

21/09/2023

**Delivered by email**

Local Plan Team  
Place Directorate Waltham Forest Town Hall  
Forest Road  
London  
E17 4JF

Dear Sir/Madam,

**REPRESENTATIONS TO WALTHAM FOREST DRAFT LOCAL PLAN PART 1 (LP1 – STRATEGIC POLICIES)  
CONSOLIDATED SCHEDULE OF MAIN MODIFICATIONS CONSULTATION**

We write on behalf of our clients, BlackRock and NEAT Developments, with respect to the current consultation on the Consolidated Schedule of Main Modifications to the London Borough of Waltham Forest's ("LBWF"; "the Council") Draft Local Plan Part 1 (LP1 - Strategic Policies). The Draft Local Plan also encompasses Part 2 (LP2 - Draft Site Allocations), which is currently at the Regulation 19 Stage of the Development Plan Process but does not form part of this consultation process (our clients reserve the right to comment further on LP2 at a separate public consultation in due course).

These written representations are intended to address matters which are of relevance to the land at the Blackhorse Lane Strategic Industrial Location (SIL) known as Uplands Business Park and Forest Trading Estate ("the Site"). Our clients have a vested interest in this site, and in August 2022 – following extensive collaboration with LBWF, the GLA and other key stakeholders – submitted a hybrid planning application (LPA ref. 222739) for the comprehensive redevelopment of the site.

Following several changes to national and regional level building safety standards over the course of late 2022 and early 2023, and in response to several comments received during the statutory consultation process, an amended version of the scheme was published for re-consultation in July 2023. The updated scheme incorporates emerging best practice approaches to building safety. The amended proposals seek hybrid planning permission for the following development:

*"HYBRID PLANNING APPLICATION for the phased demolition of all existing buildings and structures (excluding Uplands House), site preparation works, and comprehensive industrial-led mixed-use redevelopment of parts of UPLANDS BUSINESS PARK AND FOREST TRADING ESTATE, BLACKHORSE LANE, WALTHAM FOREST, LONDON, comprising:*

*DETAILED planning application for the construction of two buildings (Blocks A1 and A2) comprising flexible industrial floorspace (Use Classes B2, B8, and E(g)(ii and iii)) and one mixed-use building (Block B) comprising residential dwellings (Use Class C3) and flexible industrial floorspace (Use Classes B2, B8, and E(g)(ii and iii)),*

Turley  
Brownlow Yard  
12 Roger Street  
London  
WC1N 2JU  
T 020 7851 4010 turley.co.uk

*as well as ancillary yard areas; car/cycle parking; amenity; plant; public, communal, and private realm; soft/hard landscaping; infrastructure, access, and highway works; and other associated works; and*

*OUTLINE planning application (with all matters reserved) for the construction of up to eight development plots (with maximum building heights of up to 22.6 m A.O.D. (Plot C), up to 145.0 m A.O.D. (Plots D and H), up to 110.2 m A.O.D (Plots E and J), up to 72.4m A.O.D. (Plot F), up to 51.0 m A.O.D. (Plot G), and up to 40.5 m A.O.D. (Plot K)) comprising up to 167,398sqm (GEA) residential floorspace (Use Class C3), up to 15,006sqm (GEA) of flexible industrial floorspace (Use Classes B2, B8, and E(g)(ii and iii)), and up to 5,000 sqm (GEA) of Classes E and F and Sui Generis (Drinking Establishment/Bar) floorspace, as well as ancillary yard areas; car/cycle parking; amenity; plant; public, communal, and private realm; soft/hard landscaping; infrastructure, access, and highway works; and other associated works.”*

The proposals seek to deliver intensified, high quality, modern industrial floorspace (up to 33,000 sqm), whilst also providing up to 1,800 new homes and a mix of flexible commercial, retail, community and leisure uses (up to 5,000sqm). The proposals seek to focus a large proportion of the modern intensified industrial uses within a consolidated parcel to the north of the site, whilst introducing a broader mix of co-located industrial and non-industrial uses to the south which is to be re-designated as a Locally Significant Industrial Site (LSIS). This follows the aspirations of the wider Blackhorse Lane (BHL) Strategic Industrial Location (SIL) Masterplan Framework (2022), which coordinated vision and set of objectives, and principles for the redevelopment of the wider Blackhorse Lane area. The BHL SIL Masterplan Framework is intended to provide guidance for the future development of the SIL (and proposed LSIS area) and has been prepared in line with the requirements of the London Plan and emerging Local Plan (LP1 and LP2). The Site forms part of the Central Sub-area identified in the BHL SIL Masterplan Framework. A detailed strategy for the Central Sub-area has been prepared by our clients in collaboration with LBWF, other landowners and the GLA as a consultee. This strategy was published on the LBWF website in June 2023.

