

MAYOR OF LONDON

Mark Watling
Bexley Council
Development Control
Civic Offices, 2 Watling Street
Bexleyheath
Kent
DA6 7AT

Our ref: D&P/0940a/02
Your ref: 15/02763/OUTEA
Date: 17 July 2017

Dear Mr Watling,

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008

Howbury Park Strategic Rail Freight Interchange, Erith
Local planning authority reference: 15/02673/OUTEA

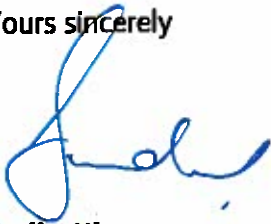
I refer to your letter of 30 March 2017 informing me that Bexley Council has resolved to grant planning permission for the above planning application. I refer you also to the notice that was issued on 11 July 2017 under the provisions of article 5(1)(b)(i) of the above Order.

Having now considered a report on this case, reference D&P/0940a/02 (copy enclosed), I do not consider the proposal would achieve the modal shifts from road to rail freight within London envisaged within my Draft Transport Strategy, and therefore there are not demonstrable benefits for London which would outweigh the loss of London's Green Belt. I direct you to refuse planning permission, under the powers conferred on me by article 6 of the above Order. My reasons are as follows:

- The proposal is inappropriate development in the Green Belt and very special circumstances have not been demonstrated which would clearly outweigh the harm to the Green Belt by reason of inappropriateness, and any other harm. The development is therefore contrary to Policy 7.16 of the adopted London Plan 2016 and the National Planning Policy Framework.

The application represents EIA development for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. I have taken the environmental information made available to date into consideration in formulating my decision.

Yours sincerely



Sadiq Khan
Mayor of London

cc Gareth Bacon, London Assembly Constituency Member
Nicky Gavron, Chair of London Assembly Planning Committee
National Planning Casework Unit, DCLG
Lucinda Turner, TfL
Agent: Ian York, NLP, 14 Regent's Wharf, All Saints Street, London, N1 9RL.

17 July 2017

Howbury Park, Slade Green

in the London Borough of Bexley

planning application no. 15/02673/OUTEA

Strategic planning application stage II referral

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

The proposal

Cross-boundary outline application for the demolition of existing buildings and redevelopment to provide a strategic rail freight interchange comprising a rail freight intermodal facility, warehousing, new access arrangements from Moat Lane, associated HGV, car and cycle parking, landscaping, drainage, and associated works (within London Borough of Bexley). Creation of a new access road from the existing A206/A2026 roundabout, incorporating a bridge over the River Cray, landscaping and associated works (within Dartford Borough Council). All matters reserved except for Access.

The applicant

The applicant is **Roxhill Developments Ltd** and the agent is **Nathaniel Lichfield & Partners**.

Key Dates:

Pre-application meeting: 24 June 2015

Application submitted to Borough: 20 November 2015

Stage 1 reported to Mayor of London: 6 June 2016

Planning Committee: 16 February 2017

Strategic issues summary

The proposal represents inappropriate development within the Green Belt and should not be approved except in very special circumstances.

The Council's decision

Bexley Council has resolved to grant permission, subject to conditions and a section 106 agreement.

Recommendation

That Bexley Council be directed to refuse planning permission, for the reasons set out in this report.

Context

1 On 25 April 2016, the Mayor of London received documents from Bexley Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referred under the following categories of the Schedule to the Order 2008:

- 1B 1. (c) *“Development (other than development which only comprises the provision of houses, flats, or houses and flats) which comprises or includes the erection of a building or buildings outside Central London and with a total floorspace of more than 15,000 square metres”* ;
- 2C 1. *“Development to provide – (g) an installation for use within Class B8 (storage or distribution) of the Schedule to the Use Classes Order where the development occupies more than 4 hectares”*;
- 3D 1. *“Development – (a) on land allocated as Green Belt or Metropolitan Open Land in the development plan, in proposals for such a plan, or in proposals for the alteration or replacement of such a plan; and (b) which would involve the construction of a building with a floorspace of more than 1,000 square metres or a material change in the use of such a building;”*
- 3E 1. *“Development – which (a) which does not accord with one or more provisions of the development plan in force in the area in which the application site is situated; and (b) comprises or includes the provision of more than 2,500 square metres of floorspace for a use falling within any of the following classes in the Use Classes Order— (viii) class B8 (storage and distribution).”*

2 On 6 June 2016, the Mayor considered planning report D&P/0940a/01, and subsequently advised Bexley Council that the application did not comply with the London Plan for the reasons set out in paragraph 86 of this report; but that the possible remedies set out in paragraph 86 of this report issues could address these deficiencies. As set out in the accompanying letter, the Mayor also expressed concerns about the robustness of the alternative sites assessment and the potential impact of additional freight trains on existing and proposed passenger service.

3 A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report. On 16 February 2017, Bexley Council decided that it was minded to grant planning permission, subject to conditions and agreement of a section 106 agreement, and on 11 July 2017 it advised the Mayor of this decision. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008, the Mayor may allow the draft decision to proceed unchanged, direct the Council under Article 6 to refuse the application, or issue a direction to the Council under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application. The Mayor has until 24 July 2017 to notify the Council of his decision and to issue any direction.

4 The environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 has been taken into account in the consideration of this case.

5 The Mayor of London’s statement on this case will be made available on the GLA website www.london.gov.uk.

Update

6 At the consultation stage, Bexley Council was advised that the application did not comply with the London Plan and the following strategic concerns were raised:

- **Principle of development:** Proposed development is inappropriate and would be harmful to the Green Belt. A 'very special circumstances' case based on identified strategic need and the lack of alternative sites which could accommodate such a large facility and have access to the road and rail network has been made, which is considered to be persuasive but further information should be sought on the proposed carbon emission savings, reduction in traffic movements and the impact on the passenger rail network, in line with London Plan policy 6.15.
- **Air quality:** The applicant was advised that the submitted air quality information was not sufficient to allow for the impacts of the proposal to be properly understood and an assessment made in line with London Plan policy 7.14. A number of deficiencies were raised including no assessment against air quality neutral benchmarks, omissions within the submitted Air Quality Assessment and modelling including vehicle movements within the Strategic Rail Freight Interchange (SRFI), relationship with the transport modelling, failure to take account of sensitive receptors (including schools) and the verification of the model itself. The applicant was asked to consider further mitigation measures and advised that London Plan support for Strategic Rail Freight Interchanges in Policy 6.15 is conditional on robust justification and evidence that the net benefits of the scheme – in terms of emissions and traffic reduction would outweigh any localised impacts and any loss of Green Belt.
- **Biodiversity:** The proposal would result in the loss of a significant area of land that proposes complementary habitats to the adjacent Crayford Marshes. Mitigation is proposed, but compensation measures should also be secured.
- **Transport:** Concern regarding the potential impact on passenger rail, in addition to a number of other strategic transport issues raised (including level of cycle parking and contributions to signage and bus shelters).

7 The applicant has sought to address the outstanding issues as detailed below.

8 The Mayor is advised that this is a cross-boundary application. Following Bexley's decision on 16 February 2017, Dartford Borough Council has subsequently resolved to refuse outline planning permission for the proposed development on air quality, transport and Green Belt grounds (20 April 2017). The elements of the proposed development within Dartford's boundary include the creation of an access road from the existing A206/A2026 roundabout, incorporating a bridge over the River Cray, landscaping and associated works.

9 At Stage 1 (paragraph 11), the Mayor was advised that an application for an SRFI at Colnbrook, Slough was being considered by the Secretary of State. The Mayor is advised that the planning appeal for this scheme was dismissed, and planning permission refused for the proposal in a decision dated 12 July 2016. Overall, the Secretary of State concluded that the benefits of the scheme would not overcome the harm that would be caused to the particular piece of Green Belt in the Colnbrook Area which forms part of a Strategic Cap and adjoins the Colne Valley Park.

