

LB Ealing - Development Sites DPD

EIP June 2013-05-17

SEGRO plc - DS 27

Matters

These comments relate principally to **Matter 3.14 and site OIS 7**. In commenting on the site allocation, we also make comments that would, so far as is relevant to our site specific concerns, respond to 'Matter' raised by the Inspector. These are:

- **Matter 1.3 – Are they supported by a robust, credible and up to date evidence base**
- **Matter 1.4 – has the plan emerged following consideration of all reasonable alternatives and is there a reasonable audit trail to support the chosen selected strategy.**
- **Matter 2.4 – Is there a realistic prospect of the safeguarded land being used for that purpose**
- **Matter 2.5 – are the allocations deliverable and effective in the context of sites in multiple ownership**
- **Matter 2.6 – Is there sufficient flexibility**

Background to the Issues Identified in our Representations on the Final Proposals (attached)

We would ask that our comments on the 'Final Proposals' attached, are read alongside these pre-EIP session comments. They set out the detail of our proposed alternative wording.

Site OIS7 is the subject of significant alterations between the June 1012 Final Proposals and the February 2013 Submission.

Although described by the LPA as 'minor changes', they are in reality significant alterations to the Final Proposals, which will have a fundamental and adverse impact upon the ability to deliver the site allocation.

The proposed changes were not the subject of any engagement and testing with SEGRO, the delivery body for the majority of the land in the southern part of the site allocation.

It is a serious concern that such major modifications were put forward without consultation. As SEGRO would in effect have full responsibility for the delivery of the remaining employment element of site OIS8, one would assume that it would be critical for the LPA to test the soundness of its approach with the main delivery body.

Whilst SEGRO expressed concerns following the publication of the June Final Proposals, the LPA, rather than seeking to address those concerns has taken an even more polarised position in its proposed modifications, reducing flexibility even further and now proposing a hugely restrictive, in effect, safeguarding designation.

This was confirmed in a conversation this week with the LPA who indicated that the proposal to switch from an 'employment-led' site allocation to a more significant SIL designation, was 'to increase the level of protection afforded to the site'.

This approach raises an immediate conflict between a site allocation which, as the DS highlights, is a mechanism under which the Borough will seek to deliver growth and regeneration, and the approach that the LPA now proposes, which is to adopt an even more restrictive layer of policy over the site allocation.

In our representation on the Final Proposals Sites DPD, we raised clear objections to the imbalance of uses across the overall site allocation, which we do not repeat in detail here (we do attach for reference). In summary the key points were:

- In respect of the SEGRO land, the manner in which land uses are distributed is not consistent with the adopted Development Strategy (DS)
- The distribution of uses within the site allocation has not been tested, as the DS indicates, through a process of engagement and testing
- There is no evidence from the LPA to support the assumption that the very 'polar' distribution of land uses is deliverable
- That despite the restrictive approach being taken to SEGRO's land, the LPA has promoted areas of land that are considered to be less appropriate for housing use - for example, the railway embankment to the immediate south, which is environmentally challenging and where housing has previously been refused planning permission; and land north of the canal which is arguably a less sustainable location for development identified in the DS policies for the area.

There is no evidence put forward to demonstrate that the LPA has adequately tested the overall balance of uses across the site allocation in terms of their suitability and deliverability. As such, both the Final Proposals Draft and the Proposed Modifications cannot be considered sound. This is highlighted by a number of questions raised by the Inspector in the 'Initial Questions' Note to the Council, for example:

- OIS7 in both its draft forms will not be effective in delivering the CS objectives, both in respect of this site and in terms of industrial objectives. In this context, the proposed SIL allocation further detracts from both the 'delivery' aspirations of the DS and also the delivery 'purpose' of a site allocation.
- The site allocation as set out in both iterations is not consistent with the DS
- There is no evidence that the Council has tested the viability of the site allocation when drawing up the balance of uses across the site allocation
- As identified by the Inspector, this is a particularly significant issue for sites in multiple ownership.
- The absence of an OIS7 wide delivery strategy is a key demonstration that the allocation as currently proposed is unsound

