

Planning and Borough Development

Kensington Town Hall, Hornton Street, LONDON, W8 7NX

Executive Director Planning and Borough Development

Graham Stallwood FRTPI

Head of Forward Planning

Jonathan Wade MRTPI



THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

2 March 2018

Dear Sir/Madam,

Response to the Draft London Plan from the Royal Borough of Kensington and Chelsea

Thank you for the opportunity to comment on the Draft London Plan. Our comments are set out below in each of the following policy sections. We have structured our response to address the policies that we wish to comment on rather than on every policy within the draft London Plan.

Chapter 1 Planning London's Future (Good Growth Policies)

1.1 Policy GG2 Making the best use of land

The Draft London Plan sets out six Good Growth Policies which provide the overall principles for how growth should be planned in London. We support the six principles of the Good Growth. In particular, the Council notes that GG2 includes a number of principles which the Council is already actively applying in bringing forward Kensal Canalside Opportunity Area.

Chapter 2 Spatial Development Patterns

Growth Corridors and Opportunity Areas

Figure 2.1 – The Key Diagram does not show a station at Kensal or even the potential for a station at the site. A station at Kensal Canalside Opportunity Area is a key component of the Council's strategy to ensure the delivery of much needed housing in the Royal Borough, which will optimise housing development on the site and act as a

Planning Line: 020 7361 3012

Email: Planningpolicy@rbkc.gov.uk

Web: www.rbkc.gov.uk

catalyst for wider regeneration in North Kensington. The Council continues to work with Network Rail and Transport to London to seek to deliver a station on the site. The Council believes that the GLA should support the principle of a new station at Kensal and recognise the contribution this station can make to unlocking the potential for more homes to be built within Kensington and Chelsea.

Opportunity Areas are now grouped by transport-defined growth corridors except for central London. This may be logical for outer London but leads to Old Oak Common and Park Royal being in the HS2 / Thameslink corridor and Kensal in the Heathrow / Elizabeth Line West corridor even though they abut. Earl's Court is also identified as part of the Heathrow / Elizabeth Line West corridor, which has very little to do with the area's function.

The Annex in the 2015 London Plan which outlines how the policy should be applied to specific Opportunity Areas has been removed. This included the text 'in some areas the transport system would not currently support this level of growth and developer contributions may be required to underpin enhancements', this wording provided assurance for this borough in relation to Kensal Canalside Opportunity Area and the need for infrastructure contributions.

2.1 Policy SD1 Opportunity Areas (OAs)

Paragraph 2.0.4 - The Council welcomes the explicit recognition that 'Infrastructure is key to this delivery and will require major investment in transport' in paragraph 2.0.4. Kensal Canalside Opportunity Area is Kensington and Chelsea's last remaining large brownfield site and the most important to delivering new housing over the next twenty years. Transport investment in the form of a Crossrail Station is key to delivering the strategic goals of more housing and wider regeneration benefits in North Kensington. The Council seeks the GLA's support for a Crossrail Station in London Plan.

Policy SD1 A 4 – The Council welcomes the draft policy framework for OAs, particularly the commitment within Policy SD1 A4 that the Mayor's agencies work together to promote and champion OAs and identify those that require public investment and intervention to achieve their growth potential. The Council's strategic objective is to promote a high quality residential-led development at Kensal Canalside, which requires a Crossrail station to unlock the full potential of the site. The Council looks forward to working with the Mayor and his agencies to deliver a station at Kensal and seeks explicit support for this goal within the text of the London Plan.

SD1 B should also refer to SPDs, within this Borough an SPD is being produced for the Kensal Canalside Opportunity Area.

Policy SD1B.6)- We are concerned by the removal of the wording 'tested as appropriate through Opportunity Area planning frameworks and/or Local Development Frameworks' which appears in Policy 2.13 Opportunity Areas and Intensification Areas of the current plan. The guidelines for housing and employment capacity are identified as indicative so they must be tested before they can be met or exceeded.

Figure 2.10 – Although Kensal Canalside is recognised in Figure 2.10 (number 7), there is no text to accompany or to expand on the Kensal Canalside Opportunity Area. In the adopted 2016 London Plan, this text was found in Appendix 1, Table A1.1, number 18. The Council questions where this is now found, and highlights that a section on description is required within Elizabeth Line West (2.10) because this is very helpful in setting the principles for the development particularly emphasising that improved public

transport accessibility being a major determinant of the final scale of development. The Council recommends that Kensal Canalside is also recognised in Figure 2.8 as it is adjacent to, and logically linked, with Old Oak Park Royal Opportunity Area. Similarly, Earl's Court and West Kensington Opportunity Area is shown in Figure 2.10 but there is no accompanying text. This text was found in Appendix Table A1.1 number 10 in the adopted 2016 London Plan.

Kensal at present has parts that are very poorly connected. If the Council is to achieve a minimum of 3,500 new housing units for the OA, lower density housing is not an option. Public transport to the western parts of the OA must be improved. The road network at Kensal has very limited capacity. It seems likely that highway improvements will be required. In that context we would welcome a car free development as long as appropriate public transport options are available as this would temper the future pressures on the road network.

The onus is on the Mayor to provide or secure improvements in public transport access to the area. We would support car free in this context.

2.2 Policy SD2 Collaboration in the Wider South East

The Mayor's assumption of the London-wide duty to cooperate with the Wider South East is welcomed. This is a strategic role that should not fall to the individual London boroughs.

2.3 Policy SD5 Offices, other strategic functions and residential development in the CAZ

The Council welcomes the Draft London Plan's explicit support for the use of Article 4 Directions in and around the CAZ, to ensure the safeguarding of nationally-significant concentrations of offices.

2.4 Policy SD6 Town centres

The Council supports the continued support for management of town centres. The policy recognises the need for an evolving town centre which promotes a night time economy, but this needs to be balanced against the need to ensure the retail character of our town centres is not compromised, and acknowledge that not all centres are suited to this type of use due to the close proximity of residential accommodation, which is often the case in this borough.

2.5 Policy SD7 Town centre network

The Council supports the promotion of comparison goods retailing in major town centres. The hierarchy is in line with our Consolidated Local Plan policy which looks to support local shopping on a day to day basis.

2.6 Policy SD9 Town centres: Local partnerships and implementation

The Council welcomes the explicit support for the use of Article 4 Directions to protect office and light industrial uses, from unfettered changes of use to residential. We concur with the Mayor's view that such Directions may be needed to sustain the vitality and viability of our town centres, and the diversity of uses across the borough.

2.7 Policy SD10 Strategic and local regeneration

In relation to Policy SD 10 and 2.10.7, the RBKC Draft Local Plan identifies a number of places within the borough which have their own chapters and are covered by an overall umbrella 'place' policy. These areas are where significant change is expected (Strategic Regeneration Areas) or our larger town centres.

2.10.3 The 'focus on...the GLA family and other stakeholders to ensure these areas benefit from investment in strategic infrastructure' is supported, particularly in relation to the strategic infrastructure that will be required to bring forward optimal development at Kensal Canalside Opportunity Area.

The Council supports the view that 'in order to be effective in improving the lives of those most affected by inequality, regeneration initiatives must be undertaken in collaboration with local communities, involving a broad spectrum of groups and individuals, to develop a shared vision for the area.' Our Council Leader has given this commitment in relation to Council led regeneration in the borough saying, "Our councillors and senior executives will not decide this for residents but with residents. We will rethink all our plans for regeneration in the borough. We will work with residents to create new plans and you will vote on any results – if people vote against then we'll go back to the drawing board together and start again."

Chapter 3 Design

Generally, the design policies are highly prescriptive and appear to try and counter balance the potential adverse impact the greater thrust for delivery has from small sites and the modification of existing residential dwellings as outlined in Chapter 4.

An entire chapter dedicated to design sets out a commitment to delivering good architecture and place shaping and in principle is supported, as this implies that design is envisaged to take a more prominent role in the Mayor's agenda. The focus on a design led approach, raising standards for housing quality and efforts to secure high quality design through to completion stage are welcomed.

3.1 Policy D1 London's form and characteristics

This policy is far more prescriptive than the current London Plan. Whilst the policies reflect much of what is in the NPPF 56-58 there is far more detail which may not be necessary at a strategic level. The intent is good, for example the paragraphs A 3), 7) and 8) relating to active frontages, relationships between public realm and building functionality but this is already covered in design documents e.g.: DCLG : Design Codes.

London's form and characteristics – this title is misplaced as part A of the policy does not discuss the existing form and character of London but sets out a series of good practice design principles which could be applied anywhere, but not specifically to London. Part B, paragraph 3.1.1. and 3.1.2 go on to discuss understanding context it is not specifically London centric. It is suggested that the policy is rewritten with emphasis on the urban variety and diversity of London and the need for different contextual responses across the capital to reinforce existing character and neighbourhoods. The title of D1 and parts A and B are a fragmented series of policies as the form and layout referred to in Part A are part of the development design which is in Part B. The following amendments are recommended:

- Insert after D1 title “Development Plans, area-based strategies, supplementary planning documents and development proposals should address the following;”
- Part A 5) insert “and integrated communities”
- Part A 6) insert “particularly at ground and street level”
- Part A 7) insert “meaningful or useable green and open space”, add “that promote physical and mental wellbeing” at the end of the sentence,
- Part A add an additional criterion 11) the form and layout out of a place should be compatible with heritage assets, local views and townscape.
- Part B 1) insert “...by delivering buildings and structures” and insert “local palette of materials”
- Part B 2) insert sustainably sourced and innovative construction methods.
- Part B 3) which standards? – this should be central to the design process not a tick box exercise
- Part B 4) heritage assets are often cited as an obstacle in the development process but they can provide a readymade character and can be a catalyst for a regeneration scheme this could be rewritten to be more positive or within supporting text. This should be cross referenced to Chapter 7.
- Add Part B 7) consider inserting a reference to equipment at roof top level such as services/cleaning equipment plant at an early stage e.g. Nova Building visibility of the cleaning equipment in long views.
- Para 3.1.11 consider inserting a reference to using materials that can be re-used and recycled and are as far as possible locally sourced

Policy D1 A (9)

It is welcomed that reference to air quality has been included within this policy. It is recommended that the wording below should be revised to clarify what building design can achieve in improving and reducing pollution exposure.

