



**RICHMOND UPON THAMES BOROUGH COUNCIL**

**Town and Country Planning Act 1990 (as amended)**

**Planning and Compulsory Purchase Act 2004**

**The Town and Country Planning (Determination by Inspectors)  
(Inquiries Procedure) (England) Rules 2000 (as amended)**

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**PROOF OF EVIDENCE**

**SCOTT DAVIDSON BSc (Hons) DMS ACLAM MRTPI  
on behalf of London Borough of Richmond upon Thames**

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**Site:** Arlington Works, 23-27 Arlington Road, Twickenham, TW1 2BB

**PINS Ref:** APP/L5810/W/20/3249153

**LPA Ref:** 18/2714/FUL

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## **1.0 QUALIFICATIONS AND EXPERIENCE**

1.1 I graduated with a BSc (Hons) in Town Planning from Heriot-Watt University in 1987. I became a chartered member of the Royal Town Planning Institute (RTPI) in 1988. These qualifications have been supplemented by a Diploma in Management Studies from Bristol Polytechnic (1994) and an Advanced Certificate in Local Authority Management from Strathclyde University (1999).

1.2 My experience is varied and extensive. It has included:

- Local plan and regeneration with Bristol City Council (4 years).
- Statutory policy planning with South Lanarkshire Council (5 years).
- Strategic planning with Liverpool City Council, NSW (3 years).
- Planning consultancy roles including Halcrow (10 years)
- Planning positions in the Middle East (5 years).

This experience has included developing development plan policy, presenting evidence at public inquiry and a range of planning policy initiatives related to housing release, industrial allocation, regeneration, town centre, heritage, etc.

1.3 The evidence that I have prepared and provide for this appeal is true. It has been prepared, and is given, in accordance with the guidance of the RTPI. I confirm that the opinions expressed are my true and professional opinions.

## 2.0 INTRODUCTION

2.1 The scope of this proof of evidence is to set out the considerations for industrial policy and housing land supply relevant to the determination of this appeal (ref: 18/2714/FUL). My evidence outlines the policy reasoning and justification for the protection of industrial land and premises in the borough, specifically acknowledging the strategic policy objective of the Richmond upon Thames Local Plan (RuTLP) to:

2.2 Protect and encourage land for employment use, particularly for affordable small/medium spaces, start-up and incubator units and flexible employment space, in order to support the borough's current and future economic and employment needs<sup>1</sup>. My evidence addresses the effect of the proposed development on the provision of industrial land set within the context of the adopted Local Plan, current policy framework and other material considerations.

2.3 The specific reason for refusal my evidence supports is:

- **Reason for Refusal 2 - Loss of Industrial Floorspace**

The proposed development, by reason of its complete loss of an existing industrial site and lack of satisfactory full and proper marketing evidence to demonstrate there is a lack of demand for continued use of the premises as a B2 use, or appropriate alternative employment generating uses, or other suitable evidence; would result in an unacceptable loss of an industrial site, to the detriment of the local economy and range of employment premises within the borough. The scheme is therefore contrary to policy, in particular, **policies 4.14 of the London Plan (2016) and LP42 of the adopted Local Plan (2018).**

2.4 Further, my evidence considers housing land supply and its effectiveness.

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<sup>1</sup> Page 14. Objective 10 of Meeting People's Needs.

### **3.0 CURRENT INDUSTRIAL LAND AND PREMISES POLICY FRAMEWORK**

#### **National Planning Policy Framework 2019**

- 3.1 Within Section 6 - 'Building a strong competitive economy' - of the National Planning Policy Framework 2019 (NPPF) (CDA1), paragraph 80 requires planning policies and decisions to help create the conditions in which businesses can invest, expand and adapt and that significant weight should be placed on the need to support economic growth and productivity, taking into account local business needs and wider opportunities for development. The paragraph also states that the approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.
- 3.2 Paragraph 81 of the NPPF states that planning policies should: "a) set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth; b) set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period; c) seek to address potential barriers to investment, such as...a poor environment; and d) be flexible to accommodate needs not anticipated in the plan."
- 3.3 Paragraph 82 of the NPPF states that planning policies and decisions should recognise and address the specific locational requirements of different sectors in suitably accessible locations.

#### **London Plan 2016**

- 3.4 The adopted London Plan 2016 (CDB2) designates the borough as a Restricted Area for the transfer of industrial land to other uses. This is a category requiring careful management. Any release of industrial land must be justified by evidence in accordance with London Plan Policy 4.4. Part A, which is strategic and requires the Mayor and boroughs to work to ensure a rigorous approach to industrial land management to ensure a sufficient stock of land and premises to meet the future needs of different types of industrial and related uses, including affordable space. Further, the release of any surplus industrial land

needs to be compatible with this approach and pro-actively managed, so that it can contribute to strategic and local planning objectives.

3.5 Part B, which provides policy for local application, requires the stock of industrial land and premises in industrial sites to be planned and managed to accommodate demand for workspace for small and medium sized enterprises and to take account for local circumstances by:

- Setting policy criteria to manage industrial sites.
- Ensuring the quality and fitness for purpose of sites.
- Assessing any potential surplus of industrial land to help meet other strategic objectives.

### **Richmond upon Thames Local Plan 2018**

3.6 The relevant strategic objectives of the Richmond upon Thames Local Plan (RuTLP), adopted July 2018 (CDB1) is to:

- Protect and encourage land for employment use, particularly for affordable small/medium spaces, start-up and incubator units and flexible employment space, in order to support the borough's current and future economic and employment needs<sup>2</sup>.

3.7 Policy LP42 establishes there is a very limited supply of industrial floorspace in the borough and that existing industrial premises, meeting local needs, will be protected and enhanced with a presumption against the loss of industrial land<sup>3</sup>. Consequently, the policy tests for the loss of industrial land and premises are that they have been robustly and realistically marketed over, at least, two years<sup>4</sup>. It also requires that a sequential test has been applied that examined the prospect of different employment uses (including offices), in the first

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<sup>2</sup> Page 14. Objective 10 of Meeting People's Needs.

<sup>3</sup> Paragraph 10.3.1 of the RuTLP establishes that 'industrial land' covers land used for general industry, light industry, warehouses, open storage, self-storage, distribution and logistics and other similar types of employment. Land that contributes to the reservoir of industrial land in the borough, for example uses which support, contribute to, or could be drawn upon to meet the demand for industrial land are also included.

<sup>4</sup> Requirements are outlined in detail in Appendix 5 of the RuTLP.

instance, and mixed use in the second; provided any residential component did not fetter other uses and maximised affordable housing provision.

