

Matter 12.1, Site Allocation 3.6 Rick Roberts Way

Draft Statement of Common Ground between London Legacy Development Corporation and St William Homes LLP and National Grid

This Statement has been prepared and agreed by the above parties. It should be noted, however, that the London Legacy Development Corporation has agreed this statement in its role as Local Planning Authority rather than in any capacity as landowner or potential developer

Background to the site and site allocation

The LLDC's position is as follows:

Site Allocation SA3.6 Rick Roberts Way is identified within the current, adopted LLDC Local Plan and LLDC have reviewed and updated this within the draft Revised Local Plan to take account of changes in circumstances identified as part of that review and any applicable changes in national and London-wide planning policy. The specific changes proposed are set out at in Examination Document LD4 Revised Local Plan Schedule of Changes).

The adopted site allocation wording took account of the extant outline planning permission for development that would include a new secondary school as part of the LLDC's Legacy Communities Scheme (Planning permission ref 11/90621/OUTODA), which does not include the land within the site allocation that St. William Homes have an interest. The primary change in circumstances is the delivery of the secondary school consented by that permission in an alternative location. The examination documents that are relevant to the matters raised in this statement of common ground are the Schools Study (2018) Examination Document LEB9 and the Schools Explanatory Note, Examination Document LD28.

Scope of Statement of Common Ground:

The following are appended to this statement of common ground:

- Appendix 1: Site Map
- Appendix 2: Landownership map
- Appendix 3: Proposed revised site allocation text in full

The Regulation 19 stage representation and the August 2019 Further Statement set out those matters that have been raised by St. William Homes in relation to the site allocation and these are not repeated in detail in this statement.

The focus is rather on the two area of agreement that have been reached that result in two suggested further modifications to the site allocation. The LLDC's response to these Regulation 19 stage comments are contained within Examination Document LD11B Summary of Representations, with Document LD20 also setting out the proposed modifications that this identifies and proposes.

Areas of agreement

Area of agreement 1: Affordable Housing Threshold:

The correspondence from St William Homes (dated August) raises a specific matter related to the site allocation approach to affordable housing and seeks amendment to clarify that the affordable housing threshold that would be applied by Local Plan Policy H.2 should be 35% rather than 50% on land owned by National Grid where it was possible to demonstrate extraordinary decontamination costs associated with this part of the site allocation.

Draft London Plan – consolidated changes version, July 2019, Footnote 46E, says the following: “...it is recognised that some surplus utilities sites are subject to substantial decontamination, enabling and remediation costs. If it is demonstrated that extraordinary decontamination, enabling and remediation costs must be incurred to bring a surplus utilities site forward for development, then a 35 percent threshold could be applied, subject to detailed evidence, including viability evidence, being made available”.

It is therefore considered that it would be appropriate to introduce two modifications to the site allocation text. The first of these introduces text that brings the wording within the supporting development principles into line with Policy H6 of the Draft London Plan in its post EIP Hearings draft. The second introduces new text as a new paragraph x to reflect the position set out in the above referenced Paragraph 46E.

	Proposed change	Reason
SA3.6 Supporting Development Principles Bullet point 2	“Provide affordable housing across the portfolio sites (site allocations SA3.2, SA3.5, SA3.6 and SA 4.3) <u>in accordance with Policy H.2</u> based on an affordable housing threshold of 35 50 per cent, and in accordance with Policy H.2 <u>applying an affordable housing threshold of 50 per cent on public land or industrial land where there is a net loss of industrial floorspace capacity.</u>	This relates to a correction to the amendment formally proposed at MM59 to be consistent to changes to Policy H.2.
SA3.6 Supporting Development Principles New Bullet point 3	<u>In determining the affordable housing threshold to be applied for each part of the site, the Legacy Corporation will consider for surplus utilities site land, evidence of extraordinary decontamination, enabling and remediation costs, including viability evidence, to determine whether a 35 per cent affordable housing threshold can apply when bringing the site forward.</u>	This introduces clarity and consistency with the approach identified in Footnote 46E of the Draft London Plan – consolidated changes version, July 2019

