly consistent with the London Plan, however, there are areas where the policy could be strengthened and some technical errors that should be corrected.

42. The following amendments are suggested to policy CE1:

- (point d) delete "including those from energy, heating and cooling" it is widely recognised that these are the key areas to be tested – the reference seems to overcomplicate the policy making it ambiguous.
- (point d) "CHP or CCHP" should be referenced. The cooling strategy should be a passive design solution in line with the energy hierarchy in the London Plan as a starting point.
- (point d) Where CHP is required, the Council should add "where feasible".
- (point d) unregulated energy usages should be referenced.
- (point f) the text is not technically correct as it is not the CHP plant that needs to be able to connect to other CHP plants. Instead, it is the building heating systems and infrastructure that need to be compatible/suitable for being able to connect to external heat networks, where feasible. (possible for of words could be to '*require new developments to select heating systems that are compatible with connection to external district heating networks*')
- (point g) reference "where feasible".

43. These matters seek to strengthen the Core Strategy and do not raise matters of non-conformity with the London Plan.

Transport

44. Transport for London has provided a table of detailed comments. The comments do not raise matters of general conformity but raise matters which would strengthen the clarity and robustness of the plan as a whole. The lack of a reference to safeguarding of transport sites has previously been raised. In particular there is no acknowledgement of Crossrail safeguarding (including works sites) that may impact on the delivery of strategic sites including Kensal. The status of proposals affecting the Earls Court one-way system should be strengthened to make it clear that the proposals have not yet been fully tested and that funding would need to be secured for any changes. As previously requested more clarity is needed on the status of new and proposed rail infrastructure schemes. Additional wording should also be added to reflect the publication in October 2009 of a revised SPG on the use of planning obligations in the funding of Crossrail.

Legal considerations

45. All local development documents must be in general conformity with the London Plan in accordance with Section 24(1)(b) of the Act. This is a key test of the soundness of plans. The Mayor's representations made at this stage will go forward to the examination in public and must include an opinion regarding general conformity with the London Plan. The test of general conformity is set out in Circular 1/2008 and states that LDDs should not be adopted unless they properly reflect the policies in the Spatial Development Strategy.

Conclusion

46. The policies throughout the documents are, on the whole, consistent with the London Plan. There are, however, some matters set out in the main body of this report, which could result in significant harm to the implementation of the London Plan and therefore not in general conformity with the London Plan unless appropriately resolved. These are in relation to affordable housing targets, open space, hotel protection and tall buildings. In addition, there are a number of areas on transport and climate change where the clarity and robustness of the Core Strategy could be improved. The transport matters are further considered in the attached appendix.

for further information, contact Planning Decisions Unit:

