

GREATER LONDON AUTHORITY

REQUEST FOR MAYORAL DECISION – MD2569

Title: Safeguarded Wharves Review 2018-2019

Executive Summary:

Through the London Plan, a network of 50 safeguarded wharves is protected for the purposes of water-borne freight transport. This supports the delivery of sustainable freight transport and the Mayor's ambition to increase the proportion of freight moved on London's waterways. In 2018/19, a review of this network was undertaken to ensure that it remains relevant and fit for purpose. Alongside the review a Strategic Environmental Assessment, an Equalities Impact Assessment, and a Habitat Regulations Assessment Screening were undertaken. There were also two rounds of public consultation.

The final recommendations of the Safeguarded Wharves Review 2018-2019 (SWR) are to remove safeguarding from eight wharves, apply safeguarding to two wharves, and make several boundary changes. Following approval, the final stage of the SWR is to make a submission to the Secretary of State for Housing, Communities and Local Government (SoS) to issue new safeguarding directions.

Decision:

That the Mayor approve:

1. The final recommendations of the SWR, that:
 - safeguarding directions be removed from eight wharves;
 - safeguarding directions be applied to two new wharves; and
 - safeguarding directions are re-issued for 22 safeguarded wharves to amend the boundaries to reflect site ownership and/or marine infrastructure.
2. The submission of the above recommendations and supporting documents to the SoS to request that they agree to and issue the relevant safeguarding directions.

Mayor of London

I confirm that I do not have any disclosable pecuniary interests in the proposed decision and take the decision in compliance with the Code of Conduct for elected Members of the Authority.

The above request has my approval.

Signature:



Date:

14/1/20

PART I - NON-CONFIDENTIAL FACTS AND ADVICE TO THE MAYOR

Decision required – supporting report

1. Introduction and background

- 1.1. Through the London Plan, a network of 50 safeguarded wharves is protected for the purposes of water-borne freight transport. This supports the delivery of sustainable freight transport and the Mayor's ambition to increase the proportion of freight moved on London's waterways.
- 1.2. Safeguarding directions apply to 50 wharves across London. These directions require that the Mayor is consulted before planning permission can be granted for development on these designated wharves and allows the Mayor the power to direct refusal of such applications under the Mayor of London Order 2008. Twenty-five wharves were safeguarded in 2000, with a further 25 wharves added to the network in 2005. Under both the current and draft London Plan, these 50 safeguarded wharves may only be used for the purposes of water-borne freight handling.
- 1.3. In 2018/19 a review of the network of safeguarded wharves (the SWR) was undertaken to ensure that the network remains relevant and fit for purpose.
- 1.4. The SWR consisted of the following stages:
 - gathering of **evidence** (available on www.london.gov.uk), including:
 - an independent forecast of London's waterborne freight trade and broad wharf capacity estimates for London's waterways¹;
 - detailed individual site assessments and strategic assessments of wharves across sub-regions, setting out key characteristics based on the viability criteria set out in the current and draft London Plan²; and
 - a Strategic Environmental Assessment³, a Habitat Regulations Assessment Screening⁴ and an Equalities Impact Assessment⁵ (see sections 1.7 to 1.9);
 - round one **public consultation** between 11 May and 17 August 2018, seeking comments on the proposal to release eight wharves, apply safeguarding to two new wharves and make minor boundary changes to several wharves to reflect site ownership and/or marine infrastructure. Forty-three consultation responses were received; and
 - round two **public consultation**, in response to submissions received. This took place between 20 August and 2 October 2019, seeking comments on three boundary changes. Twelve consultation responses were received.
- 1.5. A summary of the submissions to the two public consultations along with GLA officer responses can be found in Appendix C. The responses ranged widely in their views, and predominantly addressed individual wharves. Some respondents objected to the release of, or boundary changes to, any safeguarded wharves, whilst others advocated for the further release of safeguarded wharves and exploration of mixed-use redevelopment of safeguarded wharves. Requests were also made for additional individual boundary changes.
- 1.6. Based upon the assessments undertaken and in response to the submissions received over two rounds of consultation, the recommendations of the SWR are that:

¹ [Forecasting London's Freight Demand and Wharf Capacity on the Thames 2015 - 2041](#), Ocean Shipping Consultants

² [Individual Site Assessments](#), GLA; [North East Sub-Region](#), WSP; [South East Sub-Region](#), WSP; [West Sub-Region](#), WSP

