Royal Borough of Kensington and Chelsea Local Plan Partial Review Examination in Public

Hearing Statement
Matter 2 – Spatial Strategy
Matter 3 – Delivery Strategy
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Matter 3 – Delivery Strategy

February 2018

Indigo
on behalf of
Sainsbury’s Supermarkets Limited
and Fortress Limited
Royal Borough of Kensington and Chelsea Local Plan Partial Review
Examination in Public

Hearing Statement
Matter 2 – Spatial Strategy
Matter 3 – Delivery Strategy

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1. **Introduction**

1.1. This Hearing Statement has been prepared on behalf of Sainsbury’s Supermarkets Limited (SSL) and Fortress Limited, a Ballymore Group company (Ballymore) in respect of the examination of the Royal Borough of Kensington and Chelsea (RBKC) Local Plan Partial Review (LPPR).

1.2. SSL and Ballymore are majority landowners within the Kensal Canalside Opportunity Area (KCOA). The attached land ownership map (Appendix 1) delineates Sainsbury’s Land and Fortress Land, which comprise “the Site”.

1.3. On 27 October 2017, SSL and Ballymore submitted a request to RBKC as the Hazardous Substances Authority for the administration area of the Royal Borough of Kensington and Chelsea to revoke the hazardous substances consent (HSC) granted to Transco (reference PP/00/00734) for the redundant Kensal Gas Holders in the KCOA, reference number PP/17/06990.

1.4. The revocation request is expected to be considered at RBKC’s planning committee on 27 February 2018, following the submission of this Statement.

1.5. Having regard for the date of this meeting, the Examination in Public timetable and the strategic significance of the revocation, this Hearing Statement considers the soundness of the Local Plan Partial Review in the event that the committee does not resolve to revoke the HSC on 27 February 2018.

1.6. Accordingly, this Hearing Statement will consider whether the plan is:

- Positively prepared – meets objectively assessed need;
- Justified – including consideration of reasonable alternatives; and
- Effective – deliverable over the plan period to 2031/2032.

1.7. This statement should be read in conjunction with the representations to the Regulation 18 Draft Policies consultation (see letter dated 9 December 2016 as Appendix 2) and the Regulation 19 Publication Policies consultation (see letter dated 15 March 2017 as Appendix 3).

1.8. On 9 February 2018, Indigo Planning, on behalf of SSL and Ballymore, and RBKC signed a Statement of Common Ground (Appendix 4) that agrees revised Publication Policy wording. The agreed common ground provides the necessary flexibility in policy wording in respect of infrastructure, phasing and viability matters to ensure deliverability. No further representations are made in respect of these matters.
2. Matters

Issue 2c: Vision for Kensal (CV5) and Kensal Canalside Opportunity Area (CA1)

2.1. Question 2.d. Will they be deliverable over the plan period, including the quantum of residential development proposed to 2031/32 and the proposed new road and rail infrastructure?

Issue 3a: Diversity of Housing (CP1)

2.2. Question 3.a.1. Has the RBKC LPPR been positively prepared and is it justified, effective, consistent with national policy and in general conformity with the London Plan in relation to its aim in Policies CP1 and CH1 to meet and exceed the London Plan target for new homes in the borough of a minimum of 733 net additional dwellings a year?

2.3. Question 3.a.2. In the light of the suspension of estate regeneration schemes put forward in the Further Proposed Modifications (CED004), is there an adequate supply of housing to meet the housing requirement identified in Policies CP1 and CH1 over the Plan period? If not, is this consistent with national policy and the London Plan and what steps are proposed to ensure the borough can effectively meet the London Plan target over the Plan period?

Revocation of the Hazardous Substances Consent

2.4. In July 2016, the Health and Safety Executive (HSE) issued advice with respect to development of land in the KCOA (see Appendix 5). HSE's published consultation zones cover the majority of the KCOA area. The consultation zones are categorised as Inner, Middle and Outer zones. HSE indicates that whilst the HSC for the redundant Kensal Gas Holders remains in place, the consultation zones must remain in place.

2.5. HSE assessed each component of the prospective development and found that more than 10% of the housing area is within the Inner Zone (as described in the HSE's 'Land Use Planning Methodology'). This renders the housing element of the project a sensitivity level (SL) 3. An SL3 development within the Inner Zone draws an 'Advise Against' recommendation from HSE. A supermarket or school within the Inner or Middle zones would similarly be classified SL3, and would also result in an 'Advise Against' response. Overall, HSE concluded that with the HSC in place, its recommendation for the entirety of the development is 'Advise Against'.

2.6. The continued existence of the HSC for the redundant Kensal Gas Holders also has the potential to affect the delivery of the Elizabeth Line if not resolved in a timely manner, as the creation of a new station open to the public would also fall within the Inner and Middle consultation zones for the Gas Holders, and would be classified as land use type DT2.4 with Sensitivity Level 2 (SL2) within the HSE Land Use Planning Methodology. An SL2 use in the Inner Zone would also result in an "Advise Against" conclusion from HSE. HSE stated that it would not remove the consultation zones until it had been notified by RBKC that the HSC had been revoked.

2.7. In the absence of revocation, and in the event of permission for development, HSE would recommend a condition preventing the occupation of the site until the HSC for the redundant Kensal Gas Holders had been revoked. This type of condition is likely to prevent any applications for development within the KCOA from coming forward. Effectively this sterilises the development and occupation of the Site until the consent is surrendered or revoked. Funding for the delivery of the Site and the wider KCOA will not be forthcoming from the private sector whilst there is such a significant constraint on the Site, whereby sales revenues cannot be assured due to the presence of a Grampian condition which the owners of the Site are not in control of. Ballymore, Sainsbury's and other affected landowners would
have no control over the timing of when a Grampian condition could be discharged, which is a risk that no funder would take, given the scale of up front capital investment required to unlock the Site for residential led mixed use development. Not only would draw down of construction funding be prohibited until a Grampian condition was discharged, with such an onerous restriction on the ability to occupy it would be likely to ensure that no facility would be offered at all.

2.8. On this basis, should RBKC not resolve to make an order for revocation of the HSC, there could be no confidence that land at the KCOA could come forward on the timescales envisaged in the LPPR. Until surrender of the HSC for the redundant Kensal Gas Holders, the KCOA would be sterilised and 3,500 homes would not come forward over the plan period. Accordingly, applying Paragraph 182 of the NPPF, this Hearing Statement considers the impact of the continued existence of the HSC (in circumstances where there is no clear plan to overcome the barrier posed by the HSC) on the effectiveness of the plan and whether it is deliverable over the plan period to 2031/2032.

2.9. If a resolution is made for the HSC for the redundant Kensal Gas Holders to be revoked under section 14 of the Planning (Hazardous Substances) Act 1990, the following process would have to be followed under the Act:

2.9.1. A revocation order would need to be made and submitted to the Secretary of State for confirmation.

2.9.2. Once an order is made, it must be served on anyone who is the owner of the land to which the HSC relates, anyone other than an owner who appears to be in control of the land and any other person who in the opinion of the Hazardous Substances Authority may be affected. The notice must give a minimum period of 28 days for those persons to request a hearing.

2.9.3. If a request for a hearing is received then an Inspector is appointed to hold a hearing. At a hearing, the persons who have requested the hearing and the Hazardous Substances Authority may make representations. The appointed Inspector will then report to the Secretary of State on the revocation, and a decision will be made by the Secretary of State on whether to confirm the order.

2.9.4. If no representations are received then the Secretary of State can proceed to consider whether to confirm the revocation.

2.9.5. If a resolution is made, the process outlined above would give confidence that there is a positive and proactive plan to overcome the obstacle to delivery posed by the HSC.

**Housing land supply**

2.10. In light of Further Proposed Modifications (CED004), with the suspension of Estate Regeneration programme from housing land supply, there is greater strategic importance on the KCOA to demonstrate RBKC’s five-year housing land supply, and to demonstrate that delivery of 733 units annually (and 20% buffer) is achievable.

2.11. The removal of the Estate Regeneration Sites from RBKC’s site allocations has resulted in an overall decrease of 18.13% (or 1,470 units removed from the original allocations for 8,100 units) of the total number of units delivered through site allocations. From the figures provided in the Further Proposed Modifications (CED004), the KCOA would provide 3,516 units and now account for 53% of the projected housing supply within the Borough over the Local Plan period.
Table 1: KCOA’s contribution to site allocation housing supply

<table>
<thead>
<tr>
<th>15-year supply</th>
<th>Percentage of planned housing delivery</th>
<th>Number of KCOA units delivered/Out of total site allocation numbers</th>
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<tbody>
<tr>
<td>Years 1-5</td>
<td>0%</td>
<td>0/2,600</td>
</tr>
<tr>
<td>Years 6-10</td>
<td>78%</td>
<td>1,718 / 2,188</td>
</tr>
<tr>
<td>Years 11-15</td>
<td>97%</td>
<td>1,798 / 1,842</td>
</tr>
<tr>
<td>Total (Years 1-15)</td>
<td>53%</td>
<td>3,516 / 6,630</td>
</tr>
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2.12. If the HSC remains in place and no plan is in place to ensure that it is revoked, the 3,500 homes allocated in the KCOA would not come forward and the RBKC housing land supply would be reduced to 3.5 years in Years 1-5, 0.64 years in Years 6-10 and 0.06 years in Years 11-15. Accordingly, in the absence of a rolling five-year housing land supply, the plan is considered unsound, ineffective and inconsistent with national policy.
Land Interests (“The Site”)
Planning Policy
Planning and Borough Development
The Royal Borough of Kensington and Chelsea
Kensington Town Hall
London
W8 7NX

Sent by Email to: planningpolicy@rbkc.gov.uk and Jonathan.Wade@rbkc.gov.uk

9th December 2016

Dear Sir or Madam

RBKC LOCAL PLAN PARTIAL REVIEW
SAINSBURY’S SUPERMARKETS LIMITED AND BALLYMORE GROUP JOINT
REPRESENTATIONS ON CHAPTER 5, DRAFT POLICIES CV5 – VISION FOR KENSAL AND
CA1 - KENSAL CANALSIDE OPPORTUNITY AREA

Introduction

Sainsbury’s Supermarkets Limited (“SSL”) and the Ballymore Group have extensive land
interests at the Kensal Gasworks site, otherwise known as the Kensal Canalside Opportunity
Area (“KCOA”). As the majority landowners within the KCOA, we are committed to continuing to
work with the Royal Borough of Kensington and Chelsea ("RBKC") and other key stakeholders to
bring forward the regeneration of the area.