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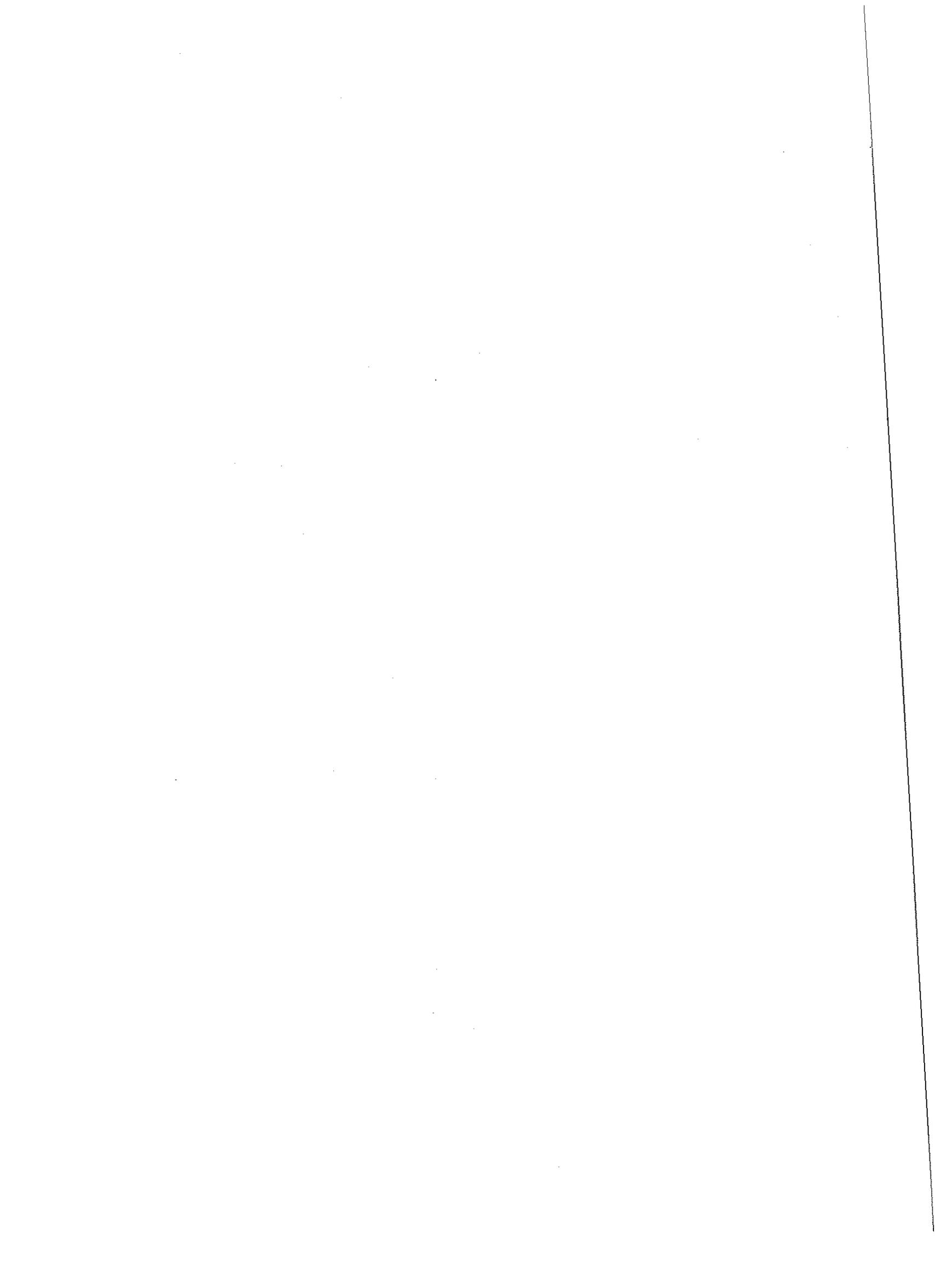
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Kensington & Chelsea DPD Core Strategy Submission Consultation (Statutory Consultation period: 29 October 2009 – 10 December 2009)

Representations from the Mayor of London, including an opinion of general conformity (general conformity comments are shown in bold)

GLA Ref. No.	Which part of the DPD does this submission relate to?	London Plan Policy cross ref.	Has this matter been raised previously?	Relevant Soundness Test	Representations, including reasons for objection
1.	Chapter 5, Kensal 5.1.7 and CV5	3C.11 3C.12 Draft London Plan: 6.3 6.4	yes, Draft Core Strategy	Justified, Effective	Paragraph 5.1.7 specifies that a new Crossrail station at Kensal is the council's ambition for the Kensal Gasworks sites although it acknowledges that no Crossrail station is included at Kensal in the Crossrail Act. Crossrail is currently in discussion with the Royal Borough of Kensington and Chelsea over a potential station at Kensal. However there is no provision for this station in the current Crossrail scheme, no commitment has been made and Crossrail is still investigating the viability of a station in this location.
2.	Chapter 5, Kensal 5.1.8 and 5.3.3	3C.4 Draft London Plan: 6.2	No (Only general point raised)	Justified, Effective	Paragraph 5.1.8 states that "Improving connectivity to the (Kensal Gasworks) sites through bridges over the railway is critical." Although the specific issue has not previously been raised TfL notes that any proposed bridges would cross land safeguarded for Crossrail works. Crossrail has no plans to construct any bridges within this location as part of its scheme; it may prove very difficult to bridge over the Network Rail railway. See also omission of policy on land for transport (ref. 7) which addresses the general point about safeguarding and has been raised previously.
3.	Kensal Plan (Diagram 05)	3C.4 Draft London Plan: 6.2	No (Only general point raised)	Justified, Effective	Although the specific issue has not previously been raised TfL notes that the proposed bus route is within land safeguarded for Crossrail works. See also omission of policy on land for transport (ref. 7) which addresses the general point about safeguarding and has been raised previously.