- 3.8 This policy promotes an economic development strategy based on the restrictive approach towards the transfer of industrial land to other uses as established in the London Plan<sup>5</sup>. This is because the very limited supply of industrial land and premises in the borough had been established<sup>6</sup> and this provides valuable employment opportunities. It also provides useful services to local residents and other businesses. Further, the maintenance of a range of industrial land and premises, which includes affordable accommodation and smaller units, supports business development in the borough<sup>7</sup>. Indeed, the London Borough of Richmond, Employment Sites & Premises Study (Stage 1) 2016 Update (December 2016)<sup>8</sup> (CDE32), that provides the evidence to inform local plan policy, concluded:

“The past trends analysis supports the draft policy approach of area based policies seeking to designate and firmly resist loss of employment uses.”

Paragraph 3.27

“The draft new policy for industrial land and business parks (LP42) strengthens the protection of key industrial land, and as is the case for industrial space is driven by the gap

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<sup>5</sup> The Mayor confirmed conformity with the London Plan on 22 February, 2017 and in discussing economic strategy the Inspector concluded at paragraph 105 of the Report on the Examination of the Richmond upon Thames Local Plan (April 2018) (CDE11): “[The Richmond Local Plan] is evidenced adequately and consistent with national policy and in general conformity with the London Plan.”

<sup>6</sup> Report on the Examination of the Richmond upon Thames Local Plan (April 2018) (CDE11) says at paragraph 99: “Policy LP42 seeks to protect and where possible enhance its [the borough’s] existing industrial land which is a logical and justified response to the available evidence across the Borough.” Paragraph 100 says “Policy LP42 carries a presumption against the loss of industrial land in all parts of the Borough. With regard to the available evidence, this is justified.”

<sup>7</sup> London Borough of Richmond, Employment Sites & Premises Study (Stage 2) 2017 Update (May 2017) (CDE33) says “The small sites profile of the stock reflects the business profile of generally providing for the needs of the local population – local van based distribution, motor repair, trade counter; no provision or need for much larger buildings occupied by businesses serving sub-regional activity. Businesses serving local catchments only require small to medium sized buildings that are close to the local residential / business market that they serve. They do not require excellent access to the strategic road network or the co-locational advantages associated with larger sites elsewhere that serve the sub-regional market.”

<sup>8</sup> Prepared by PBA to review draft policy and the evidence on industrial land supply.

between the demand for industrial premises in the Borough and the lack of available supply. Richmond is a restrictive transfer borough, and has very little industrial floorspace, indeed one of the smallest reservoirs of space in London. ... As from a 2010 position of low supply Richmond has lost approximately a third of its reservoir in just five years, and now has just 25 Ha of industrial land.”

Paragraph 4.9

“This update study has shown that a sector analysis using forecast employment data supports the view that ... what industrial land is left in Richmond needs to be retained.”

Paragraph 4.12

### **Policy Interpretation**

- 3.9 The strategic objective of policy seeks to ensure a continuing reservoir of the scarce industrial land and premises. This depends upon the careful management of development proposals to ensure they are restricted to appropriate land uses. Policy LP42 of the RuTLP is the means by which such land is managed and protected. Proposals for non-industrial uses on industrial sites, as assigned in the RuTLP, is contrary to the development plan, unless Policy LP42 is complied with, and should be given significant weight.
- 3.10 On that basis, the Council’s acceptance of a redevelopment of the Appeal Site is dependent on compliance with Policy LP42. In other words, the redevelopment must generally be restricted to uses that are appropriate for industry unless it is established that there is no demand under that policy and, if there is, that the sequential approach has been followed. Further, it is not unusual for industrial land and premises to be located within established residential areas in the borough. This is due to traditional development configurations. This does not provide support for a change of use, as mitigation can address impacts and limitations. These mitigations could include managed access, parking control, landscape buffers, noise attenuation, controlled



operating times and traffic management measures (such as HGV limits and the London Lorry Control Scheme). Consequently, this does not rule out continued industrial use

### **The Emerging London Plan Industrial Policy**

- 3.11 In this section, I shall first address the Intend to Publish (ITP) London Plan (CDD1) industrial policy and consider whether it affects the legitimacy of the adopted RuTLP approach for the purposes of the appeal's proposal and the amount of weight each policy has at this stage.
- 3.12 On 13 March 2020, the Secretary of State for Housing, Communities and Local Government (Secretary of State) wrote to the Mayor of London formally directing him not to publish the London Plan until either a number of changes have been incorporated, as set out in Annex 1 to the letter, or alternative changes to address his concerns had been proposed by the Mayor to his satisfaction (CDE2).
- 3.13 The Secretary of State's Direction requires the Mayor to take a more proportionate stance - removing the 'no net loss' requirement on existing industrial land sites whilst ensuring Boroughs bring new industrial land into the supply. In summary, the changes concerning industrial land require the Mayor to:
- a) Remove the 'no net loss' requirement on Strategic Industrial Land and Locally Significant Industrial Sites.
  - b) Delete the borough industrial floorspace categorisations and replace this with an approach that encourages boroughs to deliver intensified industrial floorspace capacity, in either existing and/or new locations, as supported by appropriate evidence.
  - c) Permit the release of industrial land if demand cannot support industrial use in such locations, based on vacancy rates compared to the London average.

- 3.14 This Direction has significant bearing on the amount of material weight given to the ITP London Plan policies. This is discussed in the following paragraphs.
- 3.15 The ITP London Plan addresses the need for boroughs to retain sufficient industrial, logistics and related capacity by seeking, as a general principle, no overall net loss of industrial floorspace capacity. In this context, Richmond is categorised as a 'retain capacity' borough and should seek to intensify industrial floorspace capacity. Whilst the Secretary of State's Direction would remove the 'no net loss' and industrial floorspace categorisations, the ITP London Plan continues to advocate a plan, monitor and manage approach to be justified by locally-based evidence.
- 3.16 Draft Policy E4 (Land for industry, logistics and services to support London's economic function) aims to provide and maintain a sufficient supply of land and premises to meet current and future demands for industrial and related functions; taking account of strategic and local employment land reviews and the potential for intensification, co-location and substitution .
- 3.17 Part B of the draft policy states that London's industrial land falls within three categories one of which is Non-Designated Industrial Sites (such as the Appeal site). Part C of the draft policy outlines the approach boroughs should take to ensure a sufficient supply of land for industrial purposes in line with specific categorisations of industrial land. Richmond is categorised in Figure 6.2 as a 'retain capacity' borough. The supporting text of paragraph 6.4.10 of the ITP London Plan states that such boroughs should seek to intensify industrial floorspace capacity following the general principle of no net loss. Although this element has been removed, the evidence base for this conclusion establishes the shortage of industrial land in the borough.
- 3.18 Part C also states that boroughs should plan, monitor and manage the retention, enhancement and provision of industrial capacity having regard to the industrial property market area and borough-level categorisations (in this case 'retain capacity'). The policy advocates a plan-led approach to industrial land management. .