Generally, SSL and the Ballymore Group support the Vision for Kensal articulated in Draft Policy
CV5, although through working with our consultant team (Indigo Planning and WSP| Parsons
Brinckerhoff "WSP| PB") we currently have reservations about the need for and viability of a new
railway crossing. This matter is explored further later in this submission. Similarly, the overarching
aims and objectives set out within Draft Policy CA1 for the KCOA are welcomed and generally
supported. Chapter 5 as a whole, recognises the pressing need to regenerate the area and
deliver high quality sustainable development including significant housing provision, a new
Sainsbury's superstore, commercial, retail and community uses, high quality public realm, a new
Crossrail station to serve North Kensington along with other important access and infrastructure
improvements. SSL and the Ballymore Group welcome this opportunity to contribute to the
further development of the planning framework for Kensal, and in parallel, continue to collaborate
with RBKC to facilitate the comprehensive regeneration of a major opportunity area in
Kensington.

In general terms, whilst Draft Policy CA1 sets out appropriate uses and proposes minimum levels
of development, it is important that further technical studies are carried out as soon as possible to
fully evaluate, and secure consensus for, the optimum mix and quantum of sustainable
development (including housing provision) at the site. The proposed Kensal Canalside
Opportunity Area Supplementary Planning Document (“KCOA SPD”) provides an opportunity to
both establish the maximum development potential and provide a coherent delivery framework for
the whole area. Whilst it is critical that the KCOA SPD is not overly prescriptive or inflexible, it will
need to establish overarching sustainable design principles, identify broad development
opportunity areas, minimum and maximum development parameters based on a thorough
evaluation of the area’s needs, opportunities and constraints, the viability of different
infrastructure interventions (based on agreed development thresholds), and a thorough
appreciation of the interests and objectives of all affected landowners. It is also important that the
proposed KCOA SPD provides a clearly articulated development framework for the KCOA as a
whole, without restricting SSL and the Ballymore Group’s requirement for considerable design
flexibility.

This letter of representation summarises our shared development objectives for development of
the site, comments on the draft policy wording and evidence base, and suggests further work that
would help inform the further refinement of Draft Policy CA1 and subsequent development of the
proposed KCOA SPD. We share RBKC’s wish to deliver an outstanding, sustainable and well
connected new neighbourhood, and recognise that all parties involved in the regeneration of the
KCOA have an opportunity to deliver a truly transformational development.

**Overarching Development Objectives**

SSL and the Ballymore Group intend to develop an exceptional new neighbourhood in North
Kensington. To meet this objective, we need to:

- Retain significant design flexibility and autonomy;
- Achieve the optimum level of residential density that the site can sustainably accommodate;
- Deliver a new SSL store and redevelop the existing store whilst continuing to trade;
- Deliver the optimal amount of new non-residential floorspace to benefit local residents and the
  wider community, including employment generating activities and visitor destinations;
- Minimise land-take required for new infrastructure to avoid the unnecessary loss of
development land and adverse impacts on local character and amenity; and
- Avoid the imposition of restrictive phasing obligations in order to bring forward development
  quickly. SSL and the Ballymore Group must be permitted to bring forward the development of
  our estate independently and in advance of other parts of the KCOA. Nor should the
  commencement of development or the phasing of development on our joint estate be
  conditional on the advance delivery of infrastructure in other parts of the KCOA, not under our
  control.

Together, the emerging Draft Policy CA1 and the proposed KCOA SPD should establish
overarching development principles including an optimum level of density and infrastructure
requirement to enable each land parcel on the site to be delivered without reliance on one
another, or on critical pieces of infrastructure such as the proposed Crossrail station or road
bridge.
Turning to specific observations and comments about the structure and wording of Draft Policy CA1, we provide comments below:

**Policy Content**

**Supporting text**

While the overall aims and objectives of the policy is supported, the draft wording would benefit from being amended as follows:

**5.4 Priorities (Objectives and actions to deliver the aims)**

- Housing delivery is the fundamental priority for the KCOA and does not feature in this list; it should therefore be given appropriate prominence, as the first bullet point in the list;
- The current first bullet point “Facilitate the release…” is not considered to be as high a priority as the delivery of housing and should be further down the list;
- Similarly, the delivery of the link road to Mitre Lane should be further down the list; and
- It is overly prescriptive for the policy’s supporting text to specify the need for specific infrastructure requirements as it is currently not certain whether all of the various interventions identified in the Development Infrastructure Funding Study (DIFS) are necessary. At the very least, it should be recognised that the case has yet to be made for a new road bridge.

**5.5 Delivery**

- SSL and Ballymore Group recognise that new transport infrastructure and public transport services connecting the area under the administration of the Old Oak Park and Royal Mayoral Development Corporation (“OPDC”) and the KCOA may deliver a variety of potential benefits, and we remain broadly supportive of that objective. However, from a practical transport infrastructure delivery and phasing perspective, it must be recognised that there are a number of complex land assembly and viability issues requiring evaluation and resolution, not least unresolved questions over the availability or otherwise of North Pole East to accommodate new road infrastructure, and the potential consequential loss of important potential housing land throughout the KCOA.

Furthermore, whilst we continue to engage positively on the issue, SSL and the Ballymore Group are not yet satisfied that the case for the proposed road bridge in the KCOA has been made. Accordingly, given that these potentially complex issues require further evaluation and resolution, it is important to ensure that over the shorter term, the emerging development framework provided by the draft policies and the KCOA SPD do not impose undeliverable, or entirely aspirational infrastructure obligations that ultimately impede the delivery of early phases of development at the KCOA or inadvertently sterilise land, particularly given the need to urgently deliver new housing in RBKC within the Local Plan period. Ultimately, if there is a choice to be made between improving connectivity between Old Oak Common and the KCOA, or the delivery of significant levels of new housing in North Kensington, then the latter policy objective must be prioritised given the urgency to meet housing target objectives over the Local Plan period, particularly if alternative, deliverable and more viable access options exist.
in the meantime.

- The penultimate bullet point “The Council will work with landowners…” is critical to development delivery and should be the first point in this list. This point should elaborate on sub-points of delivery, phasing, funding and viability as these are also instrumental to comprehensive redevelopment of the KCOA.

### Site Allocation Guidance

**Policy CA1 Kensal Gasworks**

The initial comments on draft policy CA1 relate to its overall structuring, as it is considered that the order of “Land Use”, “Principles”, “Infrastructure and Planning Obligations” would benefit from being amended as follows:

- The “Principles” section should be first as this sets out the overarching components of future development;
- The “Land Use” section should come after “Principles” as these are the elements that would be delivered to achieve the “Principles”; and
- “Infrastructure and Planning Obligations” should remain in its current position as these are requirements that will enable the delivery of the land uses.

We also wish to make the following comments on the policy wording specifically related to the delivery of housing:

- The policy would benefit from more flexible wording relating to floorspace provisions. The proposed provision of 3,500 residential units is supported as an aspirational target, however it is difficult to justify at present as it does not appear to be based on any technical assessment and therefore this quantum of development cannot be set as a minimum policy requirement. As a strategic policy, this figure should remain high level, at least until robust testing has been carried out. Furthermore, there is nothing in the current evidence base that can support the current unit and floorspace provision quoted at a.i, ii, and iii, therefore the proposed “minimum of …” wording should be revised to reflect this and offer more flexibility;
- Notwithstanding the above, the DIFS indicates that the desired level of housing may not be deliverable given the extent and anticipated cost of the potential infrastructure interventions proposed in that study;
- Further work is required to establish more reliable qualifying thresholds for new infrastructure interventions, based on a range of density scenarios and these should be set out in the KCOA SPD;
- Given the uncertainties over the release and feasibility of land elsewhere in the KCOA (including North Pole East), the draft policy should promote maximum flexibility in regenerating the KCOA. As indicated earlier, the commencement of development on the land to the north of the railway within the KCOA, including the SSL and Ballymore Group land, should not be contingent on, or tied to, the commencement of development or provision of infrastructure on land not expressly under the control of SSL and Ballymore; and
• Criterion (h) should be less specific: It would be more appropriate to refer to the cited potential infrastructure components as options, not absolute requirements at this stage.

We also have the following comments on the policy wording specifically related to the delivery of infrastructure:

• We acknowledge that the DIFS was high level and that further technical assessments will be required to inform the further development of policy and the KCOA SPD process. As such, we again reiterate the need for significant flexibility in relation to infrastructure delivery options at this stage;

• SSL and the Ballymore Group continue to support proposals for a new Crossrail station as it would provide an additional transport mode for residents and decrease journey times, particularly to other parts of London as well as improve connectivity to other parts of the UK via the proposed Old Oak Common Crossrail/HS2 interchange. However, if the station were not to come forward for any reason, this should not prevent the development of a significant quantum of housing at the site. The scenario where the Crossrail station is undeliverable should be investigated and incorporated into the forthcoming KCOA SPD;

• The DIFS and Transport Study suggest that a substantial amount of infrastructure, particularly transport related, would be required and there is concern over the amount of developable land this would occupy (estimated at c.25% of the total KCOA area for transport infrastructure alone). This level of infrastructure land-take is not likely to be viable and would almost certainly severely limit the delivery of housing in particular;

• The DIFS suggests various transport interventions including the promotion of an entirely car free development and the curtailment of bus routing into the site. Further work should be carried out to identify more appropriate solutions;

• SSL and the Ballymore Group are doing further work to assess the current traffic movements. The outputs of these surveys will help inform the assessment of development capacity at the site and the extent of transport related infrastructure requirements; and

• Consequently, we recommend that the policy wording should be relaxed to reflect the need to further evaluate the viability of specific infrastructure options following the completion of further site specific technical assessments, including those that will inform the development of the KCOA SPD;

**Evidence Base Critique**

The DIFS and associated Transport Study (both produced in October 2016), contemplate the need for particular infrastructure to be provided in order to regenerate the site. As noted above, a number of specific infrastructure interventions are clearly now prescribed within the proposed criteria of Draft Policy CA1 (including under criteria “h”, “m”, “n”, “p”, “q”, “r”, “s”, “u” and “v”). Further surveys carried out by our own appointed transport consultants WSP indicate that the suggested levels of infrastructure contemplated under specific scenarios in the DIFS are not currently justifiable and further details are provided below.

On this basis, until more detailed feasibility work has been completed and robustly tested, we do not consider it appropriate to include prescriptive requirements for infrastructure within the policy, rather these should remain as potential options. The level and extent of infrastructure
requirements can only be fully understood once the development capacity of the KCOA has been properly evaluated, and this requires the completion of more detailed feasibility studies, including those currently commissioned by SSL and the Ballymore Group and others that will ultimately underpin the proposed KCOA SPD.

