

28 February 2022

**Delivered by email**

Planning Policy  
London Borough of Wandsworth  
Environment and Community Services  
Town Hall  
Wandsworth High Street  
London  
SW18 2PU

Dear Sir/Madam

**THE WANDSWORTH 'PRE-PUBLICATION' DRAFT LOCAL PLAN (REGULATION 19, JANUARY 2022) –  
WRITTEN REPRESENTATIONS ON BEHALF OF THE ARCH COMPANY PROPERTIES LP**

We write on behalf of The Arch Company Properties LP (“The Arch Company”) with respect to the Public Consultation on the emerging Wandsworth ‘Publication Version’ Local Plan (Regulation 19, January 2022) [hereafter: “emerging Local Plan”] and specifically with regard to the Battersea Design and Technology Quarter (“BDTQ”) and Site Allocation NE8 (Silverthorne Road) forming part of the wider Area Strategy for Nine Elms.

It is worth noting that our client acknowledges and welcomes that the submitted representations to the LB Wandsworth (Pre-Publication) Draft Local Plan (Regulation 18) in March 2021 had a positive influence on the Publication Version subject to this consultation (as set out in the Council’s Pre-Publication Consultation Statement, January 2022) and resulted in various updates to the detailed wording of the emerging policies and their supportive text.

In order for Local Plans to be found sound, we note that in line with **Paragraph 16** of the **National Planning Policy Framework (“NPPF”, 2021)** it is important that they are:

- **Positively prepared:** Provide a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs and is informed by agreements with other authorities;
- **Justified:** Based on an appropriate strategy, taking into account the reasonable alternatives, and proportionate evidence;
- **Effective:** Be deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters; and
- **Consistent with national policy:** To enable to delivery of sustainable development.

This is particularly important at this stage of the plan-making process where the Council is seeking to prepare a robust plan for independent examination. These written representations have been prepared with the above requirements

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in mind, whilst also reflecting our client's wider observations to ensure the plan is clear in its objectives and therefore effective in guiding future development.

### ***The Arch Company & LB Wandsworth Portfolio***

Although the Council may be aware, it is considered that it will be helpful to provide some background information on The Arch Company nationally and their portfolio within the borough. The Arch Company acquired Network Rail's former commercial estate business in 2019. It is the landlord for more than 4,000 businesses across England and Wales, making it the UK's largest small business landlord, working with thousands of business owners, from car mechanics to bakeries and restaurants, who make a unique and vital contribution to the UK economy.

In regard to the potential implications of the emerging Local Plan it is of importance to identify that The Arch Company has substantial land holdings within the borough, specifically in the newly designated BDTQ Cluster, with a portfolio of sites available for delivery over the plan period. The key sites within this portfolio are located within Site Allocation NE8 (Silverthorne Road) and include the existing bus depot on Silverthorne Road and a parcel land known as 70a Silverthorne Road. The sites are designated within the adopted and emerging Local Plan as Strategic Industrial Land ("SIL"), better known as the Queenstown Road, Battersea SIL. In addition, our client is in control of a substantial number of railway arches within the borough (and their adjacent land) including in and around the above SIL and Portslade Road (including the CCF site), New Covent Garden Market and other parts of the Central Activities Zone ("CAZ"), along Pensbury Place adjacent to various (designated) Waste Management sites and the wider borough (see **Annex 1** for an overview of The Arch Company's landholdings in and around Nine Elms/Battersea and **Annex 2** for a comprehensive overview across LB Wandsworth). It is worth noting, that The Arch Company has recently completed three and is at feasibility stage for a further 21 railway arch regeneration projects resulting in a significant investment in the local economy.

Accordingly, and taking account of the scale of The Arch Company's portfolio (totalling approx. 1.3m sq. ft of business and employment space/land including, but not limited to, hundreds of railway arches), the potential implications of the emerging Local Plan are of significant importance. As such, our client has a strong interest in ensuring that the emerging Local Plan creates the strong, flexible and ambitious planning framework it seeks to provide in order to facilitate the sustainable growth the borough requires.

### ***Draft Policy PM3 (Nine Elms), Site Allocation NE8 (Silverthorne Road) & Draft Policy LP34 (Managing Land for Industry and Distribution)***

**Chapter 5** of the emerging Local Plan continues to set out the Council's ambition and spatial approach for the wider Nine Elms area in general and the BDTQ (including the above site allocation) in particular. Overall, The Arch Company supports the Council's ambition for the area, as set out in Draft Policy PM3, which is expected to create a robust framework for new development which successfully contributes to the delivery of intensified industrial, business and employment floorspace.