In strategic terms, our clients' proposals are intended to serve as the anchor for the wider evolution of the Blackhorse Lane area as envisaged by the BHL SIL Masterplan Framework and the designated Blackhorse Lane Creative Enterprise Zone (CEZ).

For the avoidance of doubt, these written representations follow a previous set of representations submitted on behalf of BlackRock and NEAT Developments in January 2023 in relation to the Inspectors' Further Matters, Issues and Questions on the Draft Local Plan (LP1), raised by the Panel of Inspectors on 5<sup>th</sup> December 2022. Subsequently, following the Stage 2 Examination hearing sessions in March 2023, the Council and the Panel of Inspectors have agreed a Consolidated Schedule of Main Modifications required to make the Draft Local Plan sound and legally compliant.

The remainder of this letter therefore sets out our response on behalf of our clients to these Consolidated Schedule of Main Modifications (“the proposed Main Modifications”). Specifically, the representations within this letter relate to the following proposed Main Modifications:

- MM11: Policy 4 – Location of Growth
- MM23: Policy 10 – Central Waltham Forest
- MM26: Policy 12 – Housing Supply
- MM36: Policy 18 – Other Forms of Housing
- MM47: Policy 25 – Supporting Economic Growth and Jobs
- MM48: Policy 25 – Supporting Economic Growth and Jobs

- MM49: Policy 25 – Supporting Economic Growth and Jobs
- MM50: Policy 26 – Safeguarding and Managing Change in Strategic Industrial Land Locations (SIL)
- MM51: Policy 27 – Safeguarding and Managing Change in Locally Significant Industrial Sites (LSIS)
- MM56: Policy 30 – Industrial Masterplan Approach
- MM116: Policy 56 – Tall Buildings

Where it is required, commentary is provided on the soundness of the proposed Main Modifications to the relevant Draft Local Plan LP1 policies. Our consideration of soundness is based on the criteria set out in **Paragraph 35** of the National Planning Policy Framework (NPPF, 2023), which establishes that:

*“Local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are ‘sound’ if they are:*

*(a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;*

*(b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;*

*(c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and*

*(d) **Consistent** with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.”*

In the main, our clients are supportive of the proposed Main Modifications. Subject to the incorporation of the recommendations set out below, it is considered that the Draft Local Plan provides a positive framework for the growth needs and opportunities of the Borough and addresses the requirements of the London Plan (2021) and the NPPF (2023).

## **MAIN MODIFICATION MM11: POLICY 4 – LOCATION OF GROWTH**

Our clients support the proposed Main Modification (MM11) to Draft Policy 4, which seek, *inter alia*, to revise upwards the minimum housing target for the four Strategic Locations within the Central Waltham Forest area. Specifically, the modification proposes a 510-home increase in the current minimum housing target for the area, which would take the current minimum housing target from 6,300 homes to 6,810 homes. The proposed modifications are considered to better reflect the significant potential development opportunities of the four Strategic Locations, including the Blackhorse Lane Strategic Location, of which our clients’ site forms a key part.

As set out above, the BHL SIL Masterplan Framework, will facilitate the intensification of existing industrial land for a mix of uses, including modern industrial floorspace and critically a significant supply of much needed new high-quality homes . In doing so, the Masterplan will ensure that the Strategic Location makes the optimum contribution towards the proposed housing target, whilst also delivering the much-needed employment floorspace and supporting

facilities and amenities required to realise wider policy objectives and establish the area as a desirable place to live, work and visit.

On this basis, the proposed changes under Main Modification MM1 to Draft Policy 4 will ensure the policy is positively prepared, justified, and effective in accordance with Paragraph 35 of the NPPF and in conformity with the London Plan.

## **MAIN MODIFICATION MM23: POLICY 10 – CENTRAL WALTHAM FOREST**

Main Modification MM23 seeks to amend Draft Policy 10 so that it requires proposals to contribute to the delivery of a minimum of 8,700 new homes within the Central Waltham Forest Area – an increase of 1,100 homes compared to the previous 7,600-home target.