Kensington & Chelsea DPD Core Strategy Submission Consultation (Statutory Consultation period: 29 October 2009 – 10 December 2009)

Representations from the Mayor of London, including an opinion of general conformity (general conformity comments are shown in bold)

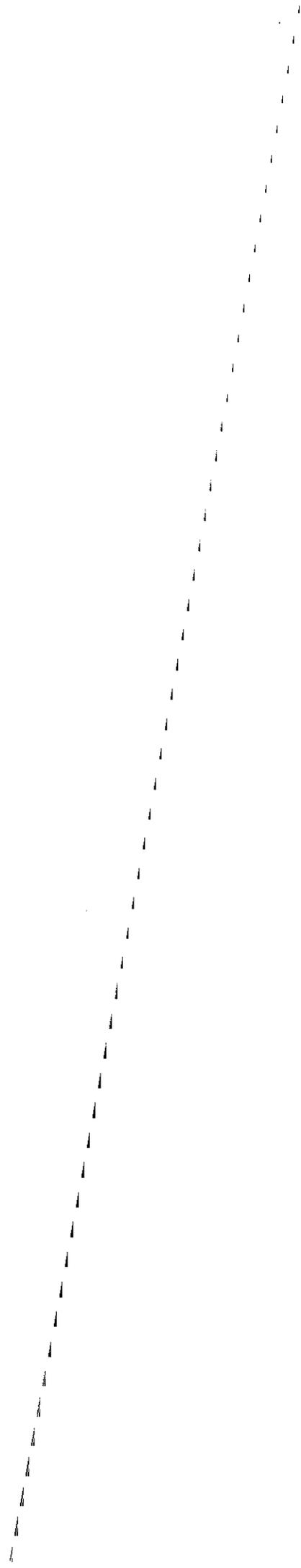
GLA Ref. No.	Which part of the DPD does this submission relate to?	London Plan Policy cross ref.	Has this matter been raised previously?	Relevant Soundness Test	Representations, including reasons for objection
4.	Policy CV10 Vision for Earl's Court in 2028 (page 81)	3C.16 Draft London Plan 6.12	yes, Draft Core Strategy	Justified, Effective	<p>TfL acknowledges that paragraph 32.4.6 (item 4) states "The Transportation and Highways Department will work closely with TfL, who are the relevant Highway Authority for the Earl's Court one-way system." TfL also acknowledges the council's commitment in Policy CT 1, n, to work with TfL in connection with the Earl's Court one-way system and the reference to partnership working with TfL in paragraph 10.3.2.</p> <p>Any proposal for the one-way system should be made in collaboration with TfL. Options for removing the Earl's Court one-way system have been studied previously. These studies showed that removal of the one-way system is highly problematic to achieve, largely due to the need to remove significant amounts of residents' parking. TfL has no plans to remove the one-way system and as such no funding has been identified for this.</p> <p>This proposal would need to adhere to policy 3C.16 of the London Plan which requires a criteria based approach to road schemes, which would allow them to go ahead if overall congestion reduces, there is local economic benefit, and conditions for pedestrians, cyclists and public transport improve. It would need to demonstrate that the removal of the one-way traffic system would improve conditions for all users. It would need to specify who will deliver the road scheme, when it will be delivered, how it would be funded, and whether or not there is a reasonable prospect of provision within the lifetime of the plan in accordance with PPS12. The wording of this policy could be changed to make clear that the current proposals have not yet been tested and that the council will investigate with TfL the potential of returning the streets to two-way operation as part of on-going work relating to the Earl's Court highway network.</p>



Kensington & Chelsea DPD Core Strategy Submission Consultation (Statutory Consultation period: 29 October 2009 – 10 December 2009)

Representations from the Mayor of London, including an opinion of general conformity (general conformity comments are shown in bold)