- 3.19 The elements of draft Policy E4 that specify ‘no net loss’, and the specific borough categorisations of industrial land (i.e. ‘retain capacity’) now have limited weight given the Secretary of State Direction. However, I consider that a plan-led, evidenced approach (plan, monitor and manage) is still advocated and that the plan-led approach would be in general conformity with this. Hence, the positive need for industrial land and premises in Richmond remains the case and needs to be positively planned for as evidenced by the Employment Sites & Premises Study (Stage 1) 2016 Update (December 2016) (CDE15) summarised in paragraph 3.8 above.
- 3.20 There is still a clear emphasis in the London Plan on any release being evidenced through a plan-led approach<sup>9</sup>. The need for Richmond to protect its existing industrial land and premises remains entirely valid (as evidenced by the Employment Sites & Premises Study (Stage 1) 2016 Update (December 2016) (CDE15).– and thus so does the approach taken in the RuTLP to protect and retain industrial sites. Policy LP42 is a justifiable policy stance under draft policy E4 as much as it is under the adopted London Plan policies.
- 3.21 The Mayor of London issued a holding response to the Secretary of State's Direction on 24 April, 2020 (CDE3) and 9 December, 2020<sup>10</sup>. The Secretary of State responded on 10 December, 2020<sup>11</sup> seeking his Directions to be applied. The final amendments were issued by the Mayor on 21 December, 2020 in the Publication London Plan (CDD2) and the Secretary of State has until 9 February, 2021 to consider them. I consider that the changes will have a minimal effect for the purposes of considering the appeal as the necessity for Richmond to retain its existing industrial land and premises, which is in short supply, remains and that a plan-led approach is essential in seeking to change this. Consequently, the plan, monitor and manage approach remains locally-based and this is taken in the RuTLP. The protection and retention of industrial sites forms a core part of the borough's economic development strategy and

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<sup>9</sup> With Policy E4 Part C retaining the requirement that: “The retention, enhancement and provision of additional industrial capacity across the three categories of industrial land set out in Part B [i.e. SIL, LSIS and non-designated industrial sites] should be planned, monitored and managed,

<sup>10</sup> [https://www.london.gov.uk/sites/default/files/letter\\_from\\_the\\_mayor\\_of\\_london\\_9\\_december\\_2020.pdf](https://www.london.gov.uk/sites/default/files/letter_from_the_mayor_of_london_9_december_2020.pdf)

<sup>11</sup> [https://www.london.gov.uk/sites/default/files/201210\\_sos\\_letter\\_to\\_mayor\\_london\\_plan.pdf](https://www.london.gov.uk/sites/default/files/201210_sos_letter_to_mayor_london_plan.pdf)

addresses the strategic policy objective to “protect and encourage land for employment use...in order to support the borough’s current and future economic and employment needs.”

#### **4.0 RICHMOND UPON THAMES HOUSING LAND SUPPLY**

- 4.1 The Appellant's Statement of Case (March 2020) (CDI2) at paragraphs 4.13 – 4.19 suggests that there is a shortfall in the effective five-year housing land supply for Richmond. Although the SoC provides insufficient detail to understand how this conclusion is reached (and there is, at the time of writing, still no clarification in spite of the Council requesting that information) , the following paragraphs present the Council's position that establishes there is an effective five-year housing land supply.
- 4.2 The Spatial Strategy of the RuTLP established the minimum housing target for the borough, as set out in the London Plan 2016, as 315 dwellings per annum to be provided for the period 2015 - 2025 (3,150 units) and states that the housing target is rolled forward until it is replaced by a revised London Plan target. The Local Plan was informed by an up-to-date borough-wide Strategic Housing Market Assessment (SHMA). This established the local housing needs and informed housing policy. The London Plan housing target was informed by a robust London-wide Strategic Housing Land Availability Assessment (SHLAA). The purpose of the SHLAA was to identify supply to meet future housing need. It was consistent with the policies set out in the NPPF and applied a methodology that considered the distinct circumstances of the boroughs; including limited stock of land, the uniquely pressurised land market and recycling brownfield land.
- 4.3 The Council's Monitoring Report on Housing 2014/15 (CDE4) identified, at that time, a five-year housing land supply in line with the London Plan target. At 1 April 2015, the effective five-year housing land supply in the borough provided for 2,154 units to 2021 which was 579 units more than the target. A further established supply of 1,875 units was identified post-2021.
- 4.4 The Monitoring Report - Housing - 2019/20 and accompanying tables (CDE5) brings up-to-date considerations on housing supply for the borough. This reports the results of the Government's Housing Delivery Test as 1,332 homes were delivered from 2015/16 to 2017/18 against a 945 homes target - 141% of

target. For the period 2016/17 to 2019/20 (i.e. one year on) the three-year target of 945 homes was exceeded by 121%.

- 4.5 The NPPF requires the borough to identify and maintain an effective rolling five-year housing land supply. Sites for inclusion should be specifically deliverable – the NPPF definition sets out sites for housing should be available now, offer a suitable location for development now, and be achievable within five years (with further guidance in National Planning Practice Guidance - CDA2). Each site in the effective supply has been assessed for its deliverability, in discussions with officers in development management and using monitoring resources, for clear evidence that completions will begin within five years. Consequently, the Council has identified an effective supply of 2,219 units over the five-year period (2020/21 to 2024/25), which exceeds the remaining target by 644 units – a measure of 141%. This comfortably addresses the NPPF requirement of an additional buffer of 5%. This demonstrates that the Council can continue to meet its strategic housing target for the provision of new homes as set out in the London Plan.
- 4.6 The Publication London Plan sets a new 10-year housing target for Richmond of 4,110 net housing completions (2019/20-2028/29)<sup>12</sup>, including a 10-year target (2019/20-2028/29) for net housing completions on small sites (below 0.25 hectares in size) of 2,340 homes<sup>13</sup>. The Council's identified supply of 2,219 units over the five year period (2020/21-2024/25) exceeds this target at 108%<sup>14</sup>. This meets the NPPF requirement of an additional buffer of 5%.

<sup>12</sup> Table 4.1

<sup>13</sup> Table 4.2

<sup>14</sup> Breakdown of effective housing supply 2020/21-2024/25 taken from summary Table 5 of CDE5:

Site Type	Total used for 5-year supply
New Build Sites under construction	462
New Build Sites with planning permission	118
Conversion sites under construction	90
Conversion sites with planning permission	118
Conversion sites with prior notification approval	50
Deliverable Sites	1,381
<b>Total 5 year supply</b>	<b>2,219</b>

Deliverable sites includes small site allocation of 742 units.