³ [Strategic Environmental Assessment, Safeguarded Wharves Review](#), WSP

⁴ [Habitats Regulations Screening Assessment](#), WSP

⁵ [Equalities Impact Assessment](#); GLA

- safeguarding directions be removed from five wharves due to unfavourable berthing, access and navigational conditions, combined with a surplus of capacity of wharves in north-east London:
 - Railway Wharf (LB Bexley);
 - Priors Wharf (LB Newham);
 - Mayer Parry (LB Newham);
 - Welbeck (LB Barking & Dagenham); and
 - Phoenix Wharf (LB Havering);

- safeguarding directions be removed from three wharves due to the impacts of the Silvertown Tunnel project and the opportunity to re-locate existing operators and consolidate uses and achieve greater efficiencies at Royal Primrose Wharf:
 - Thames Wharf (LB Newham);
 - Manhattan Wharf (LB Newham); and
 - Sunshine Wharf (LB Newham).

- safeguarding directions be applied to two wharves:
 - Royal Primrose Wharf (LB Newham) to replace the capacity lost as a result of the loss of Thames Wharf, Manhattan Wharf and Sunshine Wharf; and
 - Alexander Wharf (LB Newham) as this site is currently operational and continues to be viable for waterborne freight handling;

- the boundaries of the following 22 Safeguarded Wharves are amended to reflect site ownership and/or marine infrastructure:
 - DePass Wharf (LB Barking & Dagenham);
 - No 1 Western Extension (LB Barking & Dagenham);
 - No 4 Jetty (LB Barking & Dagenham);
 - Pinnacle Terminal (LB Barking & Dagenham);
 - Rippleway Wharf (LB Barking & Dagenham);
 - Steel Wharf (LB Barking & Dagenham);
 - Albion Wharf (LB Bexley);
 - Erith Wharf (LB Bexley);
 - Middleton Jetty (LB Bexley);
 - Walbrook Wharf (City of London);
 - Angerstein Wharf (RB Greenwich);
 - Brewery Wharf (RB Greenwich);
 - Murphys Wharf (RB Greenwich);
 - Riverside Wharf (RB Greenwich);
 - Tunnel Wharf (RB Greenwich);
 - Comley's Wharf (LB Hammersmith & Fulham);
 - Convoy's Wharf (LB Lewisham);
 - Northumberland Wharf (LB Tower Hamlets);
 - Cringle Dock (LB Wandsworth);

- Kirtling Wharf (LB Wandsworth);
- Middle Wharf (LB Wandsworth); and
- Smuggler's Way (LB Wandsworth);

- details of individual site boundaries are set out in the Individual Site Assessments document (Appendix B).

1.7. To support the SWR, a Strategic Environmental Assessment was conducted by WSP consultants. This assessment found that there would be:

- **significantly positive** effect for population and health, climate change, air quality noise and vibration, and transport, navigation and shipping;
- **negative** effects on water movement and quality, and biodiversity due to the potential for pollution from vessels or other activities adjacent to the River and the potential for the movement of freight on the River and activity at wharves to cause pollution or disturbance to species. However, both of these effects were not considered significant due to pollution prevention measures, the temporary nature of activities, and the low probability of these effects occurring;
- **neutral** effects on townscape, waterscape and visual; and
- mainly **neutral**, as well as **uncertain** or **negative** effects on the historic environment, due to changes to existing wharves, redevelopment and generation of local traffic.

1.8. The Strategic Environmental Assessment proposes a number of mitigation and monitoring measures, including compliance with environmental legislation and environmental best practice for any development undertaken, with monitoring of impacts likely to be required for individual developments either associated with safeguarded wharves or as part of redevelopment for wharves released from safeguarding.

1.9. WSP consultants also conducted a Habitat Regulations Assessment, which concluded that it is not considered likely that there will be any significant effects on the European sites on wharves where safeguarding is to be retained, with a recommendation that a Habitat Regulations Assessment be carried out prior to the development of any of the wharves proposed to be released from safeguarding.

1.10. It is acknowledged that the capacity of the network is higher than the expected demand for waterborne freight up to 2041. This is to enable the network to be adaptable to meet changing needs across London and reflects the fact that there are differing capacities within each sub-region. In addition, once a wharf is lost it is most likely lost forever so it is important that the SWR takes a precautionary approach in the release of any wharves.

2. Objectives and expected outcomes

2.1 To update the safeguarding designations and directions to help provide certainty on the extent of the wharf network and inform decisions on and adjacent to these sites to help achieve objectives of sustainable freight transport. Finalising the SWR will help prevent land speculation on London's network of safeguarded wharves and provide a clear message that the Mayor supports sustainable freight transport.