We offer the following general comments on the DIFS and Transport Study. A more detailed analysis has been produced by WSP and is appended to this letter:

• PTAL is a crude measure of accessibility and a well-designed site will enable residents at the western end to enjoy a similar access to public transport as those in other parts of the site. The stepped accessibility is artificial and does not replicate actual behaviour;

• As indicated earlier, we continue to support the delivery of the new Kensal Portobello Crossrail station at the KCOA, as set out in Recommendation 1 of the PBA Transport Study;

• We agree that if the Crossrail station can be secured this will secure a step change in accessibility, significantly improving access time to key destinations further afield. It will also have other far reaching socio-economic benefits. We do not agree however that this is a ‘required’ level of accessibility, and whilst this step change can only be delivered through a new station it should not prevent high quality development being delivered at a reasonable density on the site;

• The comprehensive regeneration of the Kensal Canalside site is not dependent upon the development of a new road bridge, nor is it dependent upon the progress of the North Pole East site;

• Trip generation information relating to SSL’s store has been based on comparisons with similar sized supermarket developments rather than actual surveys of traffic flows to and from the site. Understandably, the accuracy of the trip generation information could be improved through the use of actual survey results;

• Paragraph 4.3.6 of the Transport Study refers to the right turn from Ladbroke Grove into Kensal Road being banned, but this is not reflected in the modelling or junction design. We believe that with correctly forecast traffic flows an enhanced Ladbroke Grove/Canal Way junction design can be delivered to adequately accommodate all the development traffic in Scenarios B and D, the latter representing the “High density at Canalside only scenario”, which contemplates approximately 3,000 units;

• The Transport assessment would benefit from a consideration of the separate traffic flows associated with the supermarket’s petrol filling station (PFS); and

• We agree that further work relating to traffic and infrastructure, particularly the parameters of demand and supply, would provide a more accurate representation of traffic movements and consequently the level of infrastructure required and residential density achievable on the site.

To provide clarity in relation to the above, SSL and the Ballymore Group specifically commissioned WSP to carry out studies of traffic flows and infrastructure requirements. The scope of this work included surveys of traffic into and out of the supermarket and also the PFS, as well as capacity assessments of junctions. A summary of the key findings is set out below:
• The traffic surveys found the actual traffic flows to be lower than those stated by PBA which were based on comparative developments;

• The decision to retain or remove the Sainsbury’s PFS would have a major bearing on traffic movements and the amount of infrastructure required, and consequently the level of residential density achievable on the site;

  - Retaining the PFS – As the PBA study significantly overestimates the traffic flows, revised assessments will be required to properly assess the level of infrastructure required to serve the site, which can build upon the work undertaken by WSP|PB;

  - Removing the PFS – For all scenarios, traffic flows would be lower than the current peak, therefore no capacity related junction improvements would be needed. Using PBA’s modal split assumptions, the PFS flow equates to approximately 4,600 dwellings-worth of traffic in the PM Peak, therefore removing the PFS from the proposed development would result in flows that are less than currently experienced (ie. an improved situation). Consequently, no additional infrastructure or alterations to junctions would be required.

• The results of this work demonstrate that the suggested levels of highway capacity improvements proposed by PBA (requiring the realignment of Kensal Road requiring third party land and demolition of Bridge House) are not necessary as they cannot be properly justified. A thorough review of the traffic flows, infrastructure requirements and costs for the site should be carried out to accurately predict the ultimate residential density of the site.

Further Work

The WSP|PB work has been expanded upon to produce a more accurate study of the traffic flows and infrastructure requirements as a more comprehensive response to PBA’s work, and to help provide a deliverable solution that maximises the development potential of the site and limits the extent (particularly the cost and land take) of transport infrastructure. This further work involves:

• A capacity test at the existing roundabout junction and to evaluate whether it could be enlarged to allow a two-lane exit and include the utility box to the south. This provides a more comprehensive response to the PBA assessment and provides a solution rather than simply highlighting the deficiencies in earlier analyses.

• Commentary on the PBA Transport Study in light of the surveys and junction capacity work and the implications of this on the conclusions and recommendations drawn within the PBA report.

Other Matters

Turning to other land issues, the extant hazardous substances consent (HSC) and associated consultation zones associated with the now redundant and obsolete gasholders at Kensal remain the single biggest constraint to development within the KCOA, effectively sterilising the majority of the area. Whilst we understand that National Grid and RBKC are in discussions over the decommissioning of the gasholders, no clear programme or strategy has been set out to date. This uncertainty continues to undermine efforts by all parties to bring forward the timely regeneration of the KCOA as a whole. We would therefore urge RBKC, in its dual role as the
Hazardous Substances Authority (HCA) and Planning Authority, to intensify its engagement with National Grid so that all affected parties have a clearer understanding of when the HSC will be surrendered or revoked.

Conclusions

As owners of extensive parts of the KCOA site, SSL and the Ballymore Group generally support and welcome the overarching policy aims and objectives set out within Chapter 5 and Draft Policies CV5 and CA1.

The purpose of these representations is to seek to influence the development of the emerging policy and the forthcoming KCOA SPD so that collectively they provide a clear and deliverable framework for the comprehensive regeneration of the KCOA.

Our primary concerns relate to the proposed prescription of specific transport infrastructure solutions in the emerging policies. We firmly believe that Draft Policy CA-1 in particular should be amended, so that it is more flexible and less prescriptive. We also remain concerned about the extant gas holder HSC and its continued sterilising effect on development within the KCOA.

The DIFS and Transport Study contribute to the current evidence base and form a useful starting point in setting out potential infrastructure requirements. Further work to establish both the capacity potential of the KCOA and extent of infrastructure requirements has been carried out by WSP|PB and should be developed further to inform the development of the proposed KCOA SPD and subsequent masterplans and planning applications.

Recent studies carried out by WSP|PB have examined local traffic flows and indicate that ambitious housing densities can be achieved at the KCOA without the level or extent of infrastructure proposed in the DIFS and Transport Study. SSL and the Ballymore Group commission further work to examine junction capacity around the site and to develop highways layout options within the site which are enclosed. We hope that this work and the data derived will contribute to the further refinement of Draft Policy CA1 and the forthcoming KCOA SPD.

SSL and the Ballymore Group are keen to continue to work collaboratively with RBKC and other stakeholders to establish optimum levels of deliverable residential and non-residential development at the KCOA.

In our capacity as a major landowner in the KCOA we reserve the right to make further comments as necessary.

Yours faithfully,

Chris Girdham
Senior Development Manager
Roundstone Development Management Limited
For and on behalf of Sainsbury’s Supermarket’s Limited and the Ballymore Group
ENC WSP Transport Technical Note

CC Jonathan Rawnsley, Sainsbury’s; Bruno Moore, Sainsbury’s; Peter Halpenny, Ballymore; Nick Belsten, Indigo Planning; Mike Savage, WSP|Parsons Brinckerhoff
INTRODUCTION

WSP | Parsons Brinkerhoff has prepared this technical note to provide comments on the Kensal Canalside and North Pole Depot Transport Study prepared by PBA dated 25th October 2016.

Some initial discussions have taken place with PBA following receipt of initial study findings however in the time available PBA have not been able to take on board those comments or include the most current survey data prior to final issue of the Transport Study (TS) report. This Technical Note has been prepared to assist Royal Borough of Kensington and Chelsea (RBKC) in their future deliberations on the site and to assist in shaping an appropriate package of infrastructure for the Opportunity Area.

This Technical Note is made up of two key sections, Part A provides comments on the content of the PBA TS, whilst Part B provides details of the new traffic survey work and junction capacity analysis.

The comments made regarding the PBA note are not exhaustive but highlight the main issues identified to date. Further investigation and independent review of various parameters and assessments will lead to further submissions at a later stage in the plan process.

EXECUTIVE SUMMARY

The fundamental concern associated with the PBA work relates to the forecasting of travel demand, and then the subsequent impact of over estimating travel demand on the junction capacity analysis and transport infrastructure requirements.

WSP| Parsons Brinkerhoff has commissioned traffic surveys of the Canal Way junction and the development uses served from Canal Way. This additional data was not available to PBA at the time of their study, or to previous studies undertaken by SDG. The survey data of the store in particular allows a more accurate forecast of store flows to be developed, however even when the petrol filling station is retained on the site, this forecast is substantially lower than the theoretical exercise undertaken by PBA, which was reliant on previous work by SDG.

The more detailed and evidence based forecast results in fewer vehicles, which allows a different junction arrangement to be designed. This would not require restrictions in turning movements (banned turns), which may have further of site implications. The arrangement would not require the realignment of Kensal Road requiring third party land or the acquisition of Canalside House. The arrangement would not then create a dependency between the Kensal Canalside site and North Pole Depot, or a dependency on a vehicular bridge across GWML.

The more accurate forecast of development trips and the revised junction design therefore creates a solution that would allow the Kensal Canalside site to be developed independently and within shorter timescales. Given the potential issues associated with the North Pole Depot site being made available and the levels, programme and cost issues associated with a new vehicular bridge this is a very positive outcome. It would allow new homes to be delivered within RBKC much sooner.

Sainsbury’s will want to retain the ability to maintain the petrol filling station on site. However if they were to choose to remove this facility the level of forecast traffic flows would be lower than existing traffic flows in

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<th>Date</th>
<th>Author</th>
<th>Checked</th>
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<td>70026729</td>
<td>6 December 2016</td>
<td>M Savage</td>
<td>I Pritchard</td>
<td>M Savage</td>
</tr>
</tbody>
</table>
all but one Scenario (Scenario D, AM Peak only). Subject to fine tuning the dwelling numbers for Scenario D, the existing junction would therefore have sufficient capacity to accommodate the redevelopment of the Kensal Canalside site. Whilst there may be enhancements to the junction to facilitate better pedestrian and cycle access in this no PFS scenario, this is a significantly different position from that contemplated within the PBA TS report.

It is hoped that this Technical Note will be reviewed and accepted by RBKC and it acts as a catalyst to review the conclusions of the PBA TS report and in turn better inform the requirements for the development of the Kensal Canalside site.
PART A – COMMENTS ON PBA TRANSPORT STUDY DATED OCTOBER 2016

SECTION 2 – SETTING THE PARAMETERS OF SUPPLY AND DEMAND

SUPERMARKET TRAVEL DEMAND

The proposed store GIA is 12,056sqm whilst the existing store is 8663sqm. The store size will therefore increase by 39%, rather than the 58% assumed within the PBA report. Furthermore the trip rates applied by SDG and adopted by PBA are theoretical rates and recent survey data collected by WSP demonstrates that their assessment significantly over-estimates generated traffic. WSP|PB have now undertaken surveys of the existing store traffic and we are able to more accurately assess the likely level of increase in travel demand by reference to existing traffic flows.

The section of text from SDG (PBA TS paragraph 2.4.5) refers to a possible range of proportional increases in demand up to 24% (they provide a range of 20-24%), however a rate of 30% is adopted. Research of a wide range of stores has shown rates of around 16-18% and recent experience in Fulham had shown a replacement new build store of double the size generate fewer trips than the store it replaced. Sainsbury’s own research suggests in this location the store size increase would not increase the number of trips to the site, but instead would increase basket size (the amount spent per trip). It can be concluded that the 30% assumption used in the PBA TS report is disproportionally high and a rate of 20% is more realistic.

Applying the rate of 20% to the 39% increase leads to a 7.8% theoretical increase in trips to the store. This amounts to 18 additional two way trips in the AM peak and 36 in the PM peak, compared to the figures proposed by PBA of 72 vehicles and 209 vehicles respectively. The PBA figures are almost 6 times higher than the more accurate forecasts based upon the empirical survey flows from the store. These calculations are summarised in Appendix A of this report for the AM, PM and Saturday peak periods.

