



**Issue 7 – Fish Island South**

**635443: London Concrete**

**635342: Aggregate Industries UK Ltd**

**Written Statement on behalf of:**

**London Concrete Ltd and Aggregate Industries UK Ltd**

**Fish Island South, including Opportunity Sites and SIL/LIL boundaries / policies.**

*Issue 7: Are the policies and proposals for growth and change in this area appropriate and justified, including in relation to the NPPF, the London Plan and the Core Strategy and in terms of environmental, economic and social impact; are they clear and deliverable by 2015?*

1. Introduction

1.1 The omission of a policy reference safeguarding the Bow Midland West rail site means that the policies for growth and change within Fish Island South and specifically Policy FI 4.1, Strategic Industrial Locations, is not considered to be appropriate or justified. This is particularly with reference to the requirements in the National Planning Policy Framework (NPPF), London Plan and Core Strategy and in terms of environmental and economic impact.

1.2 The inclusion of references to the Bow Midland West rail site within the Fish Island AAP Submission Version May 2012, as a result of earlier representations made by London Concrete and Aggregate Industries, and the Mineral Products Association are welcomed. However, these minor additions do not go far enough and the part of the document dealing with Fish Island South remains unsound because:

- it does not include a specific policy which safeguards the Bow Midland West rail site;
- it does not clearly identify the extent of the safeguarded area; and
- it does not ensure that other policies governing development in the area do not prejudice the existing and future operation of the site.

1.3 The omission of a safeguarding policy means that the document is unsound because it is not: *justified, effective, consistent with national policy or positively prepared.*

2. Relevant Background Information

2.1 The Bow Midland West rail site is a strategically important rail served depot for the inward transportation of aggregates by rail and the manufacture of concrete products for construction



uses from those aggregates. The site currently handles approximately 300,000 tonnes of aggregates per year, a proportion of which is used by the on site ready mixed concrete plant. The remainder is distributed from the site in bulk to serve the East London construction market.

- 2.2 The site has previously handled and remains capable of handling far more throughput, current levels being tempered by the prevailing economic conditions. In addition, part of the site has the benefit of an extant planning permission for the erection of a rail served asphalt plant.
- 2.3 Rail served sites such as this one are rare. There are very limited, if any, available or suitable alternative sites within this part of London which could serve the construction market in the sustainable means in which the current operations are able to.
- 2.4 The existing operations at Bow Midland West comprise a highly sustainable form of development which allow for net reductions in greenhouse gas emissions, reduced long distance HGV movements and reduced congestion (as compared to purely road served facilities).
- 2.5 It is considered, both in environmental and in economic terms, that it is vital that this rail served site and associated facilities are safeguarded.
- 2.6 The extent of the Bow Midland West site is shown on Plan Ref: 8433-500-001 at Appendix 1, and in context at Appendix 2. An aerial photograph of the site is provided at Appendix 3.

### 3. Tests of Soundness

#### *i) Justified*

- 3.1 The NPPF requires local planning authorities (LPAs) in preparing Local Plans to safeguard existing rail heads and associated storage and handling facilities for the bulk transport by rail of minerals [Pg 33, Para 143, bullet point 4].
- 3.2 The NPPF also requires LPAs to safeguard existing, planned or potential sites for concrete batching, the manufacture of coated materials, other concrete products and the handling, processing and distribution of substitute, recycled and secondary aggregate material [Pg 33, Para 143, bullet point 4].
- 3.3 The London Plan requires, in the context of LDF preparation, that DPDs should promote sustainable freight transport by safeguarding existing sites to enable the transfer of freight to rail [Policy 6.14, Freight, pp 202-203].
- 3.4 Policy 5.20 of the London Plan, relating to aggregates, requires that LDFs should safeguard railheads with existing or potential capacity for aggregate distribution. [pg 170]
- 3.5 Policy SP08 of the London Borough Tower Hamlets Core Strategy, Adopted 2010, confirms that the sustainable transportation of freight will be achieved by promoting and maximising the movement of freight by water and rail to take the load off the strategic road network and this

will include safeguarding Bow West Rail Depot. The Core Strategy confirms that this strategy will be implemented through a number of key projects including the Fish Island Area Action Plan [Core Strategy, pg 74].

- 3.6 On the basis of these clear national, strategic and local plan policy requirements the most appropriate strategy, when considered against the reasonable alternatives, must be to specifically identify and safeguard the Bow West Rail site.
- 3.7 Merely annotating the site within the SIL area, where the presumption must be that the full range of industrial uses would be acceptable, is not a reasonable alternative to specifically safeguarding the site for rail related uses.
- 3.8 The lack of a specific policy reference safeguarding the site is unsound in that it is not founded on a robust or credible evidence base and fails to adopt the most appropriate strategy when considered against the reasonable alternatives

ii) Effective

- 3.9 The submission draft AAP confirms that Policy F1 4.1, and related to this Figures 4.1 and 4.2, seek to respond to the aims of the Core Strategy to maintain an appropriate supply of strategic industrial land for Tower Hamlets and London. To meet this objective and for the policy to be effective and deliverable the policy approach must clearly identify the range of uses which can realistically be located in specified areas.
- 3.10 It is helpful that Figures 4.1 and 4.2 do now include a diagrammatic reference to Bow Midland West Rail Yard within the SIL. However, there is no corresponding text in the key confirming what the status of this site is (i.e. Safeguarded Rail Site). Nor is there any Policy wording which safeguards the site and confirms appropriate uses in this location. The failure to clearly identify and safeguard the Bow Midland West site renders the document unclear and imprecise. It gives the impression that the Rail site is suitable for and could accommodate the full range of industrial uses. However, as detailed above there are clear national, strategic and local plan policies which require that sites such as Bow Midland West are specifically safeguarded for uses which make use of the rail head. There are then clear policy constraints to the delivery of employment and industrial uses on this site which are not rail served. This part of the submission document does not reflect this position.

iii) Consistent with National Policy

- 3.11 The Fish Island South part of the document, and specifically Policy FI 4.1, Figures 4.1 and 4.2, in failing to specifically safeguard the Bow Midland West Site is unsound in that it is not consistent with requirements in the NPPF and does not conform with the London Plan nor policies in the LBTH Core Strategy.

