

**Statement on behalf of St William Homes LLP
(Responder Reference PRN.037)****Matter 12.1 Policy 3A.6 – Land at Rick Roberts Way (Gasworks Site)**

- 1.1 Established in 2014, St William Homes LLP (“St William”) is a joint venture between the Berkeley Group and National Grid Property. The partnership combines National Grid’s extensive portfolio of surplus brownfield sites across London and the South East with the Berkeley Group’s design expertise and proven track record of delivery to create high-quality residential and mixed-use developments.
- 1.2 St William have an interest in the former Gasworks site (“the Gasworks Site”) due to their relationship with National Grid who are the current landowner. The Site falls within the proposed allocation SA3.6 (the “Allocation”) in the adopted Local Plan (2015) and emerging Local Plan Review (“LPR”). The LPR continues the Allocation as set out in the adopted Local Plan with some adjustments, reflecting primarily the draft New London Plan (“the NLP”).
- 1.3 This statement has been prepared on behalf of St William in response to Matter 12.1 and Policy SA3.6 of the LPR in particular.
- 1.4 SA3.6 is a single Allocation comprising four land ownerships: London Legacy Development Corporation (“LLDC”), London Borough of Newham (“LBN”), Cadent and National Grid.
- 1.5 The Gasworks Site amounts to some 0.98 ha and is located in the southern section of the Allocation (see site location plan included with our representations).
- 1.6 In addition to Gasworks Site/Allocation specific matters, St William also submitted representations at the Regulation 19 stage consultation in relation to wider development management matters. St William consider that its concerns in respect of such generic policies can be addressed in responding to the Inspector’s Matter 12.1 in so far as such policies relate to the implementation of the Gasworks Site and the Matters raised by the Inspector. In addition to this statement, St William wish to rely upon its representations as submitted.
- 1.7 St William would also wish to enter into a Statement of Common Ground (“SoCG”) with the LLDC (as principle landowner within the allocation). A draft has been prepared and it is hoped that an agreed document can be provided to the Inspector in good time.
- 1.8 Our representations in response to the LPR are minor and relate to the practical application of the draft changes to the Gasworks Site. We consider that the policy would benefit from further explanation and minor amendment to assist in the effective implementation of the Allocation and that such matters can be addressed through Minor Modifications.
- 1.9 The Inspector asks whether the policy is justified and effective in relation to relevant National and London Plan policies, in particular having regard to the seven matters set out under para 12.1 of Matter 12.
- 1.10 St William supports the principle of the continued allocation of the Gasworks Site within the wider Allocation SA3.6 and confirm that they are a ‘willing developer’ (Matter 12, para 12.1 (v)).

London Plan

- 1.11 The Inspector asks whether the LPR is consistent with the relevant policies of the London Plan.
- 1.12 We appreciate that the LLDC is a Mayoral Development Corporation and by implication, wishes to be seen to be taking forward the Mayor's planning policies. However, the NLP has not yet been adopted and the Panel's Report is expected later this year. The NLP does not form part of the development plan for the purposes of s54A but will of course, once adopted.
- 1.13 The London Plan to which the LPR must respond is the adopted version dated March 2016. However, the Mayor has indicated that the policies of the emerging NLP should also be applied (latest version July 2019). This has important implications in relation to affordable housing (the threshold approach in particular), employment (protection of employment capacity) and of course the overall housing requirement that the LLDC must meet. The LLDC has decided to proceed with the LPR in advance of the final NLP. This is a matter of principle and the appropriate response could be dictated by the Panel's response and indeed, the Secretary of State. Should substantive changes be made to the NLP, then the LPR could be rendered inconsistent with the NLP.
- 1.14 This has implications for the Allocation as proposed, especially the protection of adjacent LSIS and affordable allocation. This is a matter for the LLDC. The overall ambition of optimising the residential capacity of the Gasworks Site and securing the beneficial regeneration of the Gasworks Site is a consistent ambition and one that St William wish to positively respond to.