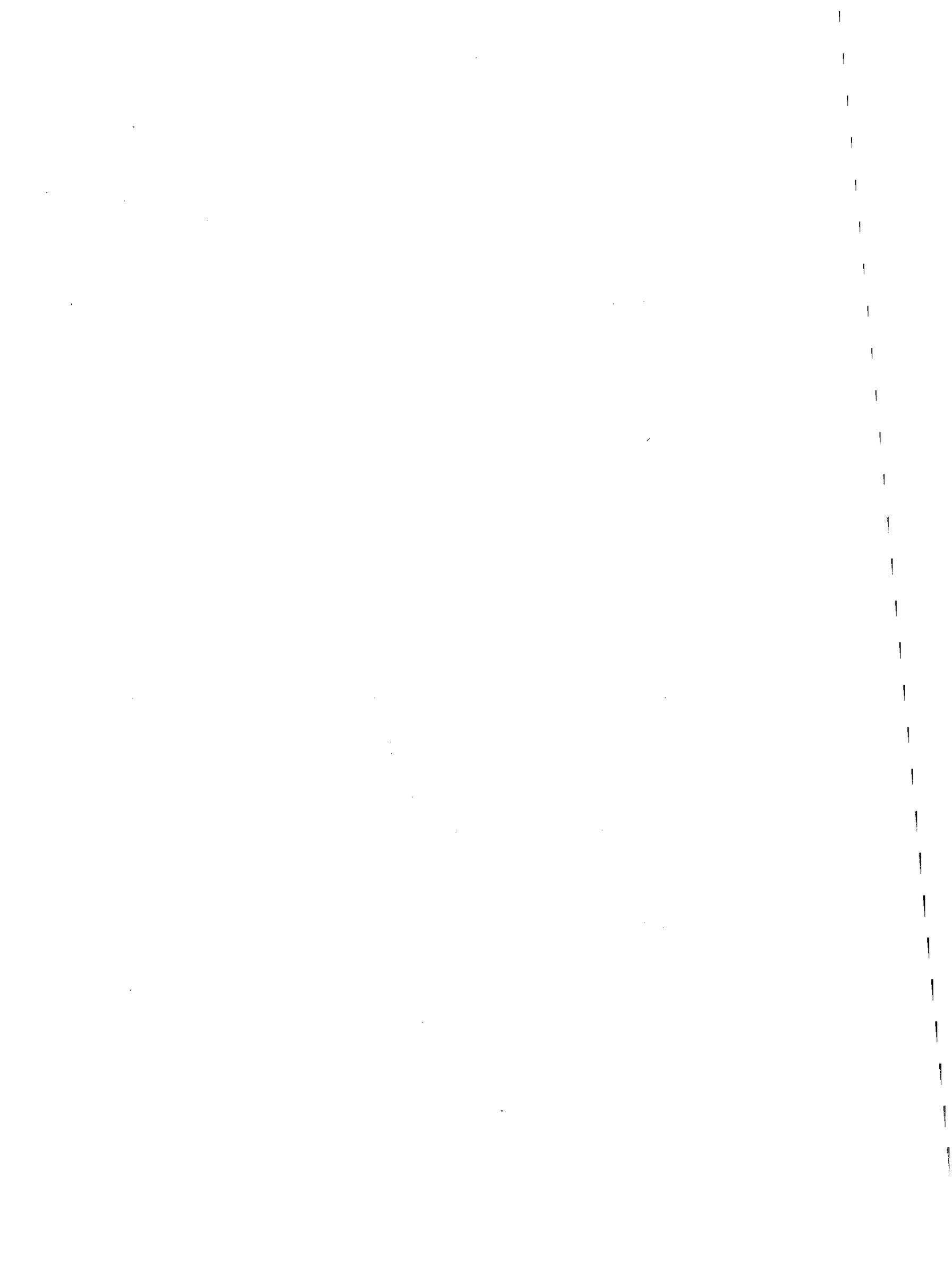
GLA Ref. No.	Which part of the DPD does this submission relate to?	London Plan Policy cross ref.	Has this matter been raised previously?	Relevant Soundness Test	Representations, including reasons for objection
5.					
6.	Earl's Court Policy CA7	3C.20 Draft London Plan: 6.7	No (New Policy)	Effective	The inclusion of a comprehensive list of infrastructure and planning obligations within new policy CA7 should state a requirement for this site to be fully accessible by bus. This will require providing the appropriate highway infrastructure, stand and turning facilities for an extended bus route.
7.	29.2 Infrastructure and Planning Obligations (pages 160 – 162)	6A.4 6A.5 Draft London Plan: 6.5	No (Revision to SPG)	Effective	Although the reference to contributions towards Crossrail within the CAZ is welcomed, the draft SPG referred to in 29.2.4 was revised in October 2009 and now includes guidance on areas outside the CAZ. Paragraph 4.24 of the draft revised SPG is particularly relevant for areas of the borough within 960 metres of Paddington but outside the CAZ and may be relevant in the Kensal area should a decision be taken on a station within this area. The wording should be clarified to read 'within the CAZ or in other circumstances , would require this as a result of London Plan Supplementary Planning Guidance (SPG)...'
8.	Policy CT1 and CT 2 (Omission)	3C.4 Draft London Plan 6.2	yes, Draft Core Strategy	Effective, Consistent	TfL notes that some rail safeguarding issues e.g. for Chelsea Hackney Line are covered in Policy CT 2 New and enhanced rail infrastructure (page 187). However, as stated in response to the draft version, the Core Strategy should include an explicit reference to Land for Transport SPG - in general TfL expects existing transport sites to be retained for transport uses, unless it can be proven that there is no longer such a need, to ensure compliance with policy 3C.4 of the London Plan and Supplementary Planning Guidance on Land for Transport Functions. In particular, TfL notes that there is no safeguarding of sites required for Crossrail. See also references to Kensal.