Depending on the delivery timescales on key site allocations in the BDTQ (and wider area), it is considered to be beneficial to ensure that up-to-date evidence for the employment need and demand is applied at the time when individual planning applications or masterplans are being prepared in order to influence the layout, land uses and form of development coming forward.

It is therefore important to reiterate the importance of **Part B(6)** of **Draft Policy PM3** in that proposals in the BDTQ need to a) protect and b) should not adversely impact industrial operations and businesses in the SIL. It is further recommended to ensure that *logistics* uses are similarly recognised as part of this policy and that it provides a robust basis for potential multi-storey (light) industrial and logistics uses to come forward (i.e. clarity that all SIL-compliant employment-generating uses may be located on upper floors) – of note, this is already recognised in Para. 5.70 of the plan for the Silverthorne Road site allocation and should be added to Policy PM3 for consistency. A similar request from the Greater London Authority ("GLA") contained in their representations to the Pre-Publication Version of the

plan seeking a flexible policy wording to allow the potential of industrial/logistics uses on upper floors is acknowledged. However, any such redevelopment schemes will be influenced by site constraints, market demand and occupier requirements or may be delivered in phases. With regards to **Part B(6c)**, it is therefore recommended to adjust the current wording as follows: *“Proposals within this location:*

*[...] must deliver intensified industrial floorspace (where possible based on up-to-date market needs and demands) as part of any mixed-use scheme, including provision for industrial & logistics uses on the ground (and, depending on market demand, upper or mezzanine) floor(s)”.*

The proposed amendments to **Site Allocation NE8** are noted and generally supported, thereby creating a strong framework for future development in the area. Particularly the recognition that existing uses may be surplus to requirements in the future is acknowledged and should be retained as and when the plan gets adopted (see Para. 5.70).

Whilst the overall ambition of the BDTQ to provide a mix of employment-generating uses including office and other workspace is recognised, it is important to reiterate that this and wider site allocations in the area are located within an active and protected SIL. As such, and thereby demonstrating compliance with **Policies E4(A)** and **Policy E5(C)** of the **London Plan (2021)**, land uses falling within an industrial-type activity should always be the priority in this (and other) SIL(s) and only where an evidenced need has been addressed and the required industrial land supply (is deemed to be) met, should there be a focus on non-industrial uses. Providing such clarity in the **above site allocation** and being explicit about it in **Draft Policy LP34** is strongly recommended to ensure that a sound Local Plan is prepared (which conforms with the requirements of the London Plan). Given the site allocation’s overall footprint (and low density in terms of built environment), it has the potential to become a key asset for industrial/employment intensification which should be recognised by and fully reflected in the emerging Local Plan.

### **Draft Policy LP36 (Railway Arches)**

It has been positively received that the majority of our recommended changes to Draft Policy LP36 have been reflected in the Publication Version of the Local Plan, such as the introduction of further flexibility to the variety of acceptable land uses in railway arches (**LP36.1**) or the suggested clarification on the marketing procedure for vacant railway arches (**Appendix 1**).

As drafted, the emerging policy wording is generally supported by The Arch Company, subject to a number of minor modifications recommended below to ensure the policy is as effective and clear as possible and fully reflects our client’s experience and expertise as landlord of the vast majority of railway arches in the borough.

It is noted that Draft Policy LP36 (i.e. **Parts 1.; 4.; 5.**) as well as other policies within the emerging Local Plan refer to ‘Community Uses’. Unlike ‘Economic Uses’, the term ‘Community Uses’ is not defined in the Glossary of the document. For the avoidance of doubt or misinterpretation, it is therefore recommended to provide a definition for ‘Community Uses’ as part of the emerging Local Plan. This could include reference to suitable community or social infrastructure uses falling within *Use Classes E(d), F1, F2 and/or any sui generis community uses* (whilst noting that in specific circumstances other uses may similarly serve a purpose to the local community/social infrastructure).

With regards to **Part 6**, our client is in agreement that railway arches can play a key role in providing public access and improving connectivity. However, it is important for the policy to reflect that new public access through railway arches should be masterplan-led and factors in that any (current or potential) employment-generating floorspace in such arches should not be lost, i.e. that the implications are fully considered.