“The design of building in areas of poor air quality can minimise the exposure of future residential occupiers to poor air quality to help prevent or mitigate the impacts of noise and poor air quality, all developments should be designed so that rooms occupied by sensitive receptors for extended periods of time should be orientated away from sources of poor air quality.”

3.2 Policy D2 Delivering good design

Parts A), B), C) and D) are about delivering capacity for growth rather than the title of the chapter Delivering good design. The intentions of these two policies and delivering design –led SPDS may be over ambitious in terms of resources for many boroughs.

Design analysis and visualisation C – we endorse the use of 3D models to engage Londoners throughout the planning process. This Council is subscribing to VuCity’s London model which will be particularly helpful in understanding the impact of tall

building and large developments, including impacts across boroughs. In addition, we are developing a new app Smarticipate to allow people to view VuCity 3D models of planning applications. Early consultation with neighbouring boroughs should be encouraged. We suggest adding: “used to inform and engage Londoners in the planning process and encourage consideration of impacts across boroughs”.

Design scrutiny and maintaining design quality do not sit coherently in D2, and appear to be setting a prescriptive design review process, for good practice rather than policy. The following matters should be considered:

- Design scrutiny Part E – Design and Access statement should meet the design requirements of the London Plan and also the individual borough Local Development Plan policies.
We endorse the requirement for all referable schemes to have undergone at least one design review as this is the approach adopted in this borough.
- Design Scrutiny G – insert “The design review process should be agreed with the borough and insert reflect the Mayors guidance on review principles”
- Design Scrutiny G 2) – this is perhaps unreasonable and experts should be mindful of the boroughs local plan policies rather than “wider policies”
- Design Scrutiny G Parts 3)-5) are in the Mayor’s guidance and could be deleted as unnecessary.
- Design Scrutiny G 6) should this be included in the planning report and would not be in a planning decision
- Maintaining design quality 1) “including key construction details” this may require an unreasonable level of expertise within a local planning authority
- Maintaining design quality 2) it is not very clear what is required – ideally fewer conditions are desirable
- Maintaining design quality 3) and 3.2.9 this can be linked into part H 1) this information should be included in the application rather than be a reserve matters. This is welcomed as resources are wasted with subsequent applications to amend proposals. Often keys aspects such as materials and public realm are the subject of reserve matters and these are fundamental to the merits of the proposal.
- Maintaining design quality 4) and 3.2.10 This is welcomed as resources are wasted with subsequent applications and the quality of schemes can sometimes be diluted and dumbed down, but can this be enforced?
- 3.2.4 – insert verified

The Council supports the idea of modelling and 3D virtual reality and greater engagement- in line with the Council’s involvement in the Smartathon initiative (using technology to interact with the community regarding planning applications and allowing residents to see 3D models of large proposals in their areas). Tools are also available to allow the community to produce alternative proposals to the scheme. This may encourage more members of the community to engage in the planning process. The review of our Architectural Appraisal Panel (AAP) is supported by the promotion of a

design review within this policy. However, not all schemes can or should go through this process as this may slow down the delivery of development. The promotion of ensuring there is sufficient level of design information is welcomed, but again this should not be used to slow down the determination process where appropriate conditions can be used for some design aspects.

The policy also encourages the use of architect retention clauses in legal agreements. Whilst retaining the architect all through the process to build out can ensure a better design quality, there may be practical difficulties in including such clauses within legal agreements.

3.3 Policy D3 Inclusive design

Further support for inclusive design is welcomed as officers in Development Management are frequently challenged on this matter when approaching agents for their failure to be inclusive, particularly when dealing with historic buildings.

The Council welcomes the requirement for fire evacuation lift as set out in criterion A (3) of the policy. The objective of the policy to ensure all building users are able to evacuate with dignity and by independent means is also welcomed. There is an existing building regulation requirement to provide a fire fighting lift in buildings with a floor above 18m. It would be useful to clarify in the policy and its supporting text if the fire evacuation lift will be in addition to the firefighting lift or whether there is just one. If there is only one the management measures between means of escape and firefighting will have to be clarified. A cross reference to Policy D11 Fire Safety should be made in terms of the requirement for applicants to submit a Fire Statement with major planning applications.

A reference to resisting gated developments should be included in the policy.

3.4 Policy D4 Housing quality and standards

The quality and functionality of the internal and external spaces of peoples' homes is of fundamental importance and there is considerable detail in the policy relating to new homes, but it is laid out incoherently. Part A) should also include reference to wellbeing, health and safety. The policy should encourage a holistic approach to all aspects of housing design. The point about constrained sites would sit better under B which relates to space standards. Similarly, C relates to design quality and is the logical place for enabling a comfortable place of retreat. D jumps back to space standards.

There is a commitment that the Mayor will produce guidance on the implementation of this policy for all housing tenures. This guidance should be developed with a range of stakeholders and boroughs to ensure the guidance is applicable to London's diverse character.

We welcome the removal of the housing density matrix because this did not take sufficient consideration of local context. However, we are concerned that PTAL continues to be used as the measure of acceptable housing density. The following changes are recommended:

- Part G, include storage for bicycles.
- Encourage a construction build which is more sustainable and a life style that is more active.

- The external outdoor communal areas should also be to a high a standard and have regard to the public realm policy.
- Para 3.4.6 Private outdoor space - include communal allotments spaces. This paragraph should refer to the opportunity to offset private open space with communal open space, as in the garden squares which are a feature of this borough.
- Para 3.4.7 Communal play space – there also needs to be provision for young people such as MUGA spaces.
- Para 3.4.11 the qualitative aspects are all positive considerations and aspirations but these would be far better placed in the proposed Mayor’s guidance as the policy is too detailed and long.

The Council welcomes the push towards creating homes which meet the changing needs of Londoners. However, meeting minimum standards may not be adequate to allow for homes to be adapted as the needs of the occupier change over time. There should be an acknowledgement that private outdoor space is not always possible in a dense built up urban environment such as in inner London.

The Council would welcome further guidance in the implementation of this policy as proposed.

3.5 Policy D6 Optimising housing density

The Council supports the removal of the density matrix from the London Plan, as its purpose as ‘guidance’ became lost. In practice the matrix proved a stumbling block to the proper consideration of the positive contribution of townscape and heritage, and became too permissive. Increasing density remains an issue for London. However, is it unclear whether there is evidence that schemes are coming forward or approved that are too low or sub-optimal.

This design-led policy approach is much better than the existing Sustainable Residential Quality (SRQ) density matrix. Given the heritage constraints in this borough, a design-led approach is usually the most appropriate mechanism of ensuring the best use of land. It is noted that PTAL remains a consideration in referable schemes. Higher density designs result in higher level of design scrutiny and proposed ongoing management which is welcomed.

Parts D and E of the policy set out a number of requirements for applicants to provide with planning applications. Unless national planning application forms are changed it is unlikely that the detailed information sought will be provided in each case. Further thought should be given to ensuring the information needed is provided in the first instance. This is particularly important in light of the requirement for boroughs set out in paragraph 3.6.10 to provide this information to the London Development Database LDD. The following comments are made including re-wording where appropriate:

- Optimising housing density needs to be design led and community led
- A 1) the site context and heritage assets

- B3) This policy is supported particularly in relation to Kensal Canalside Opportunity Area where optimal development is heavily contingent on the provision of infrastructure and public transport services.
- 3.6.1. We are concerned by the reference to developing at densities above those of the surrounding area on most sites. The design led approach also needs to have reference to D1 London's form and character. Two thirds of this borough has conservation area status where there is a duty to preserve or enhance the character or appearance of the area and much of the townscape has been built at a high density. To increase this density still further could have a harmful impact.
- Whilst a design led approach is welcomed for optimising housing delivery, how is capacity measured and evaluated to ensure that density and intensification on existing and proposed sites is appropriate for context and issues such as, infrastructure, public transport and site context are taken into account?
- The intention of refusing sub-optimal schemes is understood, but it is questioned how officers can be satisfied that the optimal density has been achieved. More guidance on how the policy would operate is requested.

3.6 Policy D7 Public realm

We recommend including a reference to designing public realm at the beginning of the design process to ensure the buildings and spaces between buildings and connections with existing public realm is well considered. It is often an afterthought or reserved matter and it is as important as the architecture. Indeed, in terms of the liveability of an area it is more important. Mention should also be made to designing the public realm to enhance physical and mental wellbeing and improve air quality.

- J include “pop up events and playful activities and purposeful/relevant public art”

3.7 Policy D8 Tall buildings

There are concerns that tall buildings will become a default position for optimising high density. Some boroughs such as this borough cannot absorb tall buildings without causing harm to the existing high quality townscape which has many heritage assets. There is also an increasing concern that tall buildings in other boroughs are harming heritage assets in this borough. This is due to the far reaching impact of a tall building. There needs to be a much greater understanding of “setting” what this means and how tall buildings can impact on different urban settings. Objections from other boroughs which are affected are rarely considered and there if there is harm this is rarely mitigated. This is an important role for the Mayor, and one in which 3D models can make a major contribution.

A London wide strategy in managing tall buildings should be considered rather than them being decided on a borough by borough basis. Having said this, boroughs should feed into the process and be the ultimate decision makers operating within an appropriate framework. There is also a concern that the proposals in B could place an undue resource pressure on boroughs.

B Insert “boroughs should identify on maps in Development Plans the locations where tall buildings will and will not be an appropriate form of development in principle...”

It is suggested the policy should reference that the presence of existing tall buildings does not automatically endorse the acceptability of additional tall buildings. Each one will need to be considered on its own merits and particular impacts. Opportunities to remove unsightly tall buildings and replace with a lower more attractive alternative should be considered.

