

Sadiq Khan (Mayor of London)  
New London Plan  
GLA City Hall  
London Plan Team  
Post Point 18  
FREEPOST RT JC-XBZZ-GJKZ  
London SE1 2AA

Date: 02 March 2018  
Our ref: 14221jHS/SSSt/15501861v1  
Your ref:

Dear Mr Khan,

## Representations to draft London Plan: Howbury Park Strategic Rail Freight Interchange

On behalf of our client, Roxhill Developments Ltd ("Roxhill"), Lichfields is pleased to provide representations to the Greater London Authority ("GLA"), in response to the ongoing consultation on the draft London Plan. Roxhill is the developer promoting the Strategic Rail Freight Interchange ("SRFI") proposals at Howbury Park, situated largely within the London Borough of Bexley ("LBB") (see plan at Annex 1).

### Background

#### Roxhill

Roxhill is a specialist industrial and distribution developer with a track record of progressing large scale, complex projects through to completion. Established in 2010, its property portfolio includes over 750 hectares of land in strategic locations throughout the UK.

Roxhill has extensive experience of rail freight projects, most recently successfully promoting the East Midlands Gateway SRFI that is located next to Junction 24 of the M1 motorway and East Midlands airport. The Development Consent Order ("DCO") for this development was approved in January 2016.

#### Howbury Park

Planning permission was first granted for SRFI development at the Howbury Park site in December 2007. The current updated Howbury Park proposals comprise the creation of a rail port with associated rail-served warehousing that will help to address the compelling need for an expanded network of rail freight facilities to serve London and the south east.

Roxhill submitted a planning application for an SRFI facility at Howbury Park in 2015 (LBB ref. 15/02673/0UTEA). LBB presented the application to Planning Committee on 16 February 2017, with an Officer's Recommendation for Approval. The Committee resolved to approve the application subject to referral to the Mayor of London. The Mayor subsequently directed LBB to refuse the application on 17 July

2017, in the ground of there being no 'very special circumstances' to justify development at his Green Belt site. In accordance with this direction, LBB refused the application on 20 July 2017.

Roxhill has submitted an appeal to the Secretary of State, with the Public Inquiry due to commence in summer 2018.

## Representations to the draft London Plan

The Howbury Park development is of strategic importance to London, with its implementation essential if the City is to achieve a modal freight shift from road to rail, and continue to make progress towards more sustainable freight transport solutions.

It is important that the draft London Plan, when published, provides appropriate policy support to facilitate the delivery of vital freight infrastructure. The following comments are provided in this context.

## Introducing the Plan

Roxhill wishes to object to the approach set out in paragraph 0.0.20 of the draft London Plan. This paragraph seeks to justify that elements of the Plan can be inconsistent with national policy, mainly where they relate to a specific mayoral commitment. The draft London Plan should be consistent with national policy and guidance. Roxhill's primary concern is where this relates to green belt policy (discussed later in this letter).

*Suggested amendment to supporting text wording/ approach*

---

*0.0.20. The policies in the Plan have been developed over a number of months and are supported by a proportionate evidence base. In their development, the Mayor has had regard to the need to ensure consistency with national policies, but does not seek to repeat them. Instead the London Plan seeks to develop an approach tailored for London, and act as the key document shaping planning decisions across the capital. On some occasions, the Plan departs from existing national policy and guidance; this is mainly where the Plan is deemed to be necessary to meet a specific mayoral commitment and in the circumstances of London. The seal of the Mayor's elected office is a significant political hand to set the planning system to deliver his manifesto commitments.*

**[note:** while paragraph 0.0.20 should be altered in the manner set out above, the key point is that the policies throughout the draft London Plan should be consistent with national policy and guidance and be supported by a robust evidence base].

---

## *Lichfields' Commentary*

The Mayor of London has to produce a spatial development strategy, under the Greater London Authority Act (1999) (as amended) ("the GLA Act"). Section 41 of the GLA Act makes clear that in preparing or revising the spatial development strategy for London (i.e. iterations of the London Plan), the Mayor "shall have regard to[...] the need to ensure that the strategy is consistent with national policies". These national policies are primarily included in the National Planning Policy Framework ("NPPF"), but for certain infrastructure projects these can include the relevant National Policy Statement ("NPS"). Section 337 of the GLA Act is clear that inconsistency with current national policy is sufficient justification for the Secretary of State to direct the Mayor not to publish a spatial development strategy (i.e. an iteration of the London Plan), unless these inconsistencies are addressed.

There is in effect a statutory requirement therefore for iterations of the London Plan to be consistent with national policy. This requirement is reflected at paragraph 2.5 of the GLA document '*London Planning Statement Supplementary Planning Guidance*' (2014) ("LPS SPG"). It is also recognised in the current London Plan (2016), which directly references "*the need to ensure consistency with national policies*" (paragraph 0.5).

## PolicyG2

### London's Green Belt

Roxhill wishes to object to the draft Plan's Green Belt policy insofar as it is inconsistent with national planning policy, particularly the omission of the 'very special circumstances' and 'exceptional circumstances' elements that are a long established and important part of planning for developments in Green Belt locations.