Area of agreement 2: Flood Risk

The correspondence and statement provided by St William Homes highlights a minor discrepancy in the information provided within the site allocation text in reference to relevant flood zones for the site allocation. This currently identifies the relevant flood zones for the site as Zone 2 and Zone 3. Examination Document LEB8A Flood Risk Review Report, July 2019, identifies the latest flood risk information for the portion of the site allocation and shows that there are elements that fall within Flood Zone 1, some minor elements in Flood Zone 2 and a significant portion within Flood Zone 3. This demonstrates that the National Grid site element, while containing elements of both Flood Zone 2 and 3, is predominantly within Flood Zone 1. The report confirms that the sequential and

exceptions test for the site allocation as a whole remains unchanged from that undertaken in 2014 for the adopted Local Plan. It does however update the extent of modelled flood zone 2, which using 2014 data included much of the National Grid land. A site-specific flood risk assessment will continue to be required for development proposals anywhere within the site allocation, taking into account the sequential and exceptions tests within the Flood Risk Review Report (LEB8A).

Extract from Flood Risk Review Report (July 2019)

5.5.1 Flood Risk Mapping

As shown in Figure 13, small areas of the site lie within flood zone 2 on the EA maps for planning.

The updated flood modelling outline for the 1% AEP event plus 70% Climate Change matches that of the EA Flood Zone 3, all of which is outside of the zone of consideration.



Figure 13 - EA Flood Maps for Planning and flood outline from LBN updated mapping¹⁶ showing the 1% AEP flood extents plus 70% Climate Change for SA 3.6

In order that the site allocation in the Draft Revised Local Plan reflects the latest flood modelling data and mapping, it is proposed to amend the indicative Flood Zones text at the end of the Site allocation so that it refers to Flood Zones 1, 2 and 3.

	Proposed change	Reason
SA3.6 Additional information section at the end of the site allocation	Address Site address: Land between Rick Roberts Way to the north and Greenway to the south Existing use(s): Vacant land Size: 4.3 ha PTAL rating: 2–5 Flood Zone: Zones <u>1</u> , 2 and 3	Updating of Flood Zones information to reflect latest modelling and mapping information.

Area of agreement 3

St William Homes considers that in respect of the current seventh bullet within the site allocation Supporting Development Principles there is need for clarification on whether ‘business space and significant open space’ is required only in the event of a school not being required within the site allocation area. A minor amendment to the wording is now proposed to be clear that the open space in this scenario would be additional to any that would otherwise be required. The amendment is set out below:

	Proposed change	Reason
SA3.6 Supporting Development Principles Current bullet point 7	Residential capacity could be increased with associated open space alongside the introduction of business space should the primary school no longer be required.	Provides clarification that the scenario would seek additional open space associated with the increased development capacity.

Area of agreement 4

Vacant Land (site allocation ‘Address’ and further information box)

The Allocation states that the land is currently vacant. St. William suggest that the Gasworks Site is former utilities land and existing PRS and argue that this should be reflected in the description of the Allocation’s current use. The PRS will remain and therefore the utility capacity of the site remain.

LLDC agree and also note that more recently the wider site has become occupied by interim uses. It is therefore proposed to change the ‘Existing use(s)’ to identify utilities infrastructure and interim uses’.

	Proposed change	Reason
Address and further Information box (end of site allocation)	<u>Existing use(s): Vacant land utilities infrastructure and interim uses</u>	To accurately reflect status of St. William land and recent introduction of interim uses for the wider site allocation.

Areas of continued disagreement

Areas on which St Williams Homes/National Grid continue to disagree are outlined in the original Regulation 19 representation and the August 2019 Further Statement and these should be referred to in order to see the detail of these. They can be summarised as:

Primary School: St William Homes questions 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). If a school is not triggered by site allocation capacity, then public land should be responsible for the land take. St William also seeks reference to it's funding being secured via community infrastructure levy with it being placed on the Infrastructure (Regulation 123) List. St William seek further clarity in the draft policy as to delivery mechanism in order to render the policy SA3.6 effective. St William are concerned that its land interests would be unfairly and unjustifiably burden by the required to accommodate and fund the school at a level of contribution that does not meet the statutory tests.