In relation to **Part B**, it is noted that the policy wording has been amended to relate to ‘open and/or vacant’ railway arches only which is deemed to be a logical amendment to the previous version. However, it is worth noting that demonstrating that the existing biodiversity value of a railway arch is unharmed should realistically only be relevant

to **open and vacant** railway arches. Vacant, but ‘enclosed’ or ‘built out’ railway arches are not expected to have any biodiversity value as would be the case with any wider enclosed commercial buildings (i.e. there should be a consistent approach to wider development). Similarly, our client wishes to clarify that railway arches are often only vacant for a limited period of time in-between a change of use or change in occupiers which should not have any implications on their biodiversity value – it is recognised and supported that where open railway arches are vacant for an extended period of time (i.e. 24-36 months or longer), it should be ensured that any biodiversity value in such arches remains unharmed. As such, and to ensure Local Plan Policy LP36(B) is sound, clear and provides a reasonable policy framework, it is recommend to amend the draft wording as follows:

*“Where a proposal involves the use of open and ~~for~~ long-term ([24 or] 36 months or longer) vacant railway arches, evidence will need to be submitted which demonstrates that any existing biodiversity value will not be harmed by the use or that appropriate mitigation measure will be provided in line with Policy LP 57 (Biodiversity).”*

### **Draft Policy LP38 Affordable, Flexible and Managed Workspace**

Our client welcomes the amendments made to Draft Policy LP38 insofar as they relate to the inclusion of ‘subject to scheme viability’ to both **Parts A** and **B** of the policy wording, as well as the additions and changes made to the definition of ‘affordable workspace’ in the **Glossary**. Those changes are deemed essential to ensure the emerging policy is deemed sound (and justified).

### **Conclusion**

Overall, and subject to the recommendations and proposed modifications set out as part of this submission, The Arch Company continues to offer its support for the direction of the emerging Local Plan and relevant policies contained within it, particularly in relation to the BDTQ and Site Allocation NE8, and the future industrial- and logistics-led intensification of this strategic employment area.

Our client is also supportive of the flexibility provided through the revised wording contained in Draft Policy LP36 in relation to new development in and/or the re-purposing of railway arches across LB Wandsworth which is particularly relevant to their land holdings, but – reflecting market conditions and occupier requirements, and to provide a robust, yet flexible policy framework – continues to seek minor adjustments to ensure the policy wording is as effective as possible in guiding future proposals. It is important to ensure that the borough’s railway arches and their adjacent land continue to be a strongly supported reservoir for the provision of much-needed (flexible) economic, commercial and leisure uses within the borough.

Our client and we are looking forward to continuing our positive and pro-active discussions with LB Wandsworth to assist the Council in preparing a sound and deliverable new Local Plan, and to bring forward new development across their portfolio over the coming years.

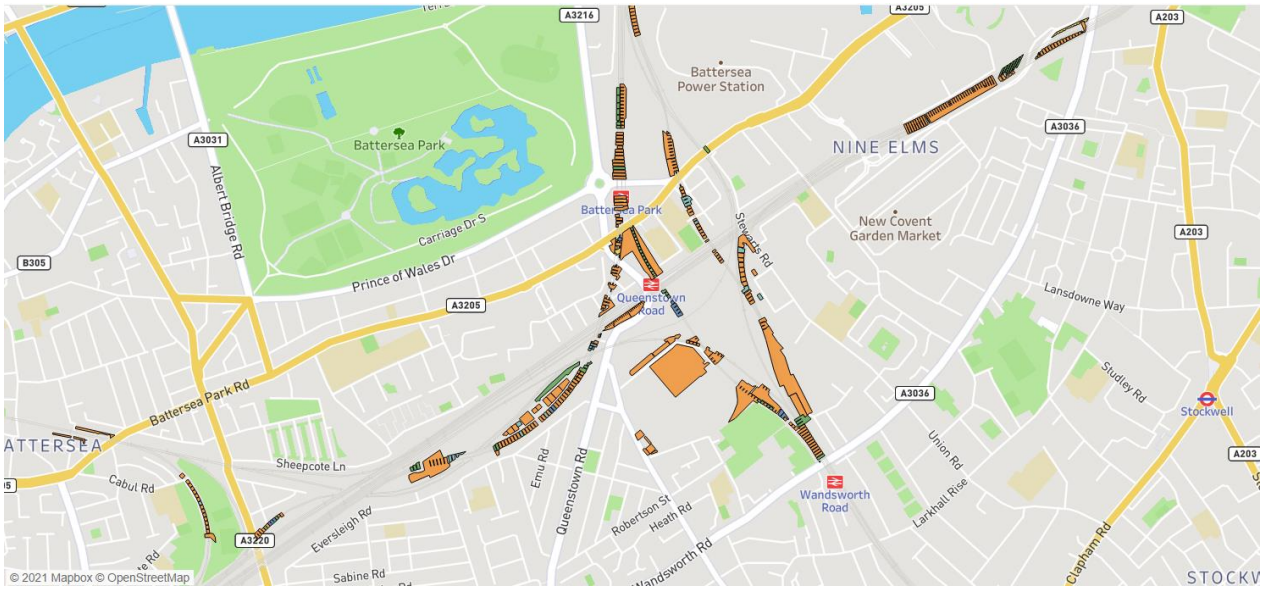
Please do not hesitate to contact my colleague Christopher Schiele [REDACTED] or myself at this office should you require any further information or wish to discuss these representations.