Principle of development

10 At Stage 1, a comprehensive analysis of the policy issues and considerations was set out including an assessment of the harm to the Green Belt, any other harm arising from the proposal

and consideration of the 'very special circumstances' case put forward by the applicant. In conclusion, the need for a SRFI was accepted, noting the National Policy Statement for National Networks (NPS), the London Plan and the Inspector's decision on the 2007 case. It was considered the applicant had made a compelling 'very special circumstances' case but GLA officers were seeking further clarification on the biodiversity benefits of the proposal and the environmental benefits, notably whether the emission savings and overall reduction in traffic movements are sufficient to justify the loss of Green Belt in line with London Plan policy 6.15 and supporting paragraph 6.50.

11 Subsequent to Stage 1, there has been further discussion on biodiversity issues, transport issues and environmental issues between the applicant and stakeholders including Bexley Council, GLA, Transport for London, Network Rail and Highways England.

12 On balance, Bexley Council have concluded that the identified need for a SRFI, the economic benefits of the proposal and the absence of alternative sites, constitute very special circumstances which would outweigh the environmental impacts and the identified harm to the Green Belt. That decision is underpinned by a package of proposed mitigation measures, s106 legal agreement and a substantial number of planning conditions.

GLA officer assessment of the case.

13 As per paragraph 35 of the Stage 1 report, the proposal is inappropriate development in the Green Belt, which would cause substantial harm to the Green Belt with the ensuing loss of openness and the encroachment into the countryside. A conclusion also reached by Bexley officers.

14 The NPPF places substantial weight on any harm to the Green Belt in considering planning applications and the Planning Authority must be convinced that the evidence submitted by the applicant demonstrates that the harm to the Green Belt by reasons of inappropriateness, and any other harm, is clearly outweighed by very special circumstances in order to justify the granting of permission.

15 As per paragraph 37 of the Stage 1 report, the applicant's justification for the proposals on this Green Belt site are set out in a 'very special circumstances' case based around 1) Identified Need 2) Lack of alternative sites 3) Lack of alternative options and 4) Other benefits including socio-economic benefits and environmental benefits.

16 In reference to the 'other harm' identified at Stage 1, outstanding matters in relation to Air Quality and Biodiversity have been addressed, in part, and can be overcome through scheme design, proposed mitigation measures and the use of planning conditions.

17 As demonstrated by the planning history of the site, this is an extremely complex case and the issues are finely balanced. The "compelling need" for an expanded network of SRFIs is acknowledged and that given their locational requirements the number of locations suitable for SRFIs will be limited (Paragraph 2.56, NPS). It is also acknowledged that in London and the South East most existing facilities are small scale and/or poorly located in relation to the main urban areas and that there is a particular challenge in expanding rail freight interchanges serving that region (Paragraph 2.57 & 2.58, NPS). However Paragraphs 5.170, 5.172 and 5.178 of the NPS are all clear that the policies for controlling development in the Green Belt apply without any modification for SRFI proposals. The proposal is inappropriate development within the Green Belt and inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances (Paragraph 87, NPPF). When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of

inappropriateness, and any other harm, is clearly outweighed by other considerations (Paragraph 88, NPPF).

18 In balancing the considerations relating to the application; at 57.4 hectares, the totality of the harm to the Green Belt with the ensuing loss of openness and the encroachment into the countryside is substantial. In line with the NPPF and the London Plan, the weight against the development is very strong and compelling. A package of proposed mitigation measures including travel and freight management plans, biodiversity management plans and a variety of additional safeguards which would be applied through planning conditions, including a low emission strategy and landscaping, could mitigate the other harm identified.

19 In terms of the benefits of the proposal, the most important contribution of the proposed development would be its potential to add to a network of SRFIs in the London and South East region, reducing the identified unmet need and delivering national policy objectives; and this is given very significant weight. As London will be the location of many of the 'final markets' for Howbury Park, it is unlikely to increase the rail freight mode share within London, as envisaged within the draft Transport Strategy (June 2017), therefore there will be no demonstrable benefits for London. While rail could compete for 'feeder' movements of goods to and from other SRFIs, it is unlikely that significant flows between the south east ports and Howbury Park would be by rail since the distances involved are far short of the threshold distance of around 100 miles around which rail is able to compete with road haulage. This suggests the proposed facility is likely to be used mostly as a traditional road-based distribution facility.

20 The potential benefits to the national road network from the improvements in logistics efficiency that the site would enable are noted. The principle of siting strategic logistics facilities close to the rail network is also supported, since without this there is no potential for feeder traffic to be switched to rail in the future. However, such considerations are not believed to be significant enough in their own right to outweigh other strategic matters. The challenge in finding sites suitable for SRFIs in London and the South East is acknowledged and this is also given some weight. The economic benefits of the proposal and the reduction in carbon emissions are also each attributed appropriate weight. On balance, however, the benefits of the scheme do not clearly overcome the harm.

21 In conclusion, the potential harm to the Green Belt by reason of inappropriateness is not outweighed by the other considerations and, given the absence of demonstrable benefits for London, very special circumstances do not exist to justify the development and the harm it would cause to London's Green Belt. The development is contrary to Policy 7.16 of the London Plan and the NPPF.

Biodiversity

22 At Stage 1, it was noted that the application site occupied part of a Borough Grade 1 Site of Importance for Nature Conservation (SINC), with the northern boundary abutting Crayford Marshes, a Site of Metropolitan Importance (SMI) for nature conservation. Subsequent survey work undertaken by the applicant, and accepted by the Council, indicates that the part of the Grade 1 SINC affected by the proposed development has a lower biodiversity value than the remainder of the SINC.

23 The applicant has agreed a proposed mitigation package with the Council to offset the impacts of the proposed development and a Marshes Management Regime has been produced which will be secured and enforced through the Section 106 Legal Agreement, which includes the transfer of marsh land in the control of the applicant to a Marshes Management Company and a bespoke drainage solution would assist in maintaining water levels in Crayford Marshes.

The total mitigation package amounts to £2.8m, and the applicant has set out how this will fund capital works and management over a 25 year period:

Capital Works – to include ditch works, installation of signage / interpretation boards, re-establishment of footpaths, installation of fencing and removal of invasive species.	£200,000
Initial Staffing Costs – to cover warden for 18 months + one-off admin costs.	£50,000
Drainage enhancements – Costs of bespoke SUDs scheme to hold and release water into Crayford Marshes.	£800,000
Site Office – Provision of an operations base within the development for 25 years at £12,000 pa.	£300,000
Long term Management – to achieve the aims of the Marshes Mitigation Plan for 25 years. Equates to c.£70,000 per annum for 25 years. Assumes part-time warden.	£1.45m
TOTAL	£2.8m

Table 1: proposed biodiversity mitigation package.

24 Local biodiversity stakeholders including London Wildlife Trust, Buglife, the RSPB, the Bexley Natural Environment Forum (BNEF) and the warden of the Thames Water Crossness Nature Reserve would be consulted on the final details of the Marshes Management Plan and would be invited to meetings of the Marshes Management Company, however they would have no decision making role. As an equal shareholder in the proposed Management Company with the landowners, it would be down to the Council to seek to ensure the views of the local community and local biodiversity stakeholders were fully considered. Overall, GLA officers consider local biodiversity stakeholders should not be on the periphery of the management of the Marshes and should be given an active role in the long term management of the Marshes through the proposed Management Company. The proposed costs should be reviewed, in conjunction with these local stakeholders, to ensure they are sufficient to deliver the assumed biodiversity benefits at the Marshes over the 25 year period.

25 Proposed measures within the development itself to improve biodiversity include wildflower grasslands, hedgerow planting, tree planting, green walls and new ponds within the landscaping. Conditions are also proposed to minimise the impacts of lighting and ensure native species are planted.