LLDC consider that the site allocation should not detail location of the school but rather need and location should be considered at the masterplanning and planning application stages. As of 1st September 2019, the revised CIL Regulations come into force and provide flexibility over funding from S106 and CIL sources. This also removes the need for a 'Regulation 123' List. From 31st December 2020 this detail will be reported in the Annual Infrastructure Funding Statement in addition to the current wider Infrastructure Project List that is held and regularly reviewed by the LLDC as CIL charging and collecting authority. It considers that restricting the location of any school within the site allocation would prejudice any potential to achieve a masterplanned approach that allows for future land agreements or other solutions that might be suitable to achieve the best outcomes in delivering a sustainable high-quality place in this location.

Building heights: St William Homes have identified that there has been a change in the final Supporting Development Principle of the site allocation, which refers to proposals above 36m above ground level being subject to Policy BN.10 (Tall Buildings) in the adopted Local Plan and in the Draft Revised Local Plan changes this to 30m. St William consider that a greater height may be achieved in this location and that this should be achieved through an iterative design process and not prescribed in policy.

LLDC consider that the policy approach is appropriate as it does not prescribe a specific height limit but rather identifies a height above which the criteria within the tall buildings policy (now Policy BN.5) will be applied, thereby allowing a design process to demonstrate acceptability of proposed heights utilising the policy criteria. The change in threshold height within the site allocation ensures that the general threshold height for the area as identified within Table 12 of the Revised Local Plan (LD5) applies consistently and LLDC does not consider that this in itself constrains potential height.

Phasing and Implementation Section

Affordable Housing: Portfolio Approach (point 4):

St William object to the reference in the policy to 50% across a number of sites based on the 'portfolio approach' in respect of the former gasworks site. The LLDC and LB Newham may well wish

to provide 50% on such basis as their land interests constitute public land therefore meet the requirements of the new London Plan in respect of a portfolio approach. The former gasworks is not public land and cannot be party to the portfolio approach. Further, if the gasworks is required to deliver 35% affordable housing under the terms of the emerging London Plan Policy, the lack of flexibility in the current wording of the Allocation means that any shortfall to 50% would have to be made up on the remainder of the Allocation or elsewhere. This could threaten deliverability of plan targets. St. William cannot participate in the 'portfolio' approach. The Policy should make clear that the portfolio approach applies only to land within the Allocation that is considered to be 'public land'.

St William welcome the suggested changes but consider that the allocation should be 'plain on its face' and as drafted does not reflect the clarity of the proposed change.

LLDC consider that the Plan is clear that the land identified as being within the Portfolio Approach does not include the St. William land within the site allocation, based on the insert map included on Page 20 of the Plan. In order to reinforce this, a minor change to the wording titled 'Housing Delivery' is suggested. LLDC consider that the wording within point 4 to be clear that the portfolio approach applies to proposals that are specifically linked through a portfolio approach rather than requiring that all land within the site allocation is included within such an approach.

	Proposed change	Reason
Local Plan Page 20 'Housing Delivery	<u>SA3.6 – Rick Roberts Way (part of site)</u>	To be clear that not all of the site allocation land is included within the Portfolio Approach. Only public land within the site is included.

Comprehensive Delivery (point 3)

The wording of Site Allocation SA3.6 requires “Comprehensive delivery across the whole of the site, phased to allow for the timely delivery of housing, for land availability, and to ensure infrastructure requirements are met.”

St. William make the case that the Allocation should be comprehensively masterplanned, with delivery phased. The wording of the allocation as currently written does not make this clear and have suggested that the allocation be amended to read ““Comprehensive ~~delivery~~ masterplanning across the whole of the site, phased to allow for the timely delivery of housing, for land availability, and to ensure infrastructure requirements are met.” St William maintain that individual elements within the allocation must be permitted under the policy to be developed independently albeit in the context of a comprehensive masterplan.