RESIDENTIAL TRAVEL DEMAND

Further work will be done in due course to review the residential trip rates and mode shares. The benefit of the new Crossrail station has been assessed as just 2% reduction in car mode share compared to the third group of Census data, but still some 5% from existing vehicle mode shares. These mode shares are for the journey to work, so ignore all other journey purposes. Whilst this may not affect car mode share significantly, it will affect the balance between public transport and walk mode.

In any event the balance between underground and rail in the table seems surprising given the Crossrail station is assumed to be present within every scenario. Whilst we would expect some Underground trips (notwithstanding the PTAL theoretical walk distance issues) we would expect the majority of rail/underground trips to utilise the Crossrail station to gain access to the underground network for the final section of the journey.

Furthermore the effect of car parking provision also needs to be considered in the assessment of vehicular trip rates.

PUBLIC TRANSPORT CAPACITY

It would be wrong in our experience to assume that all bus services are at capacity. A thorough assessment of bus network and capacity will need to be undertaken to properly assess the requirements for additional bus services.
CROSSRAIL STATION

There is no doubt that the proposed Crossrail station is highly desirable, and would indeed represent a step change in the network accessibility of the site. However the initial analysis indicates that it is not essential in fully developing the site because the ‘size of the constraints’ are not actually as great as assumed within the report, as the actual level of traffic flow for the site will be less than assumed by PBA. It is true that without Crossrail the site would be reliant upon a longer walk to stations and bus services, however the site is well served by buses, and subsequently without Crossrail, full development of the site could still proceed.

SITE ACCESS JUNCTIONS (SECTIONS 2.8 TO 2.10)

The initial testing options set out in paragraph 2.8.2 have been adopted for our own assessments. However we do not believe that sufficient attention has been paid to optimising the existing Canal Way/Ladbroke Grove roundabout junction given the more accurate traffic estimates given in this Technical Note.

BUS ROUTING OPTIONS

In respect of Decision 2 and a future link to Scrubbs Lane – this is dependent upon third party land being made available which is the key issue. That aside, the existing status of activity and bus routes on Scrubbs Lane is largely irrelevant it is the future development envisaged at Old Oak Common which is the primary driver here, and any perceived access issues (bullet 2) are surely resolvable in the longer term. As far as Kensal is concerned, an aspiration of a longer term bus routing to Old Oak for the benefit of the wider area is something that RBKC should pursue, but is not something that the redevelopment of the site can rely on at this stage, or should be required to fund.

SECTION 3 – FEASIBILITY TESTING

KENSAL PORTABELLO CROSSRAIL STATION

The step change in the accessibility by providing the new station for the site is recognised, as set out in Table 3.1, and whilst this does improve PTAL, this measure does not recognise the network accessibility benefits that would accrue.

There are a number of references to PTAL within the document and judgements are made regarding relative PTAL levels the first of which is figure 3.1. Whilst the adoption of the PTAL walk distance cut off distances might show that the PTAL drops from 3 to zero this representation is far from a realistic assessment of the accessibility of the site in a developed form and highlights the inherent flaws associated with this measure.

The western edge of the National Grid site is about 500m walk distance from Ladbroke Grove, and the existing bus stops. This is well within the walk distance for PTAL, and suggests that PTAL is not being calculated correctly for the existing location of bus stops and service frequency, relying on the existing network of streets at this point, which ‘stop’ to the west of Sainsbury’s.

The development will form a single masterplan and should be a well-designed development with a quality of public realm that will facilitate and encourage the use of walking and cycling along desire lines through the site. Therefore there will be pedestrian routes well within the PTAL ‘limits’ and this is not reflected in the PTAL calculations. The PBA assessment appears therefore to be significantly under estimating the PTAL for the western side of the site.

Even if some walk distances were above the PTAL ‘maximum’ distances (640m buses and 960m for stations), residents will not know of PTAL, or what it shows, or indeed where the magic demarcation line is
located, they will still use public transport, and they will still associate themselves with single well-designed accessible development.

There should be recognition within the PBA report and within policy documents that PTAL is a simple and flawed tool, but that a well-designed development catering for pedestrians and cyclists can deliver a high level of public transport use even if this is beyond the theoretical PTAL walk distances. In any event the PTAL calculations need to be calculated assuming a network of pedestrian routes in place within the development, even when considering the current levels of accessibility.

Figure 3-2 (and others that relate to scenario B and D) still shows development on the North Pole site which is confusing and should be amended for any future reports.

It is clear that the site has a good level of accessibility and can support a significant level of development.

JUNCTION DESIGN AND CAPACITY

In relation to the modelling work on Ladbroke Grove j/w Canal Way we do not believe that sufficient attention has been paid to the opportunity to enhance the existing roundabout junction using more realistic forecast flows. Our work on travel demand using the additional empirical survey data now available shows that the conclusions reached in paragraph 3.3.20 are not valid. We hope that the work undertaken within this note will assist in developing a more appropriate form of junction that helps deliver the development without the need to demolish buildings or acquire third party land.

We do not believe that there is dependency on the new bridge between the two sites given that a revised junction can be designed to serve the northern Kensal Canalside site independently. The implications of banned turns on the wider network (and indeed the customer demand for the store) will not now need to be tackled, simplifying greatly the delivery of this site. The Technical Assessment set out in Section B of this report demonstrates that the Kensal Canalside site can be fully developed without being reliant on a bridge linking the North Pole site.

At this stage we have not dwelt upon the operation of the Barlby Road junction, suffice to say that it would not need to accommodate Kensal Canalside development traffic as an improved junction at Canal Way/Ladbroke Grove could accommodate the associated development traffic.

INTERNAL HIGHWAY DESIGN

In Paragraph 3.4.9 it states that the various highway designs are very much concept designs that require further design to relate to forecast traffic flows. We would add that they also need to relate to building plots and create a high quality of public realm design to promote and facilitate walking and cycling in the future.

The provision of a road bridge does however create a need for level change within both the Kensal Canalside and North Pole sites which creates challenges and potential additional development costs. The need for a vehicular bridge should therefore be challenged at this stage.

ASSESSMENT OF PEDESTRIAN AND CYCLE BRIDGES

We have made comment regarding the rigid application of the PTAL distance limits which apply to a number of sections of the report. People will walk to Kensing Green station, and in addition the frequent bus routes also make this very accessible. It is apparent that the provision of pedestrian/cycle bridges would assist in improving the accessibility of the site. RBKC should advance discussions with the cemetery owners to establish how a route could be secured to the north to operate into the evening even in hours of darkness.

BUS STRATEGY – ROUTING ASSESSMENT

Paragraph 3.6.6 refers to the traffic modelling and restrictions at the junction of Canal Way and Ladbroke Grove. We do not believe these restrictions should exist and therefore bus routing strategy is not constrained by this factor. Whilst options to enhance the number of buses serving the site is to be
welcomed, it is premature for the Transport Study to recommend the removal or re-routeing of services serving the site. The improvement of the Canal Way roundabout as justified within this report would allow service 70 to be retained within the Kensal Canalside site and therefore this service should be retained to maximise accessibility of the northern site. Furthermore service 70 is stated as being removed from stops R and S and yet the London Bus Map at Appendix A states the service also stops at stop U and T within the site.

Scenarios B and D Option 1 is described as do Maximum, but removes service 23 from within the site which has an 8 minute headway. This should be retained within the site. Options 2 and 3 only serve to worsen bus accessibility to the site, and other than providing some different scenarios to test it is unclear how these options assist in helping to deliver high density development on the site.

In relation to the PTAL Assessments for Options B and D these should be re-run including Option 1 Do Maximum given the constraints at the Canal Way junction have been removed.

SECTION 4 - CONCLUSIONS AND RECOMMENDATIONS

Our key comments are as follows

- PTAL is a crude measure of accessibility and a well-designed site will enable residents in the western end of the site to enjoy a similar access to public transport as those in the rest of the site, the stepped accessibility derived using PTAL cut off distances is artificial and does not replicate actual behaviour.

- We agree that if the Crossrail station can be secured this represents a step change in accessibility significantly improving access time to key destinations to the east. We do not agree however that this is a ‘required’ level of accessibility, and whilst this step change can only be delivered through a new station it should not prevent high quality development being delivered at an appropriate density on the site.

- We support the aspiration to deliver a new Kensal Portabello Crossrail station on the site as set out in Recommendation 1.

- Paragraph 4.3.6 refers to the right turn from Ladbroke Grove into Kensal Road being banned, but this is not reflected in the modelling or junction design.

- We believe that with correctly forecast traffic flows an enhanced Ladbroke Grove/Canal Way junction design can be delivered to adequately accommodate all the development traffic in Scenarios B and D, without the need for third party land.

- Contrary to the comments in paragraph 4.3.13 onwards the Kensal Canalside site is not dependent upon the proposed road bridge, and it is not dependent upon the progress of the North Pole site. This is critical for the timely delivery of development on Kensal Canalside.

- We agree with the comments in Paragraph 4.3.15 in respect that further work needs to be undertaken to inform the parameters of demand and supply and we are happy to collaborate with PBA to assist in ensuring that the sites can be delivered independently and as quickly as is practicable.

- Amend Recommendation 2 to remove all reference to dependency between the sites.

- Delete Recommendation 3 as there would be no reassignment necessary.

- One of the fundamental issues associated with delivery of the development is that the existing Sainsbury’s store will need to remain open and trading whilst the new store is being built. This prevents the store being built further to the east of the site. This constraint needs to be recognised, and in doing so Recommendation 4 is no longer relevant.
Bus access within the area should be enhanced, and we have identified a junction solution that can accommodate the likely development traffic flows. Therefore in Recommendation 5 we do not support Bus Option 3, and propose that Bus Option 1 be retained and assessed.

In regard to Recommendation 6, it should be acknowledged that the benefits of reducing the level of car parking on the site from current ownership levels to 0.3 spaces per dwelling average have not yet been accounted for within the trip attraction analysis. In addition it should be acknowledged that there are commercial and viability issues that need to be addressed. The reduction of car parking will affect the sales values and sales rates associated with the development which goes to the heart of viability.

We support the provision of bridges where these will materially improve accessibility, however this Recommendation 6 should remove reference to the bridge over GWML being a road bridge. On the basis that the traffic associated with the Kensal Canalside development can be accommodated at the Canal Way junction, the bridge over GWML could be for pedestrians and cycles only and still provide material benefits to the accessibility of the North Pole Depot without the need for vehicles to use the bridge as well. This would reduce costs and the extent of land required for highway junctions.

We support Recommendation 7 (on page 65 of the report)

The analysis in section 4.6 starts from the flawed position that there is a capacity issue/constraint at the Canal Way junction with Ladbroke Grove. As such the section needs to be fundamentally revised in light of the additional survey data and junction analysis work presented within this note.