- 4.7 Further, Policy LP34 establishes that this target is a minimum and will be exceeded where this can be achieved in accordance with other Local Plan policies. The Spatial Strategy establishes that new housing will be provided through redevelopment and optimising the use of brownfield sites. Higher density development will be sought in more sustainable locations, such as the borough's centres and areas better served by public transport (paragraph 3.1.30). This addresses the strategic objective to “ensure there is a suitable stock and mix of high quality housing that reflects local needs by providing a choice of housing types and sizes, with higher density development located in more sustainable locations, such as the borough's centres and areas better served by public transport.”
- 4.8 The new small sites target for the borough of 234 homes per annum sets a minimum<sup>15,16</sup>. The Publication London Plan, at paragraph 4.1.8, states that an “allowance for windfall sites (that are not specifically identified) is considered appropriate given the policy framework set out in the London Plan; the capital's reliance on recycled brownfield sites in other active land uses; and the number of additional homes expected to be provided via incremental intensification of existing residential areas”. Boroughs are supported in using windfall assumptions in their five-year housing trajectories based on the target. Therefore, a windfall of 234 homes per annum from years three to five in the five-year housing land supply has been assumed. This is based on the London Plan small sites target for Richmond<sup>17</sup>. The target is based on trends in housing

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<sup>15</sup> This target for small sites, established in the Publication London Plan through Policy H2, sits within the total target for housing supply.

<sup>16</sup> The Appeal Site is not a small site. Small sites are defined as below 0.25Ha in policy H2 of the Publication London Plan.

<sup>17</sup> The Report of the Examination in Public of the London Plan 2019 (CDE20) considered small site targets across London. Conclusions were:

172. Various options have been put forward as alternative figures for Table 4.2 [small site targets by borough] . Simply relying on past trends would not capture the potential from this source or set a challenge to develop new ways of bringing forward sites of this kind. Applying a percentage uplift to the more reliable 12 year trend would reflect history but may not reflect where future capacity is likely to exist and could produce different spatial outcomes. The Mayor has also produced alternative models using growth assumptions of 0.8%, 0.5% and 0.3%. Whilst there are misgivings about the methodology this would take better account of where the potential for small site development is most likely to exist.

173. In setting a revised target we consider that an annual growth rate of 0.3% is most likely to reflect the realistic output from small sites. This is because it relates closely to the evidence about the existing position that we heard from the boroughs and also because of the identified impediments to delivery. This is perhaps a cautious

completions on small sites and the capacity for net additional housing supply from intensification in existing residential areas<sup>18</sup>. Incremental intensification of existing residential areas within PTALs 3-6 or within 800m distance of a station or town centre boundary is expected to play an important role in contributing towards the housing targets for small sites<sup>19</sup>. Further, a higher windfall assumption is justified as permitted development rights make it easier to extend certain buildings upwards to increase housing density and support the residential redevelopment of vacant and redundant<sup>20</sup>. This establishes that Richmond will exceed the housing five-year supply to 2024/25.

- 4.9 The Plan strikes a balance to retain and safeguard industrial land and premises whilst identifying land for housing (including through site allocations). It takes a plan-led approach that maximises housing delivery; but not at the expense of other key planning objectives such as protecting and encouraging land for industrial use.

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line to take but there would be nothing to prevent boroughs from adopting their own positive policies about small sites or higher targets and if we have under-estimated the potential then such developments could come forward anyway. Recommendations PR8 and PR10 and Appendices A and B are made accordingly in order to adjust the small sites target from 245,730 to 119,250 over ten years in Table 4.2 and the overall housing target in Table 4.1 as a consequence.

174. The upshot is that the overall target is just under 523,000 homes across the 10 year period or just over 52,000 homes each year compared to 649,300 or 65,000 homes per annum in the Plan. The contribution of small sites amounts to about 12,000 per annum. This includes both modelled sites with an annual growth rate of 0.3% and other windfall sites and, in future, can be taken to be a reliable source of supply for the purposes of paragraph 70 of the 2019 NPPF as an expected future trend. This should be confirmed in the supporting text as recommended by [PR9].

Hence, the small sites target, established in the Publication London Plan, has been examined and verified.

<sup>18</sup> Considering PTAL, proximity to stations and town centres, and heritage constraints.

<sup>19</sup> Paragraph 4.2.4 of the Publication London Plan.

<sup>20</sup> Established in CDE5 - Monitoring Report - Housing - 2019/20; page 4, paragraph 3.



## **5.0 THE ADOPTION OF THE RuTLP AND THE EMERGING LOCAL PLAN PROCESS**

- 5.1 The RuTLP (2018) was produced in general conformity with the adopted London Plan (2016). It took account of the vision document 'A City for all Londoners' (2016) (CDE6), the latter being the first envisioning document produced leading up to the first consultation draft of the London Plan in December 2017. This envisioning document touched upon the possible feasibility for mixed use activity to co-exist in certain locations, which was later explicated in draft London Plan Policy E7.
- 5.2 The first consultation draft of the draft London Plan was published in December 2017 (and closed on 2 March 2018), 2 months after the examination of the RuTLP. Given the early stage of the draft London Plan and that it had not yet undergone examination in public, little material weight was attached to it. As part of the examination and in the Final Report of April 2018 (CDE11) it was confirmed that the RuTLP is in general conformity with the adopted London Plan.
- 5.3 The previous National Planning Policy Framework of 2012 was used to examine the RuTLP.
- 5.4 Whilst the RuTLP was produced under the adopted London Plan, the Council was mindful of the then embryonic objectives of the emerging London Plan (with the assistance of input from the GLA and their envisioning document) when producing the proposed submission version of the RuTLP (May 2017). This resulted in the creation of policy as set out in the RuTLP.
- 5.5 The RuTLP was produced in accordance with Part 2 of the 2004 act, which included independent examination. The Appellants made representations at the Regulation 20 stage. The Inspector found that the Plan was sound and recommended its adoption. The inspector was satisfied that the objectives of the RuTLP strategy and its policies were deliverable and was the most appropriate strategy. The policies on managing the borough's industrial land and premises formed the overall strategy for encouraging sustainable economic growth.

- 5.6 The Council is currently in the early stages of preparing a new Local Plan, as set out in the Council's Local Development Scheme 2019 (CDE31), which will be undertaken in accordance with the NPPF, and expects to consult on a Regulation 18 version of the Plan in Summer 2021. The Council consulted on a *Direction of Travel* document (CDE13) in Spring 2020, seeking views on a range of topics. An online Call for Sites<sup>21</sup> was also made in Spring, 2020 to which the Appellant made a submission promoting Arlington Works for 24 dwellings and a minimum of five commercial/industrial/office units. This was one of 33 responses that will be considered in progressing the new Local Plan to positively plan for delivering housing and other future needs.
- 5.7 The Council is mindful of the Publication London Plan and the Direction from the Secretary of State. This will require detailed consideration of the borough's employment land to inform its future approach to the provision, protection, release and enhancement of industrial land and premises. The evidence developed will inform the Regulation 18 version of the new Plan. Whilst the RuTLP is an up-to-date Local Plan document, the Council is clearly mindful of its duties to maintain this. It is taking the required steps to ensure its duties are met and that the Local Plan reflects the latest policy position including having regard to the priorities of the current NPPF and the Publication London Plan; a plan-led approach.