26 Overall the proposed development would result in the loss of large areas of roughland and grassland habitat on the site, which would be mitigated to a degree by the creation of better quality grassland habitat as part of the landscaping proposals. The proposals could result in significant improvements to the ditches and wetlands in the Crayford Marshes SMI, in particular it is recognised that the sustainable drainage scheme (SUDs) of the proposed development would assist in managing and maintaining water levels within the marshes, however this is reliant on the effectiveness of the long-term management regime and ensuring the proposed funding is adequate. GLA officers are of the view that local biodiversity stakeholders will need to be actively involved with the long-term management of the Marshes if the potential biodiversity gains are to be achieved here. On balance, if a robust scheme of mitigation and long-term stewardship were in place, the proposal could be in line with London Plan policy 7.19.

Air quality

27 At Stage 1, the applicant was advised that the submitted air quality information was not sufficient to allow for the impacts of the proposal to be properly understood and an assessment

made in line with London Plan policy 7.14. A number of deficiencies were raised including no assessment against air quality neutral benchmarks, omissions within the submitted Air Quality Assessment and modelling including vehicle movements within the Strategic Rail Freight Interchange (SRFI), relationship with the transport modelling, failure to take account of sensitive receptors (including schools) and the verification of the model itself. The applicant was asked to consider further mitigation measures and advised that London Plan support for Strategic Rail Freight Interchanges in Policy 6.15 is conditional on robust justification and evidence that the net benefits of the scheme – in terms of emissions and traffic reduction would outweigh any localised impacts and any loss of Green Belt.

28 Following the Stage 1 comments, the applicant has positively engaged with GLA officers and responded to concerns by conducting further surveys and modelling work which demonstrate that the proposal has an acceptable impact. The Council have also liaised with GLA officers in relation to proposed conditions to ensure these are robust and ‘future-proofed’. A proposed Low Emissions Strategy would ensure operations at the site and its associated road transport would be monitored on an annual basis to ensure air quality issues are minimised, and addressed (if required). As a consequence, the development is considered to be consistent with London Plan policy 7.14.

Transport impact

29 At Stage 1, concerns were raised in relation to the proposal’s potential impacts on passenger rail services including an extension of the Elizabeth Line or metroisation of South-Eastern services, and encouraging a mode shift to more sustainable forms of transport. Other detailed issues raised included levels of short and long stay cycle parking, local cycling and walking infrastructure, car parking, HGV generation and routing, construction logistics, and impact on local public transport services.

30 Subsequent to the Stage 1 report, the applicant, in consultation with TfL, has carried out further analysis and committed to a number of s106 obligations and conditions, which address the transport issues that have been raised. This includes contributions of £136,000 towards improved signage/ wayfinding in the local environ to assist pedestrians and cyclists, £35,000 to upgrade local bus stops in line with TfL’s Accessible Bus Stop Guidance (March 2017), £75,000 for Travel Plan monitoring and the funding of a shuttle service to transfer employees from the site to Slade Green Station.

31 In addition, the applicant has prepared a detailed Travel Management Plan with a range of measures designed to promote access to the site via public transport and active modes of transport. Future car and cycle parking arrangements (EVCPs, blue badge, etc.) will also be required to be provided in line with London Plan requirements prior to the occupation of any unit on site. The Travel Management Plan also provides extensive controls on HGV and LGV movements arising from the development. HGV trips will be capped at the site and their impact on the surrounding highway network will be closely monitored via an Automatic Number Plate Recognition (ANPR) to be funded by the applicant. Construction logistics arrangements will also be required to maximise use of the Blue Ribbon Network to reduce impacts on the local highway network during construction.

32 Notwithstanding the strategic transport benefits of the scheme as discussed above, it is acknowledged that more site specific transport issues raised at Stage 1 have been satisfactorily resolved, either through provision of further information and subsequent discussions with TfL, Network Rail and Highways England, or via the proposed planning conditions/ obligations.

Response to consultation

33 The Council notified surrounding residents and businesses, as well as site notices and a notice within the local press. There were 165 representations received; 164 raising objections to the scheme and 1 representation supporting the scheme.

34 147 of these are individually signed leaflets entitled “Save Our Skylarks” (organised by Bexley Wildlife) were received, objecting to the proposed development on the grounds of harm to biodiversity, including several bird species. Objections were also made on the grounds of increased road traffic and carbon emissions.

35 Of the remaining objections to the scheme, in summary, these include:

- Inappropriate development within the Green Belt;
- Increased road traffic and HGV movements;
- Noise pollution;
- Air pollution;
- Loss of wildlife/biodiversity;
- Impact on the rail network and concerns with capacity.

36 The 1 representation in support of the scheme was submitted by Viridor Waste Management Ltd, who adjoins the proposed development site. They support the new road access which will help alleviate local congestion from their current vehicle traffic on local roads and the development would offer the opportunity to use rail to transport materials, to help further reduce road congestion.

37 The following political representatives also made representations to Bexley Council:

- **Gareth Bacon, London Assembly member:** Formally objects to the planning application on the grounds that a development of this scale would have a devastating impact on the local Green Belt. Acknowledges a planning balance needs to be struck, but believes the environmental harm outweighs the economic benefits of the scheme.
- **Jean Lambert, MEP London:** Objects to the scheme on the basis of scale, carbon and air pollution impacts, damage to the Green Belt, impact on a designated Site of Importance for Nature Conservation (SINC), reduction in amount of habitat available for bird species and overall loss of Bexley’s natural capital.
- **Gareth Johnson, MP for Dartford:** Raises concerns with regards to additional HGV movements at Junction 1A, causing delays for local residents and increased congestion on the local network.

38 Responses from Statutory Bodies

- **Historic England:** No objection, subject to the inclusion of pre-commencement conditions for archaeological investigations and Historic Building Assessment for the locally listed Howbury Grange and outbuildings.

- **Environment Agency:** No objection, subject to conditions relating to groundwater, contamination and compensatory habitat creation.
- **Highways England:** No objection, subject to conditions/legal agreements securing limits on peak period freight movements, ANPR vehicle monitoring, real time traffic information for freight drivers, welfare facilities for freight drivers, freight management plan, employee travel plan and construction traffic management plan.
- **Network Rail:** No objection and the proposal is supported, in principle. Have worked with the applicant on the detailed technical rail element.
- **Port of London Authority (PLA):** No objection, subject to conditions on the construction of the proposed bridge, riparian life-saving equipment, maximising river transport during construction and details of external lighting in relation to river navigation and river ecology.
- **Natural England:** No objection.
- **Crossrail:** No objection, subject to conditions on Crossrail Safeguarding.
- **Thames Water:** No objection, subject to conditions and informatives on foul and surface water discharge, drainage strategy, piling and water supply.

39 Responses from non-statutory bodies

- **Metropolitan Police:** No objection, subject to conditions to achieve Secured by Design principles.
- **London Fire and Emergency Planning Authority (LFEPA):** No objection, subject to ensuring compliance with Building Regulations.
- **Slade Green Community Forum:** Object to the proposal on the grounds of inadequate public consultation, adverse transport impacts, noise impacts and adverse air quality issues. Also wish to ensure local employment opportunities are secured.
- **London Wildlife Trust:** Object to the proposed loss of biodiversity and a SINC. Inappropriate development within the Green Belt and risk of further infill and loss if permission is granted. Inadequate mitigation.
- **Bexley Natural Environment Forum:** Object to the proposals as inappropriate development in the Green Belt and negative impacts on biodiversity including habitats for declining bird species.
- **Bexley Civic Society:** Object to the proposals as inappropriate development within the Green Belt, increases in HGV movement, rail network capacity issues, and increase in traffic congestion.
- **Bexley LA21 Transport Forum:** Object to the development due to the adverse transport impacts upon both the road and rail network.
- **Inland Waterways Association:** No objection to the wider development, have raised comments in relation to the proposed bridge and the impact upon navigation and mooring.

- **Dartford and Crayford Creek Restoration Trust:** Object to the impact of the proposed bridge upon the navigability of the River Cray.
- **Bexley Green Party:** Object to the development due to flawed sustainability claims, increased air pollution, visual intrusion in the Green Belt, reduction in bird habitat and loss of land designated as a SINC.
- **The Royal Society for the Protection of Birds (RSPB):** Opposes the loss of green space in Bexley and loss of breeding habitat for scarce and declining bird species.