The Policy should acknowledge that some recently approved and completed tall buildings have been successful in terms of location and their functional, environmental and visual impacts, others less so and lessons should be learnt from good and bad practice. The following comments are made with regard to the policy:

- Part C “should be considered” is not very clear as a test?
- Part C 1 a I) visual impact at night time
- Part C 1 a iii) insert legibility, proportions and materiality are also important
- Part C 1 c) insert Architectural quality should be exceptional in the round, externally and internally. What is a life span for a building – do we want buildings to have be more adaptable and have a longer life span?
- Parts C 1 d) The first part it is suggested that the following is inserted, “proposals should be compatible with the significance of heritage assets and their settings”.
- Part C 2 a)– these should include reference to high quality internal functionality of spaces as well as use.
- Part C2 b)- it is suggested that the following is inserted: ‘tall buildings should be used sparingly to reinforce the spatial hierarchy’
- Part C 2 d) - this is unclear and requires plain English.
- Part C 2 f) - this is unclear and requires plain English.
- Part C D Public Access – this is vague compared to the adopted London Plan Policy 7.7 C h and it will be easy for developers to not deliver public access with the proposed wording.
- We are concerned that with a more permissive approach towards tall buildings the following sections/ wording of the existing Policy 7.7 are omitted: Policy 7.7 C b, d, f, g and E.
- Paragraphs 3.8.1 -3.8.9 - these could refer to other design policies in the Draft London Plan and the CABE/HE tall building guidance.

3.8 Policy D9 Basement development

The Council notes that there is a strategic recognition in Policy D9 of the impact of large scale basement development. This Council already has an adopted policy and detailed SPD on the issue but the acknowledgment of this as a strategic issue is welcomed.

3.9 Policy D11 Fire safety

Regarding Fire Statements Part B, the experience of Building Control at this Council is that these reports often include computer modelling which despite the fact that such modelling is submitted by qualified fire engineers has the potential to contain errors. The bar needs to remain high and such reports need to be checked thoroughly.

An opportunity to be involved at an early stage would be welcomed by the Council's Building Control department. As the proposed designs can often deviate from current guidance, there is a need to submit computer modelling (Computational Fluid Dynamic Modelling). RBKC Building Control are able to check this modelling if it is based on FDS software. However, most Building Control Bodies (BCB) need to pay consultants to check this analysis.

There is a concern that the analysis could be accepted without it being thoroughly checked by a competent person. However, the experience of RBKC Building Control is that much of the analysis is subject to amendment. It is unlikely that the fire safety engineering expertise and adequate resources will always be available in all London boroughs to deal with this. The necessary resources may need to be built up and this may require additional funding. A possible solution could be to establish a central resource for planning authorities in London to consult with.

The Fire Service has a central engineering group and have similar resourcing issues. Building Control consultations of major developments with the fire engineering group are likely to take several months against a target of a 2-week turnaround. The need for additional resources needs to be considered carefully in light of what resources may realistically be available and the requirements of the policy.

3.10 Policy D12 Agent of Change

The Council strongly supports the proposals in Policy D12 as it complements the NPPF and addresses the long-standing issue of existing, well run, noise-generating premises being adversely affected by poorly planned development or changes of use.

3.11 Policy D13 Noise

To minimise creeping ambient and background noise levels from fixed plant on new developments, and to prevent nuisance and adverse impacts, developers should be encouraged to achieve the lowest possible noise emissions. Unless robust justification is provided, developers should demonstrate that noise levels from new plant do not increase existing background noise levels. This policy has been highly effective in reducing complaints from fixed plant over the last 20 years. In addition, some clarity should be provided as to whether Policy D13 applies (as we think it should) to the construction and demolition phases, and not just the finished development.

Chapter 4 Housing

4.1 Policy H1 Increasing housing supply

Policy H1: Increasing Housing Supply by reference to Table 4.1 sets ten-year housing completion targets for boroughs. Officers of this borough have worked with GLA officers to feed into the London Strategic Housing Land Availability Assessment (SHLAA) 2017. It is noted that the Borough's housing target annualised average is 488 dwellings. The Council supports the new target as it is backed by robust evidence. It is understood that

35% of this target (169 dwellings per annum) is from small sites. The expected supply from small sites is extremely high as average completion figures (2004/05 to 2016/17) show around 100 dwellings per annum. The Council recognises a new methodology has been used to project the supply from small sites in the SHLAA showing increased levels over trends. However, it is also noted that small sites targets are a component of, and not additional to, the overall housing targets. It is important to maintain this flexibility and the focus should be on meeting the overall target as proportional delivery from small/large sites is likely to vary year on year.

The Council agrees that plans need to be delivery focused and housing delivery should be optimised on all suitable and available brownfield sites including from small sites. All sites in this borough, given its inner London location are brownfield.

The Council supports the approach outlined in paragraph 4.1.2 to undertake assessment of housing need at the strategic London level negating the need for each borough to undertake its own study. This is in-line with Government proposals in the consultation document Planning for the Right Homes in the Right Places, September 2017.

4.2 Policy H2 Small sites

One of the step changes in the plan is a much greater emphasis on housing delivery from small sites. Small sites are defined as those providing between 1 and 25 homes. To this end a presumption in favour of small sites has been introduced. The presumption will apply for infill development on vacant and underused sites, proposals to increase density within PTALs of 3-6 within 800m of a tube station or town centre and redevelopment or upward extension of flats and non-residential buildings to provide additional housing.

The policy asks boroughs to develop design codes to guide small housing provision. The presumption would apply where schemes are in-line with the design codes. In the absence of design codes, considerations of harm to residential privacy, designated heritage assets, biodiversity or a safeguarded use would need to be weighed against the benefits of additional housing provision. The presumption does not apply to listed buildings.

The Council appreciates that small sites form an important development pipeline in London and particularly in a borough such as ours. Nearly three quarters of the borough is within conservation areas with 4,000 listed building and an extremely dense built environment, often used as an exemplar for its high densities. The Council supports the clear policy wording that the presumption in favour would need to demonstrate that there is no unacceptable harm to designated heritage assets.

Table 4.2 sets out a 10-year target for net housing completions on small sites which is 169 homes per annum for this borough. The expected supply from small sites is extremely high as average completion figures (2004/05 to 2016/17) show around 100 dwellings per annum. The Council recognises a new methodology has been used to project the supply from small sites in the SHLAA. It is noted that the small sites targets are a component of, and not additional to, the overall housing targets (paragraph 4.2.4).

Paragraph 4.2.11 refers to amalgamations and that these should be resisted where they are not meeting identified requirement of large families. Amalgamations are a particular issue in this borough and it is considered that the wording could be more robust in this paragraph. It is important to clarify that the need for larger families is identified through strategic borough-wide evidence and is not specific to personal circumstances. It is also

considered that given the overwhelming need to provide more housing in London, there should be clear policy protection not just for residential floorspace, but also for units which meet minimum space standards. This is an important component of the Draft London Plan which is missing. Further comments on this particular issue are made in response to Policy H10 Redevelopment of existing housing and estate regeneration below.

Paragraph 4.2.12 acknowledges and supports boroughs in requiring affordable housing contributions from small sites. This is the correct approach given the greater than ever reliance being placed on delivery from small sites.

4.3 Policy H3 Monitoring housing targets

The Council monitors housing development in the borough and feeds into the London Development Database (LDD). We welcome the clarity on 3:1 ratio, with three bedrooms being counted as a single home for student housing and shared living schemes. However, the wording should be amended to reflect specific policies on these two products H17 and H18 and should be 'purpose built student accommodation' and 'large-scale purpose-built shared living'. It is noted that paragraph 4.3.3 acknowledges the challenge in meeting housing targets and that the Government's proposed housing delivery test should not unfairly penalise boroughs where housing delivery has been constrained due to factors that are outside their control. The Council supports this approach.

4.4 Policy H4 Meanwhile use

This policy would not work in most areas of this borough. The refurbishment / conversion costs of providing short term residential use in many of our historic buildings and the market requirements for a high specification are factors that would work against it. As a result, the short term provision of residential use is rarely viable for developers.

4.5 Policy H5 Delivering affordable housing

Policy H5 sets out a strategic target for 50% of all new homes delivered across London to be affordable. It then refers to the 'threshold approach' to affordable housing (set out in Policy H6) in delivering this strategic aim without the use of public subsidy. The threshold approach to affordable housing has already been introduced in the Mayor's Affordable Housing and Viability SPG. The Council is in the process of adopting a similar policy on affordable housing through its Local Plan Partial Review and supports this approach.

4.6 Policy H6 Threshold approach to applications

The threshold approach applies to proposals capable of delivering more than ten units or which have a combined floor space greater than 1,000 sq m. It is also where schemes provide a minimum of 35% affordable housing on-site without the use of public subsidy and meet other set criteria (such as other policy requirements), there is not a need to submit financial viability assessments. Other schemes will be 'viability tested'. The policy sets out viability review mechanisms for viability tested schemes.

Whilst the Council supports the policy approach, it does not agree that the percentage of affordable housing should be measured by habitable rooms (paragraph 4.6.3). This approach is likely to result in ambiguity over the definition of what is a habitable room. In addition, the London Development Database (LDD) records the number of units

(Policies H3 or H8 but does not mention the monitoring of habitable rooms) and the Mayor's strategic target is also for 50% of new homes (not habitable rooms) to be affordable. Whilst the paragraph is asking applicants to submit affordable housing figures as percentage of total residential provision in habitable rooms, units and floorspace, this is unlikely to happen in smaller schemes unless a mandatory requirement is introduced. Habitable rooms is therefore not considered an appropriate measurement.

4.7 Policy H7 Affordable housing tenure

Policy H7 requires the tenure mix for affordable housing to be a minimum of 30% low cost rented homes (social rent/ affordable rent), a minimum of 30% intermediate products (including London Living Rent and London Shared Ownership) and 40% to be determined by the relevant Council.

Paragraph 4.7.2 specifies that there is a presumption that the 40 per cent to be decided by the borough will focus on Social Rent/ London Affordable Rent given the level of need for this type of tenure across London. However, it is then acknowledged that such an approach may not be suitable for all boroughs and that the tenure mix should be determined through the development plan process. The Council supports this flexibility in determining the tenure mix. For example, London Living Rent is not considered to be 'genuinely affordable' in this borough due to median income levels skewed by a greater proportion of high earners.