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<sup>21</sup> <https://haveyoursay.citizenspace.com/richmondcs/call-20/>

## **6.0 POLICY RESPONSE TO APPELLANT'S SUBMISSION**

- 6.1 The following provides a response to the Appellant's Statement of Case (March 2020) (CDI2) published on 19 May 2020; where relevant and appropriate. It also discusses relevant sections from the Statement of Disagreement (CDI5).

### **Statement of Case**

- 6.2 Section 4 of the Statement of Case identified the Appellant's scheme benefits. The following provides a summary of those of relevance and my response.

#### **Use of Previously Developed land**

- 6.3 The Appellant argues that the proposal promotes a benefit as the site is previously developed land and its redevelopment optimises the use of a brownfield site (paragraph 4.6). It suggests that planning policy promotes the effective use of previously developed land to help deliver much needed new homes; as well as employment space. The Appellant highlights the strategic objective of the RuTLP that development should take place on previously developed land and reusing existing buildings and that Policy D3 of the draft London Plan states that development should make the best use of land. The Appellant highlights that paragraph 84 of the NPPF states that the development of previously developed land should be encouraged (paragraph 4.7).

- 6.4 In my view pertinent strategic objectives of the RuTLP are to:

- Optimise the use of land and resources by ensuring new development takes place on previously developed land, reusing existing buildings and encouraging remediation and reuse of contaminated land.
- Protect and encourage land for employment use...to support the borough's...employment needs.

These need to be considered, in the round, in the planning balance.

- 6.5 The RuTLP provides appropriate policy and site allocations to deliver housing to meet the housing target. Paragraph 9.1.7 establishes that the majority of

housing delivery in the borough is expected to be on previously developed land and that the Plan prevents building on greenfield sites. Whilst the Secretary of State's Direction advocates a more flexible approach to incorporate housing on industrial sites where demand cannot support such locations, there is still a clear emphasis on any release being evidenced through a plan-led approach.

- 6.6 Publication London Plan Policy D3 states that “all development must make the best use of land by following a design-led approach that optimises the capacity of sites.” This is a design policy; rather than with regards to use.
- 6.7 Paragraph 84 of the NPPF relates to supporting a prosperous rural economy and meeting local business and community needs in rural areas. It is not relevant to an urban context such as a London borough.

#### Efficient Use of Land

- 6.8 The Appellant suggested that the proposed development makes an effective and efficient use of land in meeting the need for homes and employment uses, whilst safeguarding and improving the environment and ensuring safe and healthy living conditions, in accordance with the national planning policy aims set out within paragraph 122 of the NPPF.
- 6.9 Paragraph 118c of the NPPF establishes that planning decisions regarding effective use of land give substantial weight to using suitable brownfield land for homes and other identified needs (my emphasis). The Appeal Site is unsuitable for residential development as a result of the policies of the RuTLP. Its suitability should be determined through a plan-led approach; rather than by an ad-hoc planning application.

#### Meeting Housing Need

- 6.10 The Appellant indicated that Richmond's five-year housing land supply position that exceeds the adopted London Plan target is ineffective as 51% of the reported effective supply of 1,474 homes is made up of sites without planning permission (paragraph 4.14). This is 754 homes. They confirmed that the Publication London Plan identifies a minimum ten-year housing target of 4,110

homes for Richmond in the period 2019/20 – 2028/29 (411 per annum). The Appellant asserted that, based on the Council's reported supply of 1,474 homes, the Council can demonstrate a supply of 3.6 years even if all sources of supply are considered deliverable. However, they asserted that not all of the Council's reported supply is deliverable and as such, the Council's supply is less than 3.6 years (paragraphs 4.18-19).

- 6.11 The Appellant quoted paragraph 11 of the NPPF which states that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means, that where the policies which are most important for determining the application are out-of-date, granting permission. It argued that Footnote 7 of the NPPF makes it clear that policies are out-of-date where a local authority cannot demonstrate a five-year housing supply (paragraphs 4.20-21).
- 6.12 As set out in paragraph 4.5, each site in the effective supply has been assessed for its deliverability and an effective supply of 2,219 units (2020/21 to 2024/25) demonstrates that the Council can continue to meet its housing target.
- 6.13 The Publication London Plan sets a 10-year housing target of 4,110 for net housing completions (2019/20-2028/29). The Council has identified 2,219 units in the effective five-year supply. This exceeds the target (441/annum identified against 411 targeted). This establishes that Richmond will exceed the effective five-year housing supply target to 2024/25. Consequently, the Plan maximises housing delivery; but not at the expense of other key planning objectives such as protecting and encouraging land for industrial use.

#### Economic Benefits

- 6.14 The Appellant suggested that the development will provide commercial space that meets market requirements and will provide employment during the construction phase. They emphasised that planning policy establishes the need to retain employment on the site and that the proposal complies with this. They claimed that the proposal will also enable more people to be employed on the site (paragraphs 4.27-29).

- 6.15 The Appellant emphasised Section 2 of the NPPF and indicated that it clearly sets out that building a strong, responsive and competitive economy is key to achieving sustainable development. Section 4 goes on to state that Local Planning Authorities should seek to secure developments that will improve the economic, social and environmental conditions of the area (paragraph 4.30).
- 6.16 The Appellant also highlighted that the provision of a variety of employment space is supported at the local level, particularly in respect of Policy LP40. Policy LP41 is also supportive of the development of office space within sustainable locations (paragraph 4.31).
- 6.17 A RuTLP strategic objective is to protect and encourage land for employment use, particularly for affordable small/medium spaces, start-up and incubator units and flexible employment space, in order to support the borough's current and future economic and employment needs. RuTLP Policy LP42 establishes there is a very limited supply of industrial floorspace in the borough and that existing industrial premises, meeting local needs, will be protected and enhanced with a presumption against the loss of industrial land. Consequently, the policy promotes an economic development strategy based on the restrictive approach towards the transfer of industrial land to other uses.