#### *Suggested policy wording*

---

#### *A) The Green Belt should be protected from inappropriate development:*

- 1 development proposals for inappropriate development in that 'NOuld hana the Green Belt should be refused except in very special circumstances.
- 2 the enhancement of the Green Belt to provide appropriate multi-functional uses for Londoners should be supported.

*B) The extension alteration of the Green Belt will be supported, where appropriate. Its de-tl will not should only occur in exceptional circumstances, through the preparation or review of a Local Plan.*

---

#### *Lichfields' Commentary*

Part A of draft London Plan Policy G2 does not currently provide for instances where inappropriate development in the Green Belt may be justified by very special circumstances. This represents a significant inconsistency against national policy, particularly paragraph 87 of the NPPF. This is despite supporting text at paragraph 8.2.1 of the draft London Plan acknowledging that "*the NPPF provides a clear direction for the management of development within the Green Belt*".

Part A is also inconsistent with the NPS for National Networks (2014) (which sets out national planning policy for SRFs), which states at paragraph 5.178 that national networks infrastructure projects that comprise inappropriate development in the Green Belt will be assessed against a requirement to demonstrate 'very special circumstances'.

Paragraph 0.0.20 of the draft London Plan states that deviation from national policy occurs partly where it "*reflects the particular circumstances of London*". Notwithstanding that consistency with national policy is required under the GLA Act 1999, it is considered that the NPPF Green Belt policy (and the Green Belt policy in the NTS for National Networks) are directly relevant to London and its green belt. It is not appropriate or justified to amend this in the draft London Plan, particularly with no evidence provided to justify such a new policy approach.

Furthermore, it is vital that there is policy provision for developments to be brought forward in the Green Belt, where any potential harm is clearly outweighed by other considerations (i.e. very special

circumstances). Without this criterion, the policy effectively suggests that harm to the Green Belt cannot be outweighed, and that Green Belt land should not be developed irrespective of the specific circumstances. The Green Belt is not intended to impose a blanket 'ban' on development. Instead it is a stringent policy constraint, which sets a very high bar but nonetheless allows for development to proceed in very special circumstances.

## **Policy T7 / Policy E4**

### **Freight and Servicing**

Roxhill objects to the removal of current London Plan policy that specifically addresses SRFI development. Policy 6.15 of the current London Plan provides explicit policy support for SRFI developments, in appropriate locations and where wider transport impacts are minimised.

The NPPF identifies a clear priority to provide sustainable transport modes (paragraph 29), and specifically encourages local authorities to develop strategies for the provision of viable infrastructure necessary to support sustainable development, including large-scale facilities such as rail freight interchanges (paragraph 31).

The NPS for National Networks (2014) follows this theme, and clearly sets out the importance of SRFI development, and identifies a 'compelling' need for an expanded network of SRFI facilities, in accordance with Government's conclusions (paragraph 2.56). The same paragraph states that "*[G]iven the locational requirements and the need for effective connections for both rail and road, the number of locations suitable for SRFIs will be limited, which will restrict the scope for developers to identify viable alternative sites*". The NPS highlights the importance of SRFIs in aiding the transfer of freight from road to rail, supporting sustainable distribution and rail freight growth and meeting the changing needs of the logistics industry (paragraph 2-47). It further states that "*there is a particular challenge in expanding rail freight interchanges serving London and the South East*" (para 2.58).

In this context, and reflecting Policy 6.15 of the current London Plan, the draft London Plan should be explicit in its support for SRFI development.

The current London Plan Policy 6.15, relating to SRFIs, that provides clear policy support for SRFI development, should therefore be re-instated, as follows:

- 
- A. The provision of strategic rail freight interchanges should be supported, including enabling the potential of the Channel Tunnel Rail Link to be exploited for freight serving London and the wider region.
- B. These facilities must:
- a deliver modal shift from road to rail
  - b minimise any adverse impact on the wider transport network
  - c be well-related to rail and road corridors capable of accommodating the anticipated level of freight movements
  - d be well-related to their proposed markets
- 

Notwithstanding that specific SRFI policy support should be included, Roxhill acknowledges that the draft London Plan does include positive reference to rail freight and intermodal rail freight developments. Draft

Policy E4(A)(5) requires that sufficient land is made available for sustainable transport functions, including intermodal freight interchanges, whilst draft Policy T7(E) specifically requires that proposals for new consolidation and distribution centres deliver a modal shift from road to rail or water. Clearly, a modal shift resulting from a new distribution facility is only achievable through SRFI development.

Whilst this positive policy context is welcomed, Roxhill would question the practicality of also requiring, in draft Policy T7(E)(2), that new distribution facilities reduce traffic volumes in London, and linked to this, the requirement at draft Policy T7(E)(3) that facilities deliver reduced emissions from freight and servicing trips. SRFI facilities (unlike non-rail linked facilities) would help bring about a modal shift, transferring existing traffic onto the railway in accordance with this requirement. However, demonstrating an overall reduction in London traffic would be difficult to evidence, given the complexities of freight traffic movements across the Capital, plus the likelihood that any new floorspace would give rise to an element of traffic generation. The NPS for National Networks, for example, recognises that there are likely to be local impacts in terms of (inter alia) increased road and rail movements from SRFI developments (paragraph 2.51). Hence an alternative reference to minimising any adverse impact on the wider transport network would be more appropriate, noting that such a requirement would replicate existing policy in the current London Plan (Policy 6.15).