40 The objections raised have been considered in the Council's Committee Report of 16 February 2017 and where they affect strategic policies, have been considered in this report and the Mayor's Stage One report.

Draft Section 106 agreement

41 The following are to be included within the draft Section 106 agreement:

- Marshes Management Regime, drainage strategy and management implementation totalling £2.8m;
- Noise mitigation scheme, totalling £45,000;
- Signage Strategy (including Legible London signage) totalling £136,429;
- Establishment of a Community Liaison Group;
- Transport Management Plan, including Travel Plan, Freight Management Plan and Rail Freight Plan;
- Provision of a Shuttle Bus for employees for 5 years;
- Bus Stop contribution, totalling £35,000;
- Contribution for works to Junction 1A on M25;
- Training and Employment, including measures for local employment, training and skills.
- S106 monitoring costs (including £75,000 for Travel Plan monitoring).

Article 7: Direction that the Mayor is to be the local planning authority

42 Under Article 7 of the Order the Mayor could take over this application provided the policy tests set out in that Article are met. An initial review of these policy tests suggests that the Mayor could take over this application but in this instance, GLA officers are recommending that the Mayor refuse the application.

Legal considerations

43 Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008, the Mayor has the power under Article 6 to direct the local planning authority to refuse permission for a planning application referred to him under Article 5 of the Order. He also has the power to issue a direction under Article 7 that he is to act as the local planning

authority for the purpose of determining the application. The Mayor may also leave the decision to the local authority. In directing refusal, the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction.

Financial considerations

44 Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government Planning Practice Guidance emphasises that parties usually pay their own expenses arising from an appeal.

45 Following an inquiry caused by a direction to refuse, costs may be awarded against the Mayor if he has either directed refusal unreasonably; handled a referral from a planning authority unreasonably; or behaved unreasonably during the appeal. A major factor in deciding whether the Mayor has acted unreasonably will be the extent to which he has taken account of established planning policy.

46 Should the Mayor take over the application he would be responsible for holding a representation hearing and negotiating any planning obligation. He would also be responsible for determining any reserved matters applications (unless he directs the Council to do so) and determining any approval of details (unless the Council agrees to do so).

Conclusion

47 Whilst the applicant has sought to address issues raised at consultation stage in relation to biodiversity, air quality and transport, given the absence of demonstrable benefits for London, it is not considered that ‘very special circumstances’ exist which clearly outweigh the potential harm to the Green Belt by reason of inappropriateness. The application therefore does not comply with London Plan policy 7.16 and the NPPF.

Reason for refusal: The proposal is inappropriate development in the Green Belt and very special circumstances have not been demonstrated which would clearly outweigh the harm to the Green Belt by reason of inappropriateness, and any other harm. The development is therefore contrary to Policy 7.16 of the adopted London Plan 2016 and the National Planning Policy Framework.

for further information, contact GLA Planning Unit (Development & Projects Team):

Juliemma McLoughlin, Assistant Director - Planning

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Sarah Considine, Senior Manager – Development & Projects

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Howbury Park, Slade Green**in the London Borough of Bexley****planning application no. 15/02673/OUTEA****Strategic planning application stage 1 referral**

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

The proposal

Cross-boundary outline application for the demolition of existing buildings and redevelopment to provide a strategic rail freight interchange comprising a rail freight intermodal facility, warehousing, new access arrangements from Moat Lane, associated HGV, car and cycle parking, landscaping, drainage, and associated works (within London Borough of Bexley). Creation of a new access road from the existing A206/A2026 roundabout, incorporating a bridge over the River Cray, landscaping and associated works (within Dartford Borough Council). All matters reserved except for Access.

The applicant

The applicant is **Roxhill Developments Ltd** and the agent is **Nathaniel Lichfield & Partners**.

Strategic issues summary

Green Belt: Proposed development is inappropriate and would be harmful to the Green Belt. A 'very special circumstances' case based on identified strategic need and the lack of alternative sites which could accommodate such a large facility and have access to the road and rail network has been made, which is considered to be persuasive but further information should be sought on the proposed carbon emission savings, reduction in traffic movements and the impact on the passenger rail network, in line with London Plan policy 6.15.

Strategic Rail Freight Interchange (SRFI): Supported under London Plan policy 6.15, subject to clarification on carbon emission saving and wider transport impacts. Recognition of previous planning consent for Howbury Park in supporting text,

Economic development: The proposal would make a significant positive economic impact and help support the Bexley Riverside Opportunity Area and Regeneration Area.

Transport: Concern regarding the potential impact on passenger rail, in addition to a number of other strategic transport issues raised (including level of cycle parking and contributions to signage and bus shelters).

Biodiversity: The proposal would result in the loss of a significant area of land that proposes complementary habitats to the adjacent Crayford Marshes. Mitigation is proposed, but compensation measures should also be secured.

Recommendation

That London Borough of Bexley be advised that the application does not currently comply with the London Plan, for the reasons set out in paragraph 86 of this report; but that the possible remedies set out in paragraph 86 of this report could address these deficiencies.

Context

1 On 25 April 2016 the Mayor of London received documents from Bexley Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008 the Mayor has until 3 June 2016 to provide the Council with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor's use in deciding what decision to make.

2 The application is referable under the following categories of the Schedule to the Order 2008:

- 1B 1. (c) *"Development (other than development which only comprises the provision of houses, flats, or houses and flats) which comprises or includes the erection of a building or buildings outside Central London and with a total floorspace of more than 15,000 square metres" ;*
- 2C 1. *"Development to provide – (g) an installation for use within Class B8 (storage or distribution) of the Schedule to the Use Classes Order where the development occupies more than 4 hectares";*
- 3D 1. *"Development – (a) on land allocated as Green Belt or Metropolitan Open Land in the development plan, in proposals for such a plan, or in proposals for the alteration or replacement of such a plan; and (b) which would involve the construction of a building with a floorspace of more than 1,000 square metres or a material change in the use of such a building;"*
- 3E 1. *"Development – which (a) which does not accord with one or more provisions of the development plan in force in the area in which the application site is situated; and (b) comprises or includes the provision of more than 2,500 square metres of floorspace for a use falling within any of the following classes in the Use Classes Order— (viii) class B8 (storage and distribution)."*

3 Once London Borough of Bexley has resolved to determine the application, it is required to refer it back to the Mayor for his decision as to whether to direct refusal; take it over for his own determination; or allow the Council to determine it itself.

4 The environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 has been taken into account in the consideration of this case.

5 The Mayor of London's statement on this case will be made available on the GLA website www.london.gov.uk.

Site description

6 The 57.4 hectare site is located on an area known as Crayford Marshes, adjacent to the boundary between the boroughs of Bexley and Dartford. To the immediate west of the site is the existing rail depot at Slade Green and the Grosvenor Waste Depot, while Thames Road, Bob Dunn Way and the edge of the River Cray abut the southern boundaries of the site. To the north the site extends as far as Moat Lane, which links Slade Green with Howbury Farm and Farm Cottage. To the north of the site, beyond Moat Lane and the drainage channel that extends to the River Darent, the marshes continue northwards to the River Thames. The subject site encloses 'The

Grange', a former residential building that is now in commercial use, while to the immediate north is the Howbury Moat, a scheduled ancient monument.

7 The site is relatively flat pasture land that is used for grazing. With the exception of The Grange, the site is open. To the east of the site is a large open area that has been used as a landfill site and open fields that stretches to the River Darent.

8 The site is located in the Metropolitan Green Belt and is part of the London Green Grid. The marshes to the north are an Area of Metropolitan Importance for Nature Conservation, while the marshes to the east are a site of Borough Importance for Nature Conservation. The adjacent rail depot is within the Thames Road (including Crayford) Industrial Area Strategic Industrial Location. The site also falls within the Bexley Riverside Opportunity Area and an area for regeneration, as designated within the London Plan.