4.8 Policy H9 Vacant building credit

The Council agrees that vacant building credit will not generally incentivise developments in London. All development in this borough is on brownfield land. Therefore, it is helpful to set out the unique London circumstances in a strategic policy.

4.9 Policy H10 Redevelopment of existing housing and estate regeneration

Criterion A. of this policy is unclear as it seems to be not just about affordable housing but also all types of housing. This policy seems to be a rehash of the existing London Plan Policy 3.14: Existing housing. The floorspace protection offered in Policy 3.14 has often not been robust enough for this Council to protect the loss of perfectly sound, good quality housing units to amalgamations as many Planning Inspectors have taken it to mean only floorspace and not units despite the policy stating at existing or higher densities. Since the London Plan is seeking to greatly accelerate housing delivery, it is extremely important that there is a clear and unambiguous policy resisting the loss of perfectly good housing stock. Amalgamation of homes has been a particular issue for this Council and it may well be an issue in other high value areas of the capital (also see response to Policy H2 above). Therefore, there should be greater strategic policy protection for loss of good housing stock. Criterion A needs to be amended for clarity on whether this is only about affordable housing. If the intention is that it is dealing with all types of housing, it would be better placed alongside another policy such as H1: Increasing Housing Supply. In any case there should be a policy protecting the loss of housing units.

In criterion B. is the text referring to more units or floorspace where it states "generally should produce an uplift in affordable housing provision". This needs to be made clear.

More clarity is needed in the supporting text for criterion C. in terms of what is meant by 'general needs rented accommodation' if social rented floorspace is lost. Where is the

term 'general needs rented accommodation' defined? Is it not the case that where social rented accommodation is lost it should be replaced by low cost rent? The policy text is ambiguous as it stands both in terms of floorspace/units re-provision as well 'replaced on an equivalent basis'. The policy suggests 'equivalent' basis is limited to the rent levels only. Further supporting text should be added on this. It is important that the policy should also make it clear that affordable housing floorspace should be including any vacant floorspace.

Paragraph 4.10.4 also needs to clarify if the statement, "It is important to ensure that estate regeneration does not lead to the loss of affordable housing" means loss of units or floorspace. This should add clarity to criterion B.

4.10 Policy H11 Ensuring the best use of stock

The Council considers that this policy could go a lot further on controlling the number of "buy to leave" properties which is an issue common to all central London boroughs.

Instead it does not offer any new guidance/policy but only encourages boroughs to use all the tools at their disposal such as Empty Dwelling Management Orders to bring long-term vacant stock back into use as affordable housing. This does not go far enough in offering a strategic lead on this important issue.

4.11 Policy H12 Housing size mix

Policy H12 specifically asks boroughs not to set prescriptive dwelling size mix requirements (in terms of number of bedrooms) for market and intermediate homes. The policy instead refers to the London SHMA as the evidence and also makes points such as higher proportion of one and two bed units generally being more appropriate in more central or urban locations and the need to optimise sites.

The Council has always taken the stance to rely on the most up to date evidence for housing size mix rather than specify a prescriptive requirement in planning policy.

4.12 Policy H13 Build to Rent

The London Living Rent does not create affordable units in this borough due to median income levels skewed by a higher proportion of high earners. The Council does not support the requirement in Part C that 30% of the 35% affordable housing would be at London Living Rent as this is not a genuinely affordable product in this borough. The policy wording should be changed to reflect flexibility in setting rent levels based on borough circumstances. The policy and its supporting text should also explain what happens at the end of the covenant period. As written it seems that the units can be converted to for sale at the end of the covenant period without any additional planning obligations. Even if this is the case, it would be useful to clarify this including for Discounted Market Rent (DMR) properties.

4.13 Policy H15 Specialist older persons housing

The Use Classes Order 1987 (as amended) does not provide a lot of detail on Use Class C2: Residential institutions and simply states that, "Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)). Use as a hospital or nursing home. Use as a residential school, college or training centre."

Policy H15 criterion c. is taking this definition further and specifying in no uncertain terms that extra care accommodation is classed as Use Class C3 triggering the affordable housing policies H5 and H6.

The definition in the Use Classes Order is open to interpretation and makes it difficult to class extra care schemes as C2 or C3. Therefore, the Council supports the underlying intent that clarity is provided and that extra care schemes can be classed as C3 with requirements to provide affordable extra care housing. However, an attempt to add to the definition in the Use Classes Order in the London Plan is not considered sufficient to resolve the issue. This is because it is not within the remit of a development plan to re-define the Use Classes Order. Such an approach is likely to be challenged at some point, and it can only be hoped that the courts can provide the clarity required in due course. The Government can of course change the Use Classes Order to add the clarity required but there are no indications of this happening at the present time.

If the policy remains as proposed, it is considered that Part C should also specify that the affordable housing requirement is for affordable extra care.

4.14 Policy H16 Gypsy and Traveller accommodation

The Council welcomes that the Mayor is seeking to provide consistency for London boroughs on how to determine need and the requirement to undertake needs assessments in a timely manner. Further to this, consistency could be provided by setting out a standard London wide approach/ methodology to be followed for undertaking needs assessments. It may also be appropriate for the Mayor to define groupings of London authorities who should work together under the Duty to Cooperate to establish need and make provision for this group of the community. This could significantly assist inner London boroughs which are tightly constrained and have extremely limited or no capacity for gypsy and traveller sites.

This borough is severely constrained with a uniquely dense built environment which limits the availability of sites. It is subject to heritage constraints with about 73% of the borough in a designated conservation area and about 4,000 listed buildings. It also has extremely high land values with median house prices the highest anywhere in the UK. Policy H16 does not acknowledge these circumstances.

The Council supports the requirement for an audit of pitches and sites. This should be coordinated and collated by the Mayor to establish where capacity may exist across London for traveller pitch provision and how it could address needs across London. However, as stated, the Mayor needs to recognise that this borough is severely constrained and may not be able fully address any issues that may be identified.

Policy H16: Gypsy and Traveller Accommodation sets out the Mayor's definition of "Gypsies and Travellers" that boroughs should use when assessing needs. This differs to the Government's Planning Policy for Traveller Sites. This is likely to result in a range of needs figures being established as boroughs will need to comply with both the Government and the Mayor's definition. The different definitions have the potential to cause issues at a borough level in respect of consistency with national policy.

The policy refers to Table 3 of the GLA Gypsy and Traveller Accommodation Topic Paper 2017. However, the needs figures are based on evidence over 10 years old. Given the London wide variations in undertaking such assessments the Mayor should have addressed traveller needs on a strategic London wide basis by undertaking an

updated assessment. This could then be used as the basis of needs for those boroughs who have not undertaken a needs assessment since 2008.

4.15 Policy H17 Purpose-built student accommodation

The Council notes the proposal to include a requirement for 35% of the accommodation to be affordable student housing as defined through the London Plan. Paragraph 4.17.7 provides the definition of affordable student accommodation as equal to or below 55% of the maximum income that a new full-time student studying in London and living away from home could receive from the Government's maintenance loan for living costs for that academic year. Paragraph 4.17.6 further states that PBSA are encouraged to minimise rental costs for the majority of bedrooms and bring these rates closer to the rate of affordable student accommodation. The Council agrees that all student accommodation should be low cost and therefore this aim should not only be set out in the supporting text but also in the main policy.

Whilst criterion B of Policy H17 refers to locating PBSA away from existing concentrations, the Council does not agree with the change from existing Policy 3.8: Housing Choice where criterion h. also specifies that the provision of student accommodation should not compromise the capacity for conventional homes. It is considered that Policy H17 should continue to emphasise this point.

The Council also notes paragraph 14.7.4 quite rightly clarifies that if the accommodation is not secured for students or for occupation by members of one or more higher educational institutions it will be classes as largescale purpose built shared living and assessed against Policy H18.

4.16 Policy H18 Large-scale purpose-built shared living

The Council supports Policy H18 but the policy as currently drafted does not provide enough clarity on management issues. The supporting text at paragraph 4.18.2 seems to be more suited for policy but the supporting text needs to clarify how such market need will be identified. It is unlikely that borough level SHMAs would have a separate classification for this. It is important to ensure quality of these schemes by specifying some minimum space standards as there is a concern that contrary to the aims of the policy, sub-standard accommodation could be created which could be out of date with housing standards that are continually evolving. Further guidance should be incorporated in an SPD/SPG through perhaps an update to the Mayor's Housing SPG.

Chapter 5 Social Infrastructure

5.1 Policy S1 Developing London's social infrastructure

The Council welcomes the approach of social infrastructure being addressed via area-based planning such as Opportunity Area Planning Frameworks, Area Action Plans, Development infrastructure Funding studies etc.

5.2 Policy S2 Health and social care facilities

It is recommended that Policy S2 C is revised to read the following;

"New facilities should be easily accessible by public transport, cycling and walking. To help prevent and or mitigate the impacts of noise and poor air quality to these facilities,

any habitable rooms and external amenity should be designated away from the main sources of poor air quality and noise.”

5.3 Policy S3 Education and childcare facilities

It is recommended that Policy S3 (B) and paragraph 5.3.10, is revised to reworded as follows:

B Development proposals for education and childcare facilities should:

- 1) locate facilities in areas of identified need
- 2) locate facilities in accessible locations, with food public transport accessibility and access by walking and cycling
- 3) locate entrances, playgrounds and classrooms should be orientated away from busy roads, with traffic calming at entrances to help prevent or mitigate the impacts of noise and poor air quality.

5.4 Policy S4 Play and informal recreation

It is also recommended that Policy S4 (B) should include a No.6 to the list as detailed below:

B Development proposals for schemes that are likely to be used by children and young people should:

- 6) Playgrounds and other external amenity areas should be orientated away from the main sources of poor air quality, to help prevent or mitigate any impact.

