

GREATER LONDON AUTHORITY  
Development, Enterprise and Environment

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**Our ref:** D&P/LDF39/LDD01/EK  
**Date:** 06 October 2014

Dear Mr Hollingsworth

**London Legacy Development Corporation Local Plan – Publication version (August 2014)**

**Statement of general conformity with the London Plan (Planning and Compulsory Act 2004, Section 24 (4) a)**

Thank you for your email of 18 August 2014 consulting the Mayor on the above document and requesting an opinion on general conformity. The Mayor has delegated authority to me to respond. As you will be aware, all development plan documents must be in general conformity with the London Plan under section 24 (1) (b) of the Planning and Compulsory Purchase Act 2004.

On 3 February 2014 my officers provided comments for the Draft Local Plan consultation and officers also provided comments at the Local Plan early consultation stage on 20 December 2012. The attached report, reference D&P/LDF39/LDD01/01, constitutes my formal representations to the proposed submission (Publication version) consultation. Please note that this report includes representations relating to general conformity with the London Plan as well as other representations to clarify or improve policy. It is my opinion that the London Legacy Development Corporation's Local Plan Publication Version DPD is in general conformity with the London Plan.

If you would like to discuss any of my representations in more detail, please contact Lyndon Fothergill (020 7983 4512) who will be happy to discuss and arrange further meetings.

Yours sincerely



**Stewart Murray**  
Assistant Director – Planning

cc Jennette Arnold, London Assembly Constituency Member  
John Biggs, London Assembly Constituency Member  
Nicky Gavron, Chair of London Assembly Planning Committee  
Eric Pickles, Secretary of State  
National Planning Casework Unit, DCLG  
Alex Williams, TfL

planning report D&P/LDF39/LDD01/01

6 October 2014

## Local Plan (Publication Version)

### London Legacy Development Corporation (LLDC)

#### Consultation on Publication Document

Town & Country Planning Act 1990 (as amended) (TCPA); Greater London Authority Acts 1999 and 2007 ("GLA Act"); Planning and Compulsory Purchase Act 2004 (as amended) ("PCPA"); Town and Country Planning (Local Development) (England) Regulations 2012 ("the Regulations").

#### Strategic issues

The London Legacy Development Corporation's Local Plan Publication Draft is considered to be in general conformity with the London Plan. This report however includes comments relating to **business and employment, housing and neighbourhoods, the built and natural environment, infrastructure and transport** which the Corporation is asked to have regard to as it further progresses its Plan.

#### Recommendation

That the Mayor agrees to submit the comments set out in this report to the London Legacy Development Corporation as his formal response to the Corporation's Local Plan (Publication Draft) consultation and that the LLDC be advised that the document is in general conformity with the London Plan.

#### Context

1. On the 18 August 2014 the London Legacy Development Corporation consulted the Mayor of London on the above Document. This report sets out information for the Mayor's use in deciding what comments to make. The consultation period ends on the 6 October 2014.
2. The Local Development Framework together with the Mayor's Spatial Development Strategy ("London Plan") and the National Planning Policy Framework ("NPPF") provides the essential framework for planning at the borough level. The "development plan" in London for the purposes of section 38(6) of the Act is:
  - The 2011 London Plan (with 2013 Alterations), and
  - Development plan documents produced by the borough councils (and saved unitary development plan policies in transitional period). And
  - Neighbourhood Plans as appropriate.

3. There are three types of Local Development Documents (“LDDs”): Development Plan Documents (DPDs); Supplementary Planning Documents (“SPDs”); and Statements of Community Involvement. All of the documents now being consulted on are DPDs with development plan status, which will be subject to an examination to test the ‘soundness’ of the plan.

4. The NPPF states that a plan is “sound” where it is positively prepared, justified, effective and consistent with national policy.

### **The Mayor’s role**

5. All DPDs must be in general conformity with the London Plan, in accordance with Section 24(1)(b) of the PCPA. Section 24(4) of the PCPA requires boroughs prior to submitting it to the Secretary of State to request the opinion in writing of the Mayor of London as to the general conformity of a DPD with the London Plan and advises that they may request the opinion in writing of the Mayor as to the general conformity of any other LDD. The Mayor issues this opinion on DPD general conformity in accordance with Section 24(5) of the PCPA. Further to this Regulation 18 requires general consultation at the pre-submission stage. By virtue of Regulation 21(2) of the Regulations the Mayor has 6 weeks from the date of the request to provide his opinion on whether the draft Plan is in general conformity with the London Plan.

### **Strategic issues**

6. The London Legacy Development Corporation’s Local Plan (Publication Version) is considered to be in general conformity with the London Plan. The Corporation is however asked to have regard to the following matters as it further progresses its Plan.

#### **Section 2 – Our area**

- It should be noted that the policy 2.4 text included in paragraph 3.5 is the taken from the proposed 2014 Further Alterations to the London Plan (FALP), and as such is subject to possible change.