#### End of Non-Conforming Use

- 6.18 The Appellant claimed that the cessation for refining of waste oil will result in significant benefits in terms of improved amenity. He claimed that the removal of a non-conforming use in a residential area will be a clear benefit of the scheme (paragraphs 4.38).
- 6.19 The RuTLP (new paragraph at 10.3.6) says "In the borough context it is common for employment, particularly industrial sites to be within established mixed use or residential areas, because of historic development patterns. This does not provide justification for a change of use, as mitigation can address impacts and constraints such as narrow access, which have been managed by existing occupiers, and therefore do not prevent any future or continued

employment use<sup>22</sup>.” Consequently, the existing Appeal Site use is not non-conforming.

6.20 In addition, Section 4 of the Statement of Case also sets out the Appellant’s response directly related to the reasons for refusal. Regarding Reason for Refusal 2 - Loss of Industrial Floorspace (paragraphs 4.49-52), they said:

- There is no evidence to support the Council’s view that there is a Class B2 (General Industrial) lawful existing use at the site. The 610sqm of commercial floorspace proposed could be used by a variety of businesses, including light industrial.
- The Appeal Scheme would make efficient use of the site by significantly increasing the employment density in new and refurbished accommodation to allow businesses to locate to the site for the long term. This mixed use scheme will achieve an appropriate and highly sustainable balance between employment and residential accommodation, creating much needed new homes, including affordable housing on site. The proposal is therefore in accordance with planning policy at all levels.

6.21 Policy promotes an economic development strategy based on restraining the transfer of industrial land to other uses so as to maintain a range of industrial land and premises<sup>23</sup> to support business. As discussed in Section 3 above, any release of industrial land must be in accordance with London Plan Policy 4.4 that requires a rigorous approach to industrial land management to ensure a sufficient stock of land and premises to meet future industrial needs, including affordable space. RuTLP Policy LP42 establishes that existing industrial premises, meeting local needs, will be protected with a presumption against

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<sup>22</sup> These mitigations could include managed access, parking control, landscape buffers, noise attenuation, controlled operating times and traffic management measures (such as HGV limits and the London Lorry Control Scheme).

<sup>23</sup> This is not narrowly defined to just general industry. The definition of industrial land is broad covering land used for general industry, light industry, warehouses, open storage, self-storage, distribution and logistics and other similar types of employment. It includes land that contributes to the reservoir of industrial land in the borough, for example uses which support, contribute to, or could be drawn upon to meet the demand for industrial land (paragraph 10.3.1 of the RuTLP).

loss. Further, should a loss be considered then that a sequential test has to be applied that examines the prospect of different employment uses (including offices), in the first instance, and mixed use in the second. In addition, LP40 clearly establishes that “land in employment use should be retained in employment use for business, industrial or storage purposes.”<sup>24</sup>

- 6.22 Policy LP1(A6) requires development promoting a mixed use to ensure the suitability and compatibility of uses, taking account of any potential adverse impacts of the co-location of uses.
- 6.23 Further, the Publication London Plan Draft Policy E4 (Land for industry, logistics and services to support London’s economic function) aims to provide and maintain a sufficient supply of industrial land and premises to meet demand through a plan-led approach; taking account of the potential for intensification, co-location and substitution.
- 6.24 Draft Policy E7c emphasises this plan, monitor and manage approach. It establishes that any release of land should be facilitated through the plan-led process of industrial intensification with development proposals being proactive in the intensification of business uses in Use Classes B1c, B2 and B8. The Appellant has never argued that the development accords with policy E7. That is right because, as a result of policy E2 of the Plan which applies where there is a specific shortage of industrial land (as is the position in Richmond), there must be no loss of industrial land as part of any redevelopment in that a development proposal must ensure that an equivalent amount of B Use Class business space is re-provided which is appropriate in terms of type, use and size. Also, the proposed development is not an intensification because the loss

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<sup>24</sup> LP40 also established that “In exceptional circumstances, mixed use development proposals which come forward for specific employment sites should retain, and where possible enhance, the level of existing employment.” The Appeal proposal does not achieve this as it proposes a reduction in the level of employment land. Indeed, applying the Homes and Communities Agency’s Employment Densities Guide 2010 ([https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/378203/employ-den.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/378203/employ-den.pdf)) establishes that the a B2 Use Class development of 975.5sqm would have the capacity to accommodate 27 FTE employees. A development, as proposed, of 610sqm would accommodate 17 FTE employees.



of 365.5sqm in floorspace is not off-set and enhanced by the refurbished space as employment capacity reduces by 10 FTE employees<sup>25</sup>.

- 6.25 Considering the new Use Class E, this emphasis will require to be revisited within a plan-led approach. The positive need for industrial land and premises in Richmond remains the case and needs to be positively planned for. To be clear, Use Class E does not have the effect of removing protective policies for industrial land.

### **Statement of Disagreement**

- 6.26 Section 2.2 highlights possible implications for industrial and employment policy; particularly whether:

- The marketing required by Policy LP42 was carried out.
- The scheme complies with the sequential approach contained in Policy LP42.
- It is appropriate to protect industrial and employment land.
- Use Class E is relevant to this case.

These are discussed in the following paragraphs.

### **Marketing Carried Out**

- 6.27 Policy LP42(A) of the RuTLP establishes a presumption against the loss of industrial land. This will only be permitted where there is no longer demand for an industrial based use at the Appeal Site and that there is not likely to be in the foreseeable future. This must be evidenced by the completion of a full and proper marketing exercise, for industrial use, completed over a minimum period of two years in accordance with the approach set out in Appendix 5. This requires a robust and active marketing campaign by a commercial agent using

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<sup>25</sup> Applying the Homes and Communities Agency's Employment Densities Guide 2010 ([https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/378203/employ-den.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/378203/employ-den.pdf)) of 1 FTE employee/365sqm floorspace of B2 Use Class development

websites that focus on the sale or letting of commercial premises. Prices should be commensurate with the existing quality and location of the premises.

- 6.28 Featherstone Leigh Commercial provided a Marketing Report (CDF27) in support of the planning application. A review of this establishes that no marketing of the site for industrial use had been undertaken. Consequently, the requirements of RuTLP Policy LP42 and Appendix 5 have not been met.

#### Sequential Approach

- 6.29 If policy compliant marketing has been undertaken to show that there is no demand for continued industrial use, then redevelopment or change of use for non-industrial use may be appropriate. Policy LP42 sets out a sequential approach with a first step to consider of alternative employment uses (including offices and social infrastructure uses). If this is not practicable, then a second step can consider mixed use (including employment, community and/or residential uses).
- 6.30 In the absence of robust and compelling marketing evidence to satisfy the criteria set out in Policy LP42, it is inappropriate to consider applying a sequential test. Consequently, the conclusions of the Marketing Report are premature as there is no robust market evidence that there is no demand for the industrial space<sup>26</sup>.