## PolicySD1

### Opportunity Areas

Roxhill welcomes the importance placed on industrial and logistics uses in the Bexley Riverside Opportunity Area, in the Thames Estuary (discussed in paragraphs 2.1.53- 2.1.54 of the draft London Plan). However, the wording should include specific references to the strategic importance of the area to accommodate inter-modal freight facilities, consistent with the current London Plan.

#### *Suggested supporting text wording*

2.1.54. Industrial and logistics uses will continue to play a significant role in the area, which also has strategic importance as a location for inter-modal freight transfer facilities. The Planning Framework should ensure that there is no net loss of industrial floorspace capacity, and that industrial uses are retained and intensified, and form part of the mix in redevelopment proposals.

#### *Lichfields' Commentary*

Annex One of the current London Plan specifically states that "*account should be taken of [Bexley Riverside's] strategically important role in addressing London's logistics requirements including protection for inter-modal freight transfer facilities at Howbury Park*". The compelling need for an SRFI to serve the south-east London market remains, and Bexley Riverside is in a unique position to deliver a facility to meet this need.

Evidence submitted to support the planning application for Howbury Park clearly demonstrates the continued lack of alternative locations across London and the South East where SRFIs could be potentially sited. Given this continued lack of alternatives, the evidenced need for SRFIs to serve London, and the suitability of the Bexley Riverside Opportunity Area to accommodate SRFI development, it is considered appropriate that the draft London Plan retains recognition of the SRFI development potential of the area.

## Summary

This letter sets out representations to the draft London Plan on behalf of Roxhill, with specific regard to the proposed Strategic Rail Freight Interchange facility at Howbury Park, London Borough of Bexley.

The key points that in this representation are as follows:

### 1 Consistency with National Policy

The draft London Plan should be consistent with national policy, in accordance with the requirements of The Greater London Authority Act (1999) (as amended);

### 2 Green Belt policy

The draft London Plan should incorporate (at policy G2) an approach that recognises that new development can take place in the Green Belt, where this can be justified by very special circumstances. This will both ensure consistency with national policy, and allow developments where the benefits clearly outweigh any harm to the Green Belt.

### 3 Freight policy

Clearer specific policy supporting SRFI development should be included. Failing this, the proposed policies should be amended to more accurately reflect operating characteristics of distribution facilities.

### 4 Bexley Riverside Opportunity Area

The draft London Plan should acknowledge the strategic role that Bexley Riverside can play in delivering an inter-modal freight facility.

Roxhill would welcome further opportunity to engage in the draft London Plan process, including possible participation in the Examination in Public.

Should you require any clarification, or additional information, pertaining to any of the matters raised in this letter, please don't hesitate to contact me.

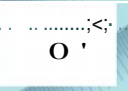
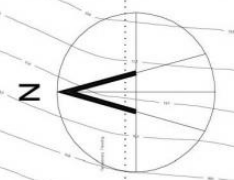
Hugh Scanlon  
Senior Director

## **Annex 1: Howbury Park Illustrative Masterplan**



**NOTES:**

SUBJECT TO STATUTORY CONSENTS  
 BASED ON GREENHATCH GROUP'S  
 TOPOGRAPHICAL SURVEY  
 DRAWING REF: 6155 Rev P10  
 DATED: July 2014  
 BASED ON OS MAP REPRODUCED BY PERMISSION OF  
 CONTROLLER OF HM STATIONARY OFFICE (c) CROWN COPYRIGHT  
 COPYRIGHT RESERVED  
 DO NOT USE ELECTRONIC VERSIONS OF THIS DRAWING TO  
 DETERMINE DIMENSIONS UNLESS SPECIFICALLY AUTHORISED BY  
 MICHAEL SPARKS ASSOCIATES  
 IF USING AN ELECTRONIC VERSION OF THIS DRAWING FIGURED  
 DIMENSIONS TAKE PRECEDENCE AND NOTIFY MICHAEL SPARKS  
 ASSOCIATES OF ANY DISCREPANCIES



1:1000				
REV	DATE	NOTE	DRAW	CHK

**MICHAEL SPARKS ASSOCIATES**

CHARTERED ARCHITECTS

11 PLATO PLACE  
 ST JONIS ROAD  
 LONDON E14 4TU

TELEPHONE 020 336 6162  
 FAX 020 7718 3838  
 www.msa-rchited.co.uk



TITLE  
**HOWBURY PARK- KENT**

DRAWING  
**COLOUR ILLUSTRATIVE MASTERPLAN**

CLIENT  
**ROXHILL DEVELOPMENTS LTD**

DATE	SCALE	DRAWN
NOVEMBER 2015	1:2000@ A1	AL
	STATUS	CHECKED
	PLANNING	SD

DRAWING NUMBER  
**30777-PL-103**