Kensington & Chelsea DPD Core Strategy Submission Consultation (Statutory Consultation period: 29 October 2009 – 10 December 2009)

Representations from the Mayor of London, including an opinion of general conformity (general conformity comments are shown in bold)

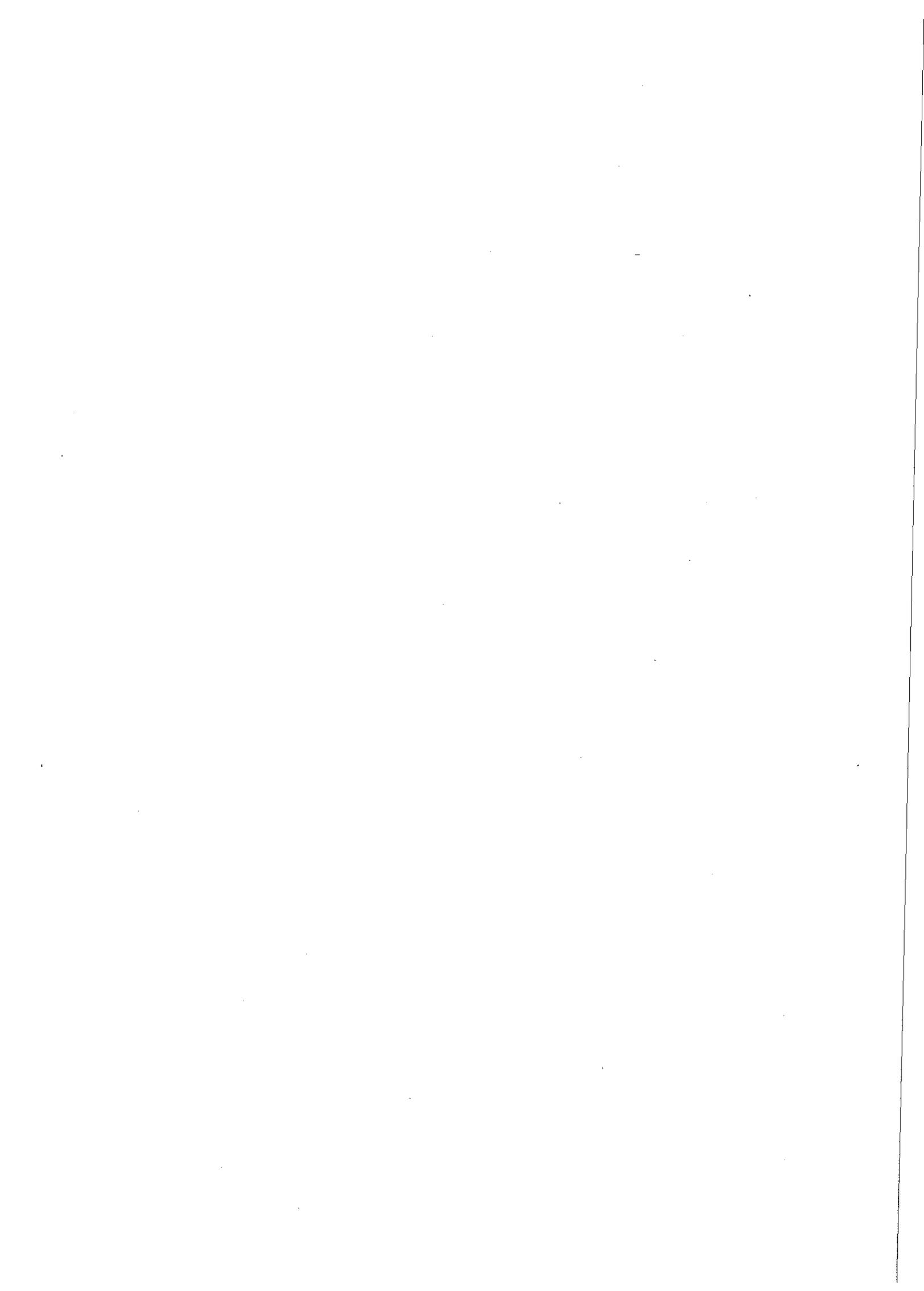
GLA Ref. No.	Which part of the DPD does this submission relate to?	London Plan Policy cross ref.	Has this matter been raised previously?	Relevant Soundness Test	Representations, including reasons for objection
9.	Policy CT1 f	3C.22 3C.23 Draft London Plan 6.9	yes, Draft Core Strategy	Effective, Consistent	<p>Although cycling is envisaged as playing a major part in promoting better travel choices within the borough, the London Cycle Hire scheme is not mentioned as part of the package of measures referred to under Policy CT 1. In line with the Consultation Draft Replacement London Plan Policy 6.9, there should also be mention of developments facilitating the London Cycle Hire scheme. A reference for Cycle Hire expansion or intensification to be facilitated by developments could be added to Policy CT 1.</p> <p>TfL acknowledges the inclusion of the council's support for the London Cycle Hire scheme in paragraphs 32.2.2 and 32.4.6 (item 4) although the reference as to whether the scheme is successful (paragraph 32.4.6 item 4) weakens the council's commitment to the scheme and TfL suggests that the text should be amended to "if sufficient demand warrants expansion."</p> <p>TfL notes that the London Cycle Hire Scheme is mistakenly referred to as the London Bike Hire scheme (page 15) and this should be corrected to read London Cycle Hire Scheme.</p> <p>Policy CT1 (or elsewhere in the document) should make reference to the twelve Cycle Superhighways that will be developed for commuters and others to cycle to central London. Cycle Superhighways will play an important role in encouraging and enabling cycling in London.</p>