In order to ensure that the higher housing target for the Central Waltham Forest Area is deliverable, a number of modifications are proposed to Draft Policy 10, which seek to increase the housing targets for the four Strategic Locations. This includes the Blackhorse Lane Strategic Location, which is now expected to deliver a total of 3,090 units (increased from 1,800 units). As the Council and Inspectors will be aware, the housing target has been modified to ensure closer alignment with the Blackhorse Lane Masterplan Framework, which identifies the Strategic Location as having capacity for between 2,500 and 3,500 new homes.

Our clients' site, the Uplands Business Park and Forest Trading Estate – which is located within the Blackhorse Lane Strategic Location – forms part of Site Allocation 'SA69' as identified within the Draft Local Plan LP2 'Site Allocations' document. The allocation is identified in the Draft Local Plan LP2 document as having capacity for up to 81,000 sqm of industrial capacity and 2,300 new homes. The draft allocation seeks, *inter alia*, to:

- Optimise site capacity and deliver industrial floorspace with an 'industry first' approach; and
- Explore the potential for co-location of other uses such as residential, community, retail and commercial uses.

As noted above, our clients have submitted a hybrid planning application for the site and are working with the Council to secure its determination at planning committee later this year (2023). The proposals which are the subject of this application have been closely informed by the BHL SIL Masterplan Framework, and will provide up to 1,800 of the residential units, thereby making a significant contribution to the targeted growth in Blackhorse Lane Strategic Location. This will provide a reliable source of housing growth over the Plan period equivalent to 100% of the unmodified housing target for the Strategic Location, or 58% of the modified housing target. Given the ample space for future development within the Strategic Location – and the detailed guidance for the intensification of the Blackhorse Lane SIL set out in the Masterplan Framework – the modified housing target for the Strategic Location is considered to be readily achievable, justified by the evidence, and to conform with the London Plan.

Notwithstanding this, we note that, while Part A of Draft Policy 10 clearly establishes a "*minimum*" housing target for the Central Area as a whole, it does not prescribe 'minimum' housing targets for the individual Strategic Locations (and areas outside of Strategic Locations). The logical inference is that these figures are also minimum – or at least not 'fixed' – housing targets, as it would otherwise not be possible to exceed the minimum housing target for the Central Area as a whole. However, the present wording is not sufficiently clear on this point. The risk is that, when read in isolation, the individual figures could be misinterpreted as 'fixed' and, in turn, as precluding the delivery of housing within a Strategic Location over and above the stated target, even when there may be capacity to do so. As noted above, for example, the Masterplan Framework for Blackhorse Lane suggests that up to 3,500 homes could potentially be delivered within the Strategic Location, or 410 more than the figure stated in Part A of Draft Policy 10.

Draft Policy 10 should be further modified on the below basis to note that the sub-targets are indicative, and that each location is therefore potentially capable of supporting additional housing delivery:

*“As the civic and creative centre of the borough, proposals will be supported where they:*

*A. Contribute to the delivery of a minimum of 8,700 new quality homes across the Central Area, ~~comprising of~~ **having regard to the following minimum housing targets:***

*i. 1,850 new homes in the Walthamstow Town Centre Strategic Location;*

*ii. 1,470 new homes in the Forest Road Corridor Strategic Location;*

*iii. 3,090 new homes in the Blackhorse Lane Strategic Location;*

*iv. 400 new homes in the Wood Street Strategic Location; and*

*v. 890 new homes outside Strategic Locations.”*

In the context of Blackhorse Lane, therefore, and subject to the proposed modifications outlined above, we consider that the Main Modification (MM23) to Draft Policy 10 could be deemed to be positively prepared, justified, effective and consistent with national-level policy with respect to the proposed distribution of housing growth, in accordance with Paragraph 35 of the NPPF.

## MAIN MODIFICATION MM26: POLICY 12 – HOUSING SUPPLY

Our clients support the Main Modifications (MM26) in relation to Draft Policy 12. Specifically, the following key modifications are supported:

- (i) The commitment to build on and exceed the 10-year minimum target set out in the London Plan of 1,264 per annum (2019/20 to 2026/27) and to meet housing need in the borough as far as possible by aiming to deliver an average of 1,800 new homes per annum across the plan period;
- (ii) The intention to achieve this target by focusing the delivery of new housing within new Strategic Locations and Site Opportunity Locations in accordance with Policy 4 (Location and Management of Growth); and
- (iii) The adoption of the stepped housing target shown in **Figure 1** below (proposed for inclusion in policy rather than supporting text).