9 The site has frontage to the Slade Green Train depot and Moat Lane to the North West, and Bob Dunn Way/Thames Street to the South. Thames Street forms part of the Strategic Road Network (SRN) and the Transport for London Road Network (TLRN) is approximately 3.3km away (A2 Rochester Way) from the northern most extent of the site. Vehicle access to the site is proposed via the Thames Street/ Bob Dunn Way/ A206 gyratory. There is a pedestrian and bus access proposed from Moat Lane to the north east to improve pedestrian connectivity and enable bus services to access the site directly. The north west aspect of the site is approximately 330 metres from Slade Green Station which is served by National Rail. There are currently three existing bus stops within walking distance to the northern extent of the site, at Slade Green Station and Howbury Lane serving the 88, 99 and 428 routes. Measured on a scale of 1a – 6b where 6b is the highest, the site has a Public Transport Accessibility Level (PTAL) ranging from 0 to 2, which is considered low.

Details of the proposal

10 The proposal is an outline application for a Strategic Rail Freight Interchange (SRFI) including an integrated intermodal area and 184,500 sq.m of rail-served warehouse distribution floorspace. Key features of the development are:

- rail access via the existing connection off the South Eastern Trains depot at Slade Green;
- a central rail port forming part of an integrated intermodal area to serve the site and surrounding businesses to facilitate the interchange of goods between rail and road;
- a series of development plots providing c184,500sq.m of rail served warehouse distribution floorspace;
- road access via the A206/A2026 roundabout across a bridge over the River Cray and into the development.

11 There are currently six SRFIs in the UK and intermodal rail freight traffic has grown 27% since 2009. The majority of the SRFI developments to date have been in the Midlands and the North, and the aspiration is to have a network of three SRFI around the M25, including this site at Howbury Park, South East London, Radlett, North London (approved by the Secretary of State) and Colnbrook, West London (decision awaited from the Secretary of State) to build a national network.

12 The majority of existing users at the other UK SRFI are domestic retailers and there are a number of major UK retailers with distribution centres outside of London in Kent and the Thames Estuary including ASDA, Co-Operative, LIDL, Sainsbury's, Tesco, Waitrose and Marks & Spencer. The majority of the rail traffic to and from the site would be domestic intermodal

services linking with SFRIs in the Midlands. The applicant has also identified the potential for use from the Channel Tunnel and ports including Southampton and Felixstowe.

13 The scheme assumes seven intermodal trains and one conventional freight train per day and 840 two-way HGV movements per day.

Case history

14 A pre-planning application meeting was held on 11 June 2015 and an advice report was issued on 24 June 2015. In summary, it was stated that the proposals for a rail freight interchange development represented inappropriate development within the Green Belt and the proposal could only be supported by GLA officers if the applicant could demonstrate 'very special circumstances'. The applicant was advised that mitigation measures would be required to reduce biodiversity impacts.

15 It should be noted that a similar scheme for a rail freight interchange with dedicated intermodal facility and rail-linked warehousing on the Howbury Park site, was allowed on appeal to the Secretary of State in December 2007. The Mayor issued a stage 1 report in July 2005 (PDU/0940/01) and Stage 2 report in February 2007 (PDU/0940/02), these were supportive of rail freight interchange, subject to delivery of the intermodal facility.

16 Against the backdrop of the 2008 recession, the consented scheme was unimplemented and has since lapsed. Control of the site has since passed onto the current applicant who is seeking to develop a similar, but not identical, scheme.

Strategic planning issues and relevant policies and guidance

17 The relevant issues and corresponding policies are as follows:

- | | |
|-----------------------------|--|
| • Green Belt/MOL | <i>London Plan;</i> |
| • Opportunity Areas | <i>London Plan;</i> |
| • Transport | <i>London Plan; the Mayor's Transport Strategy; Land for Industry and Transport SPG</i> |
| • Crossrail | <i>London Plan; Mayoral Community Infrastructure Levy; Crossrail SPG</i> |
| • Parking | <i>London Plan; the Mayor's Transport Strategy</i> |
| • Open land | <i>London Plan; East London Green Grid SPG; All London Green Grid SPG</i> |
| • Biodiversity/Geodiversity | <i>London Plan; the Mayor's Biodiversity Strategy; Preparing Borough Tree and Woodland Strategies; London's Foundations (Geodiversity) SPG</i> |
| • Ambient noise | <i>London Plan; the Mayor's Ambient Noise Strategy;</i> |
| • Sustainable development | <i>London Plan; Sustainable Design and Construction SPG; Mayor's Climate Change Adaptation Strategy; Mayor's Climate Change Mitigation and Energy Strategy; Mayor's Water Strategy</i> |
| • Air quality | <i>London Plan; the Mayor's Air Quality Strategy;</i> |
| • Blue Ribbon Network | <i>London Plan</i> |
| • Economic development | <i>London Plan; the Mayor's Economic Development Strategy; Employment Action Plan</i> |
| • Employment | <i>London Plan; Land for Industry and Transport SPG</i> |
| • Urban design | <i>London Plan;</i> |

- Access *London Plan; Accessible London SPG;*

18 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is Bexley's Core Strategy (2012), saved policies of the Bexley Unitary Development Plan (2004) and the London Plan consolidated with alterations since 2011 (March 2016).

19 The following are also relevant material considerations:

- The National Planning Policy Framework and National Planning Practice Guidance.
- The National Policy Statement on National Networks (2014)

Principle of development

Policy context

Green Belt

20 The site is located in Metropolitan Green Belt. Although the site was subject to a previous consent for a rail freight interchange in 2007, it should be noted that the application would have been assessed against PPG 2 and an earlier iteration of the London Plan. The proposal therefore needs to be assessed anew against the National Planning Policy Framework (NPPF) and London Plan policy 7.16 Green Belt.

21 The NPPF states that the Government attaches great importance to Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and the essential characteristics of Green Belts are their openness and their permanence. The Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

22 The NPPF continues to place substantial weight on any harm to the Green Belt in considering planning applications. Paragraphs 87 states:

'As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.'

23 Whilst paragraph 88 states:

'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.'

24 NPPF, paragraph 89 states:

'A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- buildings for agriculture and forestry;*
- achieving sustainable development provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;*
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or*
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.'*

25 The NPPF in paragraph 90 identifies a further list of uses and circumstances where development can be viewed as acceptable:

'Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are:

- mineral extraction;*
- engineering operations;*
- Local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
- the re-use of buildings provided that the buildings are of permanent and substantial construction; and*
- development brought forward under a Community Right to Build Order.'*

26 London Plan 7.16 Green Belt reflects the national policy guidance and specifically in relation to planning applications states under section B:

'The strongest protection should be given to London's Green Belt, in accordance with national guidance. Inappropriate development should be refused, except in very special circumstances. Development will be supported if it is appropriate and helps secure the objectives of improving the Green Belt as set out in national guidance.'

27 The National Policy Statement for National Networks (NPS) also addresses this issue in paragraphs 5.172 and 5.178.

'Promoters of strategic rail freight interchanges may find that the only viable sites for meeting the need for regional strategic rail freight interchanges are on Green Belt land. Promoters need to recognise the special protection given to Green Belt land. The Secretary of State would have to be convinced, and promoters would need to demonstrate, very special circumstances to justify planning consent for inappropriate development in the Green Belt.'

'When located in the Green Belt national networks infrastructure projects may comprise inappropriate development. Inappropriate development is by definition harmful to the Green Belt and there is a presumption against it except in very special circumstances. The Secretary of State

will need to assess whether there are very special circumstances to justify inappropriate development. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In view of the presumption against inappropriate development, the Secretary of State will attach substantial weight to the harm to the Green Belt, when considering any application for such development.'

Strategic Rail Freight Interchanges

28 Although London Plan policy 6.15a Strategic Rail Freight Interchanges is supportive of the type of facility proposed due to identified strategic need, policy 6.15b caveats this support and sets out criteria which must be delivered within the facility.