2.2 In order to give effect to the SWR and change the designations of the safeguarded wharves, the Secretary of State for Housing, Communities and Local Government (SoS) will need to agree to and issue new safeguarding directions. If approved, in accordance with the recommendations set out within this MD, the following package of materials will be submitted to the SoS:

- SWR 2018-2019 Implementation Report, GLA (Appendix A);

- individual Site Assessments, updated December 2019, GLA (Appendix B);
- Statement of Consultation, GLA (Appendix C); and
- supporting evidence documents:
 - Forecasting London's Freight Demand and Wharf Capacity on the Thames 2015 to 2041, December 2016, Ocean Shipping Consultants (Appendix D);
 - Equalities Impact Assessment, March 2018, GLA (Appendix E);
 - Strategic Environmental Assessment, February 2018, WSP Consultants (Appendix F); and
 - Habitat Regulations Assessment Screening, WSP Consultants (Appendix G).

3. Equality comments

- 3.1. Under section 149 of the Equality Act 2010, in making decisions due regard must be had to the need to eliminate unlawful discrimination, harassment and victimisation as well as to advance equality of opportunity and foster good relations between people who have a protected characteristic and those who do not. Protected characteristics include age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender, sexual orientation (and marriage or civil partnership status for the purpose of the duty to eliminate unlawful discrimination only).
- 3.2. In this instance an Equalities Impact Assessment was undertaken as part of the initial SWR in March 2018. It found that the SWR would generally have a cumulative positive long-term impact on most Londoners, with the following benefits:
 - improving air quality by reducing pollution from road vehicles;
 - mitigating and adapting to the effects of climate change;
 - reducing road injuries by reducing road vehicle movements; and
 - increasing employment opportunities by bringing vacant wharves back into use.
- 3.3. As the final recommendations of the SWR reflect the recommendations of the draft Safeguarded Wharves Review Implementation Report, with only minor boundary changes, it was determined that there were no changes to the conclusions of the Equalities Impact Assessment March 2018.

4. Other considerations

Key risks and mitigations

- 4.1. A review of safeguarded wharves was attempted in 2011, however, the final recommendations of this review were rejected by the SoS on the grounds that the GLA had not undertaken a Strategic Environmental Assessment. The 2018/19 SWR includes a Strategic Environmental Assessment alongside a Habitat Regulations Assessment and an Equalities Impact Assessment in order to mitigate this risk. The findings of these assessments is set out in section 1.
- 4.2. The main risk with the implementation of the Safeguarded Wharves Review is that the Secretary of State may not agree to issue some or all of the directions or there are delays associated with issuing them. Communications have been ongoing with officials at the Ministry of Housing, Communities and Local Government about the SWR and intended timescales to assist with the next steps of the process.

Links to Mayoral strategies and priorities

- 4.3. Policy SI 15 of the draft London Plan and policy 7.26 of the current London Plan requires safeguarded wharves to be used for the purposes of waterborne freight handling, with any redevelopment for other

land uses only acceptable when the wharf is no longer viable or capable of being made viable for waterborne freight handling.

- 4.4. The draft London Plan encourages an increase in the amount of freight transported on London's waterways, and requires new developments demonstrate that reasonable steps have been taken towards the use of non-road vehicle modes during construction. London's network of safeguarded wharves is essential to the delivery of this aim.
- 4.5. The Mayor's Transport Strategy proposes to increase the proportion of freight moved on London's waterways. London's network of safeguarded wharves is essential to the delivery of this.

Consultations and impact assessments

- 4.6. Two rounds of public consultation were undertaken as part of the SWR. It was noted on both consultation documents that responses may be made available for public inspection. A summary of the consultation responses is set out in the Statement of Consultation alongside the names of organisations. The personal details of submitters have not been made publicly available.
- 4.7. As discussed in section 3, an equalities impact assessment was undertaken as part of the SWR. A Strategic Environmental Assessment and Habitats Regulations Assessment was also undertaken as set out in section 1.
- 4.8. There are no conflicts of interest to declare.

5. Financial comments

- 5.1. This MD has no direct financial implications to the GLA.