5.5 Policy S5 Sports and recreation facilities

It is recommended that Policy S5(B) should be revised to include a No. 5 as follows:

- 5) *Sport and Recreational Facilities should be orientated away from the main sources of poor air quality, to help prevent or mitigate any impacts.*

Chapter 6 Economy

6.1 Policy E1 Offices

The Council strongly supports Policy E1 being explicit in the need for boroughs to increase the stock of offices where this meets the need set out within the 2017 London Office Policy Review (LOPR). This will be extremely helpful as it allows us to take a positive approach to supporting the intensification of business uses within the borough's Employment Zones.

The Council also welcomes the explicit recognition that Kensington and Chelsea is a “nationally significant office location”, and the support for the introduction of an Article 4 direction for the entire borough. The protection of the borough's office stock, through an Article 4 direction, is central to the Council's ambition to maintain diversity of commercial uses across the borough.

The Council supports the proposal that Development Plans should support the provision of suitable space for SMEs.

6.2 Policy E2 Low-cost business space

More information should be provided about how the Mayor intends to secure an “appropriate range of rents reflecting the specification, quality and location of space”.

6.3 Policy E3 Affordable workspace

The Council supports the provision of affordable workspace through planning obligations where viable. If contributions can be made towards affordable housing, they should also be made towards affordable workspace wherever possible. Consideration should be given towards whether existing establishments (such as museums) have the capacity to provide on-site affordable workspace.

The Council supports the idea of monitoring affordable workspace provision when it is secured through planning agreements. There is a need to ensure that this is actually being delivered post planning permission being granted and a section 106 agreement being issued. Monitoring who is occupying the space to ensure that it is genuinely being used by those who are in most need is also recommended.

6.4 Policy E4 Land for industry, logistics and services to support London’s economic function

The Council recognises that as one of the boroughs in what the Mayor terms the “Central Services Area” there is a presumption against the loss of any industrial uses.

Some further clarity would be useful. Part (c) of E4 is helpful in that it states that the “retention... of industrial capacity should be planned, monitored and managed.” It goes on to state that “this should ensure that in overall terms across London there is no net loss of industrial capacity with designated SIL and LSIS.” This is reiterated within paragraph 6.4.5 which states that, “the Plan.... seek[s] as a general principle, no overall not less loss of industrial floorspace capacity across London in designated SIL and LSIS. “

However, this can be read in two ways: that industrial floorspace can be lost in one borough as long as there is no net loss over the capital as a whole; or alternatively that there should be no net loss in each borough across the capital. Given the borough-level categorisation for Kensington and Chelsea is to “retain capacity” it seems that the latter is the intended scenario. However, the Council would welcome confirmation that this is indeed the case with less ambiguous wording.

Whilst this Council supports the retention of business uses, we are concerned that the policy may prove inflexible. In a borough such as ours there is a high demand for a range of B class business uses. The nature of the use classes order has allowed business uses to evolve, to cater for demand from the creative sector. Often these are the “hybrid” uses supported elsewhere within the Draft London Plan. However, these hybrid uses may be a B1(a)/B1(c) space, with one part of the building the “maker” space, and the other the office catering for the running of the business. The London Plan should be amended to recognise that such evolution is welcome. It should also recognise that such changes of use will rarely require planning permission.

The Draft London Plan also appears to preclude changes of use from industrial to office uses. Whilst such a change of use will not require planning permission for a unit with a floor area of less than 500 sq m, it will be required for larger units. In a borough such as ours the only way that our (well established need) for new office floorspace is likely to be

addressed is either through an intensification of existing commercial uses, or through changes of use from larger B class uses to offices. The importance of meeting this need is one of the core planning principles of the National Planning Policy Framework (NPPF), with bullet 3 of paragraph 17 stating that, “*every effort should be made objectively to identify and then meet the ... business... needs of the area.*” This is endorsed by part B of Draft London Plan Policy E1, which states that “*increases in the current stock of offices should be supported.... taking account of projected demand for office-based employment and office floorspace.*” The GLA’s own London Office Policy Review (2017), one of the pieces of supporting evidence for the Draft London Plan, identifies a composite projection of a need for an additional 93,700 sqm of office floorspace 2016 to 2041 across the borough. Policy E4, as worded, favours industrial uses over office or hybrid B1(a) uses. This is not appropriate.

Policy E7 appears to offer some flexibility when to “mix use of residential development proposals” – but not when to other B class commercial uses.

6.5 Policy E6 Locally Significant Industrial Sites

The Council supports the ability to designate Locally Significant Industrial Sites, or those areas, “*that have particular local importance for industrial and related functions.*” We recognise that there is no compulsion for a Council to make such designations. The AECOM “Industrial Land Supply and Economy Study” (2015), a study used to inform the London Plan, suggests that the borough contains 10.9 ha of industrial land and 18.9 ha of Locally Significant Industrial Sites.

The borough does not contain any LSISs. The 18.9 ha would appear to equate to the borough’s three Employment Zones. These are areas which contain a mix of B class business and hybrid uses. These are better described as “local employment areas”, (as per part 2 of E6 or those areas “*which can accommodate a wider range of business uses.*”) This correction would not affect the Draft London Plan, as this does not list LSIS by borough. It is however, relevant for further iterations of the supporting evidence base.

6.6 Policy E7 Intensification, co-location and substitution of land for industry, logistics and services to support London’s economic function

The Council supports the Draft London Plan’s intention that mixed use, or residential, development should not be allowed to compromise the continued efficient function of existing commercial uses. This is essential in so far as the ingress of residential uses in a highly built up borough such ours, does not drive out existing business uses. The Council also supports a policy which encourages an intensification of existing industrial uses. However, we do question the practicalities of “*substitution*” or where existing industrial uses may be re-provided outside, to “*locations in the wider region.*” The Council is concerned that such an approach may merely fuel the loss of business uses within an inner city location such as the Royal Borough. It is essential that such substitution is not allowed on an ad hoc basis. We are concerned that this appears to be the intention in the Draft London Plan.

Chapter 7 Heritage and Culture

7.1 Policy HC1 Heritage conservation and growth

We welcome the creation of a separate chapter for Heritage and Culture as these are important ingredients of what makes London a successful city, and the Royal Borough has a particular wealth of heritage assets and cultural facilities.

We recommend reconsidering the title for HC1- *Managing Heritage Assets*?

Part A) It is not clear what evidence needs to be developed by LPAs and there should be clarity on this in the supporting text. For example – Conservation Area Appraisals and Management Plans. This could be an onerous task for LPAs where heritage expertise can be an increasingly diminished resource.

Part B) highlights the regenerative role of heritage assets. This is a new policy combining London Plan (2016) Policies 7.8-7.9. LPAs will need to work collaboratively with Historic England and statutory organisations to achieve parts 1-4. The positive role that the historic environment can have in providing a ready-made identity is welcomed as is the positive role heritage has in regeneration and place making. The removal of the wording “positive role” which is within the adopted London Plan Part A is unfortunate.

Part C) “actively managed” is unclear wording. The term “avoid harm” is the consistent wording through the Draft London Plan for development and heritage assets. This approach seems to accept that some harm will be acceptable and is more permissive which could be in conflict with other legislation and guidance. The starting point for development proposals should be not to have an adverse impact on heritage assets and where this does occur the harm will need to be mitigated. The omission from the policy of the considerations in the adopted London Plan 2016 7.8 D “form, scale, materials and architectural detail” is of concern although it has now been moved to supporting text to the policy at paragraph 7.1.7.

Part D) the same comments apply as regards “avoid harm” to archaeology.

The omission from policy in the adopted London Plan is of concern although this has now moved to supporting text paragraph 7.1.11. However, this means it has been reduced in the weight it carries.

It is suggested that as the setting of heritage assets has become such an important issue in the determination of planning applications and appeals that there should be a separate sub section on this policy.

The policy should cross reference to the relevant sections of the Design Chapter D1 and D2.

Figures 7.1-7.5 Are these illustrative maps useful? They do provide an indication of the concentration of assets and waterways, but only an indication.

7.2 Policy HC3 Strategic and Local Views

The policy remains largely as that adopted although part G has been added to the policy which as the title indicates sets out a policy for local views. Incorporating important local views within a local plan is welcomed. There needs to be guidance/sign posting as to the relevant guidance for LPAs and how these are identified. “Local views should be given the same degree of protection as Strategic Views”. There is concern regarding how cross borough collaboration will work and how this new emphasis on local views will sit alongside policies for optimising housing density.

7.3 Policy HC4 London View Management Framework

It is not clear why parts of the adopted London Plan (2016) 7,12 G and H have been omitted.

7.4 Policy HC5 Supporting London's culture and creative industries

The draft London Plan encourages boroughs to consider how their cultural offer serves diverse groups, and where it is lacking for particular groups. It also promotes the use of vacant space for temporary or pop up cultural uses. The Culture Service welcomes this commitment and already supports it through its community engagement work with local artists and arts organisations.

The Draft Plan recommends that boroughs identify strategic clusters of cultural attractions in their Local Plans. This Council already has a long history of this with Exhibition Road. The borough's ambitions for cultural placemaking and creating cultural quarters, particularly around Kensington High Street and the Design Museum will be supported by this provision in the London Plan.

Policy HC5 A (5) - The Council questions whether it is essential to ensure that *all* Opportunity Areas should include new cultural facilities. For example, the vision at Kensal is for a residential led neighbourhood, so perhaps this approach is not appropriate in all OAs.

7.5 Policy HC6 Supporting the night-time economy

The Council supports the night time economy but recognises that there are some settings which are more sensitive, and rare circumstances where it would not be appropriate and residential amenity must to preserved. In Kensington and Chelsea, the town centres are linear which creates a challenging environment for combination of a night time economy and the preservation of residential amenity. This uncommon occurrence and the acknowledgement of some flexibility depending on context would be welcomed.

The Council welcomes the support of evening and night time cultural venues detailed in Policy HC6 B (6).

7.6 Policy HC7 Protecting public houses

We note the positive recognition of social value to local communities. We welcome the rigidity at HC7. B.

Chapter 8 Green Infrastructure and Natural Environment

8.1 Policy G1 Green infrastructure

The Council supports the preparation of a holistic green infrastructure strategy which will integrate many objectives including flood management (Part B). This is also referred to in Policy G4E3) which is positive and supported.