Land Ownership

- 1.15 The Gasworks Site is under the ownership of National Grid. St William will promote the redevelopment of the Gasworks Site under the terms of the joint venture.
- 1.16 In general, our view is that the revised Allocation appears to have been drafted on the premises that the entirety of the Allocation constitutes land under public ownership (see policy provisions in relation to a 50% affordable across a number of sites through the portfolio approach and the requirement for a primary school). This is not the case and the Allocation should be amended to make clear which elements of the Allocation will apply to the public land element.

National Grid's Intentions (Matter 12.1(v)):

- 1.17 The land under the ownership of National Grid and to be promoted by St William amounts to some 0.98 ha. The existing Pressure Reduction Station ("PRS") and easements will be retained in any redevelopment scheme. At present, the Gasworks Site is subject to a Hazardous Substances Consent ("HSC").
- 1.18 *Appendix 1* shows the extent of the Health & Safety Executive ("HSE") Consultation Zones within/arising from the HSC. National Grid can seek revocation of the HSC on a number of grounds. These include a material change of use. The revocation is confirmed by the Secretary of State.

- 1.19 The HSC is not in itself a barrier to delivery. Planning permission for the Gasworks Site would constitute grounds for applying for revocation. National Grid will seek to revoke the HSC following an alternative use being agreed and granted planning permission for the regeneration of the Gasworks Site.

Meeting Needs (Matter 12.1(i)):

- 1.20 By letter dated 29th July 2019, we confirmed to the LLDC St William’s assumptions as to capacity and delivery as follows:

Gasworks Site Yield

- 1.21 In the letter of the 10th July 2019, LLDC set out a projected yield for the Gasworks Site as being a minimum 300 units. Our client agrees and will seek to maximise delivery at the Gasworks Site to achieve LLDC’s projected yield or better. We suggest that appropriate actual yield is established through a detailed masterplanning exercise.

Delivery

- 1.22 In terms of delivery timescales and phasing, given the Gasworks Site’s relatively small scale we would expect wider Allocation SA3.6 to be comprehensively masterplanned, with the flexibility for the Gasworks Site to be delivered independently in a single phase. It is important that the terms of Policy SA3.6 are amended to make this clear.
- 1.23 In the letter of the 10th July LLDC set out anticipated delivery by 2030/31. St. William would suggest that delivery could be sooner than 2030/2031. The Gasworks Site is vacant and there are no barriers to re-development which would prevent delivery in the next five years.
- 1.24 As set out below, St. William Homes are working towards the first occupations by Winter 2024:

Table 1

Stage	Timeframe
Adoption of the LPR	Spring 2020
Submission of Planning Application – outline with access and detailed first phase	Winter 2021
Permission	Summer 2022
Commencement	Spring 2023
Anticipated first occupations	Winter 2024

- 1.25 The Gasworks Site can therefore make an important contribution to meet the housing needs of the community and wider area as reflected in the London Plan.

Environmental and Heritage Impact (Matter 12.1(ii)):

- 1.26 There are no listed structures within the Allocation. The Grade II listed cottages on the south side of Abbey Lane fall within the Three Mills Conservation Area. The section of Abbey Lane adjacent the Gasworks Site nor the Gasworks Site are included within the Conservation Area. The relationship of any redevelopment of the Gasworks Site and the assessment of the impact of such a scheme upon the heritage assets can only be assessed at the stage of scheme formulation, and there is no need for any further prescription in the draft policy.

- 1.27 It is not considered that such heritage assets present an in-principle barrier to the beneficial regeneration of the Gasworks Site.

**Impact upon Living Conditions of Existing and/or Future Residents/Occupiers
Matter 12.1(iii):**

- 1.28 There are no current residential occupiers on the Gasworks Site. The Greenway lies at a level above ground and will need to be addressed through the iterative design process, as will the relationship to the residential properties that lie on the south side of Abbey Lane. Neither represent an in-principle barrier to development of the scale envisaged.
- 1.29 To the east of the Gasworks Site lies LSIS. Again, given the scale and configuration of the Gasworks Site and the relationship to the adjoining land use, it is not considered that the relationship of future residential occupiers to the adjacent commercial land uses represent an in-principle barrier to development. Indeed, residential and commercial uses already exist along Rick Roberts Way to the north demonstrating that an acceptable relationship can be secured.