- 3.12 All the relevant policy references from the NPPF, London Plan and Core Strategy have been set out in earlier sections of this written statement (under the section dealing with the “justified” test of soundness).
- 3.13 On the basis of the NPPF requirements it is clear that there is a requirement for LPAs in preparing their development plan documents to specifically identify and safeguard existing railheads to assist with the bulk transfer of minerals and ensure that land around them are protected for uses which make effective use of the railheads.
- 3.14 For the site to be fully safeguarded in terms of ensuring that the existing and future operations are not prejudiced it is necessary for policies which seek to control development to be sufficiently flexible to take into account the specific issues raised by the Bow Midland West site. Policy wording should take into account the existing industrial nature of the area, and specifically the kind of uses which may come forward within the Bow Midland West site. These will be rail related uses and associated handling and processing facilities (i.e. this is likely to comprise industrial plant and storage facilities). In order to enable the site to continue to be effective in providing industrial /employment uses and to ensure the future development of this key rail served site is not prejudiced, it is essential that relevant policy wording (Primarily within Policy FI 6.3 and FI 6.6) acknowledges the nature of the area and the kind of development which is likely to take place.
- 3.15 Whilst a high quality of design will always be the objective – development for industrial uses (plant or storage facilities for example) are often a product of form following function, coupled with operational, security and health and safety requirements. Whilst means of enclosing plant can, for example, be architecturally designed to make them more attractive these are generally large scale and substantial structures and may not offer the potential to provide active frontages and site boundaries will inevitably need to be secure for safety and security reasons.

iv) Positively Prepared

- 3.16 The NPPF requires that plans should be positively prepared. Specifically, the plan is required to be prepared based on a strategy which seeks to meet objectively assessed infrastructure requirements and to do so consistently with the presumption in favour of sustainable development.
- 3.17 The London Plan is clear in confirming that London needs a reliable supply of construction materials to support continued growth and that most aggregates used in the capital come from outside London [Pg 170, para 5.90]. The London Plan further requires that LDF policies should minimise the movement of aggregate by road and confirms that existing and new railhead capacity will be needed to support sustainable forms of movement [Pg 171, Para 5.94].
- 3.18 There is then an identified need for railhead capacity to be safeguarded. This coupled with the rarity of rail served sites in this part of London make it critical that the LPA should prepare the plan positively. Omitting a safeguarding policy for this site fails to meet this test of

soundness. Sites such as Bow Midland West should be viewed as key and essential infrastructure to be protected where possible and which will be critical in assisting with meeting key objectives of securing sustainable development.

#### 4. Changes Required

4.1 To make this part of the Fish Island AAP sound the following is required:

- Safeguarding of the Bow Midland West site for rail related uses and aggregates distribution within Policy FI. 4.1.
- Identification of the full extent of the Bow Midland West Site on Figures 4.1, 4.2 and 2.1, cross referenced in the Key as “Safeguarded Rail Site”.
- Ensuring the use and future development of land within the safeguarded site is not prejudiced and account is taken of the industrial nature of development which is likely to come forward in the application of Policies FI. 6.3 (Fish Island South - Development Management) and FI 6.6 (Water Space – Development Management).

4.2 Further discussion has been had with LBTH with regard to specific changes which could be made to make the document sound and address the above requirements. A Statement of Common Ground has been agreed between London Concrete, Aggregate Industries and LBTH. It is understood that this will be submitted shortly by LBTH. The Statement of Common Ground proposes the following specific changes:

a) The following wording to be added to Policy FI 4.1 – Strategic Industrial Locations:

**“The Bow Midland West Rail site will be safeguarded for uses which make effective use of the railhead, including for existing, planned or potential use of the railhead for aggregate distribution. The boundary of the Bow Midland West Rail site is shown on Figure 4.2.”**

b) The boundary of the Bow Midland West Rail Yard as shown on Figures 4.1, 4.2 and 2.1 to be amended to show the full extent of the Bow Midland West Rail Yard, and to be referenced on the key as follows:

**“Safeguarded Rail Site – Bow Midland West”**

c) Policy FI 6.3, Fish Island South, part 2 to be amended to include the following wording:

**“Regard will be had to the existing industrial character of Fish Island South and the need to ensure that future development at Bow Midland West Rail Yard for rail related uses and aggregate distribution is not prejudiced.”**

d) Policy FI 6.6, Water Space, to be amended to include the following wording:

**“Within Fish Island South SIL, and particularly within the safeguarded Bow Midland West Rail site, regard will be had in the application of these**



**design principles to the existing industrial character of the area and the need to ensure that future development at Bow Midland West for rail related uses and aggregate distribution is not prejudiced.”**

- 4.3 If the above changes are made it is considered that this part of the Fish Island AAP will meet the tests of soundness in terms of being justified, effective, consistent with national policy and positively prepared.