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GLA Ref. No.	Which part of the DPD does this submission relate to?	London Plan Policy cross ref.	Has this matter been raised previously?	Relevant Soundness Test	Representations, including reasons for objection
10.	Policy CT1 f	3C.21 Draft London Plan 6.10	yes, Draft Core Strategy	Effective	<p>Policy CT1 (or elsewhere in the document) should make reference to Legible London. Some suggested wording is as follows:</p> <p>“The Borough’s wayfinding strategy will be developed in consultation with Transport for London. One strategy and mapping system will be consistently applied across the borough. In this way, the principles of the Legible London wayfinding system can guide strategic development and simplify the pedestrian experience throughout London”.</p>



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GLA Ref. No.	Which part of the DPD does this submission relate to?	London Plan Policy cross ref.	Has this matter been raised previously?	Relevant Soundness Test	Representations, including reasons for objection
11.	Policy CT2 New and enhanced rail infrastructure	3C.11 3C.12 Draft London Plan: 6.3 6.4	yes, Draft Core Strategy	Justified Effective	<p>Concerning Policy CT 2 a (and as noted in ref. 1 above re. paragraph 5.1.7), Crossrail is currently in discussion with the Royal Borough of Kensington and Chelsea over a potential station at Kensal Green (Kensal Gasworks site). However there is no provision for this station in the current Crossrail scheme, no commitment has been made and Crossrail is still investigating the viability of a station in this location.</p> <p>Concerning Policy CT 2 b, TfL London Rail does not object to borough aspirations for new stations but wish to make clear that TfL is not committed to a proposed new station at North Pole Road (it is not in the current TfL Business Plan and is not being considered as part of longer term proposals).</p> <p>TfL supports Policy CT2 c which protects the safeguarded route of the Chelsea Hackney Line/ Crossrail 2. TfL notes from Policy CT 2d that the council is promoting a station further west, potentially at Imperial Wharf, as part of the Chelsea-Hackney Line. TfL notes that this station is away from the safeguarded route but that the current review of the Chelsea-Hackney Line could consider this.</p> <p>The locations of new stations being promoted by the council should be checked and labelled on the Key Diagram (page 10). The Key Diagram as it currently stands is potentially misleading to stakeholders as it fails to identify the varying levels of probability surrounding these new station proposals. As noted in ref. 7 safeguarding of land for transport including Crossrail has been omitted from Policy CT2.</p>

Note: It is anticipated that matters of general conformity will be dealt through appearance at the examination (subject to discussion with the Inspector). Other matters can be dealt with by way of further written representations or appearance as determined by the Inspector.

