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By E-mail (londonplan@london.gov.uk)

2nd March 2018

Dear Sir

Brett Group Response to: London Plan Consultation

I write in regard to the London Plan Consultation (December 17 to 2nd March 2018) and set out below representations made by the Brett Group.

Background

The Brett Group of companies, is an independently (family) owned construction and building materials business which has been operating since 1909. There are four key business strands 1. Aggregates (including Marine Dredged Aggregates) 2. Concrete 3. Landscaping Products and 4. Granite Products; with the company operating predominantly in the South East of England, East Anglia and Jersey with the Group head office in Canterbury Kent. The business is based on acting responsibly, delivering quality and building strong positive relationships with customers and stakeholders.

Brett are investing heavily in new quarries, production facilities, wharfs and rail heads particularly in the ever expanding London Market. In the light of emerging transport and planning policies for London it is clear that the core focus will be on significant growth in residential development within all London Borough's and transport policies which will likely see significant reductions in the number of commercial delivery vehicles on the City's streets. These two desires sit uncomfortably together when trying to supply the materials for the housing growth in a traditional manor in what is already a complex environment.

Brett are therefore looking at significant growth and investment in waterborne and rail based transportation to supply the cities construction material needs, whilst trying to safeguard existing and future facilities against the impact of less complimentary land use development. Commercially Brett need to establish a strong position in the market, with the security of long term sites that will not be compromised or hampered by future development.

Summary

Brett very much welcome the consultation draft London plan and the positive changes in approach that it brings. The Plan promotes a positive approach in regard to waterborne



freight movement, and the protection of wharf facilities setting out policies designed to ensure that wharfs and railheads involved in the distribution of aggregates should be safeguarded. The strong emphasis on promoting consolidation and distribution sites that enable 24-hour operation to encourage and support out-of-peak deliveries (including evening and night time) are very much welcomed.

Policy D12 'Agent of Change' is a key new policy which in principle is welcomed. Placing the responsibility for mitigating impacts from existing noise-generating activities or uses on the proposed new noise-sensitive development will assist in maintaining the viability of the safeguarded wharf given pressure from incoming non complimentary land uses such as residential development.

The key for Brett is striking a sustainable balance between the significant requirements for, and incumbent pressure on, housing growth and development needs. Indeed Policy H1 (Increasing Housing Supply) indicates in table 4.1 a requirement for 64,935 new residential units to be completed each year across all London Boroughs. The key is to balance this with the need to move towards more sustainable transport policies (and the inherent pressure on vehicle movements within the capital) and the need to supply the capital with the materials required to meet the needs and continued exponential growth of the capital.

Whilst there are extremely positive steps towards achieving these goals, and the right balance; the key is ensuring that policies:

1. Share consistent strategic goals and are not contradictory.
2. Carry significant weight, and ensure that is it attractive to, and allows, both the GLA the Boroughs to enforce the principle of the policy.
3. Are flexible but are not so open to interpretation that they carry little practical and enforceable weight.

I therefore set out within the body of this letter representations by Brett Group in regard to specific the key policies within the London Plan.

Consultation Response

In relation to specific policy areas, set out in chronological order, Brett would comment as follows:

Policy GG5 Growing a good economy

As a medium sized commercial enterprise and employer within the South East of England, it is key to Brett's values and business goals to assist in the growth of a strong economic climate and flourish as a business providing our core services to customers in the most sustainable and practically efficient manner possible. We are therefore supportive of the economic basis of the plan set out in Policy GG5 and in particular Part C and Part F.

Policy D12 Agent of Change

Policy D12 'Agent of Change' is a key consideration and significant positive introduction into the London Plan. Placing the responsibility for mitigating impacts from existing noise-generating activities or uses on the proposed new noise-sensitive development is welcomed and fully supported. This principle will assist in maintaining the viability of safeguarded sites (rail heads and wharfs) given pressure from incoming residential development.



Consideration, however, should be given in circumstances where a safeguarded wharf or railhead is coming under threat from surrounding development but currently has no extant permission/ use or is currently under utilised. In these cases future operators of the site could be left with an inoperable site if the benchmark for potential noise generating activity is assessed against the current (often under utilised or dormant) land use. In these cases a benchmark level of impact (eg. Noise and dust etc....) should be set out in policy guidance and used to calculate the mitigation required under the agent of change principle.