6. Legal comments

- 6.1. A total of 50 wharves are currently safeguarded by the SoS through Directions made under Article 10(3) of the Town and Country Planning (General Development Procedure) Order 1995. This requires the Mayor to be consulted before planning permission can be granted for development on these sites. The Mayor also has the power to direct refusal of these planning applications referred under the provisions of the Mayor of London Order 2008.
- 6.2. The Mayor has the power to carry out a SWR under section 30 of the Greater London Authority Act 1999 (as amended) ("the Act"), if he considers it will promote the improvement of the environment in Greater London. In formulating these proposals officers have complied with the Authority's related statutory duties to:
 - pay due regard to the principle that there should be equality of opportunity for all people; and
 - consider how the proposals will affect:
 - the health of persons in greater London;
 - the health inequalities between persons living in Greater London;
 - the achievement of sustainable development in the United Kingdom;
 - climate change, and the consequences of climate change; and
 - consult with appropriate bodies.
- 6.3. Section 334 of the Act requires the Mayor to prepare and publish a Spatial Development Strategy and Section 339 of the Act requires the Mayor to keep this under review. Section 34 of the Act also gives the Mayor the authority to do anything which is calculated to facilitate or is conducive or incidental to the exercise of his other powers. Carrying out the SWR may reasonably be regarded as facilitating, being conducive or incidental to, the exercise of the Mayor's powers detailed above.

- 6.4. As the SoS refused to accept the 2011 SWR due to the lack of a Strategic Environment Assessment carried out under the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended) one has been prepared to accompany this SWR and was made available during the public consultation. This is discussed in detail above and found that the majority of the impacts of the 2018/19 SWR would be significantly positive.
- 6.5. A Habitats Regulations Assessment (HRA) Screening Report was carried out in accordance with regulation 102 of the Conservation of Habitats and Species Regulations 2010 (as amended), which implements Article 6(3) of the Habitats Directive (92/43/EEC). This assessment is discussed in detail above but concluded that there are unlikely to be any identifiable significant effects on the European sites of importance for nature conservation due to the safeguarding recommendations.
- 6.6. The Equalities Duty is addressed in detail above.
- 6.7. From a legal perspective all the required consultations and assessments have been carried out and represent a fair and thorough assessment of the proposals. It is now considered appropriate that the SoS can be asked to accept and issue the Directions in accordance with the recommendations within this report and in accordance with their relevant powers.

7. Planned delivery approach and next steps

- 7.1. If approved, the recommendations and package of supporting documents will be submitted to the SoS in the first quarter of 2020.
- 7.2. Following approval by the Secretary of State, new directions will be issued for those wharves where changes have been made.
- 7.3. As soon as approval is received from the Secretary of State, the London datastore will be updated with new spatial data to reflect these changes. The London Plan will continue to protect safeguarded wharves from inappropriate development.

Appendices and supporting papers:

- Appendix A: Implementation Report, updated December 2019, GLA
- Appendix B: Individual Site Assessments, updated December 2019, GLA SWR 2018-2019
- Appendix C: Statement of Consultation, December 2019, GLA
- Appendix D: Forecasting London's Freight Demand and Wharf Capacity on the Thames 2015 to 2014, December 2016, Ocean Shipping Consultants
- Appendix E: Equalities Impact Assessment, March 2018, GLA
- Appendix F: Strategic Environmental Assessment, February 2018, WSP Consultants
- Appendix G: Habitat Regulations Assessment Screening, WSP Consultants

Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FoIA) and will be made available on the GLA website within one working day of approval.

If immediate publication risks compromising the implementation of the decision (for example, to complete a procurement process), it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary. **Note:** This form (Part 1) will either be published within one working day after it has been approved or on the defer date.

Part 1 - Deferral

Is the publication of Part 1 of this approval to be deferred? NO

If YES, for what reason:

Until what date: (a date is required if deferring)

Part 2 – Sensitive information

Only the facts or advice that would be exempt from disclosure under FoIA should be included in the separate Part 2 form, together with the legal rationale for non-publication.

Is there a part 2 form – No

ORIGINATING OFFICER DECLARATION:

Drafting officer to confirm the following (✓)

Drafting officer:

Julia Thomson has drafted this report in accordance with GLA procedures and confirms the following:

✓

Sponsoring Director:

Debbie Jackson has reviewed the request and is satisfied it is correct and consistent with the Mayor's plans and priorities.

✓

Mayoral Adviser:

Jules Pipe has been consulted about the proposal and agrees the recommendations.

✓

Advice:

The Finance and Legal teams have commented on this proposal.

✓

Corporate Investment Board

This decision was agreed by the Corporate Investment Board on 13 January 2020.

EXECUTIVE DIRECTOR, RESOURCES:

I confirm that financial and legal implications have been appropriately considered in the preparation of this report.

Signature

M. D. Bellamy

Date

13.1.20

CHIEF OF STAFF:

I am satisfied that this is an appropriate request to be submitted to the Mayor

Signature

D. Bellamy

Date

13/1/2020