Financial Year	Plan Period			
	2019/20 – 2023/24	2024/25	2025/26 – 2029/30	2030/31 – 2035/36
	<u>2020/21-26/27</u>		<u>2027/28-28/29</u>	<u>2029/30 - 34/35</u>
Annual Requirement	1,264	1770	2276 <u>1,594</u>	1770 <u>2,494</u>

**Figure 1: Extract from Consolidated Schedule of Main Modifications (2023)**

Our clients’ planning application for Uplands Business Park is hybrid in format. Phase 1 (119 units) – for which detailed plans have been submitted – is due to complete in 2027, while Phase 2 (up to 1,681 units) – the outline element – is set to be delivered in separate sub-phases over the period to 2035. New homes could, therefore, be ready for

occupation on our clients' site during the 2027/28 monitoring year if the development management process facilitates a swift decision, and an early commencement on site can be achieved. As noted above, the new homes will be delivered within the Blackhorse Lane Strategic Location and, furthermore, would represent a substantial contribution equivalent to approximately 100% of the annual requirement set out in Draft Policy 12.

On the above basis, therefore, the borough's housing targets – and the proposed locations for housing delivery – are considered to be realistic, informed by the available evidence and deliverable. In the context of Blackhorse Lane, we consider the proposed modifications to be sufficient to ensure that the Draft Local Plan is positively prepared, justified, effective and consistent with national-level policy with respect to housing supply, in accordance with Paragraph 35 of the NPPF.

## **MAIN MODIFICATION MM36: POLICY 18 – OTHER FORMS OF HOUSING**

The Main Modifications (MM36) in relation to Draft Policy 18 (Other Forms of Housing) are supported by our clients. Specifically, the following amendments to Part D are supported, which requires development proposals for alternative housing proposals to contribute towards the delivery of affordable housing in line with the London Plan on the following basis:

- (i) Build to Rent – adopting the threshold approach set out in Policy H11 of The London Plan;
- (ii) Purpose-Built Student Housing – adopting the threshold approach set out in Policy H16 of The London Plan;  
and
- (iii) Purpose Built Shared Living – as a payment in lieu, adopting the approach set out in Policy H16 of The London Plan;

As the Council will be aware, our clients have considerable experience of the Build to Rent (BtR) sector, and are proposing to deliver the residential element of Phase 1 of their site – which will comprise 119 residential units – entirely at a BtR tenure. It is increasingly recognised that BtR schemes can not only assist in meeting housing targets, but can also provide a range of benefits in their own right. These include:

- Providing greater flexibility for tenants/occupiers;
- Accelerating delivery without competing with neighbouring sites for sale developments;
- Placing an emphasis on (consistent and long-term) quality standards due to the nature of the product;
- Committing to invest in place-making and high amenity standards for future residents;
- Providing high-quality management through single ownership;
- Catering for a sustainable community;
- Offering high-quality amenity space for residents (and visitors);
- Creating instant demand for on-site retail and food & beverage uses, thereby also resulting in early occupation of non-residential units; and
- Providing greater certainty over rent rises.

The proposed modifications seek to provide greater clarity regarding the Council's affordable housing requirements as they apply to alternative housing products, and to align the policy more closely with the London Plan and NPPF

and NPPG (add relevant refs). This clarity is welcome and, by contributing to the creation of a supportive policy environment for BtR and other forms of housing, will help to unlock the benefits that such schemes can deliver.

In summary, therefore, the proposed modifications are supported by our client, and are considered to be sufficient to ensure that Draft Policy 18 is positively prepared, justified, effective and consistent with national- and London-level policy with respect to other forms of housing, in accordance with Paragraph 35 of the NPPF.

## **MAIN MODIFICATIONS MM47, MM48 AND MM49: POLICY 25 – SUPPORTING ECONOMIC GROWTH AND JOBS**

BlackRock and NEAT Developments support the proposed Main Modifications (MM47) to Draft Policy 25, which seek to ensure conformity with the London Plan in relation to the provision of new employment opportunities and floorspace. The proposed amendments to the wording of the policy are, for the most part, considered to achieve this purpose. In order to ensure consistency with the London Plan, however, it is recommended that a further modification is made to Part D of Draft Policy 25, to clarify that intensification will be measured through industrial floorspace capacity. This is defined in the London Plan as either the existing industrial floorspace quantum present on a site, or the quantum of floorspace that could be re-provided on the site at a 65 per cent plot ratio (whichever is greater).