LLDC consider that while a comprehensive masterplanned approach to delivery of the site allocation represents an ideal scenario, there is no current public agreement between the different landowners that demonstrates that such an approach has been agreed. It is therefore considered that the current wording that seeks a comprehensive approach remains the most appropriate unless and until a planning performance agreement is in place between the parties to prepare a joint masterplan.

Signed on Behalf of St. William Homes

Name:

Signature:

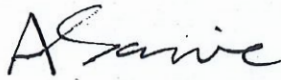


Date:

Signed on Behalf of London Legacy Development Corporation

Name: Alex Savine (Head of Planning Policy)

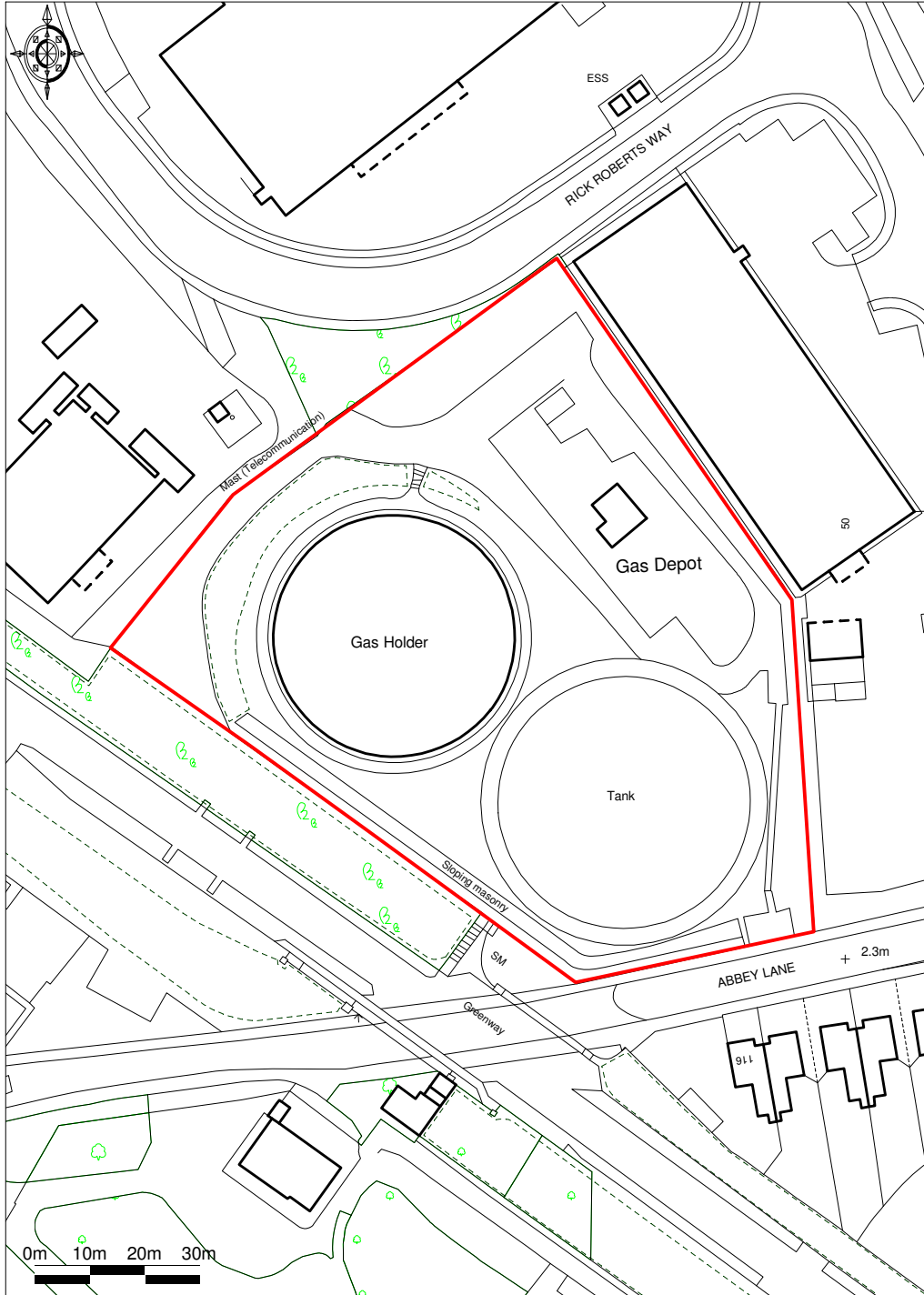
Signature:



Date: 9th September 2019

Appendix 1

National Grid Gasworks, Rick Roberts Way, Stratford, Newham, E15

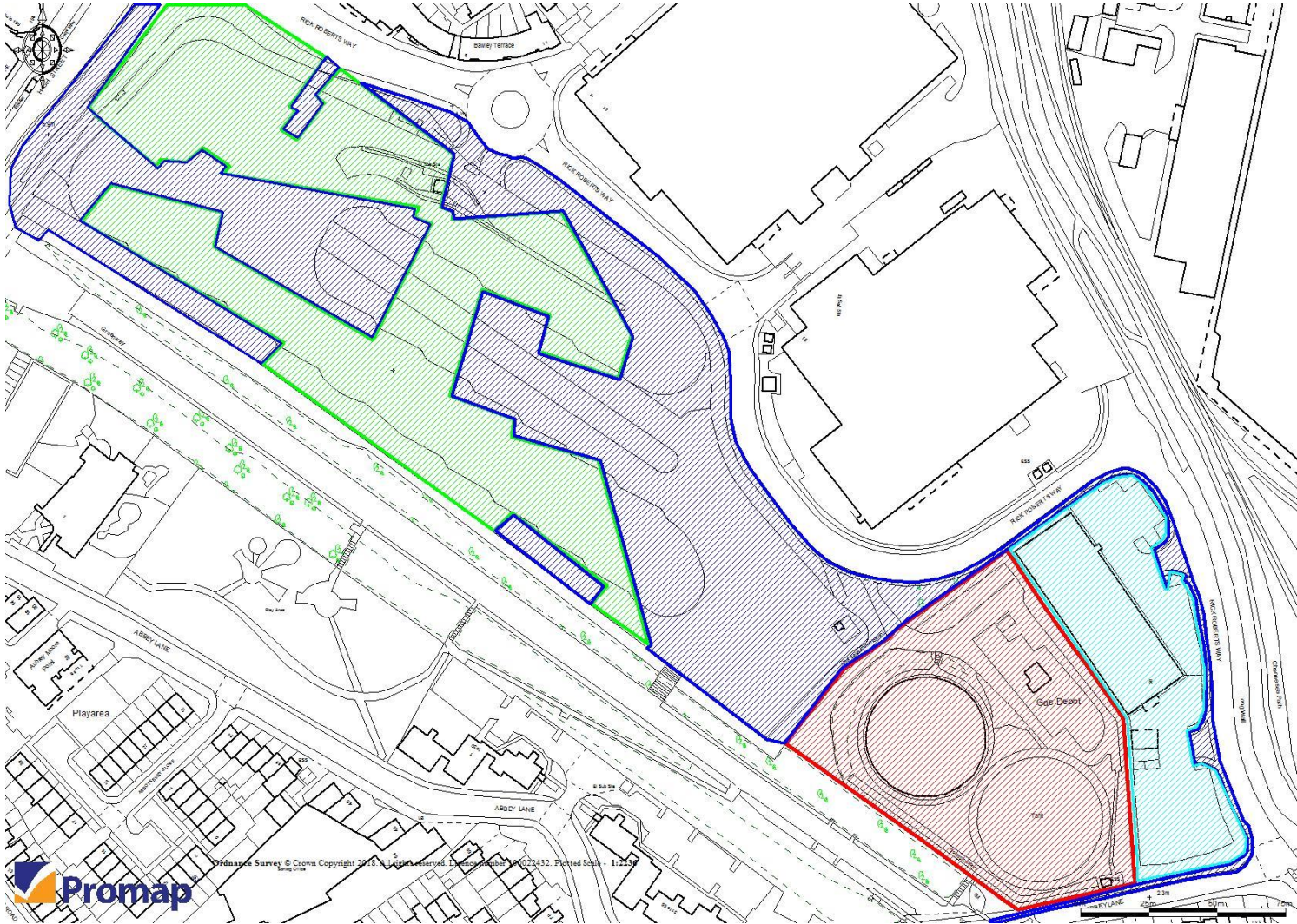


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2.42 acres

Appendix 2

Land Ownership



2.42 acres

Red = National Grid / Cadent

Dark Blue = LLDC

Green = LB Newham

Light Blue = Kesslers Properties South Ltd



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Appendix 3, Site Allocation SA3.6: Rick Roberts Way (proposed revised text)

Comprehensive, mixed use development of residential with education uses including provision of a primary school and open space.

Supporting development principles

- The site allocation is expected to yield a minimum of 750 new homes.
- Provide affordable housing across the portfolio sites (site allocations SA3.2, SA3.5, SA3.6 and SA 4.3) in accordance with Policy H.2 based on an affordable housing threshold of 35.50 per cent, and in accordance with Policy H.2 applying an affordable housing threshold of 50 per cent on public land or industrial land where there is a net loss of industrial floorspace capacity.
- In determining the affordable housing threshold to be applied for each part of the site, for surplus utilities site land, the Legacy Corporation will consider evidence of substantial cost due to decontamination, enabling and remediation costs, including viability evidence, to determine whether a 35 per cent affordable housing threshold can apply when bringing the site forward.
- Development should ensure an active frontage onto Stratford High Street and the junction should be safe and welcoming
- Where development is phased, introduction of appropriate interim uses is encouraged in accordance with Policy B.3.
- Development should maintain the openness of the Metropolitan Open Land along the western boundary of the site
- Meet any identified demands for school places through provision of a school alongside residential development respecting the existing character, scale and massing of the site and its surrounding area
- Residential capacity could be increased alongside the introduction of business space and associated additional significant open space, should the primary school no longer be required