Safe and Acceptable Vehicular Access and Parking Considerations (Matter 12.1(iv)):

- 1.30 At present, vehicular access to the Gasworks Site is provided from Rick Roberts Way. In addition, there is currently a pedestrian access from Abbey Lane.

Flood Risk (Matter 12.1(vi)):

- 1.31 The Environment Agency on-line Flood Risk Mapping shows that the Gasworks Site largely falls within Flood Zone 1, with very small areas within Zone 2 and Zone 3 benefitting from flood defences. The remainder of the Allocation falls mostly within Flood Zone 3 benefitting from flood defences with some parts in Zones 1 and 2. The emerging Allocation SA3.6 states that the Allocation falls within flood zones 2 to 3 and the correct position should be confirmed through minor modifications.

Sustainability (Matter 12.1(vii)):

- 1.32 The Gasworks Site falls within majority PTAL 5, whereas the wider Allocation varies between PTAL 2-5. The Gasworks Site has good access to local services and facilities and the Metropolitan Centre¹ at Stratford.

Any other Relevant Infrastructure, Planning, Marketing or Viability Constraints:

- 1.33 In our representations we highlighted a number of detailed matters that in our view, required review and amendment:

Affordable Housing

- 1.34 The Allocation seeks 50% affordable housing across a portfolio of sites. The 50% threshold and the Portfolio approach was introduced by the Mayor through the Affordable Housing SPG relating to public land and then carried forward into the NLP. The Panel's response is awaited although the Mayor has sought to implement the policy nonetheless.

¹ As defined in Annex Two of the Adopted London Plan. The emerging London Plan maintains the Metropolitan designation but adds potential for Stratford to become an International Centre.

- 1.35 The 50% threshold is identified at Paragraph 2.23 of the SPD as applicable to public land. In the NLP this is set out at Policy H5.
- 1.36 National Grid is a PLC. Public land is defined as at Paragraph 2.26 of the SPG as "*land that is owned or in use by a public sector organisation, or a company or organisation in public ownership, or land that has been released from public ownership and on which housing development is proposed.*" This would not apply to National Grid.
- 1.37 St William notes the Mayor's position in relation to the application of policy H6 of the draft NLP at footnote 46E² which whilst seeking to apply the 50% threshold to utilities sites, recognises the costs of remediation of such sites and that the 35% threshold could be applied where it is demonstrable that there are extraordinary decontamination costs. Subject to such extraordinary costs being evidenced, a 35% threshold should apply in respect of the Gasworks Site with no advanced stage review mechanism.
- 1.38 These extraordinary remediation and utility rationalisation costs are material considerations which challenge the deliverability of the Gasworks Site and therefore the 50% portfolio approach cannot apply to the Gasworks Site. As such, the 50% affordable requirement in draft policy SA3.6 should only apply to that part of the Allocation under public ownership (i.e. owned by the LLDC or LBN) and not the Gasworks Site.
- 1.39 The requirement in respect of the Gasworks Site should therefore be expressly identified in the Allocation as 35%, whilst it is of course open to LBN and LLDC to provide a minimum 50% on their own landholding and across a portfolio of sites.

Primary School

- 1.40 In our representations, we questioned whether the evidence base relied upon by the LLDC to justify the need for a Primary School justified the location of a new Primary School within the Allocation (as opposed to a generic need) and second, the proposals for funding in order to avoid double charging (i.e. land plus CIL/s106).
- 1.41 The Primary School will be provided on LLDC/LBN land. The Allocation should expressly confirm as such. Any contribution to the costs of the school by National Grid/St William and others in the locality whom rely upon the provision of the school will be secured through CIL subject to meeting the relevant tests. The policy should be clear as to the school will be secured and delivered.
- 1.42 The CIL charging schedule submitted for Examination is supported by a draft infrastructure list (Regulation 123). The school is not included on the List but ought to be.