Yours sincerely

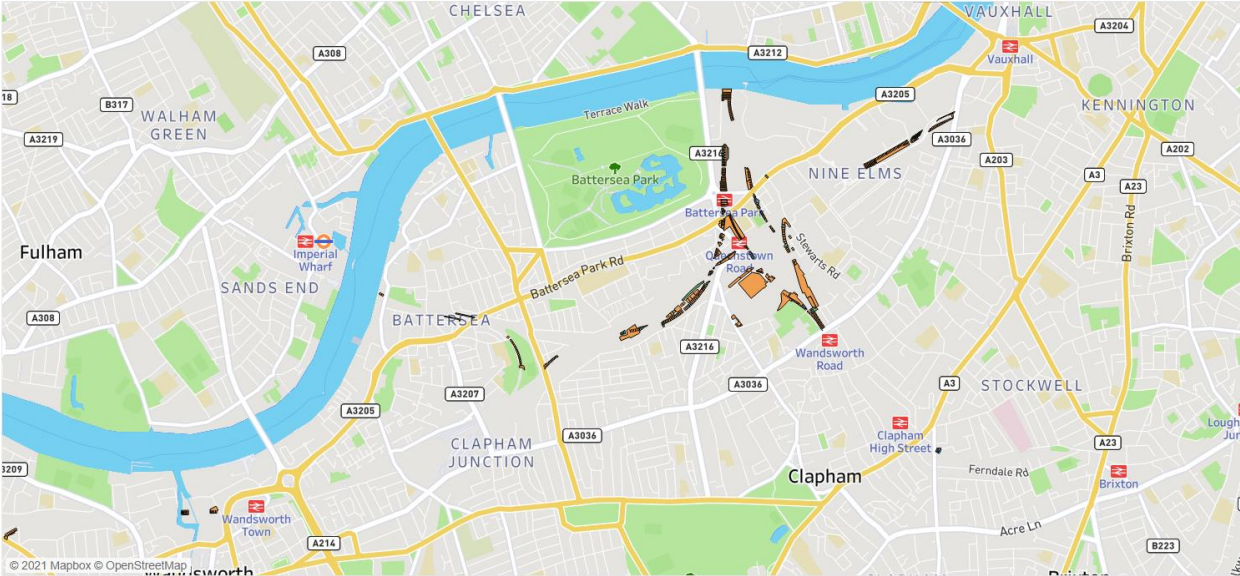
[REDACTED]  
Alex Christopher  
**Director, Head of Planning London**

[REDACTED]

## Annex 1: The Arch Company Land Holdings in/around Nine Elms/Battersea



## Annex 2: The Arch Company Land Holdings across LB Wandsworth





## Local Plan Review

### Consultation on the Publication Draft Local Plan

10 January to 28 February 2022

#### RESPONSE FORM

The Council is inviting comments over a seven-week period on the Publication version of the Local Plan.

The Draft Local Plan sets out a vision and spatial strategy to guide the development of the borough from 2023, when the Plan is anticipated to be adopted, to 2038. It sets out key objectives for the borough, which are supported by planning policies, area strategies, and – at the smallest scale – detailed guidance for the development of specific sites. Collectively, these identify where development should be targeted and set out how the borough's neighbourhoods and places will change over the next 15 years.

This consultation is the final opportunity to comment on the Local Plan before it is submitted to the Secretary of State for independent 'examination in public'. At this stage in the plan-making process, in accordance with the national guidance, consultation responses should focus on whether the Local Plan has been developed in compliance with the relevant legal and procedural requirements, including the duty to cooperate, and with the 'soundness' of the Plan. Further detail on these concepts is provided in the accompanying guidance notes provided at the end of the form.