#### **Section 4 – Developing business growth and lifelong learning**

- Policy B.1: Location and maintenance of employment uses - It is suggested that the policy confirm that large scale B1a office accommodation should be located within defined town centres or office locations.
- Policy B.2: Thriving town centres and local centres – Point 5 should confirm that edge of centre uses should only be permitted when a sequential test has shown their impacts to be acceptable and be well integrated with the existing centre.
- Table 3: Retail centre hierarchy - The table could clarify that the floorspaces it refers to should also include floorspace from leisure and service uses.

#### **Section 5 – Providing housing and neighbourhoods**

- Paragraph 5.1 – Suggest changing “London as a whole” to “as well as helping meet London’s strategic need for new homes”.
- Objective 2: Point 1 – Change “Delivering approximately 24,000 new homes” to expect to “deliver more than 24,000 new homes” to be consistent with SP2 and paragraphs 5.2 & 5.3.
- Paragraph 5.5 – Add “and the target rolled forward as appropriate.” after “will be kept under review within the Authority Monitoring Report (AMR).”
- Paragraph 5.17 - Could usefully confirm that the accommodation it refers to would be for older people. Reference could also be made the 2014 GLA evidence which shows increased need,

particularly for private/intermediate sale:

<https://www.london.gov.uk/sites/default/files/older%20persons%20housing%202013%20final%20to%20client.pdf>

- Policy H5: Location of gypsy and traveller accommodation – suggest that “and through discussions with neighbouring boroughs” is inserted into the policy after “provide for the needs of gypsies and travellers generated within its area” to better accord with London plan policy 3.8Bi.

#### Policy H6: Homes in Multiple Occupation

- Point 6 – It is suggested that examples of the way such accommodation might compromise the delivery of conventional homes might be set out, for example if it were proposed on sites identified for C3 housing or which might be more suitable for C3 housing by their location. Conventional housing might also be defined, for example as C3 self-contained housing.
- Paragraph 5.28 – The nature of the license might usefully be confirmed, by for example reference to the relevant section of the 2004 Housing Act.

### **Section 6 - Creating a high quality built and natural environment**

- Policy BN.2 (Creating distinctive waterway environments) - Could usefully confirm that the navigable waterways in the LLDC area should also be used to carry freight, waste and construction materials to and from developments and sites within the LLDC area, by for example activating and maintaining the indicative “trade” moorings shown on Figure 14.

### **Section 7 - Securing the infrastructure to support growth**

- Policy IN.2 (Planning for waste) - Could usefully confirm that the LLDC will cooperate with the GLA and TfL in respect of strategic waste management, as well as the four boroughs.
- Strategic Policy SP.4 - Consider revise wording to read “3. DLR double tracking at Stratford to “DLR double tracking between Bow and Stratford.”
- Paragraph 7.11 - Point 5 could state that there is a shift away “from private motorised transport to the public transport modes, walking and cycling.”
- Paragraph 7.12 - TfL supports the calling of international trains at Stratford International and have been liaising with LB Newham, Eurostar and DB to achieve this, but to date there has been no confirmation that this will happen in the future. Regarding support for a direct link to HS2 from Stratford (the HS2-HS1 Link), TfL supports this subject to a solution being developed by HS2 Ltd that does not adversely affect the operation of London Overground and freight services. Suggest new sentence at the end of paragraph - “Improved strategic links should not adversely affect London Overground or freight services in the LLDC area.”
- Paragraph 7.13 - Revise wording to “The Legacy Corporation area already has direct DLR links to London City Airport and coach links to Stansted Airport and, from 2019 via Crossrail to Heathrow”, as Crossrail is due to open from Paddington to Abbey Wood only in December 2018; to Shenfield via Stratford in May 2019, and in December 2019 to Heathrow and Reading. Removed reference to direct Heathrow service, given different services and destinations on different branches to be determined, though a simple same-platform connection would be feasible at a central London station.
- Policy T3 - Supporting transport schemes - Revise point 5 to read “Will result in improvements to walking and cycling.”
- Policy T4 - Managing development – This is generally supported; although Point 4 might be more clearly worded and would benefit from a separate cycle parking reference. The reference

to London Plan parking standards could also be a new sentence and have a similar point for cycle parking - e.g. to state that London Plan cycle parking standards should be exceeded wherever possible as set out later in policy T9. The reference to cycle hire in point 6 could then be included in the cycle point.

- Paragraph 7.21 - Revise to: "Car ownership per household has decreased dramatically in the last ten years according to the 2001 and 2011 censuses, and road traffic in London is generally decreasing, however congestion is expected to increase given residential and employment growth in the area." It should also be clarified if the car ownership figure is for LLDC area, constituent boroughs or across London.
- T5 Street network – TfL welcomes the revised title but the policy could usefully include a cross-reference to policy BN1 about place.
- Figure 23 - Should the title be "Street network" and all the A11 Bow Road west of Bow Roundabout is TLRN and therefore should be shown in red rather than as SRN/green.