- 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) *The 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; and (d) be well related to the proposed market.*

29 Supporting text paragraph 6.50 acknowledges that these types of large facilities can often only be located in the Green Belt. The Howbury Park site is referenced as a site potentially fulfilling these criteria, reflecting the previous planning permission. Paragraph 6.50 also states:

'The Mayor will need to see robust evidence of savings and overall reduction in traffic movements are sufficient to justify Green Belt loss in accordance with policy 7.16, and localised increases in traffic movements.'

Assessment

30 The NPPF does not recognise rail freight facilities as fitting within the established exceptions and therefore the proposal is defined as inappropriate development in the Green Belt and therefore should be refused, except in very special circumstances. Thus it is for the applicant to demonstrate that harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by very special circumstances that justify granting planning permission.

31 Whilst the London Plan supports SRFIs, in principle, and acknowledges that this type of development can often only be located in the Green Belt, referencing the previous scheme at Howbury Park, a clear set of criteria are set out which frame that policy support including the delivery of modal shift from road to rail and evidence of emission savings and overall reduction in traffic movements.

32 The key areas for consideration are considered to be:

- 1) **Harm to the Green Belt** i.e. the extent to which the proposal would result in harm to the openness of the Green Belt and the purposes of including land within the Green Belt.
- 2) **Other harm** i.e. the extent to which the proposal would cause other harm, including, but not limited to, harm to the landscape and visual impact, heritages assets, biodiversity interest, flood risk, air quality, noise pollution, transport impacts and any amenity impacts for local residents.

- 3) **Very special circumstances** i.e. those offered by the applicant including identified need, policy support and whether alternative sites are available.

Harm to the Green Belt

33 As per the NPPF, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence. Set against the essential characteristics of Green Belt, GLA Officers consider that the proposal for development on c.57 hectares would indisputably lead to substantial harm to the Green Belt, on account of loss of openness.

34 In terms of the five purposes of the Green Belt set out within the NPPF, GLA Officers observe the following:

- i) **to check the unrestricted sprawl of large built-up areas:** the proposal would lead to development beyond the existing urban boundary of Slade Green. However, as the applicant has highlighted, there are a number of designations around the site which would halt any further development beyond the site boundary, including the Scheduled Ancient Monument (SAM) at Howbury Moat, the protected area of the Crayford Marshes and the flood plains of the Rivers Cray and Darent. GLA Officers do not consider the proposal would lead to unrestricted sprawl.
- ii) **to prevent neighbouring towns merging into one another:** the proposal would diminish the gap between Slade Green and Dartford. However a clear, visual gap of 1.1km would remain and this was found by the Inspector, and the Secretary of State, to be acceptable in 2007. Accordingly, GLA Officers do not consider the proposal in itself would lead to the merging of the towns, however would need to be assured that other sites have not come forward over the intervening period to erode that gap.
- iii) **to assist in safeguarding the countryside from encroachment:** GLA Officers consider that the proposal would encroach into the countryside, and this is acknowledged by the applicant.
- iv) **to preserve the setting and special character of historic towns:** The proposal does not affect any historic towns and therefore this purpose is not applicable to the proposal.
- v) **to assist in urban regeneration, by encouraging the recycling of derelict and other urban land:** In order to consider whether the proposal would undermine urban regeneration objectives, GLA Officers need to understand whether the proposal could be accommodated on brownfield land within London or the wider South East. In this regard, the applicant has produced an Alternative Site Assessment (ASA) which identifies three possible alternatives at London Gateway (Essex), Barking & Dagenham and Northfleet (Kent). The applicant states that the sites at Barking and Northfleet would be too small to accommodate a SRFI of the scale and operation proposed and any SRFI function at London Gateway would primarily serve the container port operation, rather than demand for rail freight per se. GLA Officers consider the ASA to be robust and would also highlight that this part of London is one of the 20% most deprived, and is identified for regeneration within the London Plan, the proposal would

contribute directly to urban regeneration with the creation of new jobs and investment in the area.

35 In conclusion, GLA Officers consider the proposal would cause substantial harm to the Green Belt with the ensuing loss of openness and would cause harm to at least one of the five purposes, notably encroachment into the countryside, and would also need to be assured that it would not lead to the merging of towns. The applicant has proposed mitigation through the siting and landscaping to reduce the development's impact, and it is noted that the proposal is smaller than that proposed previously, but GLA Officers consider this does not outweigh the harm and therefore this will need to be balanced against the applicant's 'very special circumstances' case.

Other Harm

36 At this stage, without the input from statutory consultees, GLA Officers are unable to make a full assessment on the degree of 'other harm' arising from the proposals, but the following are considered to be the key issues for consideration by the Council, and subsequently by the Mayor at Stage 2:

- **Landscape & Visual Impact:** As set out above the applicant is proposing substantial landscaping to mitigate the visual impact of the proposal. The applicant's Landscape and Visual Impact Assessment (LVIA) illustrates the proposals prominence would be somewhat off-set through planting and bunds over the medium to long-term, but the proposal would be visible in the short-term before landscaping matured.
- **Air Quality:** The applicant has submitted an Environmental Statement (ES) which is currently being reviewed by GLA Officers.
- **Biodiversity:** Initial comments are set out in paragraphs 49-52 below. Whilst the proposed development would result in the loss of a significant area of land that provides supporting and complementary habitats to the adjacent Crayford Marshes, on-site mitigation is proposed. However, further details of the proposed management plan and compensatory measures are requested.
- **Heritage:** To the north of the site, Howbury Moat is a scheduled ancient monument and a Grade II Listed tithe barn. It is noted at the 2007 appeal, English Heritage (now Historic England) considered that the proposed bund and landscaping would adequately mitigate the impact of the development.

Very Special Circumstances

37 The applicant has set out a 'very special circumstances' case in line with those which were used to justify the previous proposal at Howbury Park and were accepted by the Inspector and Secretary of State to outweigh the identified harm:

1. **Identified Need –** There is a recognised need for SRFI development to meet growth and this is set out in the National Policy Statement on National Networks (NPS). The London Plan is supportive of SRFI and recognises that these may need to be located within the Green Belt, due to their scale.

2. **Lack of alternative sites** – The applicant has prepared an Alternative Sites Assessment (ASA) which examines whether the proposal could be accommodated on sites which do not fall within the Green Belt, or another Green Belt site where they may be less harm than that which is acknowledged at Howbury Park. The ASA concludes that there are no alternative locations that have a realistic potential to function as an SRFI.
3. **Lack of alternative options** – The applicant contends that there are no alternative operations for the SRFI and that a smaller SRFI or the disaggregation of the SRFI function would compromise the efficiency of the operations, the attractiveness of this method of distribution and the availability of the development. This is supported by both the NPS and the Inspector's conclusions in 2007.
4. **Other benefits** – The applicant has set out the other benefits which would be provided by the proposal including the economic and community benefits (set out below in the comments on economic development and regeneration) and the environmental benefits including the potential to remove up to 59.5 million km of long-distance lorry traffic per annum and reducing carbon emission by 40,000 tonnes per annum. The applicant also contends that the proposed development will have a long-term positive impact on local ecological conditions.

Conclusion

38 The need for a SRFI is accepted, and is borne out through the NPS, the London Plan and the Inspector's decision on the 2007 case. The applicant has made a compelling 'very special circumstances' case but GLA officers would advise further clarification should be sought on the biodiversity benefits of the proposal and the environmental benefits, notably whether the emission savings and overall reduction in traffic movements are sufficient to justify the loss of Green Belt in line with London Plan policy 6.15 and supporting paragraph 6.50. It should be noted that TfL has raised concerns in respect of the potential impact on the passenger rail network and has suggested conditions to limit the hours of operation of rail movements in and out of the SRFI. GLA Officers would want to know the full details of the potential impacts on the wider transport network (in line with London Plan policy 6.15B (b) and whether such conditions would hinder the operation and whether this would reduce the potential emission savings and traffic movements. GLA officers would also seek details of the proposed biodiversity management plan and compensatory measures. GLA officers would also expect a similar obligations package as that previously agreed to encourage the take up of rail use.