Alongside the 'Agent of Change' approach, there are various mechanisms which could be included within the plan or within Supplementary Planning Guidance to assist further. This would be used predominantly by the London Boroughs when considering applications for planning permission for development which has the potential to be incompatible when located either on or adjacent to existing, planned and potential mineral/ mineral processing, wharf, railhead facilities and supporting uses/ infrastructure.

It is suggested that the guidance could take a generic, traffic light, approach to identifying potentially incompatible development around such railhead, wharf and minerals processing sites, categorizing development as either acceptable with no mitigation (Green), acceptable with some mitigation (Amber) or unacceptable (Red). The guidance would suggest where and what mitigation may need to be incorporated into an adjacent or nearby development in order that it does not constrain or otherwise adversely affect the exiting/ safeguarded land use. For example, red developments would be refused, amber developments being the subject of significant assessment and consented only if sufficient mitigation could be included in the design of the proposed development utilising agent of change principles and green developments being consented with limited or no mitigation necessary to avoid constraining the operation of the mineral facility.

There are several examples where this type of guidance has proven effective in assisting planning officers and other relevant decision makers in considering the appropriateness of a development in a particular setting. For example the Environment Agency published guidance in respect of developments for which an Environmental Permit would be necessary. Such an approach is also commonly used by minerals and waste planning authorities when carrying out site assessments as part of the preparation of minerals and waste development plan documents.

Policy D13 Noise

Subject to alignment with comments made in relation to Policy D12, Brett support Policy D13 Noise. Section 2 reflects the Agent of Change principle (Policy D12) and would also work with the traffic light system as outlined above. Ensuring measures do not add unduly to the costs and administrative burdens on existing noise generating uses and suggests separating new noise-sensitive development from major noise sources (such as road, rail, air transport and some types of industrial use) through the use of distance, screening or internal layout in preference to sole reliance on sound insulation are fully supported.

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

In principle Brett support Policy E4 part C in regards to ensuring 'no net loss' of industrial land and recommend that in addition to the provision for secondary materials and waste management, Policy E4 also includes specific provision for 'minerals importation and processing/manufacturing' capacity eg. asphalt plants, concrete batching plants, at suitable industrial sites, reflecting the acknowledgement in para 9.10.5 that such sites may be



particularly appropriate for 'depots'. Note we have taken this reference as meaning a range of minerals operations and would welcome further clarification/ confirmation of definition within the text.

Policy E5 Strategic Industrial Locations (SIL)

Brett broadly support the principles of Policy E5 and Strategic Industrial Locations, noting that the siting of these around existing industrial uses is key to the longer term future of existing industrial sites and protection from 'encroachment' from non-compatible land uses. We welcome a strengthening of the policies which should assist in protecting and maintaining SIL land. In particular Brett welcome the continued designation of area '45 Thameside East' within the plan.

Policy H4 Meanwhile use

Whilst fully understanding the principle behind 'Meanwhile use' policy, where Boroughs are encouraged to identify opportunities for use of sites for housing to make efficient use of land while it is awaiting longer-term development; we are concerned about the impact that this could have on both land won minerals sites and safeguarded wharfs/ rail heads. Once established there are concerns that such developments will in reality become very difficult to release once housing use is established both potentially sterilising areas for land won mineral but also changing the nature or precluding the use of potential rail head and wharf sites. As a minimum we would like to see the policy excluded from safeguarded wharf and railhead sites.

Policy SI10 Aggregates

Brett support the provision for safeguarding of resources, recycling facilities, and wharves and rail depots as set out in Policy SI10. Land won aggregates are also a significant consideration for Brett. Brett support the requirement to maintain a land bank of permitted reserves throughout the Plan period in line with the NPPF. We would, however, seek clarification in terms of the overall tonnage that is to be permitted over the plan period and would welcome confirmation of the assessment criteria used to arrive at the apportionment figure. The London apportionment based systems differs from the County based system used more widely throughout the country and brings unique challenges. London currently imports circa 97% of primary aggregates but indigenous production is an important part of supply. Therefore, Brett broadly accept the continuation with the proposed apportionment levels but note that apportionment levels should recognise that demand is likely to increase over the plan period, particularly given planned levels of development.

The designing-in of mitigation, in line with 'agent of change' principles, to development at an early stage (particularly to reduce noise impacts) is equally important for railheads/ depots as it is for wharfs. Therefore, Brett would request that policy SI10 (part D) is extended to also apply the 'Agent of Change' principle to safeguarding of rail depots and other minerals infrastructure, in the same way as this has been applied to wharves through Policy SI15.