We do not support Recommendation 7 (the second Recommendation 7 listed on page 67) and believe that Bus Option 1 should be progressed. Also there does not need to be a link between the bus strategy and car parking.

We believe Bus Option 1 should be supported for Scenario A in Recommendation 8

We do not support Recommendation 9 as there is not a capacity constraint and therefore Bus Option 1 should be supported.

The sections on PTAL Assessment (subject to the comments made previously of the flaws of this method) and Transport Intervention Strategy will need to be reviewed and amended in light of the comments made within this note.
PART B - TECHNICAL ANALYSIS OF CANAL WAY/LADBROKE GROVE JUNCTION

DESCRIPTION OF TRAFFIC SURVEYS
Traffic surveys were undertaken in November 2016 to capture the traffic activity and patterns in the Kensal Canalside area. Traffic data have been collected in the AM and PM peak on a neutral weekday, Thursday 3rd November, and in the peak period on Saturday 5th November 2016 and in the following times:
- AM peak: 07:00 – 10:00
- PM peak: 16:00 – 19:00
- Saturday peak: 10:00 – 14:00

Classified turning counts have been undertaken in the following junctions:
- Ladbroke Grove / Canal Way
- Canal Way / Canal Close
- Canal Way / exit from the Petrol Station
- Canal Way / entry to the Petrol Station and exit from the car park
- Canal Way / entry to the Sainsbury’s car park and the service yard

Two way counts have been collected during the same peak periods at the National Grid area and at the area west of it.

ANALYSIS OF FUTURE TRAFFIC FLOWS
We have undertaken two assessments
- Maintaining PFS on site
- Removing PFS from the site

MAINTAINING PFS ON SITE
For our traffic flow comparisons, we have made the following simplified assumptions at this stage:
- Residential flows are PBA figures with the 13% car mode share assuming Crossrail
- Existing flows west of Sainsbury’s and Canal Close retained
- Where the bridge is in place, development traffic in north assumed to enter and egress to north, North Pole depot assumed to enter and egress to the south
- With the Bridge in place we have assumed the ‘U-turns’ (associated with Buses) will be halved as buses enter from one junction and exit via another.
- The PFS flows as existing.

The traffic flows are shown on the Tables in Appendix A. Tables A1.1-A1.4 show the Am flows for each of the four scenarios, Tables 2.1-2.4 for the PM peak, and Tables A3.1-A3.4 for the Saturday period (not assessed by PBA).

Results:
Existing two way traffic flows from the site equal 926 vehicles.

- Scenario A increases two way flow by around 60 vehicles
- Scenario B by 150 vehicles
- Scenario C by 90 vehicles
- Scenario D by 190 vehicles.

As noted above these flow increases are almost 180 vehicles less than those assumed by PBA. For the Scenario D, the PBA additional flow would be about double the flows we have calculated; for Scenario B PBA flows are more than double.

In all scenarios retaining the PFS however there is a small increase in traffic flow on a junction operating at about capacity.

REMOVING PFS ON SITE

If Sainsbury’s were to agree to remove the PFS flows – in all cases traffic flows would be lower than currently exists on site in the PM and Saturday Peak. We would therefore require no junction improvements for capacity reasons. The reductions in traffic flow range from 50 vehicles to some 180 vehicle reductions in the evening peak. There is only one scenario (at present) in the AM Peak Scenario D where there is a 40 vehicle increase, for 3000 dwellings. Further work on the extant flows and potentially reduction in dwellings would make this traffic neutral as well.

TRAFFIC MODELLING AND RESULTS INCLUDING PFS ON SITE

Modelling assessment with the future flows has been undertaken in ARCADY where the roundabout at the Canal Way / Ladbroke Grove junction has been tested. The existing traffic flows have been assessed and compared to the existing junction with development trips added. There is some worsening of conditions which will be subject to review. However in order to demonstrate that junctions can be facilitated with amendments to the existing junction, a revised junction arrangement has been developed.

Plan 70026729 SK-01 shows the revised junction design and how this scheme can be delivered without taking adjacent properties. One element that has been assumed is that the existing substation would be capable of being relocated and re-provided, and that this is far more deliverable than the realignment of Kensal Road and the third party land required, and the acquisition of Canalside House. The capacity results are included within Appendix B and show that with the revised junction, operating conditions at the junction can be brought back to a level of performance better than the current level of operation.

The revised junction design delivers improved capacity, but also pedestrian islands of between 3-4m to allow better crossing facilities for pedestrians. The scheme will need to be subject to further design and refinement in order to ensure that the scheme is designed to improve the quality of public realm. Consideration will need to be given to whether entry treatments or changes in surfacing would help to ensure a calmed junction environment.
APPENDIX A
### Table A.1.2: 3,516 units (bridge scenario)

<table>
<thead>
<tr>
<th>Site</th>
<th>Existing</th>
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<th>Proposed without PFS</th>
<th>Net Change with PFS</th>
<th>Net Change without PFS</th>
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</tr>
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**Flow entering the roundabout**

- **AM peak hour (08:00-09:00)**
  - Sainsbury's Car Park Entry
  - Sainsbury's Car Park Exit
  - Petrol Filling Station
  - Canal Close
  - Canal Way

### Table A.1.3: 5,000 units (bridge scenario)

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**Flow entering the roundabout**

- **AM peak hour (08:00-09:00)**
  - Sainsbury's Car Park Entry
  - Sainsbury's Car Park Exit
  - Petrol Filling Station
  - Canal Close
  - Canal Way

### Table A.1.4: 5,000 units (bridge scenario)

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**Flow entering the roundabout**

- **AM peak hour (08:00-09:00)**
  - Sainsbury's Car Park Entry
  - Sainsbury's Car Park Exit
  - Petrol Filling Station
  - Canal Close
  - Canal Way
### A.2.1 Scenario B: 4,000 units

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### A.2.2 Scenario C: 5,000 units

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### A.2.3 Scenario D: 2,310 units

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### A.2.4 Scenario E: 3,516 units

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### Flow entering the roundabout

- **Sainsbury's Car Park Entry**
- **Sainsbury's Car Park Exit**
- **Petrol Filling Station**
- **Canal Close**
- **Canal Way**
APPENDIX B
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APPENDIX C
Dear Sir or Madam,

RBKC LOCAL PLAN PARTIAL REVIEW

SAINSBURY’S SUPERMARKETS LIMITED AND BALLYMORE GROUP JOINT REPRESENTATIONS ON CHAPTER 5, PUBLICATION POLICIES CV5 – VISION FOR KENSAL AND CA1 - KENSAL CANALSIDE OPPORTUNITY AREA

Further to our previous representations to the Draft Policies consultation, Sainsbury’s Supermarkets Ltd (SSL) and Ballymore continue to support the general aims of Policies CV5 and CA1 and welcome RBKC’s ambition to deliver an outstanding, sustainable and integrated neighbourhood.

We reaffirm our position, supporting the intention of comprehensive residential-led regeneration in the Kensal Canalside Opportunity Area (KCOA), including delivery of a Crossrail station. However, SSL and Ballymore maintain the following comments on the draft policy:

- Further technical assessment is required to support 3,500 homes on the site and this should not be set as a policy minimum;
- Policy CA1 should acknowledge a phased approach is required to comprehensive development of the site;
- A clear programme and strategy is required in relation to decommissioning of the gasholders and revocation of the extant hazardous substances consent (HSC).

We intend, however, to request the Inspector’s permission to clarify our position at the EIP on issues of soundness and compliance with Paragraph 182 of the NPPF.
Infrastructure

We note from responses set out in the Consultation Statement (February 2017) that RBKC are standing by the infrastructure studies carried out by Peter Brett Associates (PBA), despite alternative studies carried out by WSP|Parsons Brinckerhoff (WSP|PB) demonstrating that 3500 homes could be achieved without the extent of infrastructure proposed.

The wording and supporting text of Policy CA1 are overly prescriptive in specifying the need for specific infrastructure requirements, including the new road bridge over the railway and the remodeling of the Ladbrooke Grove junctions. It is not currently known whether all interventions identified in PBA’s Development Infrastructure Funding Study (DIFS) are necessary. We, therefore, reiterate the need for the policy wording to remain high level at this stage to allow maximum flexibility in terms of infrastructure provision and cost.

We note amendments to Paragraph 5.4, establishing that RBKC ‘will support the delivery of’ a new road bridge across the railway line. We seek clarification on whether this is an acknowledgement by RBKC that absolute infrastructure requirements are not known at this stage and flexibility is required. This flexibility should be reflected in Policy CA1 and Infrastructure and Planning Contributions Point Q, which currently specifies a new road bridge across the railway. This is inconsistent with the supporting text in Paragraph 5.4 and not justified.

As noted in Consultation Statement (February 2017) this position is supported by the GLA and TFL, who state that:

‘TfL would be keen to work with RBKC on the proposed SPD for the area including potential improvements to public transport, highway network and pedestrian and cycle links. We would suggest, in view of the uncertainty, this work considers the option of development with or without a Crossrail station and/or the North Pole depot’.

Delivery/Phasing

The KCOA site as a whole presents complex land assembly and viability issues requiring further evaluation and resolution, not least unresolved questions over the availability or otherwise of North Pole depot to accommodate new road infrastructure, and the potential consequential loss of important potential housing land throughout the KCOA.

We reiterate that restrictive phasing obligations should not be imposed arbitrarily given the release and uncertainty of land coming forward in the wider KCOA, including North Pole depot, and maximum flexibility should be maintained at this stage. It is SSL and Ballymore’s view that the delivery of development to the north of the railway should not be contingent on commencement of development or delivery of infrastructure outside their control.

It is acknowledged that RBKC have identified that a Phasing Strategy will come forward as part of the SPD process. Notwithstanding this, we maintain that this is fundamental to unlocking the delivery of the KCOA and therefore should be embedded in Local Plan policy.
Highways Matters

The roundabout junction that WSP put forward within their Technical Note dated 9th December 2016 was extensively tested using a realistic approach to the likely trip generation associated with the Site and detailed ARCADY analysis. The traffic flows used within the WSP assessment were based on up to date survey data and provide a far more accurate estimate of future vehicle trips than those assumed within the PBA assessment that utilised dated information. The more accurate estimate of the Sainsbury’s store trips generated significantly change the volume of trips that have to be accommodated and will change the results set out in the PBA report.

The data indicates there is sufficient highway capacity for proposed development north of the railway without providing the new road bridge across the railway line and a signalised junction, which requires extensive third party land, demolition of Bridge House and extensive highway works throughout the site. Accordingly, we consider that the development can be served through improvements to the existing roundabout.

RBKC do not contest that enlargement and improvement of the existing roundabout would satisfactorily accommodate development flows, however, consider that a roundabout solution would be contrary to Policy CT1 on grounds of provision for pedestrians and cyclists. In their response to Question CV5 (2) RBKC state that:

‘The junction design espoused by WSP would provide no pedestrian facilities. As the primary means of access to the opportunity area, this junction must provide high quality provision for pedestrians and cyclists to be policy compliant.’