8.2 Policy G3 Metropolitan Open Land

It is important to recognise the fact that MOL could also have a flood management function and this should be referred to in the policy.

8.3 Policy G4 Local green and open space

The Council supports the stronger policy to resist the loss of space in areas with deficiencies.

8.4 Policy G5 Urban greening

The Council supports the Urban Greening Factor (UGF) for major developments and notes avoiding invasive non-native species.

It should be clarified if the target score proposed in point B of the policy means that development under that target should provide extra green infrastructure to achieve the target.

Chapter 9 Sustainable Infrastructure

9.1 Policy SI1 Improving air quality

The ambition of the policy is welcomed but it should be amended to reflect the need to reduce air quality pollutants to the most stringent standards. London air quality should be significantly improved and (as a minimum) comply with the current National Air Quality Objectives and seek to adopt the World Health Organisation (WHO) air quality guidelines for PM10 and PM2. 5;

Policy SL1 (A) 2

There is a need to minimise air pollution across the capital as well as within Air Quality Management Areas and Air Quality Focus Areas.

It is therefore recommended that the policy should be re-worded as follows.

“Development proposals should use design solutions to prevent or minimise exposure to existing air pollution and make provision to address local problems of air quality. Development should be designed so that when local air quality improves any impacts from the development will not be significant to local air quality. Particular care should be taken with developments that are located in Air Quality Focus Areas or in areas of poor air quality that are likely to be used by large numbers of people particularly vulnerable to poor air quality, such as children or older people.”

Section 9.1.11

It is recommended that further guidance should include information on suitable design solutions that can be implemented in developments when air quality has been identified as a concern. Issuing guidance will ensure a consistent and proportionate approach to air quality design solutions throughout London.

It is recommended that the policy should be re-worded as follows:

“Further guidance will be published on Air Quality Neutral and Air Quality Positive standards as well as guidance on how to reduce construction and demolition impacts. Further guidance will also be issued on suitable design solutions, development proposals can utilise when air quality is identified as a concern.”

Policy S11 (3)

Large increases in population are proposed in large-scale redevelopment areas, such as Opportunity Areas and those subject to an Environmental Impact Assessment. As such there is the potential to increase the exposure and impact from poor air quality. Major development may not necessarily be subject to EIA but can still be a significant source of increased exposure and impact local poor air quality. It is recommended that major developments are included to have an air quality positive approach.

It is recommended that the policy should be re worded as follows:

“The development of large-scale redevelopment areas, such as Opportunity Areas and those subject to an Environmental Impact Assessment and major developments should propose methods of achieving an Air Quality Positive approach through the new development. All other developments should be at least Air Quality Neutral. Typically, these are areas for which large increases in population are proposed and has the potential to substantially improve exposure to and impact upon poor air quality.”

Policy S11 (4)

Non Road Mobile Machinery (NRMM) is a significant source of air quality pollutants and is the source of 7% of all NO₂ emissions in London. Although compliance with the current emission standards in the NRMM low emission zone is important, technology is changing such as with the introduction of electric and hybrid NRMM. It is therefore recommended that the policy wording is re-worded to read as the following:

“Development proposals must demonstrate how they plan to comply with the Non-Road Mobile Machinery Low Emission Zone and reduce emissions from the demolition and construction of buildings following best practice guidance. Development sites are encouraged to explore the use of ultra-low emission technology for NRMM as it becomes available.”

Policy S11 (5)

It is recommended that this section of the Policy should be removed, for as drafted it could result in a detrimental impact to local air quality and increased exposure. An air quality assessment should always be required for larger scale developments within an air quality management area so that all impacts can be identified and quantified and where appropriate mitigated.

Section 9.1.2

Benefits to health are seen when air quality pollutants are reduced beyond the limit values set out in the National Air Quality Objectives. It is welcomed that compliance with air quality legal standards is included, however, the National Objectives do not reflect the WHO guidelines, for example for Particulate matter (PM₁₀/PM_{2.5}). Developments should endeavour to go beyond the air quality limit values to ensure that the health benefits of living with clean air are maximised.

Developments that need ventilation systems because they are built in an area that fails the objective of NO₂, but meet the national object for PM₁₀, should be encouraged to filter particulate matter and should be included in the design solution guidance.

The following revised wording is recommended:

“The aim of this policy is to ensure that new developments are designed and built, as far as is possible, to improve local air quality and reduce the extent to which the public are exposed to poor air quality. This means that new developments, as a minimum, must not cause new exceedances of legal air quality standards, or delay the date at which

compliance will be achieved in areas that are currently in exceedance of legal limits. Where limit values are already met, or are predicted to be met at the time of completion, new developments must endeavour to maintain the best ambient air quality compatible with sustainable development principles. Improvements to health continue where concentrations of air pollutants are reduced below limit values, therefore developers should work towards complying with World Health Organisation Air Quality Guidelines for PM10 and PM2.5.”

Section 9.1.3

It is recommended that major developments should be included within this policy as per the reasoning given previously for Policy SI1 above.

The following revised wording is recommended:

“For larger-scale development areas such as Opportunity Areas, those large enough to already require an Environmental Impact Assessment and for major developments, there should be an aim to be Air Quality Positive by implementing measures across the area that will actively reduce air pollution. This could be achieved, for example, by the provision of low or zero-emission heating and energy, or improvements to public transport, walking and cycling infrastructure, and designing out features such as street canyons that prevent effective dispersion of pollutants. Data from the use of smart infrastructure such as sensors could contribute to beneficial design solutions.”

9.1.11

We are encouraged that further guidance will be published on “Air Quality Neutral and Air Quality Positive” standards. It is recommended that further guidance should be developed and written on reducing impacts from construction and demolition. Any guidance should include links to wider policy areas such as Policy T7 which discusses impact of personal deliveries and their impact to local air quality environment.

9.2 Policy SI2 Minimising greenhouse gas emissions

The London Plan is proposing a *Be Lean, Be Clean and Be Green* approach, which has resulted in small scale point emission sources such as CHP in an existing area of poor air quality. It is recommended that the policy should be revised to reflect the following hierarchy.

Be Lean – increased energy efficiency,

Be Green – to support uptake of air quality neutral technologies and zero emission technologies and reduction of combustion sources.

Be Clean

Policy SI2 sign posts to Policy SI13 where it is stated that energy masterplans should be developed for “large scale developments” where combustion energy/heating sources are ranked low in the hierarchy. This policy should be revised to include Major developments so that policies SI2 and SI12 are consistent.

The Council welcomes the ambition of making London a zero carbon city by 2050. We request clarification on why the interim target of 60% emissions reduction by 2025 has been excluded/not mentioned. To achieve the very ambitious zero carbon target by 2050, we advocate for interim carbon emissions reduction targets to be included in the London Plan. The Council supports the extension of the zero carbon target to major non-residential buildings, but we appreciate that this will only take effect in 2019, once the London Plan is adopted.

9.3 Policy SI3 Energy infrastructure

The Council welcomes the introduction of energy masterplans for large scale developments.

We would support further guidance in the London Plan on combined heat and power systems from a carbon reduction and air quality perspective. The following wording is recommended:

“CHP and ultra-low NOx gas boiler communal or district heating systems should be designed to ensure that there is no significant impact on local air quality”.

As specified below, we would also welcome more guidance on CHP to be provided in the Energy Planning Guidance, especially the effects on air quality. In this respect the following wording is recommended:

“Further information about the relevance of CHP in developments of various scales will also be provided in the Energy Planning Guidance document, which will be kept updated as technology changes. However, it is not expected that gas engine CHP will be able to meet the standards required within areas exceeding air quality limits with the technology that is currently available.”

The Council notes and is supportive of the ambition to increase the amount of new renewable energy sources in London developments.

Policy SI 13 Section D1

The hierarchy placing combustion sources as the least desirable is welcomed, and could significantly control emissions in areas that are exceeding legal air quality limits. Caution is required as this policy specifically only picks out areas where air quality limits are exceeded. It is recommended that this policy be extended to areas that are just meeting the air quality national objectives because the cumulative impact of increased combustion point sources could result in a failure of the air quality objectives.

The following revised policy wording is recommended:

“Use low emission (non-combustion) combined heat and power (CHP) in areas that have poor air quality such as an air quality management area. All development proposals must provide evidence to show that any emissions related to energy generation will be equivalent or lower than those of an ultra-low NOx gas boiler.”

9.4 Policy SI5 Water infrastructure

The use of the river for transport should be utilised as far as it is practical to reduce the number of vehicle trips, reduce congestion and improve local air quality. River vessels are diesel in nature. As such the associated emission could adversely affect local air quality especially when berthed. Emission from river fleet could be significant if not recognised. Therefore, the policy SI5 (c) should be revised to include the additional points.

- Emissions from river vessels near to sensitive receptors should be mitigated, such as when vessels are docked for material transfer.
- Development proposals which provide for the provision of on-shore power facilities for use of safeguarded wharves for waterborne freight transport including consolidation centres will be supported.

- Support and continue to review and improve the discounts and standards within the green tariff PLA scheme to encourage voluntary reduction of emissions beyond what is legally prescribed and apply the scheme for inland river vessels.

Paragraph 9.5.10 refers to two wastewater infrastructure projects: the Thames Tideway tunnel and Counters Creek. It should be noted that Thames Water are currently reviewing their proposals for the Counters Creek and they are reconsidering the need for a major sewer tunnel. Wording in this paragraph may need to be revised as a result.

In addition, the Regional Flood Risk Assessment (draft) also refers to the Counters Creek in paragraph 118. It reads, “*Thames Water is planning to invest over £350million between 2015-2020 to combat sewer flooding at 2,000 properties. This includes their Counters Creek proposals for a large-scale sewer relief tunnel in the LB Hammersmith & Fulham and LB Kensington & Chelsea area. Some consultation has been undertaken, however, proposals are expected to be reviewed in early 2018. There will also be some potential for sustainable drainage measures, particularly within the combined sewer areas of London.*”

This may also need to be revised to reflect the fact that the investment for the sewerage infrastructure may not all be taking place. Changes may also be needed in the Sustainable Infrastructure report (an evidence base document).