Accordingly, it is suggested that the following text should be added to Part D of Draft Policy 25:

*“D. Promoting industrial intensification through site allocations in Local Plan 2, the Industrial Intensification Supplementary Planning Document (SPD) and the subsequent development of industrial masterplans (in line with Policy 30 - Industrial Masterplan Approach and London Plan (2021) Policy E7) to facilitate the intensification and uplift of industrial capacity and the maintenance of existing SIL capacity. **For the purposes of assessment, industrial capacity will be defined as either the existing industrial and warehousing floorspace on site or the potential industrial and warehousing floorspace that could be accommodated on site at a 65 per cent plot ratio, whichever is the greater.**”*

A further Main Modification (MM48) is proposed in relation to the supporting text. This provides for the insertion of new wording to follow Paragraph 9.9, which sets out further guidance in relation to the Council’s strategic approach towards the management of SIL land. The proposed wording notes that, in order to deliver on the objectively assessed economic needs of the plan, development of industrial capacity should be guided to the most suitable locations. It adds that the largest identified need is for Use Class B8 (storage and distribution) floorspace to support the logistics and distribution sectors, for which there is a need to provide an additional c. 36,500 sqm of floorspace. The proposed wording further identifies two broad areas which are best placed to meet these requirements: namely, the North Circular Strategic Location, which benefits from connectivity to the A406 North Circular Road, and large, relatively consolidated land ownership parcels; and an area of land in the south of the borough, which centres on the Lea Bridge and Leyton Strategic Locations and benefits from excellent strategic road network connectivity on account of its proximity to the A12 and Central London.

Our clients support the above modifications. However, further clarification is requested regarding the fourth and final paragraph of the new wording proposed, which sets out the Council’s approach towards proposals for the re-development of SIL land. The paragraph states that:

*“Any development proposals on SIL will be required to ensure that the supply of floorspace which is protected as SIL is maintained, and where possible increased. **Proposals for masterplans involving the intensification and consolidation of SIL will be required to ensure that the SIL capacity is at minimum maintained, whilst also delivering an uplift in terms of overall industrial capacity.** Any such proposals will be reflected in the next DPD to be submitted” [Our emphasis].*

At present, the proposed wording is unclear in its intention: it appears to suggest that the maintenance of existing SIL capacity (i.e. a like-for-like re-provision in terms of the overall industrial capacity is the acceptable 'baseline' level of provision, while simultaneously requiring proposals to deliver an uplift in the overall industrial capacity of the SIL (i.e. an increase in the overall quantum of floorspace). The wording therefore conflates what are in effect two mutually exclusive policy positions. Accordingly, if the Council consider re-provision on a like-for-like basis to be the acceptable 'baseline' position, then the requirement to provide an uplift in industrial capacity should be removed; conversely, if the Council maintain that development proposals must deliver an uplift in industrial capacity, then the reference to "to ensur[ing] that the SIL capacity is at minimum maintained" is superfluous and should be removed to avoid unnecessary confusion.

It is our clients' view that the second part of the sentence, which requires proposals to deliver an uplift in terms of overall industrial capacity, should be removed. Delivering an overall net increase of industrial capacity is not always feasible or indeed desirable (e.g. due to the competing need to meet the key requirements of industrial and logistics occupiers, whose operations typically require an element of yardspace as well as ancillary office and/or amenity space). In addition, removing this element of the wording would ensure the policy is consistent with the approach towards industrial intensification and co-location set out in London Plan Policy E7 (Industrial intensification, co-location and substitution) and the GLA's Industrial Intensification and Co-location through Plan-led and Masterplan Approaches Practice Note (2018). Both London Plan Policy E7 and the associated Practice Note require that development proposals should re-provide the existing identified industrial capacity on site i.e. via the 'no net-loss' principle (rather than prescribe delivery of a net increase), and no evidence has been provided to justify a departure from this approach. Accordingly, we would recommend that this paragraph of the supporting text is amended as follows:

*"Any development proposals on SIL will be required to ensure that the supply of floorspace which is protected as SIL is maintained, and where possible increased. Proposals for masterplans involving the intensification and consolidation of SIL will be required to ensure that the SIL capacity **(as defined in Part D of Policy 25)** is at minimum maintained, ~~whilst also delivering an uplift in terms of overall industrial capacity~~. Any such proposals will be reflected in the next DPD to be submitted."*