39 For the above reasons, at this stage, it is considered premature for GLA officers to make a concrete judgement as to whether the applicant's very special circumstances case outweighs the identified harm to the Green Belt, and any other harm.

Economic development & regeneration

40 The site falls within the Bexley Riverside Opportunity Area (which identifies capacity for up to 7,000 new jobs) and is within an identified Regeneration Area within the London Plan.

41 The applicant's Environment Statement sets out the socio-economic benefits of the scheme across the Royal Borough of Greenwich, London Borough of Bexley and Dartford Borough Council. The estimated economic benefits include:

- The direct creation of 1,966 Full Time Equivalent (FTE) jobs;
- A capital investment of some £125 million in the local area;

- Business rates with a potential annual receipt of £2.5 million;
- Gross Value Added (i.e. contribution to the economy) of around £49.5 million each year; and
- 960 person-years of construction employment (temporary).

42 The applicant has also sets out the wider socio-economic benefits, including:

- Enhancing the profile and image of the Thames Gateway and Bexley Riverside Opportunity Area as a major focus for the distribution sector, sending a strong signal of investment confidence in the area;
- Building on the competitive advantages of the area for the distribution sector, helping build a critical mass of such activities and encouraging further distribution investment so that the area remains competitive against other regions with similar facilities;
- Diversifying the local economy, in a region where manufacturing is declining and growth is focused on the service sector; and
- Helping to maintain an efficient, sustainable logistics industry in the London area which is necessary to maintain and support the growth of other sectors such as manufacturing and higher technology activities.

43 In accordance with London Plan policies 2.13 (Opportunity Areas) and 2.14 (Areas for Regeneration), the positive socio-economic regeneration benefits the proposal could bring are acknowledged, and welcomed. We would encourage Bexley to look at opportunities for apprenticeships and training for local people through any section 106 legal agreement.

Urban design

44 Good design is central to all objectives of the London Plan (2015) and is specifically promoted by the policies contained within chapter seven which address both general design principles and specific design issues. London Plan Policy 7.1 sets out a series of overarching design principles for development in London. New development is also required to have regard to its context, and make a positive contribution to local character within its neighbourhood (policy 7.4).

45 This is an outline planning application with full details of access only, therefore no formal details of building or bridge design have been submitted. To help overcome this lack of clarity, the Design & Access Statement does set out some key design parameters including some indicative elevations and potential elevational treatments.

46 GLA officers acknowledge that the design of the SRFI does present a challenge (where form inherently follows function) particularly within a Green Belt location, where there will be visual harm. The applicant has sought to mitigate the visual impact through a soft landscaping strategy which incorporates landscaped bunds. The accompanying Landscape Visual Impact Assessment (LVIA) indicates that this will help screen the development, in due course, as the landscape matures, but Bexley is better placed to evaluate this aspect of the scheme.

47 The proposed bridge access is also applied for in outline. The previously approved bridge design was for a lifting bridge and the applicant is now proposing a fixed bridge which would avoid the need for in-river stanchions and this would help from an ecological perspective. It is proposed that the bridge would be standard deck bridge with steel and concrete beams. GLA officers consider there is scope for the detailed design to make a positive contribution to the marshes and mark the entrance to Crayford Marsh.

Inclusive design and access

48 The aim of London Plan Policy 7.2 is to ensure that proposals achieve the highest standards of accessibility and inclusion, not just the minimum. Inclusive design principles help to ensure that all of us, including older people, disabled and deaf people, children and young people, can use the places and spaces proposed comfortably, safely and with dignity.

49 The applicant's Design & Access Statement indicates that the detailed design of the entrances, footpaths and facilities will all be designed to meet Approved Document M of the Building Regulations. Full details should be secured through conditions, along with Blue Badge parking provision.

Biodiversity

50 The application site occupies part of a Borough Grade 1 Site of Importance for Nature Conservation (SINC) known as *Crayford Landfill Area & Howbury Grange*, as identified through the adopted procedures for London. The northern boundary of the application site abuts Crayford Marshes, a Site of Metropolitan Importance for nature conservation. This is an area of grazing marsh, valuable for a wide range of uncommon flora and fauna. The proximity of the Site of Metropolitan Importance increases the nature conservation value of Crayford Landfill Area & Howbury Grange as the habitats present provide valuable supplementary habitat.

51 The proposed development would cause the direct loss of a sizeable area of the existing SINC, reducing the area of grassland and ruderal habitats and decreasing the availability of foraging areas for birds and invertebrates utilising the adjacent Crayford Marshes. Some of the habitats or features found on the SINC are not present within the Crayford Marshes and, therefore, the loss of these features or habitats would diminish the overall nature conservation value of the area. The on-site mitigation proposed by the applicant would reduce the scale of impact, but arguably not some of the specific adverse impacts. For example, although the consultant's report notes that most of the skylark territories were in the area of the site to be retained, it is arguable that the overall loss of openness resulting from the development would reduce the potential for skylarks to breed because of the reduction in foraging areas and an increased likelihood of predation from corvids. Similarly, some of the invertebrate species present at this site and migrant and roosting birds will be dependent, in part, on the openness of the site.

52 Consequently, should permission be granted for this development, the applicants should demonstrate they are providing adequate compensation, in addition to the proposed mitigation. The applicants are proposing to prepare a Management Plan that should result in improved management and maintenance of the adjacent Crayford Marshes. This is welcome but there seems to be insufficient detail about the scope and content of the proposed Management Plan and this should be provided by the applicant ahead of Stage 2.

53 It is noted that London Wildlife Trust (LWT) has undertaken an independent biodiversity offsetting calculation which could provide the basis for agreeing the scope and size of the compensatory package. GLA Officers suggest that as part of any proposed s106 agreement the applicant's ecological consultants work with the LWT to review and agree a biodiversity offsetting calculation that can provide an objective basis on which to base the proposed Management Plan.

Air Quality

54 The applicant has submitted an Air Quality Assessment (AQA) which is currently being reviewed by GLA officers. An update will be provided at Stage 2.

Climate Change

Energy

55 A range of passive design features and demand reduction measures are proposed to reduce the carbon emissions of the proposed development. Both air permeability and heat loss parameters will be improved beyond the minimum backstop values required by building regulations. Other features include low energy lighting and mechanical ventilation with heat recovery.

56 The applicant should provide evidence of how policy 5.9 has been addressed in order to minimise cooling demand. The BRUKL sheet provided shows that one of the building zones significantly exceeds the Part L solar gain limit. Further passive measures should be considered in line with Policy 5.9 to ensure all zones are within the Part L solar gain limits. The applicant should provide an updated BRUKL sheet demonstrating that the solar gain limit can be met. Any additional passive design measures should be detailed in the response.

57 The applicant has carried out an investigation and there are no existing or planned district heating networks within the vicinity of the proposed development. The applicant has, however, provided a commitment to ensuring that the development is designed to allow future connection to a district heating network should one become available.

58 The applicant has investigated the feasibility of CHP. However, due the intermittent nature of the heat load, CHP is not proposed. This is accepted in this instance.

59 The applicant has investigated the feasibility of a range of renewable energy technologies and is proposing to install 600kW of Air Source Heat Pumps (ASHP) to provide space heating.

60 The applicant is proposing 60 sq.m of solar thermal panels to provide hot water. The applicant is also proposing 10,290m² of Photovoltaic (PV) panels. A roof layout drawing should be provided to demonstrate that there is sufficient space to accommodate the proposed solar arrays.

61 Based on the energy assessment submitted, a reduction of 812 tonnes of CO₂ per year in regulated emissions is expected, compared to a 2013 Building Regulations compliant development, equivalent to an overall saving of 36%.

62 The carbon dioxide savings exceed the target set within Policy 5.2 of the London Plan; however, the comments above should be addressed before compliance with London Plan energy policy can be verified.