There are a number of examples where roundabouts have been design to provide a high quality of public realm design where islands for pedestrians and slow speeds assisting cyclist movement have been incorporated into give way roundabout junctions including the following, as illustrated in Appendix 1:

- Exhibition Way /Prince Consort Way LB Kensington and Chelsea;
- Park Lane / Chester Road / A523 – Poynton; and
- Elwick Road / Godinton Road / West Street Ashford.

As the design is developed, pedestrian / cyclist facilities as outlined above with be tested and designed into the proposed layout. Pedestrian flows can be analysed and assessed to determine whether formal crossings are required and if so where.

Conclusions

In conclusion, SSL and Ballymore remain supportive of the overarching aims and objectives of Policies CV5 and CA1. We maintain, however, that flexibility is required in relation to infrastructure delivery options and a phased approach to delivery, recognizing viability and land assembly constraints. Further testing is required to inform infrastructure requirements and associated costs.

WSP consider that the traffic flows surveyed of the site and its component parts provides a more recent and accurate picture of the likely level of travel demand at the junction.
An alternative well designed and landscaped roundabout if designed correctly could present a transformational presence on Ladbroke Road, without requiring dependency on other elements on expensive infrastructure.

We welcome the opportunity to further discussing any aspect of our response with RBKC officers prior to the EIP submission stage.

We would be grateful for your response at the earliest opportunity.

Yours sincerely,

Chris Girdham
Senior Development Manager
Roundstone Development Management Limited
For and on behalf of Sainsbury’s Supermarket’s Limited and the Ballymore Group

CC Jonathan Rawnsley, Sainsbury’s; Bruno Moore, Sainsbury’s; Peter Halpenny, Ballymore; Nick Belsten, Indigo Planning; Mike Savage, WSP/Parsons Brinckerhoff
Appendix 1

- Exhibition Way / Prince Consort Way LB Kensington and Chelsea

- Park Lane / Chester Road / A523 – Poynton;
Elwick Road / Godinton Road / West Street Ashford
Kensal Canalside
Statement of Common Ground

Sainsbury's Supermarkets Limited
Fortress Limited
Royal Borough of Kensington & Chelsea
# Kensal Canalside

## Statement of Common Ground

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Kensal Canalside
Statement of Common Ground

Appendices

Appendix 1
Land ownership map

Appendix 2
Representations in letter dated 9 December 2016

Appendix 3
Representations in letter dated 15 March 2017
1. **Introduction**

1.1. This document comprises the Statement of Common Ground (SoCG) between Sainsbury’s Supermarkets Limited (SSL), Fortress Limited, a Ballymore Group (Ballymore) company and the Royal Borough of Kensington and Chelsea (RBKC) with regard to representations to the Examination in Public of the Royal Borough of Kensington and Chelsea Local Plan Partial Review.

1.2. SSL and Ballymore are majority landowners within the Kensal Canalside Opportunity Area (KCOA). (See attached land ownership map in Appendix 1)

1.3. The KCOA is designated an Opportunity Area in the adopted London Plan (2016) and the adopted RBKC Local Plan (2015).

1.4. The KCOA is generally bounded by the Grand Union Canal on the north, the North Pole railway depot on the south, Ladbroke Grove on the east and the border with the London Borough of Hammersmith and Fulham on the west.

1.5. RBKC is in the process of undertaking a Partial Review of the Local Plan. On 5 May 2017 RBKC submitted the Local Plan Partial Review and supporting documents to the Secretary of State for Communities and Local Government (now the Secretary of State for Housing, Communities and Local Government) for independent examination by the Planning Inspectorate. The examination hearings are scheduled to take place 27 February 2018 to 16 March 2018.

1.6. This SoCG is a written statement containing factual information about the matters agreed to date between SSL, Ballymore and RBKC. Its purpose is to establish the matters agreed (Agreed Matters) to inform the Inspector.

1.7. Agreed Matters are set out in section 4.

1.8. Amendments to the Publication Policies that will implement Agreed Matters are in section 5.

1.9. The SoCG has been jointly prepared by:

1.10. Indigo Planning (on behalf of Sainsbury’s Supermarkets Limited and Ballymore Group)

1.11. **Signed:** [Signature] 

1.12. **Date:** 09-04-18 INDIGO PLANNING

1.13. Royal Borough of Kensington and Chelsea

1.14. **Signed:** [Signature] 

1.15. **Date:** 8/2/2018

Indigo on behalf of Sainsbury’s Supermarkets Limited and Ballymore Group
2. **Context of Discussions**

2.1. During the course of the RBiKC Local Plan Partial Review, SSL and Ballymore have made joint representations to the:

- Regulation 18 Draft Policies consultation (see Appendix 2 letter dated 9 December 2016), and

- Regulation 19 Publication Policies consultation (see Appendix 3 letter dated 15 March 2017)

2.2. RBiKC responded to the representations via published consultation schedules.

2.3. The sections below detail the Agreed Matters and the proposed amendments to the Publication Policies that are needed to implement the Agreed Matters.
3. Overarching Planning Policy Context

Adopted Policy

3.1. The RBKC Development Plan comprises:
   - The London Plan (2010);
   - The RBKC Local Plan (2015);
   - The RBKC Core Strategies Proposals Map (2010); and
   - The RBKC Unitary Development Plan Extant Policies.

3.2. The London Plan designates Kensal Canalside as an Opportunity Area with an indicative employment capacity of 2,000 jobs and a minimum of 3,500 new homes. The allocation acknowledges the pivotal role of transportation infrastructure in unlocking the potential of the area.

3.3. The adopted Local Plan (2015) includes the KCOA with an allocation for a minimum of 2,500 dwellings and a minimum of 12,000 sqm of office and non-residential floorspace. The current policy includes infrastructure requirements to support the delivery of KCOA and anticipates the drafting of an SPD for the site.

Emerging Policy

3.4. RBKC is carrying out a Partial Review of the Local Plan. This statement of common ground relates to the following policies as set out in the Proposed Modifications (SUB6) and Further Modifications (CED004).

3.5. Policies CV5 and CA1 are excerpted below:

   CV5 Vision for Kensal in 2028

   Kensal Canalside Opportunity Area will have been transformed from a former gasworks and railway depot into a thriving, well-connected community. A new Elizabeth Line station will minimise the need for private vehicle use, improve employment prospects in the north of the borough and make travelling to work easier. Drawing on its industrial heritage, new housing will complement the historic setting of the Kensal Green Cemetery and dockside development will improve access to the waterway. New connections will knit the new neighbourhood into the existing city fabric and link westwards to Scrubs Lane and Old Oak Park Royal.

   Two new schools will have been built at Bartby Road, and new housing will have been delivered as part of the Council’s investment in the Treverton estate.

   Kensal Employment Zone will provide flexible workspace, and supporting uses that bring vitality, building on the area’s existing strengths in the creative sector.

   Site Allocation CA1: Kensal Canalside Opportunity Area

   Site Context

   5.7.1 Kensal Canalside is the last remaining large brownfield site in the borough. It adjoins the Old Oak and Park Royal Opportunity Area to the west and has the
potential to and act as a catalyst for the regeneration of the whole of this part of northwest central London as it will be developed before Old Oak and Park Royal.

5.7.2 The opportunity area consists of the former Kensal Gasworks north of the railway line and the North Pole railway depot to the south. Part of the northern site is now occupied by a Sainsbury’s supermarket and petrol station. The site is bound by the Grand Union Canal and Kensal Green Cemetery to the north.

5.7.3 There is only one road access to the site north of the railway line and the junction with Ladbrooke Grove is now at capacity. This severely constrains the development that can be accommodated on the site without significant transport improvements. Optimal development of the site can only be achieved with a new road bridge over the railway line, improving access, and a new Elizabeth Line station, reducing the need for private car ownership. Building the new road bridge requires release of at least part of the North Pole railway depot to the south, which is currently designated for railway use.

Policy CA1 Kensal Canalside Opportunity Area

The Council allocates development on the site to deliver, in terms of:

Land Use

a. A minimum of:

- 3,500 new residential units;
- 10,000 sqm of new offices; and
- 2,000sqm of new non-residential spaces, including social and community and local shopping facilities in addition to the supermarket.

b. A station on the Elizabeth Line;
c. The Relocation and re-provision of the existing Sainsbury’s supermarket;
d. On-site renewable energy sources to serve the site with the potential to contribute to the heat and energy demand of the wider community as part of a district heat and energy network, and
e. The provision of on-site waste management facilities to deal with the development’s waste arisings from the new uses of the site (including recycling facilities and/or anaerobic digestion).

Principles

f. Comprehensive development of the site in accordance with an urban design framework that will be set out in the Kensal Canalside Opportunity Area SPD;
g. A high-density development with a high environmental standard in terms of construction, building materials, waste management and energy usage/retention and low levels of car dependency and ownership;
h. Improved infrastructure including a new road bridge over the railway, a new pedestrian and cycle bridge over the canal, remodelling of the Ladbrooke Grove junctions, and new streets that connect the site into its surrounding context and other public transport links;
i. Attractive, usable and flexible public realm providing an appropriate setting for mixed-use canalside development which features leisure, education and
business uses as well as housing;

j. The improvement and relocation of facilities currently provided by Canalside House and the Boathouse Centre on-site if relocation is required to achieve comprehensive redevelopment along the canalside and Ladbroke Grove;

k. The retention of the area west of the gas holders for the provision of electricity infrastructure. Part of this site may also be required for a gas pressure reduction station, replacing the gas holders. Any buildings must be of a high architectural standard and in keeping with the overall redevelopment of the site;

l. The ongoing access to, and respect for, the memorial site of the victims of the Ladbroke Grove rail disaster; and

m. A suitable setting for the designated heritage assets.

Infrastructure and Planning Contributions

Kensal Opportunity Area is zero rated for Borough CIL so the required infrastructure will be funded through s106 agreements, subject to pooling restrictions.

n. An Elizabeth Line station (subject to meeting Network Rail’s design requirements);

o. Social and community facilities (including health, education and police) depending on the population change;

p. Affordable housing;

q. Construction and maintenance of a new road bridge across the railway line to accommodate additional traffic generated by development of the site and a pedestrian and cycle bridge over the canal;

r. Public realm and public spaces and improvements to little Wormwood Scrubs and Kensal Green Cemetery (subject to access through the cemetery and a linking bridge over the canal);

s. Improved transport infrastructure including better bus links and new roads and improvements to the junctions with Ladbroke Grove;

t. Landscaping and amenity improvements to the Grand Union Canal;

u. On-site renewable energy sources to serve the new development and form part of a wider development in the future;

v. on-site waste management and on-site waste water treatment facilities, which could include recycling facilities and anaerobic digestion; and

w. Other contributions as set out in relevant SPDs.