In the interest of completeness, our client would like to confirm their support for the final Main Modification (MM49) proposed in relation to Draft Policy 25. This relates to Figure 9.1 – a map of the borough's designated employment locations – which has been updated to align with the Policies Map. The proposed modifications to Figure 9.1 are supported as they clearly illustrate the proposed re-designation of part of the former Blackhorse Lane SIL as LSIS. As noted above, the proposed re-designation has been informed by the BHL SIL Masterplan Framework and supporting evidence base. The Stage 1 Study prepared to inform the Masterplan Framework found that the Blackhorse Lane SIL is unique among London's SILs in that it has, in recent years, come to increasingly consist of creative and artisan businesses. These are predominantly clustered within the central and southern parts of the SIL. The re-designation of this part of the SIL as LSIS will therefore ensure that the Local Plan reflects, and is best placed to build on, the positive changes seen in the area in recent years.

In summary, therefore, our clients are largely in agreement with the Council's approach to supporting economic growth and jobs. However, it is considered that further modifications are required to the supporting text to Draft Policy 25. This is specifically, in relation to the strategic approach towards the management of SIL land, if it is to be justified, effective, and consistent with national- and London-level policy, as required by Paragraph 35 of the NPPF.

## **MAIN MODIFICATION MM50: POLICY 26 – SAFEGUARDING AND MANAGING CHANGE IN STRATEGIC INDUSTRIAL LAND LOCATIONS (SIL)**

Our clients support the proposed Main Modifications (MM50) to Part A of Draft Policy 26 under MM50, which provide further detail on the range of acceptable industrial uses within SILs. The proposed changes are considered to be



sufficient to ensure conformity with London Plan Policy E4 (Land for industry, logistics and services to support London's economic function). It is noted, however, that Main Modification MM50 also proposes an additional requirement at Part B(iii) of the policy, which would require new development proposals on SIL land to:

*“iii. Provide either the full replacement or the intensification of existing industrial capacity. Landowners should, where appropriate, work with landowners of adjacent sites in order to make the most efficient use of land.”*

As set out above in relation to Main Modification MM47, the first sentence of Part B(iii) should be re-worded to clarify that the principle of no net loss of existing industrial capacity is the acceptable 'baseline' position in policy terms. This is considered to be necessary in order to avoid unnecessary confusion and ensure consistency with the approach towards industrial intensification and co-location set out in the London Plan (Policy E7) and associated GLA Practice Note. As set out above in relation to Draft Policy 25, it is considered that the policy should also clearly state that intensification will be measured in line with the approach set out in the London Plan.

Our suggested modifications comprise:

*“B. New development will be supported on SIL where it:*

- i. Provides improved high-quality, fit for purpose industrial employment space and infrastructure; and*
- ii. Allows for future flexibility in the above uses, including future subdivision / and / or amalgamation for a range of employment uses; and*
- iii. ~~Provides either the full replacement or the intensification of~~ **Results in no net loss** of existing industrial capacity **(as defined in Part D of Policy 25) or, where feasible, achieves an intensification of existing industrial capacity.** Landowners should, where appropriate, work with landowners of adjacent sites in order to make the most efficient use of land.”*

Subject to the recommended modifications set out above, it is considered that Draft Policy 26 could be deemed to be justified, effective, and consistent with national policy in accordance with Paragraph 35 of the NPPF.

## **MAIN MODIFICATION MM51: POLICY 27 – SAFEGUARDING AND MANAGING CHANGE IN LOCALLY SIGNIFICANT INDUSTRIAL SITES (LSIS)**

Our clients support the proposed Main Modifications (MM51) to Part A of Draft Policy 27, which provide further detail on the range of acceptable industrial uses within LSIS. The proposed changes are considered to bring the policy into closer alignment with London Plan Policy E4.

As set out above in relation to Part B(iii) of Draft Policy 26, however, we would request that Part B(iii) of Draft Policy 27 is amended to clarify the policy position with regards to the re-provision of existing industrial floorspace – specifically, to note that a like-for-like replacement of the existing industrial capacity is the acceptable 'baseline' position in policy terms.

Our suggested modifications are set out below:

*“B. New development will be supported on LSIS, where it:*

- i. Provides improved high-quality, fit for purpose business industrial space and infrastructure; and,*

ii. Allows for future flexibility in the above uses, including future subdivision / and / or amalgamation for a range of employment uses; and

iii. ~~Provides either the full replacement or the intensification~~ **Results in no net loss** of existing industrial capacity (as defined in Part D of Policy 25) **or, where feasible, achieves an intensification of existing industrial capacity.** Landowners should, where appropriate, work with landowners of adjacent sites in order to make the most efficient use of land. or,

iv. Successfully delivers intensified industrial floorspace capacity through co-location of industrial and non-industrial uses, as identified through an industrial masterplanning process in line with Policy 30 - Industrial Masterplan Approach.”