². The NLP states at footnote 46E: "*For the purposes of Policy H6, this floorspace-based approach applies to sites used for utilities infrastructure or land for transport functions that are no longer required, regardless of the provisions of paragraph 6.4.5A. However, it is recognised that some surplus utilities sites are subject to substantial decontamination, enabling and remediation costs. If it is robustly demonstrated that extraordinary decontamination, enabling or remediation costs must be incurred to bring a surplus utilities site forward for development, then a 35 percent affordable housing threshold could be applied, subject to detailed evidence, including viability evidence, being made available*".

Employment Uses

- 1.43 The draft allocation seeks the "*introduction of business space and significant open space, should the primary school no longer be required*". The intention here requires further clarification. This reads as if business and significant open space is only required in the event that the primary school is deemed not necessarily to be delivered on the Gasworks Site. We assume that any business or additional open space would be provided on LLDC or LBN's own landholding.

MOL

- 1.44 The Greenway is designated as MOL and forms the western boundary to the allocation and the Gasworks Site. The Greenway runs at an elevated level and is supported by a bank. The extent of MOL includes the bank with the boundary to the Gasworks Site being adjacent to the bank at lower level.
- 1.45 The Greenway is also designated as one of 7 designated Quietway Routes (22) which runs from Beckton to Victoria Park. A Quietway is a continuous and convenient cycle routes on less-busy backstreets.
- 1.46 Strategic allocation SA3.6 requires cycling and walking access improvements along the Greenway. In the LPR, this requirement is expanded to also require links to the Channelsea Path beyond the Allocation. Channelsea Path runs north to south to the east of the Gasworks Site.
- 1.47 The Greenway runs from Beckton to Victoria Park and is an important asset. Certain areas are in need of more effective management and anti-social behaviour requires management. The delivery of the Allocation will assist in providing natural surveillance and increased use. Such improvements to the Greenway in a strategic scheme are best secured through CIL whilst s106 can secure site or scheme specific improvements (such as access to the site and landscape and biodiversity enhancements).

HSC

- 1.48 The Gasworks Site is subject to a Hazardous Substances Consent (HSC). **Appendix 1** shows the extent of the Health & Safety Executive ("HSE") Consultation Zones within/arising from the HSC.
- 1.49 The Plan at Appendix 1 shows the 'Inner' zone covering the Gasworks Site and a small proportion of the Allocation to the north. The 'Middle' and 'Outer' zones extend together to cover approximately half of the remaining SA3.6 Allocation.
- 1.50 HSE have published a 'Land Use Methodology' Paper to accompany the mapping which sets out the type of development that could be accepted within each zone. According to Table 1 of this Paper, high-density residential development (DT2.1) of 40 or more dwellings per hectare, or larger developments of more than 30 units would be classed as sensitivity **Level 3**. Likewise, a primary school (DT3.1) would also be classed as sensitivity **Level 3**. The HSE would advise against Level 3 development in both the Inner and Middle Zones.

1.51 As already indicated, National Grid will seek to revoke the HSC upon grant of planning permission, subject to confirmation by the Secretary of State.

BARTON WILLMORE

6 August 2019

(Word count: 2826)