3.6. The draft London Plan was released for review in December 2017 with Examination in Public expected in Autumn 2018 and adoption of the plan expected in Autumn 2019.

3.7. The draft London Plan includes Kensal Canalside as an Opportunity Area with an allocation for 3,500 homes and 2,000 jobs. Policy GG2 (Making the best use of land) sets the draft plan’s central objective to maximise the potential of available land by, among other measures, prioritising the development of Opportunity Areas. Draft Policy SD1 (Opportunity Areas) directs boroughs to meet or exceed, where appropriate, the indicative targets for housing and employment. Boroughs must also plan for the necessary level of infrastructure to sustain growth.
4. **Agreed Matters**

**Overarching objectives of KCOA regeneration**

4.1. The overall aims and objectives of draft Policy CV5 are supported. These include the regeneration of the area to deliver high quality sustainable development including significant housing provision, a new Sainsbury’s superstore, commercial, retail and community uses and high quality public realm.

4.2. In general terms, draft Policy CA1 sets out the appropriate uses and minimum levels of development, subject to the policy amendments set out below.

**Housing**

4.3. Through the draft amendment of Policy CV5 to include housing in principles and priorities, the Publication Policies now appropriately reflect housing as a fundamental priority in the KCOA.

4.4. Policy CA1 should acknowledge that the delivery of a minimum of 3,500 new residential units is contingent on land assembly and phased development with each phase triggering an appropriate level of infrastructure.

**Infrastructure**

4.5. SSL and Ballymore are supportive of the principle and potential benefits of new transport infrastructure and public transport services connecting Old Oak Common and the Kensal Canalside.

4.6. Policy CA1 should acknowledge that the requirements for the station on the Elizabeth Line and the new road bridge over the railway is subject to further technical studies. Policy CA1 should also allow development to take place should there be factors that prevent the delivery of the Elizabeth Line station.

4.7. Policy CA1 should acknowledge that, if required, the delivery of the new road bridge over the railway should come forward only when qualifying criteria, to be determined, are met and trigger events occur. These criteria should be based on capacity studies to come forward through the SPD process and should not be a pre-condition to the first phases of development coming forward.

4.8. Policy CA1 should confirm that contributions to infrastructure and detailed apportionment of costs, to be secured through S106 agreements, are subject to further viability assessment.

**Phasing, delivery and scenarios**

4.9. Development of the KCOA should be based on a flexible phasing strategy, which would enable the development of lands north of the railway to commence without reliance on third parties’ holdings or others’ planning approvals. We agree that development impacts should be duly mitigated and this may require the implementation of off-site highway works at an appropriate time, to be agreed once the details and phasing of any development proposals are known.
5. Amendments to Publication Policies

5.1. In light of Agreed Matters, the following amendments should be made to Publication Policies:

Policy CV5

5.2. Paragraph 5.1.1: Text should appropriately stipulate that the Principles, Priorities and Delivery within Policy CV5 are contingent on further assessment.

Kensal lies to the very north of the borough, bordering the London Boroughs of Hammersmith and Fulham, Brent and the City of Westminster, and is adjacent to the Old Oak and Park Royal regeneration area. The Principles, Priorities and Delivery outlined below will be subject to further technical and feasibility studies that will consider infrastructure requirements and triggers, and development phasing.

5.3. Paragraph 5.2: Text should not include language prescribing specific infrastructure.

The area has relatively poor public transport accessibility-compared to the rest of the borough. The Elizabeth Line will run above ground in the existing rail corridor through Kensal Canalside. A station here would improve accessibility, enhance employment prospects for local people and stimulate regeneration and growth in this part of the borough.

Policy CA1

5.4. Paragraph 5.7.3: The text setting the context for infrastructure improvements should acknowledge that the improvements are conditioned on further assessment and phasing.

There is only one road access to the site north of the railway line and the junction with Ladbroke Grove is now at close to capacity. This severely constrains the traffic generating development that can be accommodated on the site without significant transport improvements or reductions in existing traffic generating uses on the site. Optimal development of the site can only be achieved with a new road bridge over the railway line, improving access, and a new Elizabeth Line station, reducing the need for private car ownership. Building the new road bridge requires release of at least part of the North Pole railway depot to the south, which is currently designated for railway use. The north site should make provision for the future road bridge, however, associated land should be released for development should it be deemed unnecessary by the local planning authority following further technical assessment. A new station on the Elizabeth Line would improve rail access, network accessibility and help to reduce the need for private car ownership. The Council will ensure that any development adjacent to the KCOA will not prejudice the deliverability of necessary transportation infrastructure, with particular regard to the improvement of access from the opportunity area onto Ladbroke Grove.

5.5. CA1: Text should appropriately stipulate that the allocation Land Use, Principles and Infrastructure and Planning Obligations within Policy CA1 are contingent on further assessment and a phasing strategy.

At the end of Policy CA1, following criterion "w."

The abovementioned allocation set out within criterion (a) - (w) would be subject to further technical and feasibility assessment that will consider infrastructure requirements based on residential capacity testing, viability and an appropriate phasing strategy.
6. Deliverability and HSC Revocation

6.1. On 27 October 2017, SSL and Ballymore submitted a request to RBKC as the Hazardous Substances Authority for the administration area of the Royal Borough of Kensington and Chelsea to revoke the Hazardous Substances Consent granted to Transco (reference PP/00/00/734) for the redundant Kensal Gas Holders. The request for revocation was acknowledged and allocated case reference number PP/17/06990. The revocation request is expected to be considered at RBKC's planning committee on 27 February 2018.

6.2. The HSE’s published consultation zones in respect of the Kensal Gas Holders currently cover a significant proportion of the KCOA. HSE has indicated that whilst the hazardous substances consent remains in place, the consultation zones must remain in place. Accordingly, the extant HSC is a hindrance to the deliverability of the KCOA within the plan period.

6.3. SSL and Ballymore will submit a Hearing Statement which will address the potential effect on deliverability of the KCOA if the Hazardous Substances Consent is not revoked.
HSE pre-application advice on Ladbroke Grove Project


Date: July 2016
HSE Ref: D755

www.hse.gov.uk
### Document Control

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**Approved By:** Stuart Reston  

**Project Number**  
D755  

**Case Ref**  

**HSE Ref**  

**Issue**  
Revision 2  

**Date**  
August 2016  

**Prepared for**  
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### Revision History

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Contents

1. Introduction
2. Major accident hazard pipelines and hazardous substances site
3. HSE's assessment of site plans
4. Influence of the pipeline consultation zones
5. Grampian Conditions and Hazardous Substances Consent
6. Conclusion
7. Contact details

Appendix A: Web App advice for Housing
Appendix B: Web App Advice for Supermarket
Appendix C: Web App Advice for School
Appendix D: Screen shot from the HSE web app showing current HSE consultation distances
1 Introduction

1.1 Under the Town and Country Planning (Development Management Procedure) (England) Order 2015, HSE is a statutory consultee for certain developments within the consultation distance of major hazard sites and major accident hazard pipelines.

1.2 Major Hazard Sites/Pipelines are subject to the requirements of the Health and Safety at Work etc. Act 1974, which specifically includes provisions for the protection of the public. However, the possibility remains that a major accident could occur at any installation and that this could have serious consequences for people in the vicinity. Although the likelihood of a major accident occurring is small, it is felt prudent for planning purposes to consider the risks to people in the vicinity of the hazardous installation. Where hazardous substances consent has been granted (by the hazardous substances authority), then the maximum quantity of hazardous substance that is permitted to be on site is used as the basis of HSE’s assessment.

1.3 HSE has been asked to provide its pre-application advice in respect of a proposed development at Canal Way, Ladbroke Grove, London.

1.4 The proposed development has not fully been defined however it will consist of the following uses:

- A Sainsbury’s Supermarket (130,000 sqft)
- At least 1,000 residential units
- A school site
- Public Realm (unspecified)

2 Major Accident Hazard Pipeline and Major Hazard

2.1 The proposed development site lies within the HSE consultation distance of the following major hazard site and Major Accident Hazard Pipeline

- H1465 Transco PLC, Kensal Green Holder Station
- Pipeline Transco Ref 2267, Stanmore to Kensal Green

2.2 It is HSE’s current understanding that the hazardous substances consent (HSC) for the Kensal Green Gasholder station remains in place, therefore HSE’s consultation zones remain around the site and our advice is based on this assessment.
2.3 The Major Accident Hazard Pipeline that enters the site to the North West has the following information:

Pipeline Reference: 2267, Name: Stanmore to Kensal Green, Operator: National Grid Gas

HSE Zones: Inner Zone= 3 meters, Middle Zone= 3 meters, Outer Zone= 3 meters

These distances apply on either side of the pipeline. Please contact the pipeline operator for any constraints they may have around the pipeline, and for a map showing the pipeline route.

2.4 Medium Pressure Spur iron gas pipeline 48” diameter.

According to HSE’s records this is not a major accident hazard pipeline (MAHP). HSE has no knowledge of National Grid’s plans for this pipeline and we advise that you contact them to establish the future operational need for that pipeline.

3 HSE’s assessment of the proposed development

3.1 HSE’s assessment is based upon the site masterplan supplied by Chris Girdham on the 17/06/16 (Ref 2) (Crossrail Masterplan Study 13/3/06). The masterplan shows a number of different development types including, residential, a supermarket and a school. Each development type has been considered using HSE’s Land Use Planning Methodology (Ref 1). Where appropriate this was done using HSE’s LUP web app (Ref 3).

3.2 The site has differing development types that are stacked one on top of each other, i.e. the supermarket with housing on a different level. Each development type (housing, indoor use by public etc) has been considered individually within the HSE land use planning web app. These results were then combined to give HSE’s overall advice for the site. This advice is based on the current status of the hazardous substances consent as detailed in section 2.2 above. HSE’s methodology considers developments to determine their ‘sensitivity level’ (SL) and the methodology determines the zone within which the development of that sensitivity level is located. The combination of these two factors gives HSE’s land use planning advice

3.3 **Housing.** The proposed housing contained within this development falls within the HSE inner, middle and outer zones of the major hazard site. As more than 10% of the housing area falls within the Inner Zone then, according to HSE’s land use planning methodology, the housing is considered to fall within the Inner Zone. As there are more than 30 dwelling units within this proposal then the housing is considered as sensitivity level 3
3.4 **Supermarket.** The supermarket element of the development falls within the HSE inner, middle and outer zones of the gasholder site. Using the drawings supplied it appears that, more than 10% of the supermarket falls within the HSE Inner Zone, therefore the supermarket is considered to fall within the Inner Zone. According to HSE’s methodology a supermarket is classified as ‘indoor use by public’ and as the development is for more than 5000 meters squared total floor space it is classified as an SL3 development (Ref 1, Table 2). An SL3 development within the Inner Zone would result in an Advise Against response from HSE. The full report from the web app can be found in Appendix B.