Subject to the recommended modifications set out above, it is considered that Draft Policy 27 could be deemed to be justified, effective, and consistent with national policy in accordance with Paragraph 35 of the NPPF.

## MAIN MODIFICATION MM56: POLICY 30 – INDUSTRIAL MASTERPLAN APPROACH

BlackRock and NEAT Developments are, in general, supportive of the proposed Main Modifications (MM56) to Draft Policy 30, which seeks to ensure that the introduction of non-industrial uses within designated industrial sites is supported by an Industrial Masterplan. It is noted that the proposed changes will broadly align the policy more closely with the masterplan-led approach to industrial intensification and co-location set out in Policy E7 of the London Plan, as well as the GLA’s Industrial Intensification and Co-Location Practice Note.

However, while our clients support the overall aims of Draft Policy 30, it is noted that Part C requires masterplans to “[n]ot lead to any loss in industrial capacity across the SIL or LSIS, and seek to provide a net increase of industrial floorspace capacity” [our emphasis]. This goes beyond the requirements set out in the London Plan and Industrial Intensification and Co-Location Practice Note, which expect masterplans to facilitate the re-provision of the existing industrial floorspace present on site or, alternatively, the potential industrial floorspace that could be accommodated on site at a 65 per cent plot ratio, whichever is the greater. The crucial difference is that, unlike Draft Policy 30, neither the London Plan nor the Draft Practice Note explicitly require masterplans to provide, or seek to provide, a net increase in industrial floorspace.

This is an important distinction: if the capital is to meet its employment land needs, then no less important than the *quantity* of new employment floorspace is its *quality* – that is, its ability to meet in full the needs of modern industrial and logistics occupiers. The provision of key occupier requirements – such as operational yardspace and ancillary office and amenity areas – are not always compatible with imperatives to maximise the provision of industrial floorspace. It follows, therefore, that it will not always be feasible or desirable to deliver a net increase in industrial floorspace as part of an Industrial Masterplan. Indeed, the GLA’s forthcoming Draft Industrial London Plan Guidance (‘LPG’) is expected to provide greater recognition of, and guidance concerning, the more qualitative aspects of new industrial floorspace.

In this context, BlackRock and NEAT Developments request that the requirement to “*seek to provide a net increase of industrial floorspace capacity*” is removed in order to align the policy with the masterplan-led approach towards co-location set out in the London Plan and Draft Practice Note, and to ensure that Draft Policy 30 is positively prepared, justified, effective and consistent with London- and national-level policy in line with Paragraph 35 of the NPPF. Our suggested modifications to Part C of Draft Policy 30 are therefore as follows:

“C. ~~Do Not lead to any~~ **Result in no net** loss in industrial capacity across the SIL or LSIS **(as defined in Part D of Policy 25)** and, **where feasible, must** seek to provide a net increase of industrial floorspace capacity”.

For the same reason, it is recommended that further amendments are made to Main Modification MM58, which concerns the supporting text (Paragraph 9.23) to Draft Policy 30. The text provides further guidance in relation to Areas of Intensification and Consolidation, and notes that these areas provide “*an opportunity to deliver a large uplift in space for industrial businesses.*” While we agree with the identification of these areas as suitable for a significant degree of re-development, we would recommend that the reference to a “*large*” uplift is removed in recognition of the fact that, as set out above, the need to meet key occupier requirements can often set a hard limit on the degree of intensification that can be achieved through re-development. Our suggested modifications are therefore as follows:

*“To deliver intensification and consolidation, Areas of Intensification and Consolidation will be identified. These areas are defined as where there is an opportunity to deliver a large an uplift in space for industrial businesses.”*

In addition, it is considered that further modifications are required to Main Modification MM59 to ensure that the supporting text to Policy 30 (Paragraphs 9.25 and 9.26) provides for sufficient flexibility with regards to the re-location of existing businesses. While the text as presently worded recognises that “[i]t is important to understand the future intentions and evolving needs of businesses,” the text also states that any proposals for re-development “*should be accompanied with a plan which sets out how existing business will be retained and accommodated in any redevelopment*” [our emphasis]. This is unnecessarily prescriptive and fails to acknowledge those cases in which an existing business has no intention of remaining on site, having decided, for example, that their needs are best met by a new premises elsewhere. In addition, the preparation and implementation of a Masterplan is a long-term process (10+ years) which typically spans multiple phases of the business cycle. It is possible, therefore, that a business might, early on in the process, express an interest in being re-located on site, only to cease trading before the development commences.