Paragraph 9.5.13 explains that a water advisory group has been established. A footnote could be inserted with the website link for the group or further information regarding this group so boroughs can access it if necessary.

9.5 Policy SI8 Waste capacity and net waste self-sufficiency

The Council notes that the borough’s waste apportionment is to reduce. This is welcomed. There are no existing operational waste sites within the borough.

As the GLA is aware, this Council has been working with waste planning authorities in the Western Riverside Waste Authority area. This includes the OPDC for parts of Hammersmith and Fulham.

The policy and its supporting text should recognise that there will be limited or no opportunities for waste management sites in high value inner London areas such as this borough. There will be competing high value land uses alongside significant heritage constraints in such places. In this regard, the reference to encouraging boroughs to pool apportionment requirements in Part B (2) of the policy is not considered to go far enough. Waste is a strategic issue and the GLA should take a much bigger role in not just looking at apportionments but also capacity in the same way as for housing. In any case the policy should be strengthened further by the following additions:

- explicitly requiring pooling of surplus capacity alongside pooling of apportionments.
- requiring that surplus capacity that exists in London boroughs is shared with those London boroughs unable to meet their apportionment, priority should be given to borough’s that are constrained.
- The Mayoral Development Corporations must be required to work and pool surplus capacity with all waste planning authorities in the same waste planning grouping / waste disposal area of their host borough. In the case of the Western Riverside Waste Authority area, this would apply to OPDC and the waste planning authorities in the Western Riverside Waste planning authority area.

9.6 Policy SI9 Safeguarded waste sites

Policy S19 C may result in waste management capacity within one borough / waste planning grouping being lost and replaced outside of that area/grouping. This may affect the ability of some boroughs to meet their apportionments. The Council notes the proposed closure of the EMR site in the OPDC/LBHF area. This is being released for development because OPDC do not consider it is required to meet LBHF's apportionment. The EMR facility is a vital contributor of apportionment capacity for the Western Riverside WPAs and its closure could impact on the waste management capacity available to the grouping.

The Mayor will need to provide reassurance that boroughs / waste planning grouping will not be penalised if the loss of waste management capacity affects their ability to meet apportionments.

In conclusion the GLA must provide a much stronger strategic lead in dealing with waste matters as the existing arrangements are highly unsatisfactory and have been for some considerable time. This is one matter that needs a very clear direction and a lead from the GLA.

9.7 Policy SI13 Sustainable drainage

The Council, as a Lead Local Flood Authority, supports Policy SI13 (Sustainable Drainage). However, the policy should be strengthened to help boroughs when requiring greenfield run-off rates. Therefore, point B of the policy should not '*aim to achieve greenfield run-off rates*' but should '*achieve greenfield run-off rates*' as the technology is there to make it possible. The inclusion of green/blue roofs and the fact that they are given priority over underground tanks in the drainage hierarchy is supported.

Chapter 10 Transport

10.1 Policy T1 Strategic approach to transport

The Council agrees that a significant move away from car use is necessary to satisfactorily accommodate London's growth and to improve Londoners' wellbeing (Part A). We agree that an ambitious strategic target or targets should be adopted to achieve this. A single strategic target of 80 percent of Londoners' trips to be made on foot, by cycle or using public transport could be interpreted as not relevant to much of Central and Inner London, where this mode share is already close to being achieved or being exceeded. According to TfL's latest 'Travel in London' report from 2016, the percentage of trips in the Royal Borough made by foot, cycle or public transport is 73 per cent.

The Council agrees that the proposed transport schemes identified in Table 10.1 should be supported. However, the wording of the policy fails to encompass other schemes that could serve just as effectively to support growth and modal shift from car use. We suggest that the second point of Part A be reworded as follows; "transport schemes consistent with the delivery of the Mayor's strategic target, including those listed in Table 10.1".

10.2 Policy T2 Healthy Streets

The Council supports the Mayor's ambition as articulated by Policy T2. It is considered that thorough guidance on the application of the Healthy Street Indicators is needed and

should be produced and actively maintained by Transport for London. Case studies of “healthy streets” should be added to the guidance as schemes complete.

10.3 Policy T3 Transport capacity, connectivity and safeguarding

The Council recognises the importance of safeguarding lands needed to provide transport functions and additional capacity on transport networks. We support Policy T3.

The Council notes the list of transport schemes presented at Table 10.1 is an “indicative” list. This should mean that Table 10.1 is a non-exhaustive list of the transport schemes that could be delivered during the lifetime of the plan. The wording of the reasoned justification of the plan should confirm explicitly that this is indeed the case.

The Council is disappointed that Table 10.1 does not include the provision of new rail stations on new and existing railway lines. Such investments would be consistent with the Mayor’s strategic approach to transport. For example, investment in an Elizabeth line station at Kensal Portobello would create a new neighbourhood where public transport use and active travel would be ingrained from the start. Peter Brett Associates (with JLL) carried out a Development Infrastructure Funding Study for the Council that found the cost of delivering a station would be eclipsed by the uplift in development value it would unlock. This would enable a higher proportion of affordable housing to be delivered.

The Council notes that “Cycle Hire network development” is identified as a proposed transport scheme. This is welcome. We submit that an expansion of the network to cover areas in the north of our borough, currently unserved, would encourage active travel and contribute positively towards achieving healthy streets.

The Council considers that the importance of London’s bus network as an essential means of providing connectivity and accessibility across London is not given due emphasis within the wording of the plan. Londoners make more daily journeys by bus than by underground or rail and this - despite projected cutbacks in service levels - is likely to remain the case. The role of bus services in achieving the Mayor’s Strategic Approach to Transport should be more fully detailed within the reasoned justification.

The Council supports the provision of additional walking and cycling river crossings at appropriate locations. In particular, we support the proposed Diamond Jubilee walking and cycling river crossing that would link Battersea to Imperial Wharf.

10.4 Policy T4 Assessing and mitigating transport impacts

The Council agrees that the transport impacts of development proposals should be thoroughly assessed (Part B) and duly mitigated (Part C). We recommend that the words “where appropriate” be removed from the wording of Part C. In our view they are superfluous and risks undermining the clarity of the policy. If adverse transport impacts are identified these should be properly mitigated. Clearly if no such impacts are identified, mitigation will not be required.

The requirement that development proposals should not increase road danger (Part F) is incontrovertible. However, we consider that development proposals should all be required to incorporate measures to reduce road danger in circumstances where opportunities to improve road safety can be reasonably related to the development. This would be consistent with the Mayor’s Vision Zero approach to road danger reduction. The wording of the plan should be modified accordingly.

10.5 Policy T5 Cycling

The Council agrees with the Mayor's ambition to create a healthy environment in which people choose to cycle. We support the delivery of improved infrastructure for cyclists including cycle parking and we support the minimum cycle provision standards set out in Table 10.2 and the London Cycling Design Standards (Part A).

The Council considers that all new build residential developments should be designed to provide off street cycle parking. In the absence of such an absolute requirement we would expect many developers to state that the provision of bicycle parking on site is not possible or feasible. In such circumstances the draft policy indicates that cycle parking should be provided on street. There is insufficient road space to accommodate significant numbers of long stay cycle parking spaces on street. In our view there is no reason why a new build development could not be designed to satisfy its cycle parking requirement off street. We recommend that the wording of Part C should be modified to exclude new build developments from the scope of the policy. This could be achieved by substituting the word "developments" with "conversions".

There is no mention of encouraging the use of electric bikes which some people may find useful for making longer journeys, for shopping or for smaller freight deliveries. Such machines require electric charging points to be provided adjacent to bicycle parking space. The potential for electric bicycles to contribute towards the achievement of the Mayor's Strategic Transport Target should not be overlooked.

10.6 Policy T6 Car parking

The Council agrees that a significant move away from car use is essential to satisfactorily accommodate London's growth and to improve Londoners' wellbeing. We recognise that there will be insufficient capacity to accommodate more cars on London's roads as London grows. Car journeys use more natural resources, contribute more to traffic congestion and are more polluting than equivalent journeys on public transport, by foot or on a bicycle. The whole borough has been designated an Air Quality Management Area and in many areas air pollution levels exceed government-set air quality objective levels. Traffic congestion is also a problem in some parts of the borough and increasing road capacity to accommodate the demand generated by new developments can exacerbate these problems as well as increasing dependence on the car. The Mayor's proposed requirement that car parking should be restricted in line with levels of existing and future public transport accessibility is consistent with the Council's local plan and is to be welcomed. (Parts A and B).

The Council agrees that car parking must be provided with electric charging infrastructure and that adequate provision with car parks should be made for efficient servicing deliveries to occur (Parts E and F).

The requirement that the use of car parking spaces should be effectively managed using Car Park Design and Management Plans is welcomed. We agree that any parking provided should be used efficiently and should be adaptable to future repurposing.

Under the proposed plan motorcycle parking would count towards the maximum for car parking spaces. In practice this will mean that no off street motorcycle parking will be provided. If no motorcycle parking is available, the result can be inconsiderate parking of motorcycles on-street, which creates potential hazards to other road users, particularly pedestrians. We consider that there should be scope for some motorcycle parking to be

provided off street within new developments to prevent valuable street space (including privately maintained footway areas) being taken up with parked motorcycles.

It is welcomed that parking standards are linked to local plan standards for parking. To reduce associated vehicle tailpipe emissions further it is recommended that the following points are added to be included in the new London Plan.

- T6 (F) revised wording:
“Adequate provision should be made for efficient deliveries and servicing. The Delivery and Servicing Plan (DSP) should be submitted alongside all applications indicating how the DSP will incentivise and prioritise the use of Ultra Low Emission Vehicles for servicing and deliveries to the site during the operational phase.”