#### How to respond

Please read the consultation documents and other background information made available on the Local Plan website: <http://www.wandsworth.gov.uk/draft-local-plan-publication>

You can respond by completing this form, either electronically using Word or as a print out, and sending it to the Council by:

- Email to [planningpolicy@wandsworth.gov.uk](mailto:planningpolicy@wandsworth.gov.uk)
- Post to Planning Policy and Design, Environment and Community Services, Town Hall, Wandsworth High Street, Wandsworth, SW18 2PU.

Alternatively, you can also make comments on the draft Local Plan online via our Consultation Portal, which is accessible at the website listed above.

All responses must be received by **11.59pm on Monday 28 February 2022**. The consultation is open to everyone; however please note that responses will not be treated as confidential and those submitted anonymously will not be accepted.

Part A: Personal Details		
	1. Personal details*	2. Agent's details (if applicable)
Title		Mr
First name		Christopher
Last name		Schiele
Job title (where relevant)		Associate Director
Organisation (where relevant)	The Arch Company Properties LP ("The Arch Company")	Turley
Address		8 <sup>th</sup> Floor, Lacon House 84 Theobald's Road London
Postcode		WC1X 8NL
Telephone		██████████
E-mail address		████████████████████████████████████████

\*If an agent is appointed, please complete only the title, name and organisation boxes for the respondent and complete the full contact details for the agent.

Part B: About You...		
3. Please tell us about yourself or who you are responding on behalf of.		
Do you live in the borough?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Do you work in the borough?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Do you run a business in the borough?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Are you a student in the borough?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Are you a visitor to the borough?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

#### Data protection

Information provided in this form will be used fairly and lawfully and the Council will not knowingly do anything which may lead to a breach of the General Data Protection Regulation (GDPR) (2018).

All responses will be held by the London Borough of Wandsworth. They will be handled in accordance with the General Data Protection Regulation (GDPR) (2018). Responses will not be treated as confidential and will be published on our website and in any subsequent statements; however, personal details like address, phone number or email address will be removed.

For further details regarding your privacy please see the Council's information published at:

[www.wandsworth.gov.uk/privacy](http://www.wandsworth.gov.uk/privacy)



<b>Part C: Your Response</b>		
<b>4. Do you consider the Local Plan is:</b>		
4.1 Legally compliant	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
4.2 Sound	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
4.3 Complies with the duty to co-operate	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Further information on these terms is included within the accompanying guidance note, which can be found at the end of the response form.		
<b>If you have entered 'No' to 4.2, please continue with Q5. Otherwise, please go to Q6.</b>		
<b>5. Do you think the Local Plan is <u>unsound</u> because it is <u>not</u>:</b> <i>(Please tick all that apply)</i>		
5.1 Positively prepared	<input type="checkbox"/>	
5.2 Justified	<input type="checkbox"/>	
5.3 Effective	<input type="checkbox"/>	
5.4 Consistent with national policy	<input type="checkbox"/>	
<p><b>6. Please give details of why you think the Local Plan is not legally compliant and/or is unsound and/or fails to comply with the duty to co-operate.</b></p> <p><b>Please make it clear which consultation document your comments relate to and, where applicable, please include the relevant policy name/number, the site allocation name/reference, the Policies Map change, and/or the paragraph number. Please be as precise as possible.</b></p> <p><b>If you wish to provide comments in support of the legal compliance and/or soundness of the Local Plan, or its compliance with the duty to co-operate, please use this box to set out your comments.</b></p> <p><i>Please note your response should provide succinctly all the information, evidence and supporting information necessary to support / justify the response. After this stage, further submission will only be at the request of the Inspector, based on the matters and issues they identify for examination.</i></p>		
<p>Our client considers that, subject to minor modifications/amendments as proposed in our representations, overall the Draft LP has the potential to be sound. As such, we have ticked the above boxes, but will re-evaluate its position following this round of consultation.</p>		

*Please continue on a separate sheet / expand the box if necessary.*

**7. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, when considering any legal compliance or soundness matter you have identified at 5 above.**

**Please note that non-compliance with the duty to co-operate is incapable of modification at examination.**

**You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.**

*Please note your response should provide succinctly all the information, evidence and supporting information necessary to support / justify the suggested change. After this stage, further submission will only be at the request of the Inspector, based on the matters and issues they identify for examination.*

See separate letter/representations.

*Please continue on a separate sheet / expand the box if necessary.*

**8. If you are seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)? (Please tick box as appropriate)**

**No**, I do not wish to participate in hearing session(s)

**Yes**, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

**9. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:**

*Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

To ensure the LP is robust, yet flexible enough to deliver new development in line with market need/demand.