In order to ensure that Paragraph 9.26 provides for sufficient flexibility for both existing businesses and applicants, therefore, we would recommend that the following modifications are made:

*“Each masterplan should take account of the proposed future vision of the SIL or LSIS area. Viability and Delivery are key components of the masterplan to prevent the loss of important industrial space across the borough. This should be accompanied with a plan which sets out how existing business ~~will~~ could be retained and accommodated in any redevelopment, should they express an interest in this. These should include consideration of businesses that need grow on space. Part of the process of redevelopment will require businesses to be decanted while business space is upgraded. Early engagement with businesses will be vital to the success of any proposed development. To ensure this is delivered successfully, a decant strategy will be expected to be submitted.”*

Subject to the recommended modifications set out above, it is considered that Draft Policy 30 could be deemed to be justified, effective, and consistent with national policy in accordance with Paragraph 35 of the NPPF.

## **MAIN MODIFICATION MM116 AND MM118: POLICY 56 – TALL BUILDINGS**

Main Modification MM116 proposes to amend Draft Policy 56 (Tall Buildings) to ensure consistency with the Statement of Common Ground (‘SoCG’) agreed between the Council and the Mayor of London, which includes a commitment to securing closer alignment between the Council’s tall building-related policies and Policy D9 (Tall Buildings) of the London Plan. To that end, Main Modification MM116 seeks to remove all references to “*taller buildings,*” and establishes a firm definition of tall buildings as “*any building of 10 storeys or more, or any building that measures 30m or more from ground level.*”

The newly-proposed Part B of Draft Policy 56 clarifies that the appropriate range of heights for new tall buildings is between 10 and 17 storeys in height; however, scope is reserved for tall buildings of 18+ storeys on designated Transformation sites, subject to contextual analysis, a robust placemaking strategy, and an assessment against all

relevant policy tests. The policy adds that indicative ranges of potentially acceptable heights for these sites will be provided in Local Plan 2 – Site Allocations.

Part C of the policy further clarifies that, in other very limited circumstances, a tall building may be supported on sites outside of the above locations, provided that a comprehensive Tall Buildings Assessment has been undertaken which considers, *inter alia*, whether the site is located within a Strategic Location, benefits from good local public transport connectivity, and is appropriate for a ‘Transition’ or ‘Transformation’ approach to character-led intensification.

Main Modification MM118 sets out a new figure to illustrate the application of Draft Policy 56, and identifies several locations within the borough that are potentially suitable locations for tall buildings. The Blackhorse Lane Strategic Location – of which our client’s site forms a key part – is identified as one such location. As set out in our previous set of written representations, the identification of Blackhorse Lane as a potentially suitable location for tall buildings is considered to be robustly justified by the evidence. The approach to tall buildings in this area has been closely informed by the Council’s Skyline Study (November 2021). The Study provides an examination of the constraints and opportunities presented by the Blackhorse Lane area and its surrounds. The Study recognises the need to protect the amenity of the existing homes and school – and, crucially, respect the sensitivity of the neighbouring Wetlands – whilst also capitalising on the potential for industrial and mixed-use intensification of the area. In addition, the Study provides detailed guidance as to the most suitable locations for tall buildings within Blackhorse Lane.

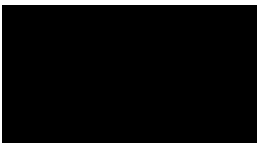
In the context of Blackhorse Lane, therefore, the proposed modifications are considered to be sufficient to ensure that the Draft Local Plan is positively prepared, justified, effective and consistent with national- and London-level policy with respect to tall buildings, in accordance with Paragraph 35 of the NPPF.

## **Conclusion**

Overall, and subject to the recommendations set out in this submission, BlackRock and NEAT Developments continue to offer their robust support for the plan’s vision, objectives, and spatial strategy for the development of the borough, particularly as concerns their site.

We would welcome the opportunity to discuss the above comments with you further, should you find this of assistance. If you have any queries, please do not hesitate to contact myself or Sam Brown at our London office.

Yours sincerely,



Catriona Fraser

**Director**

[catriona.fraser@turley.co.uk](mailto:catriona.fraser@turley.co.uk)