- T6 (G) revised wording:
“A Car Park Design and Management Plan should be submitted alongside all applications which include car parking provision, indicating how it will
 - i. incentivise and prioritise any vehicle parking provision for Ultra Low Emission vehicles on the site. e.g. fiscally by means of differentiated parking fees*
 - ii. will be designed and managed, with reference to Transport for London guidance on car parking management and car parking design”*

10.7 Policy T6.1 Residential parking

The Mayor’s standards will require rather than encourage zero levels of car parking in well-connected locations. We recognise the need for this change and we agree that the proposed standards are needed if London’s street network is to accommodate projected increases in travel demand (Part A).

The proposal that parking spaces within communal car parking facilities should be leased rather than sold should allow retained parking spaces to be used more effectively and facilitate the adaption of parking areas in the future when needed. We do not object to this proposal (Part B). The Council agrees that the provision of car club spaces in lieu of private car parking is positive and would allow residents and others to access a car when they need one. A strong car club network serves to encourage existing car owners to give up their cars freeing street space for other uses (Part D).

The proposed standard for disabled persons in residential developments is supported.

10.8 Policy T6.2 Office parking

The Council supports car free new office accommodation in Inner and Central London. The Council also supports the Draft London Plan’s approach to industrial and to warehousing uses.

The requirement that electric charging infrastructure be provided within operational parking facilities is welcome.

The Council recommends the following amended wording to part G of Policy T6.2, to prioritise the provision of Ultra Low Emission vehicles:

“A Car Park Design and Management Plan should be submitted alongside all applications which include car parking provision indicating how it will incentivise and prioritise any vehicle parking provision for Ultra Low Emission vehicle on the site. “

10.9 Policy T6.3 Retail parking

The Council supports this policy’s aim that extant and new off street retail parking should be used as effectively as possible to justify the use of land for this purpose. We agree that surplus car parking should be converted into other uses. The Council recommends the following amended wording to part D of Policy T6.2, to prioritise the provision of Ultra Low Emission vehicles:

“A Car Park Design and Management Plan should be submitted alongside all applications which include car parking provision indicating how it will incentivise e.g. fiscally by means of differentiated parking fees and prioritise any vehicle parking provision for Ultra Low Emission vehicles on the site.”

10.10 Policy T6.4 Hotel and leisure uses parking

The Council supports Policy T6.4. The requirement that on site provision be limited to operational needs, disabled persons parking and parking required for taxis, coach deliveries and servicing is consistent with our local plan policies. The requirement that associated electric charging infrastructure be provided is welcome. The Council would support the addition of a further part of Policy T6.4. The wording could be as follows:

“A Car Park Design and Management Plan should be submitted alongside all applications which include car parking provision indicating how it will incentivise e.g. fiscally by means of differentiated parking fees and prioritise any vehicle parking provision for Ultra Low Emission vehicles on the site.”

10.11 Policy T6.5 Non-residential disabled persons parking

Save for Part A, we support this policy.

Part A states that, “all non-residential elements of a development should provide at least one on or off street disabled persons parking bay”. This requirement is not qualified. Given that the vast majority of development sites in Inner and Central London do not have the potential to provide off street car parking, the parking spaces called for by the policy would for the most part have to be provided on street.

Most developments are of very small scale and do not generate the need for an additional disabled persons parking bay. Rather they contribute to the cumulative demand for disabled persons’ parking bays in their vicinity. We agree this impact should be duly mitigated and that disabled persons should be afforded proper access to new developments from appropriately located disabled persons parking bays.

Part A’s proposed wording would be more appropriate for development schemes of a scale that makes them referable to the Mayor. The wording of Part A should be qualified accordingly or otherwise refined.

The non-residential disabled persons parking standards set out in Table 10.6 are acceptable. Very few non-residential car parks are likely to be delivered within the borough over the lifetime of the plan so these standards will rarely apply.

10.12 Policy T7 Freight and servicing

The Council supports Part A and in particular the requirement that area-based plans should include servicing and freight strategies. Such devices will be vital to circumscribe the impact of freight and servicing on London's environment not least on our streets.

The proposal, under Part D, that consolidation and distribution sites be designed to enable 24-hour operation so as to encourage and support out of peak deliveries is sensible. We assume this means that new facilities must be built to ensure that noise levels are appropriately abated at all times. Clearly the operational impacts of any such uses would need to be assessed and the hours of operation controlled at sensitive locations.

The Council agrees that adequate space should be provided for servicing and deliveries to occur off street where there is the opportunity to do so (Part F). This would free up space on our streets for Londoners to dwell, walk, cycle, and travel on public transport and would ameliorate traffic conditions improving congestion and air quality.

The Council supports Part G and agrees that developments must be designed and managed to minimise the impact of on-line shopping and other deliveries. We support Part H and its requirements for mini consolidation centres and Delivery and Servicing Plans, where appropriate.

The Council agrees that development proposals must adopt appropriate construction site design standards to enable the use of safer vehicles (Part I). We welcome the requirement for Construction Logistic Plans (Part F). However, we consider the London Plan should say more on the management of construction traffic given the impact construction traffic has on Londoners' lives and London's environment. The Council recommends that part F of T7 is amended to read:

"T7 (F): Development proposals should facilitate sustainable freight and servicing, including the provision of onsite mains charging for transport refrigeration systems and adequate space for servicing and deliveries off-street with electric charging facilities. Construction Logistics Plans and Delivery and Servicing Plans will be required and should be developed in accordance with Transport for London guidance in a way which reflects the scale and complexities of developments."

10.13 Policy T8 Aviation

The Council supports the Mayor's continued opposition to any further capacity increases at Heathrow. In relation to the Mayor's Transport Strategy the Council submitted that the provision of additional public transport capacity to serve Heathrow should not be to the detriment of non-airport passengers. To that end, the wording of Part E is appropriate.

10.14 Policy T9 Funding transport infrastructure through planning

The principle of funding transport infrastructure using Mayoral CIL is supported. However, this approach should only be used to fund strategic transport infrastructure that would have pan London benefits. In our view the only planned intervention that would benefit all parts of London is Crossrail 2. Mayoral CIL should be collected specifically to contribute towards the cost of Crossrail 2. If no agreement on Crossrail 2 funding is achieved, the imposition of Mayoral CIL does not appear warranted. The wording of Part A needs to be refined to provide more transparency and a greater level of detail.

The meaning of the term “strategically-important transport infrastructure” used in Part B of the policy is not explained and could give rise to debate as to what is strategically important. In our view anything that serves to deliver the Mayor’s strategic approach to transport is of strategic value. It is recommended that the wording of B should be amended as follows:

“To realise the Mayor’s strategic approach to transport, boroughs should, in consultation with the Mayor, identify a package of transport infrastructure, as well as improvements to the public realm, along with other funding streams to deliver them”.

We support Part C.

Contaminated Land

A policy addressing the health impacts of contaminated land has been omitted from the draft new London Plan. A policy exists in the current London Plan and should be carried forward. The comments below are relevant for development, particularly for matters covered in chapters 1, 2, 3, 4, 5, and 8.

As stated, the current policy on contaminated land (Policy 5.21 Contaminated Land) in the London Plan is missing in the draft new London Plan. There are passing references to contamination for basement developments (Policy D9), Food growing (Policy G8) and Hydraulic Fracking (Policy SI11) in the draft new London Plan, but no comprehensive policy that recognises the importance of addressing the health and environmental risks posed by land contamination as part of developing a growing city. There has always been a land contamination policy within the London Plan in consideration of London’s industrial past and thousands of potentially contaminated sites across the city. Its absence is also inconsistent with information set out in the evidence base documents (See IIA and Scoping report comments above) for the draft new London Plan.

It is crucial the final new London Plan continues to include a policy to address land contamination as part of a plan integrating different policy areas on how housing, social, economic, cultural, environmental and transport policies achieve maximum health impacts and benefits for Londoners as supported by the evidence base.

It is recommended at the very least the current London Plan policy for ‘Contaminated Land’ Policy 5.21 and supporting text is reinstated.

The Health Impact Assessment (HIA) identified in the Integrated Impact Assessment (IIA) and its Scoping Report state that there is a need to ‘minimise the risk of health impacts through contamination.’ However, this issue is not carried forward into the Objectives on which the draft new London Plan is based. The result is that the draft new London Plan does not fully consider the risk to health from contaminated land which potentially puts Londoners’ and the wider environment at risk at developments where potential contamination exists and where there is a sensitive end use.

The omission of a policy to address contaminated land in a Spatial Development Strategy is of particular concern to London boroughs where the Mayor has direct control over development (i.e. the OPDC) and could allow redevelopment that does not comply with the borough’s local plans.

Integrated Impact Assessment (IIA) Consultation Document (including the IIA Scoping Report)

Contaminated land

The Scoping Report identifies the need to assess and remediate contaminated land in order to address risks to health and the wider environment as part of the planning process. See section 5.22.8 which states ‘An assessment of the risks associated with developing contaminated or potentially contaminated land is therefore essential to inform decisions about the appropriate level of treatment, clean up or remediation that may be required.’ However, this issue was not carried forward in the objectives identified in the IIA Framework.

In the IIA Framework, under the topic of ‘Geology and Soils’ – the HIA guide question: ‘Will the strategy minimise the risk of health impacts through contamination’ is not addressed by the corresponding Objective 22 which looks solely to conserve and protect the soil itself and not human health; it states ‘To conserve London’s geodiversity and protect soils from development and over intensive use.’

As a result of this, the need to address the HIA question and the relevant health and environmental risks identified in the Scoping Report has not been carried forward into the formation of policies in the draft new London Plan.

The summary of the most relevant plans and programmes in Appendix B of the Scoping Report is missing a reference to the NPPF policies on land contamination and remediation as well as contaminated land regulations for England.

The IIA omission to put forward a policy to address contaminated land in a Spatial Development Strategy is of particular concern to London boroughs where the Mayor has direct control over development (i.e. the OPDC) and could allow redevelopment that does not comply with the borough’s local plans, etc.

The IIA needs to be updated to include an assessment of the land contamination and remediation addressing assessment guide questions, to ensure objective 22 address both contamination remediation and geodiversity.

I trust that all these comments will be carefully considered and will inform the next iteration of the London Plan in a positive way. If you have any queries, then please do not hesitate to contact me.

Yours faithfully,

Jonathan Wade
Head of Forward Planning