APPENDIX 1

Rick Roberts Way

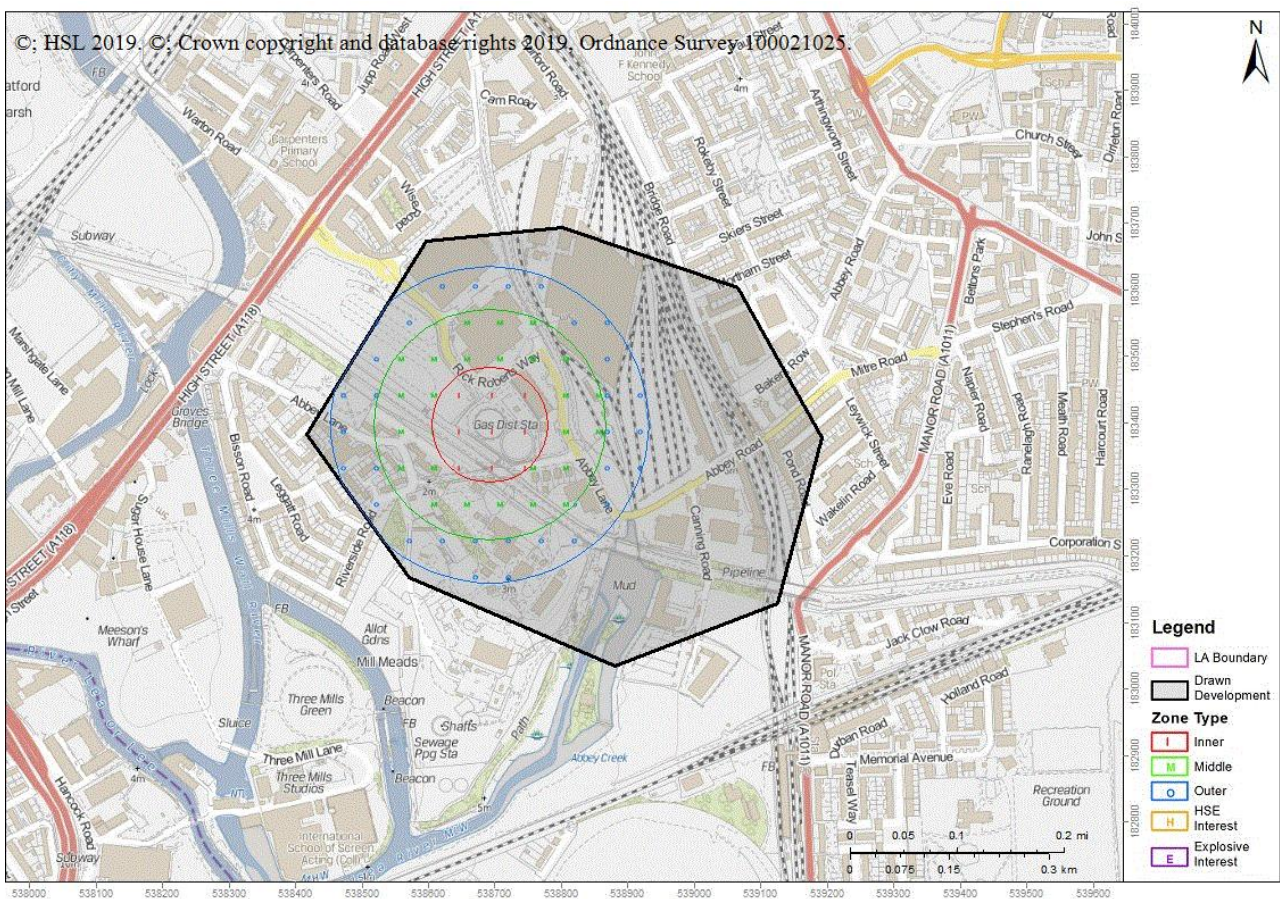
Advice : HSL-190409091445-608 Crosses Consultation Zone

Please enter further details about the proposed development by continuing with the enquiry on the HSE's Planning Advice Web App from the Previous Enquiries tab either now or at a later time, unless the Web App has stopped the process and notified you to contact HSE.

Your Ref: HM

Development Name: RRW

Comments:



Commercial In Confidence

The proposed development site which you have identified currently lies within the consultation distance (CD) of at least one major hazard site and/or major accident hazard pipeline; HSE needs to be consulted on any developments on this site.

This advice report has been generated using information supplied by at St William on 09 April 2019.

You may wish to contact HSE's Planning Advice team to discuss the above enquiry result on 0203 028 3708 or by email at lupenquiries@hsl.gsi.gov.uk.