#### Appropriate to Protect Industrial and Employment Land

- 6.31 The RuTLP (paragraph 10.3.2) establishes that the borough has a very limited supply of industrial land. This is confirmed by the Employment Sites & Premises Study (Stage 1) 2016 Update (December 2016) (CDE32) that confirmed a very constrained supply of industrial land that had been consistently eroded and, as a result, what little remains needs to be retained.

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<sup>26</sup> Further, the Marketing Report clearly establishes that the site would be attractive for office use. LP42 indicates that the loss of industrial space requires a sequential approach that prioritises redevelopment for office or alternative employment uses in the first instance. The Marketing Report provides evidence that the proposal does not accord with Part A2 of LP42 as it fails the sequential test advocated.

- 6.32 The Report on the Examination of the Richmond upon Thames Local Plan (April 2018) (CDE11) says at paragraph 99: “Policy LP42 seeks to protect and where possible enhance [the borough’s] existing industrial land which is a logical and justified response to the available evidence.” Paragraph 100 says “Policy LP42 carries a presumption against the loss of industrial land in all parts of the Borough. With regard to the available evidence, this is justified.” Consequently, it is appropriate to take a firm stance on the protection and retention of industrial land and premises.

#### Use Class E Relevance

- 6.33 Paragraph 10.3.1 of the RuTLP establishes that 'industrial land' covers land used for general industry, light industry, warehouses, open storage, self-storage, distribution and logistics and other similar types of employment, as well as any other uses which fall within the B1c, B2 or B8 use classes or are considered to be sui generis. Land which does not fall within these use classes but is considered to contribute to the reservoir of industrial land in the borough, for example uses which support, contribute to, or could be drawn upon to meet the demand for industrial land as also included. Despite Use Class B1c (light industry) being incorporated into a new use class, Use Class E - Commercial, Business and Service that includes a range of town centre uses, this describes all categories of industrial use; rather than directly correlating to the Use Class Order. Consequently, policy protects industrial land and premises and the Use Class E provision does not alter this approach.
- 6.34 Section 2.10 seeks to establish any implications arising from five-year housing land supply and related matters; particularly whether:
- The current London Plan targets (adopted 2016) provides for sufficient housing to meet London’s identified housing needs.
  - The Intend to Publish version of the London Plan (December 2019) provides sufficient housing targets to meet London’s identified housing needs.
  - There is an unmet housing need in LB Richmond.

- The LB Richmond can provide a five-year housing land supply against the Intend to Publish London Plan housing target of 411 dwellings per annum.

Section 4 above provides an overview of housing land supply and should be referred to in considering these topics. A brief response is provided in the following paragraphs.

#### Adopted London Plan Housing Targets

- 6.35 Paragraph 57 of the Inspector's Report to the London Plan (November 2014) (CDE29) suggested that the London Plan strategy will not deliver sufficient homes to meet objectively assessed need. However, paragraph 58 establishes that non-adoption would result in housing targets woefully short of what is needed. Consequently, despite reservations, the targets were adopted.
- 6.36 The RuTLP confirmed the minimum housing target for the borough as 315 dwellings per annum to be provided for the period of 2015-2025 (3,150 units). The Local Plan was informed by an up-to-date borough-wide Strategic Housing Market Assessment (SHMA). This established the local housing needs and informed housing policy. The Council's Monitoring Report on Housing 2014/15 (CDE4) identified, at that time, a five-year housing land supply in excess of the target. At 1 April 2015, the effective five-year housing land supply in the borough provided for 2,154 units to 2021 which was 579 units more than the target. The Monitoring Report - Housing - 2019/20 and accompanying tables (CDE5) reported that 1,332 homes were delivered from 2015/16 to 2017/18 against a 945 homes target - 141% of target. For the period 2016/17 to 2019/20, the target was exceeded by 121%. Consequently, I am satisfied that substantially exceeding the adopted London Plan target has satisfied need in Richmond.

#### Publication London Plan Targets

- 6.37 Paragraph 153 of the Report of the Examination in Public of the London Plan 2019 (CDE20) established that the general approach to devising housing targets is justified. In paragraph 178 the Inspectors said: "We consider that as

recommended...the overall target and those for the individual boroughs and corporations are justified.”

- 6.38 The Publication London Plan sets a 10-year housing target for Richmond of 4,110 net housing completions (2019/20-2028/29). The Council’s identified supply of 2,219 units over the five year period (2020/21-2024/25) exceeds this target at 108%. This meets the NPPF requirement of an additional buffer of 5%. Further, Policy LP34 of the RuTLP establishes that this target is a minimum and will be exceeded. This addresses the strategic objective to ensure there is a suitable stock and mix of housing that reflects local needs. It can be concluded that the housing targets meet London’s and Richmond’s identified housing needs.

#### Unmet Housing Need in Richmond?

- 6.39 As set out in the London Plan, London is considered as a single housing market area, with a series of complex and interlinked sub-markets – with a dynamic nature to London’s land market. At paragraph 4.1.2 in the Publication London Plan, it sets out that because of London’s ability to plan strategically, boroughs are not required to carry out their own housing needs assessment but must plan for, and seek to deliver, the housing targets in the London Plan. The GLA/Mayor of London has carried out a London-wide Strategic Housing Land Availability Assessment (SHLAA) as well as a London-wide Strategic Housing Market Assessment (SHMA). The SHMA identifies the (unconstrained) need for additional homes per annum (i.e. 66,000 across the capital). The need figure is an unconstrained figure; it does not take account of land supply, availability of developable land and other constraints (such as designated parks and open spaces, etc). The purpose of the SHLAA is to identify supply to meet future housing need, as well as being consistent with the policies set out in the NPPF. The SHLAA methodology takes account of the distinct circumstances in each of the boroughs, including the limited stock of land and the uniquely pressurised land market as well as dependence on recycling brownfield land currently in existing uses. The SHLAA methodology has been developed and refined over time, and Council officers work very closely in partnership with the GLA to assess potential sites and constraints.

- 6.40 For this reason, a borough's housing target is not the same as the objectively assessed need because the need figure does not take into account the area's deliverable and sustainable supply capacity, defined with reference to constraints set out in the NPPF. Paragraph 131 of the Report of the Examination in Public of the London Plan 2019 (CDE20) is clear in that owing to the transitional arrangements for spatial development strategies, the local housing need assessment referred to in the NPPF (paragraph 60) is not directly relevant to the current calculation of need in London. As presented above and in Section 4, Richmond has exceeded, and is projected to exceed, the borough's housing targets as set out in the London Plan.

#### Five-Year Housing Land Supply Provision Against Publication London Plan Target

- 6.41 Paragraph 6.38 establishes the Publication London Plan target for Richmond as 411 units (net) per annum. For the five year period 2020/21-2024/25 this represents 2,055 units. This rises to 2,158 units when a 5% buffer is applied. The Council's Monitoring Report - Housing - 2019/20 and accompanying tables (CDE5) establishes an effective supply of 2,219 units; exceeding the target (+ 5% buffer) by 61 units. Consequently, a five-year housing land supply against the Publication London Plan target has been established.