- Unless school place demand has been or will be demonstrably met elsewhere, retention of sufficient land for delivery of an additional primary school in the later part of the Plan period will be sought
- Development should plan for the associated costs of remediation of the site
- Design to reflect the close proximity of industrial and other uses and the potential for wider place-making
- Development will preserve or enhance the listed cottages and the setting of the Conservation Area to the south
- Enable safe access to and across the site for pedestrians and cyclists
- Development shall respect the existing character, scale and massing of the site and its surrounding area
- Cycling and walking access improvements along the Greenway including links to the Channelsea Path beyond the site
- Proposals to include Local Open Space including play space and BAP habitat
- Proposals for development above 30 metres from ground level will only be acceptable subject to the provisions of Policy BN.5

Phasing and implementation

Development shall take place once remediation of the land and removal of equipment has taken place including

revocation of Hazardous Substance Consent

- Delivery on site from 2021 onwards.
- Comprehensive delivery across the whole of the site, phased to allow for the timely delivery of housing, for land availability, and to ensure infrastructure requirements are met
- Proposals for the site allocation which are linked to other sites should facilitate the delivery the principles of this site allocation through a portfolio approach.

Planning history

Has permission under the LCS scheme for:

approximately 400 residential; 550 sqm retail;

11,600 sqm community use (school). A secondary school associated with the Legacy Communities Scheme has subsequently been provided on Stadium Island (The secondary school associated with the Legacy Communities Scheme has subsequently been built and opened on a different site, adjacent to the London Stadium).

Address

Site address: Land between Rick Roberts Way to the north and Greenway to the south

Existing use(s): ~~Vacant land~~ utilities infrastructure and interim uses

Size: 4.3 ha

PTAL rating: 2–5

Flood Zone: Zones 1, 2 and 3