Climate change adaptation

63 A Flood Risk Assessment (FRA) accompanies the application and confirms that the majority of the site is within Flood Zone 1, with some parts of site falling within Flood Zones 2 and 3. The FRA confirms that there are some areas of surface water flood risk, notably a flow path through the site.

64 The FRA confirms that the site is defended to a high level by the existing flood defences and states that even in the event of a breach in the Flood defences the buildings would not be affected by flood water.

65 Given the risks present at the site, the land uses proposed and the proposed mitigation measures, the proposals are acceptable in principle in terms of London Plan policy 5.12 (Flood Risk Management).

66 Given that the proposals represent the development of a predominantly greenfield site, the application of the London Plan policy 5.13 (Sustainable Drainage) with the aim of achieving greenfield run-off rates is an important consideration for this development. The Drainage Strategy states that the proposed development will restrict surface water run-off from the site to below the current greenfield run-off rates at a maximum of 5l/s/ha up to the 1 in 100 +climate change storm event. This will be achieved through a combination of infiltration and other SUDS measures.

67 The overall approach is welcomed and is, in principle, compliant with London Plan policy 5.13. The details of the drainage scheme should be secured via an appropriately worded planning condition.

Transport

Road impacts

68 In discussions with the applicant on the modelling and trip generation assessment, TfL has accepted the trip generation assumptions and noted that the results of the modelling have demonstrated, in part, that mitigation measures are required on Junction 1A of the M25. These measures will need to be considered further by the Highway Agency and Kent County Council as the relevant highway authorities.

Rail impacts

69 TfL have raised concerns regarding capacity constraints on the rail network and whether increased freight train movements will impede passenger services across the network. It is TfL's view that there is limited capacity on the network and there is the potential that the increased train movements especially at peak times from the interchange would hinder TfL's and other's aspiration for higher frequency passenger services in the future to help meet existing demand and that which would be generated by the expected significant growth in the wider area and further along the rail lines. A potential extension of the Elizabeth Line using dedicated track throughout is amongst the options under consideration.

70 TfL requests that there are conditions restricting movements into and out of Howbury to between approximately 23:00 and 06:00, to avoid congesting the passenger train network. Furthermore TfL considers that trains should operate at the maximum possible length at any one time to minimise the number of train movements.

Walking and cycling

71 A PERS audit formed part of the Transport Assessment and identified future improvements to the pedestrian environment. TfL seeks that all these improvements are secured as part of the S106 agreement. The proposed improvements to Slade Green Station and walking links from Slade Green Station to the site, particularly Moat Lane, are considered by TfL to be the most important as they link the site with public transport and thus help encourage more sustainable travel.

72 TfL request that £6,929 is secured payable to Bexley for Legible London signage to be installed. This would fund map based signage at Slade Green Station and finger post signs to enable pedestrians/cyclists to navigate to the site.

73 Extending the existing footpath along Bob Dunn Way, into Kent, should also be considered, subject to the views of Bexley and Kent as the highway authorities. A cycling audit to assess the Level of Service (LoS) for cyclists accessing existing connections should also be undertaken to identify any necessary improvements to mitigate the impact of the scheme and subsequently these should be secured by legal agreement and/or condition.

74 The level of long stay cycle parking provision proposed falls short of London Plan (2016) standards. To comply with London Plan (2016) standards, a minimum of 360 long stay spaces should be provided. Whilst it is acknowledged that full compliance with short stay (visitor) parking may not be necessary on the basis that the site will not be open to the general public and TfL would accept minimum of 12% of the required figure. Cycle parking should be located within secure convenient and well lit spaces and, with the exception of visitor parking, covered. In addition cyclist facilities (showers, lockers and changing areas) should be provided sufficient for all staff who would or may cycle. It is anticipated that Bexley will also have a view on this matter.

Car parking

75 As the internal layout of the site is yet to be developed, the level of car parking is not yet determined. The applicant has agreed to provide policy compliant Blue Badge parking and electric vehicle charging points and these should be secured by condition. If it is proposed that London Plan standards for car parking will be exceeded, it should be justified and TfL, in conjunction with the developer and Council, will need to agree on a suitable level of parking. This is particularly important in terms of promoting sustainable transport measures such as walking, cycling, buses, and use of rail.

76 A car parking management plan will be required, to be agreed by the Council prior to commencement. This should be secured by condition or by way of the s106 agreement.

Public transport

77 TfL is supportive of the (private) shuttle bus service from the SRFI to Slade Green train station as a complementary means of improving the accessibility of the site and which could not be justified as a TfL bus service. This provision should form part of the s106 agreement. The frequency of service and other arrangements should be subsequently agreed with Bexley, in consultation with TfL. TfL consider it should operate from the outset in order to encourage sustainable travel and should be continued in perpetuity.

78 TfL requests that the sum of £35,000 is secured for bus shelter enhancements to three local bus stops serving the site which would also contribute towards encouraging sustainable travel and complement the shuttle bus provision.

Travel planning

79 The applicant has agreed with TfL that a Travel Plan would be secured, and include SMART objectives. This agreement should be reflected via condition and s106 agreement in any permission granted.

Freight management plan

80 TfL's previous comments relating to the size of HGV vehicles, reducing HGV's during peak hours and FORS accreditation have been taken into account in the Revised Freight Management Plan. TfL notes that Automatic Number Plate Recognition is proposed which will monitor how traffic routes when accessing the site. This provision is welcomed by TfL and should form part of the S106 provisions. The ANPR data can then be used as a tool to effectively manage and route traffic.

Construction and logistics

81 The applicant has agreed that a Construction and Logistics Plan should be secured and form part of the planning conditions.

Community Infrastructure Levy

82 In accordance with London Plan Policy 8.3 the Mayor commenced CIL charging for developments on 1 April 2012. Within London Borough of Bexley, the charge is £20 per square metre.

Local planning authority's position

83 The position of London Borough of Bexley is not yet known. It should be noted that the proposed access lies within Dartford Borough Council (outside of the GLA boundary).

Legal considerations

84 Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. Unless notified otherwise by the Mayor, the Council must consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the application, in order that the Mayor may decide whether to allow the draft decision to proceed unchanged, or direct the Council under Article 6 of the Order to refuse the application, or issue a direction under Article 7 of the Order that he is to act as the local planning authority for the purpose of determining the application and any connected application. There is no obligation at this present stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor's statement and comments.

Financial considerations

85 There are no financial considerations at this stage.

Conclusion

86 London Plan policies on Green Belt, Strategic Rail Freight Interchanges (SRFI), urban design, inclusive access, air quality, climate change, and transport are relevant to this application.

- **Green Belt** – The proposed development is inappropriate development in the Green Belt and should be refused, except in very special circumstances. The applicant has presented a 'very special circumstances' case and further clarification is sought on some of these aspects to consider whether they outweigh the harm which has been identified.

- **Strategic Rail Freight Interchanges (SRFI)** – The proposed development is generally supported through London Plan policy 6.15, however clarification is sought on the impacts on the wider transfer network. Previously agreed obligations to encourage the take up of rail use should be applied.
- **Urban Design** – The key issue relates to the proposed mitigation of the visual impact through the landscaping and siting.
- **Inclusive design and access** – Conditions should be included on any consent to ensure the measures proposed are secured to meet the aims of London plan policy 7.2.
- **Biodiversity** – The proposed development would cause the direct loss of a sizeable area of a Site of Importance for Nature Conservation (SINC). Some mitigation measures are proposed, and a management plan would be secured by condition. Further details are requested in terms of the proposed management plan and scope for compensatory measures.
- **Air Quality** – The submitted air quality information is currently being reviewed by GLA officers and an update will be provided at Stage 2.
- **Climate Change** – The proposed carbon dioxide savings would exceed those set out within Policy 5.2 of the London Plan, but the further information requested should be provided to verify these.
- **Transport** – The strategic transport issues raised should be addressed, notably the concerns raised on rail capacity and the impact on passenger services.

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