*Please continue on a separate sheet / expand the box if necessary.*

**If you are not on our consultation database and you respond to this consultation, your details will be added to the database. This allows us to contact you with updates on the progression of the Local Plan and other planning policy documents.**

If you do not wish to be added to our database or you would like your details to be removed, then please tick this box.

Signature:  
*For electronic responses a*

Christopher Schiele

Date:

28/02/2022

<i>typed signature is acceptable.</i>			
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## Local Plan Publication Consultation

### Guidance Notes to accompany the Representation Form

#### Introduction

1. The plan has been published by the Local Planning Authority [LPA] in order for representations to be made on it before it is submitted for examination by a Planning Inspector. The Planning and Compulsory Purchase Act 2004, as amended [PCPA] states that the purpose of the examination is to consider whether the plan complies with the relevant legal requirements, including the duty to co-operate, and is sound. The Inspector will consider all representations on the plan that are made within the period set by the LPA.

2. To ensure an effective and fair examination, it is important that the Inspector and all other participants in the examination process are able to know who has made representations on the plan. The LPA will therefore ensure that the names of those making representations can be made available (including publication on the LPA's website) and taken into account by the Inspector.

#### Legal Compliance

3. You should consider the following before making a representation on legal compliance:

- The plan should be included in the LPA's current Local Development Scheme [LDS] and the key stages set out in the LDS should have been followed. The LDS is effectively a programme of work prepared by the LPA, setting out the plans it proposes to produce. It will set out the key stages in the production of any plans which the LPA proposes to bring forward for examination.
- The process of community involvement for the plan in question should be in general accordance with the LPA's Statement of Community Involvement [SCI] (where one exists). The SCI sets out the LPA's strategy for involving the community in the preparation and revision of plans and the consideration of planning applications.
- The LPA is required to provide a Sustainability Appraisal [SA] report when it publishes a plan. This should identify the process by which SA has been carried out, and the baseline information used to inform the process and the outcomes of that process. SA is a tool for assessing the extent to which the plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives.
- The plan should be in general conformity with the London Plan.
- The plan should comply with all other relevant requirements of the PCPA and the Town and Country Planning (Local Planning) (England) Regulations 2012, as amended [the Regulations].

#### Duty to Co-operate

4. You should consider the following before making a representation on compliance with the duty to co-operate:

- Section 33A of the PCPA requires the LPA to engage constructively, actively and on an ongoing basis with neighbouring authorities and certain other bodies over strategic matters during the preparation of the plan. The LPA will be expected to provide evidence of how they have complied with the duty.
- Non-compliance with the duty to co-operate cannot be rectified after the submission of the plan. Therefore, the Inspector has no power to recommend modifications in this regard. Where the duty has not been complied with, the Inspector cannot recommend adoption of the plan.

### Soundness

**5.** The tests of soundness are set out in paragraph 35 of the National Planning Policy Framework (NPPF). Plans are sound if they are:

- 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 authorities is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- 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
- Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in the NPPF.

**6.** If you think the content of the plan is not sound because it does not include a policy on a particular issue, you should go through the following steps before making representations:

- Is the issue with which you are concerned already covered specifically by national planning policy (or the London Plan)? If so, does not need to be included?
- Is the issue with which you are concerned already covered by another policy in this plan?
- If the policy is not covered elsewhere, in what way is the plan unsound without the policy?
- If the plan is unsound without the policy, what should the policy say?

### General advice

**7.** If you wish to make a representation seeking a modification to the plan or part of the plan you should set out clearly in what way you consider the plan or part of the plan is legally non-compliant or unsound, having regard as appropriate to the soundness criteria in paragraph 5 above. Your representation should be supported by evidence wherever possible. It will be helpful if you also say precisely how you think the plan should be modified.

**8.** You should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification. You should not assume that you will have a further opportunity to make submissions. Any further submissions after the plan has been submitted for examination may only be made if invited by the Inspector, based on the matters and issues he or she identifies.

**9.** Where groups or individuals share a common view on the plan, it would be helpful if they would make a single representation which represents that view, rather a large number of separate representations repeating the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised.

**10.** Please consider carefully how you would like your representation to be dealt with in the examination: whether you are content to rely on your written representation, or whether you wish to take part in hearing session(s). Only representors who are seeking a change to the plan have a right to be heard at the hearing session(s), if they so request. In considering this, please note that written and oral representations carry the same weight and will be given equal consideration in the examination process.