If the existing supermarket was to be replaced with another supermarket on the same footprint and no other development added (eg housing) then HSE would still need to be consulted. The supermarket is classified as ‘indoor use by public’ and as it is for more than 5000 meters squared floor space it would be classified as a sensitivity level 3 development. More than 10% of the current footprint lies within the Middle Zone, therefore this development would be considered as falling within the Middle Zone. An SL3 development within the Middle Zone would result in an Advise Against response from HSE.

3.5 **School.** The school site falls within the HSE middle and outer zones. As more than 10% of the school site (this includes all the buildings and grounds) falls within the Middle zone, this is considered within HSE’s methodology to be in the Middle zone. A school is classified as ‘institutional accommodation and education’. We have assumed that the school is day care only and that the area of the site is less than 1.4 hectares, this is considered an SL3 development as there will be a substantial increase in numbers of vulnerable people (Ref 1, Table 2). An SL3 development within the middle zone would result in an Advise Against response from HSE. The full report from the web app can be found in Appendix C. Chris Girdham advised in a meeting with HSE on 12/08/2016 that the school may no longer be part of the future development of this site.

3.6 **Public Realm.** It is unclear where this area is on the site and what it refers to. If this public realm falls within the HSE consultation zones then we would need to consider which development type is appropriate and, if relevant into which consultation zone the development falls.
3.7 **HSE’s Overall Advice.** If any individual development type receives an ‘Advise Against’ decision then HSE’s overall advice with respect to the whole development would be Advise Against (Ref 1, paragraph 48). Therefore the overall advice from HSE for the whole of this development is **Advise Against**.

4 **Influence of the Pipeline consultation zones**

4.1 The pipeline that runs from the north into the gasholder site is classified as a major accident hazard pipeline, it therefore has HSE consultation zones. The size of these zones are:

**HSE Zones: Inner Zone= 3 meters, Middle Zone= 3 meters, Outer Zone= 3 meters**

As the zones are small compared to those of the gasholder these will not affect HSE’s current advice regarding this site. However should the hazardous substances consent be revoked for the gasholder and the related HSE zones removed then the zones for the pipeline will still be in situ, and as such HSE will still need to be consulted using our land use planning web app for aspects of the development that fall within the 3m consultation distance. HSE would not advise against the proposed development based on this pipeline alone. Please contact the operator for any constraints they may have around the pipeline, and for a map showing the pipeline route.

5 **Grampian Conditions and Hazardous Substances Consent**

5.1 It is indicated in the original enquiry made by Mr Chris Girdham that National Grid would not be in a position to decommission the gas holders before 2017 and that recent discussions with National Grid indicate that the decommissioning process is unlikely to happen in 2017.

5.2 HSE would not remove the consultation zones from this piece of land until it had been formally notified by the hazardous substances authority that the hazardous substances consent had been revoked. This does not require the physical removal of the infrastructure or clearance of the site. This revocation is the responsibility of the London Borough of Kensington and Chelsea as the hazardous substances authority, and this must be done in accordance with sections 14 or 17 of the Planning (Hazardous Substances) Act 1990.
5.3 In the meantime, HSE would not advise against the granting of planning permission for this application if a suitably worded condition were to be included in the planning permission. This condition would prevent the occupation of the site, including the housing, school and supermarket until the hazardous substances consent for the Kensal Green Holder Station had been formally revoked. A suggestion of words is:

“No part of the Ladbroke Grove development shall be occupied until all Hazardous Substances Consents for the Kensal Green Holder Station, for the storage and distribution of natural gas, have been revoked in their entirety under the provisions of the Planning (Hazardous Substances) Act 1990 and written confirmation of the necessary revocations have been issued by the Hazardous Substances Authority”

Grampian-style conditions, restricting occupation of development until revocation of consent, have allowed HSE to amend/withdraw its Advise Against proposals in the vicinity of major accident hazards; however it falls to the planning decision-maker to decide whether such a condition is appropriate.

5.4 If and when further details of the project emerge it may be possible to refine the advice on Grampian conditions to specific aspects of the development. For example, any development outside of the Consultation Distance would not be subject to the Grampian condition. Development within the CD depending on the sensitivity level may also not need to be subject to Grampian Conditions. Any further would be done under a new agreement with HSE and we would provide a quote for this.
6 Conclusions

6.1 The Local Planning Authority will need to consult us directly regarding this development and not put it through the HSE land use planning web app.

6.2 With the existing hazardous substance consent in place HSE would Advise Against the Ladbroke Grove development as detailed in the master plan supplied by Chris Girdham. HSE has provided advice on Grampian conditions as above which may enable progression of the planning application before the Hazardous Substances Consent has been revoked. Once the Hazardous Substances consent has been revoked for the Kensal Green Holder Station and HSE officially notified then HSE would remove the HSE consultation zones. Once this has been done then the only other HSE consultation zones remaining are for a relatively small Major Accident Hazard Pipeline that feeds into the holder station. HSE would not advise against the proposed development based on this pipeline alone.

6.3 The above advice is based on HSE’s existing policy for providing land-use planning advice and the information which you have provided. HSE’s advice in response to a subsequent planning application may differ should HSE’s policy, or the development details, have changed by the time an application is submitted.

7 Contact details

7.1 If you have queries about this assessment note, please contact HSE by email at lupenquiries@hsl.gsi.gov.uk or by telephone on 01298 218159.

References

Ref 1 – HSE’s Land Use Planning Methodology

Ref 2 – Masterplan supplied by Chris Girdham 17/06/2016 (Crossrail Masterplan Study 13/3/06).

Ref 3 - https://pa.hsl.gov.uk/ HSE’s land use planning web app
Appendix A – Web App advice for Housing

**Decision**: HSL-160621153357-381 ADVISE AGAINST

**Your Ref.**: D755  Ladbroke Road Project
**Development Name**: Residential Units
**Local Authority Reference**: 

**Comments**: 


Protective Marking: Official Sensitive

The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines. This consultation, which is for such a development and also within at least one Consultation Distance, has been considered using HSE’s planning advice web app, based on the details input on behalf of HSL.

HSE’s Advice: Advise Against. The assessment indicates that the risk of harm to people at the proposed development site is such that HSE’s advice is that there are sufficient reasons on safety grounds, for advising against the granting of planning permission in this case.

Major hazard sites/pipelines are subject to the requirements of the Health and Safety at Work etc. Act 1974, which specifically includes provisions for the protection of the public. However, the possibility remains that a major accident could occur at an installation and that this could have serious consequences for people in the vicinity. Although the likelihood of a major accident occurring is small, it is felt prudent for planning purposes to consider the risks to people in the vicinity of the hazardous installation. Where hazardous substances consent has been granted (by the Hazardous Substances Authority), then the maximum quantity of hazardous substance that is permitted to be on site is used as the basis of HSE’s assessment.
Breakdown:

Housing AA

How many dwelling units are there? More than 30

If the proposed development relates to an extension to an existing facility, which will involve an increase of less than 10% in the population at the facility, then HSE may reconsider this advice; please contact HSE’s Planning Advice team if this development involves such an extension.

This advice report has been generated using information supplied by Kate Wagner at HSL on 21 June 2016. Note that any changes in the information concerning this development would require it to be re-submitted.

HSL:160221/53357/381 Date enquiry completed: 21 June 2016 (226612.182298)
Appendix B – Web App advice for Supermarket

Decision: HSL-160621151431-381 ADVISE AGAINST

Your Ref: D755 - Ladbroke Grove Project
Development Name: Supermarket development type
Local Authority Reference:

Comments:


Protective Marking: Official Sensitive

The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/pipelines. This consultation, which is for such a development and also within at least one Consultation Distance, has been considered using HSE’s planning advice web app based on the details input on behalf of HSL.

HSE’s Advice: Advise Against. The assessment indicates that the risk of harm to people at the proposed development site is such that HSE’s advice is that there are sufficient reasons on safety grounds, for advising against the granting of planning permission in this case.

Major hazard sites/pipelines are subject to the requirements of the Health and Safety at Work etc. Act 1974, which specifically includes provisions for the protection of the public. However, the possibility remains that a major accident could occur at an installation and that this could have serious consequences for people in the vicinity. Although the likelihood of a major accident occurring is small, it is felt prudent for planning purposes to consider the risks to people in the vicinity of the hazardous installation. Where hazardous substances consent has been granted (by the Hazardous Substances Authority), then the maximum quantity of hazardous substance that is permitted to be on site is used as the basis of HSE’s assessment.

kSL:160621151431-381 Date enquiry completed: 21 June 2016 (02/06/15:182264)
Breakdown:

Indoor Use By Public AA

What is the total floor space of the development? More than 5000 square metres

If the proposed development relates to an extension to an existing facility, which will involve an increase of less than 10% in the population at the facility, then HSE may reconsider this advice; please contact HSE's Planning Advice team if this development involves such an extension.

This advice report has been generated using information supplied by Kate Wagner at HSL on 21 June 2016.

Note that any changes in the information concerning this development would require it to be re-submitted.

You may wish to contact HSE's Planning Advice team to discuss the above enquiry result on 01296 218159 or HSL-1606211901431-391 Date enquiry completed: 21 June 2016 (02.03.15, 18.224h)
Appendix C – Web app advice for school

Decision: HSL-160621152211-381 ADVISE AGAINST

Your Ref: D755 - Ladbroke Grove Project
Development Name: School Development Type
Local Authority Reference:

Comments:


Protective Marking: Official Sensitive

The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/pipelines. This consultation, which is for such a development and also within at least one Consultation Distance, has been considered using HSE’s planning advice web app, based on the details input on behalf of HSL.

HSE’s Advice: Advise Against. The assessment indicates that the risk of harm to people at the proposed development site is such that HSE’s advice is that there are sufficient reasons on safety grounds, for advising against the granting of planning permission in this case.

Major hazard sites/pipelines are subject to the requirements of the Health and Safety at Work etc. Act 1974, which specifically includes provisions for the protection of the public. However, the possibility remains that a major accident could occur at an installation and that this could have serious consequences for people in the vicinity. Although the likelihood of a major accident occurring is small, it is felt prudent for planning purposes to consider the risks to people in the vicinity of the hazardous installation. Where hazardous substances consent has been granted (by the Hazardous Substances Authority), then the maximum quantity of hazardous substance that is permitted to be on site is used as the basis of HSE’s assessment.

HSL-160621152211-381 Date enquiry completed: 21 June 2016 (5221219,182113)
Breakdown:

Institutional Accommodation And Education AA

Is the institutional accommodation a daycare facility or one that provides 24 hour care? Day care
The total area of the development is greater than 1.4 hectares. Yes

If the proposed development relates to an extension to an existing facility, which will involve an increase of
loss than 10% in the population at the facility, then HSE may reconsider this advice; please contact HSE's
Planning Advice team if this development involves such an extension.

HSL:16021152211381 Date inquiry completed: 21 June 2018 (023219,182183)
Appendix D – Screen shot from the HSE web app showing current HSE consultation distances

Developed by HSL, part of HSE