## **7.0 SUMMARY AND CONCLUSION**

- 7.1 My proof of evidence outlines the policy context and justification for the protection industrial land and premises in the borough. It also considers housing land supply.

### **Current Industrial Policy**

- 7.2 Section 6 of the NPPF 2019 outlines the requirement for local authorities to set out a clear economic vision and strategy that positively and proactively encourages sustainable economic growth; considering local and wider opportunities for development.
- 7.3 This requirement is developed within regional and local policy, that collectively form the Local Development Plan as follows:
- The adopted London Plan requires a rigorous approach to industrial land management in order to ensure a reservoir of industrial and premises to meet need.
  - The adopted RuTLP promotes protecting land for employment use in order to support economic and employment needs. The intention of Local Plan policies is to encourage sustainable economic growth in the borough by protecting a reservoir of industrial land and premises for a variety of industrial uses to meet local demand. The Local Plan establishes that there is a very limited supply of industrial floorspace in the borough. Existing industrial premises are protected and there is a presumption against the loss of industrial land. Policy applies a restrictive approach towards the transfer of industrial land and premises to other uses to ensure the maintenance of a range of industrial land and premises that supports business development in the borough.
- 7.4 Evidence underpinning the RuTLP found that the supply of industrial land and premises would be unlikely to meet demand and that the borough should look to retain industrial provision. This recognised the historic development patterns

of the borough and acknowledged that mitigation can manage potential adverse amenity or operational impacts from this and that this could not justify change of use.

- 7.5 The Publication London Plan addresses the need for boroughs to retain sufficient industrial capacity by seeking no overall net loss of industrial floorspace. In this context, Richmond is categorised as a 'retain capacity' borough that should seek to intensify industrial floorspace capacity. The Secretary of State has recently given Direction to remove the 'no net loss' and industrial floorspace categorisations which is being considered by the Mayor of London. The Secretary of State's Direction advocates a more 'proportionate' stance is taken by the Mayor to allow for boroughs to choose optimal uses for industrial sites where housing is in high demand. However, the Plan would continue to advocate a plan, monitor and manage approach and there is still a clear emphasis on any release being evidenced through a plan-led approach.
- 7.6 Whilst the 'retain capacity' categorisation will likely no longer be included in the new London Plan (in accordance with the Secretary of State's Direction), the requirement for the borough to protect its existing industrial land and provide additional capacity to meet need from businesses still remains entirely valid, and thus so does the approach taken in the RuTLP to protect industrial land.

### **Housing Land Supply**

- 7.7 Given the appeal proposes to provide 24 housing units, it is pertinent to consider the housing land supply and its effectiveness.
- 7.8 The Spatial Strategy of the RuTLP established the minimum housing target for the borough, as set out in the adopted London Plan, as 315 dwellings per annum between 2015-2025 (3,150 units).
- 7.9 The Housing Delivery Test results show 1,332 homes were delivered from 2015/16 to 2017/18 against a 945 homes target - 141% of target. For the period 2016/17 to 2019/20 (i.e. one year on) the three-year target of 945 homes was exceeded by 121%.



- 7.10 The NPPF requires the borough to identify and maintain an effective rolling five-year housing land supply. Each site in the effective supply for the borough has been assessed for its deliverability. Consequently, the Council has identified an effective housing supply of 2,219 units over the five-year period (2020/21 to 2024/25), which exceeds the target in the adopted London Plan by 633 units - a measure of 141%. This demonstrates that the Council can continue to meet its housing target.
- 7.11 The Publication London Plan will set a new 10-year housing target of 4,110 for net housing completions (2019/20-2028/29) in Richmond. The Council's identified effective housing supply of 2,219 units (over the five-year period (2020/21-2024/25)) exceeds this by 108%. Richmond will provide an effective five-year housing supply to 2024/25.
- 7.12 Importantly, the Local Plan promotes an approach to enable additional development to be brought forward to supplement these targets through redevelopment and optimising the use of brownfield sites. Higher density development will also be sought in more sustainable locations.
- 7.13 The RuTLP was produced in accordance with Part 2 of the 2004 act, which included an independent examination. The Appellants made representations at the Regulation 20 stage. This was rejected by the Inspector. The Inspector found that the objectives of the RuTLP and its policies were deliverable and was the most appropriate strategy and that the Plan was sound and recommended its adoption.
- 7.14 Hence, the RuTLP strikes a balance to retain and safeguard industrial land and premises; whilst identifying land for housing (including through site allocations). It takes a plan-led approach that maximises housing delivery; but not at the expense of other key planning objectives such as protecting and encouraging land for industrial use.

## Conclusion

- 7.15 The adopted RuTLP sets a clear framework to encourage sustainable economic growth in appropriate locations identified as part of a plan-led, evidenced-based approach.
- 7.16 For the reasons outlined above, the appeal proposals do not accord with the Development Plan. The appeal proposals are fundamentally inconsistent with the Local Plan's objective of maintaining a reservoir of industrial land and premises.
- 7.17 Through the plan-making process, the Appellant unsuccessfully attempted to remove the Appeal Site from the RuTLP and by pursuing an ad-hoc planning application and this appeal, attempts to subvert the plan-led approach. As the Appellant will be afforded a meaningful opportunity to influence the outcome of the Council's new Local Plan (which is in preparation<sup>27</sup>), it is wholly inappropriate to undermine that process by seeking to challenge the strategy and policies within the adopted RuTLP.
- 7.18 The appeals process should not be used to thwart the Local Plan policy approach to managing land for industry. It is acknowledged in the RuTLP that the borough has a very limited supply of industrial land and premises. Therefore, the policy approach aims to protect and retain this limited reservoir of scarce industrial land and premises. As part of the plan-led approach, the Appeal Site is considered necessary to be retained and protected for industrial use. The Council's justification was examined and upheld by the Local Plan Inspector who recommended the adoption of the RuTLP.
- 7.19 The Inspector can record that the RuTLP was produced in a manner that was consistent with national and regional policy and justified by a robust and proportionate evidence base. Whilst the Council will need to consider the policies of the Publication London Plan, as part of its new Local Plan

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<sup>27</sup> Indeed, the Appellant has already submitted Arlington Works for consideration through a call for sites.

preparation, it is not appropriate, in the circumstances, to second guess or undermine the proper approach to plan-making.

- 7.20 I consider the RuTLP does not conflict with the Publication London Plan approach or the Secretary of State's recent Direction to the Mayor of London. The RuTLP's policy approach of protecting industrial land and premises to meet need from businesses remains entirely valid.