#### Figure 24 – Key connections

- TfL will continue to work with LLDC and local authorities to identify improvements to key connections.
- The figure and key should clarify the dark red circles - if they represent key intersections to be enhanced, rather than "principal connection improvements", then this is important to clarify – some circles show solid lines, some show dotted lines.
- The figure could include railway lines in a similar way to road network, which would help to make the barriers railway lines create clearer, e.g. for the red circle at Hackney Wick station.
- The connection at Frankin Street should be removed and the connection at Bromley-by-Bow station included (see sub-area section for details).
- The routes around Stadium Island should be checked.
- The figure should take into account the proposed improvements for cycling to Ruckholt Road, which are part of the Waltham Forest mini-Holland programme – this should be an on-road connection to be improved.

#### Policy T8 (Parking)

- Revise wording to read "1. Be at a low level appropriate to its location with minimum levels of provision in locations with the highest levels of public transport accessibility and planned transport infrastructure."
- Revise wording to read "4. Not take precedence over the incorporation of open space, public realm, amenity space or pedestrian and cycle connectivity within and around the development."
- As there is just one reference to, 3, to off-street parking, are the other points all relating to on-street / public realm parking?
- Policy T9 (Providing for pedestrians and cyclists) – Subject to other responses, it could be better to separate out pedestrians and cyclists – especially if requirements differ, not always necessarily the same. There are various other descriptions which could be added to the "safe, direct..." list, such as step-free, smooth, uncluttered, but it may be easier to just keep reference as in bullet 1 to "best practice guidance at the time". Also revise first sentence to: "The Legacy Corporation will promote and support the provision of safe streets and other dedicated routes for walking and cycling..." (to avoid suggesting that walking and cycling only need to catered well for on certain identified routes).

- Paragraph 7.33 - In a similar style to reference to LCDS, suggest “Provision for walking should be in accordance with the appropriate general and route-specific requirements set out in TfL’s Pedestrian Design Guidance and Streetscape Guidance [which will be published soon].”
- Paragraph 7.34 – TfL welcomes the references to the strategic walking and cycling routes. It is considered that the Capital Ring could be diverted or alternative optional route(s) provided to through the QEOP, as and when feasible. TfL can provide assistance in discussions around this topic such as updating maps, signing and wayfinding, both in the area and for online/printed resources.

### **Sub area sections**

- Section 13 - Please note that there are incorrect references to Pudding Mill Lane DLR station rather than Pudding Mill (most notably in the Vision text and SA 4.3). References across the plan and text should be corrected and updated.
- Policy 4.2 Figure 36 and Site Allocation SA4.1 Bromley-by-Bow - The sub-area section and this policy does not explicitly refer to the “Bow Vision” project, which includes many of the new connections referenced in Policy 4.2, and on which TfL, LLDC and local boroughs will continue to work together.
- Figure 36 and SA4.1 – These show a ‘principal connection improvement’ on the A12 at a location near Franklin Street (to the west). An at-grade pedestrian crossing at Franklin Street was excluded from the short-listed options for Bow Vision due to buildability & road safety concerns. The plans should be amended to remove the “principal connection improvement” at that location. The plans should also be amended to include the pedestrian underpass adjacent to Bromley-by-Bow station, which is included as item 2 in Policy 4.2.
- Policy 4.2 - Should be corrected to read “3. ... a new all-movements junction on the A118 to improve access to and from Sugar House Lane...”

### **Legal considerations**

7. All LDDs must be in general conformity with the London Plan in accordance with Section 24(1)(b) of the Act. This is a key test of the soundness of plans. The Mayor’s representations made at this stage will go forward to the examination in public and must include an opinion regarding general conformity with the London Plan.

8. The fact that a development plan document is inconsistent with one or more policies in the London Plan, either directly or through the omission of a policy or proposal, does not, by itself, mean that the document is not in general conformity. Rather, the test is how significant the inconsistency is from the point of view of delivery of the London Plan.

9. Any expression of opinion from the Mayor that the DPD is not in general conformity will be treated as a representation to be dealt with by the Inspector at the examination. The Planning Inspectorate has stated that the view of the Mayor’s opinion “will be given considerable weight”<sup>1</sup> and that a lack of general conformity with the London Plan will need to be fully justified on the basis of local circumstances, based on relevant evidence.

10. The Mayor must also state why the policy is not in general conformity and his reasoning behind that opinion. The Inspector will determine whether he or she supports the opinion and recommend accordingly. The Mayor should provide the Inspector conducting the examination with any necessary

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

additional information as appropriate, either through a representative or in writing according to the requirements of the Inspector.

## **Conclusion**

11. The London Legacy Development Corporation's Local Plan (Publication version) DPD is considered to be in general conformity with the London Plan. The Corporation is however asked to have regard to the above comments as it further progresses its Plan.

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For further information, contact the Planning Team:

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