Recommend that part D should also not solely relate to the 'environmental impact of aggregates' but also to 'ensure the steady, adequate and sustainable supply' in line with NPPF guidance and to reflect and enhance the purpose of the policy in enabling a 'reliable supply of construction materials referred to in para 9.10.1.

Brett welcome the approach that all Mineral Planning Authorities in London should identify and safeguard aggregate resources in Development Plans, including aggregate recycling



facilities and flexibility is required in areas both captured by apportionment but also in those Boroughs not allocated and minerals apportionment.

Policy SI15 Water Transport

Brett fully support greater use of the river for freight transport, and to enable this, the safeguarding of wharves and wharf capacity from other types of development, and the increased use/re-activation (Policy part E). Part C of the policy requires that 'Development proposals to facilitate an increase in the amount of freight transported by river should be supported'. Brett would like to see the wording of this policy strengthened to state that 'Development proposals to facilitate *maximisation* of the amount of freight transported by river should be supported'. In the same vein Brett would also recommend Part F be modified to stat 'Development proposals which seek to *maximise* the use of safeguarded wharves for waterborne freight transport, especially on wharves which are currently not handling freight by water, will be supported.'

Whilst supportive in principle to Part G of Policy SI15, Brett would state that proposals that include the provision of a water freight use and any associated processing facilities on a safeguarded wharf, with other land uses above or alongside; will not only need to be designed to ensure that there are no conflicts of use and that the freight-handling capacity of the wharf is not reduced but also that these are both operationally future proofed and economically viable.

As previously stated, Brett support the 'Agent of Change' principle, that development adjacent to or opposite safeguarded wharves should be designed to minimise the potential for conflicts of use and disturbance as set out in Part G & specifically H of this Policy

Policy T1 Strategic approach to transport

Brett feel that one of the strategic approaches to transport should be to recognise the need for sustainable, economically viable and practicable forms commercial deliveries within the capital, particularly specialist building products to meet the development aspirations of the plan. This would seek to promote and support a blend of transport solutions such as rail, waterborne and highway/ vehicular transport options.

Policy T7 Freight and Servicing

Brett fully support the safeguarding wharves and railheads involved in distribution of aggregates (Policy Part C) as this is vital to the long term sustainable delivery of building products and mineral to the capital.

It should be noted that there appears to be an error in Part C of policy T4, the policy should refer to 'Policy *SI15* Water Transport' (not *SI5* Water Infrastructure).

Brett also fully support part D which promotes consolidation and distribution sites at all scales being able to provide 24-hour operation to encourage and support out-of-peak deliveries. This should be further defined to include for safeguarded wharf and rail head sites and their ancillary uses/ infrastructure. The ability to offload cargo's 24/7 is a vital consideration for the sustainable operation of such sites which are often constrained by tidal ranges or daytime track space availability. This approach is further highlighted, and fully supported by Brett, through Part G which also states that 'Developments should be designed and managed so that deliveries can be received outside of peak hours and in the evening or night time'.



Brett are broadly supportive of Part E of this policy also in terms of development proposals delivering mode shift from road to rail or water. However, this does not negate the need for road freight within our industry. Wharf's and rail heads provide a vital sustainable route in and reception 'hub' for bulky materials to enter the capital, however, road movements are still required to make the final delivery to site. The positioning of such 'hubs' is key particularly in terms of wharf supporting activities such as concrete plants. Such plants have to be located within close proximity to the market area given the short life span of the product from production to use.

Conclusion

The overall principles of the London Plan objectives in regard to minerals, safeguarding of railheads/ depots and wharf sites, and water based transport are supported by Brett.

Caveats, clarifications and recommended changes are set out within this letter and I would be happy to discuss this consultation response with you as appropriate.

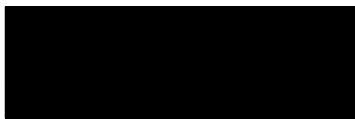
We would very much welcome the opportunity to work with your teams both as part of any strategy groups focusing on key topics and supplementary guidance or providing industry insight to policy writers. Further I would like to invite you for a visit for you, and your team, to one of our sites to highlight the work Brett undertake and discuss the challenges and indeed opportunities we will face looking forward.

Further Contact

Should you have any queries please do not hesitate to contact me: Chris Hemmingsley, Planning Manager, Group Planning & Development, Brett Group, Robert Brett House, Ashford Road, Canterbury, Kent, CT4 7PP, Tel: 01227 829061, [REDACTED]

I very much look forward to working with you to refine and develop the plan lead future of London.

Yours sincerely



Chris Hemmingsley
Planning Manager
Group Planning & Development