In all respects, the site allocation for OIS7 fails the tests of soundness in that:

- It is not prepared positively (the February 2013 modifications specifically exacerbate this issue)
- It is not justified, there is no evidence that in considering OIS7 as a whole, the LPA has considered alternative options such as those that we have put forward
- It is not effective, in that there is no evidence that it is deliverable
- It is not consistent with the DS

The LPA has repeatedly dismissed any suggestion that the approach to the SEGRO's land is led-by, indeed prejudiced by its discussions on the emerging proposals on the northern part of the site. We maintain that this is clearly the case and as we highlight below in respect of the proposed SIL allocation, it is blatantly evident that this is the case.

It is critical that any sound and ultimately successful site allocation has to approach the site as a whole in a more pragmatic manner.

Our suggestions in our representations on the June Final Proposals demonstrate how the site allocation could be finessed without undermining what it seeks to achieve, that is, the successful regeneration of adjoining sites for which there clearly has to be a positive planning framework.

Unlike the GSK part of the site, which has only become the focus of attention over the last year or so, it has long-been recognised that SEGRO's land at OIS7 requires a positive framework in order to secure the objective of regenerating it, optimising the employment output and importantly, contributing to the wider enhancement of land around Greenford Station. These are all objectives that SEGRO supports.

Our representations on the Final Proposals demonstrate that there has been a consistent recognition of both the need for and the appropriateness of adopting a flexible approach. This is a natural and sensible approach having regard to the objectives of creating new enhanced employment opportunity and also enhancing the area surrounding the station.

Proposed Modifications to incorporate SIL

It was only in the Final Proposals draft that the LPA moved away from such an approach, then further entrenched its position with the 2013 proposed SIL allocation.

If, as the LPA asserts, this approach is not a response to the GSK element of the site, then where is the evidence that there has been a site-wide assessment of the relevant land-use opportunities, their merit and critically, their deliverability. There certainly has not been any engagement with SEGRO to discuss the LPA's shift away from flexibility.

We turn below to the significant procedural point in relation to the Councils stated reasons for the proposed modification to designate SEGRO's land as SIL; but it is also relevant here to consider what impact it is likely to have and whether, in the light of clear alternatives, it is a sound option.

Our representations on the Final Proposals sought to maintain the flexibility that has been inherent in the site designation since the 2004 UDP. In doing

so they do would not detract from the employment-led approach to that part of OIS7, but they seek to enhance the likelihood of it being delivered and employment maximised.

If the site allocation is adopted as proposed, there is no mechanism for linking across land ownerships. Land north of the canal would have a hugely beneficial and valuable site allocation and would no doubt proceed quickly, a position that the landowner has publicly asserted.

This would leave the southern area, that which we have identified has been acknowledged for some time as requiring intervention and a positive approach; with no capacity to secure enabling development, cross subsidy or other means to address how the employment objective would be maximised.

The effect would be to perpetuate the uncertainty associated with the SEGRO land and in effect, fail to achieve the objective of securing enhanced employment accommodation and new jobs.

We would not advocate cross subsidy across land ownerships within OIS7 and we do not consider that this would be a sound approach to take.

We feel that it is necessary to devise an approach to SEGRO's land that not only recognises the land use merit of mixed-use development on the southern part (for example, its relationship to the station and its superior quality for residential compared to the railway embankment option put forward by the LPA); but which also recognises that such flexibility will ultimately achieve a meaningful employment element. That represents a significant gain in employment.

There is no dispute from the LPA that the existing site is low grade, inflexible and will not suit long-term modern industrial requirements. The LPA has asserted in discussions that part of the justification that they and the GLA have applied to the proposal to annotate as SIL, is that it is occupied and thus they assume there is a demand and the use is viable.

However, the fact that the buildings are occupied, does not detract from the fact that despite Wincanton being in occupation prior to the 2004

designation, the site has always been identified as needing to be addressed and being an opportunity to deliver net growth in jobs and accommodation better suited to long-term economic objectives.

The attached letter from the site's occupier illustrates the constraints of the site. The building is used as an operational compromise to a more suitable modern alternative, it will inevitably degrade further over time as dilapidations are uneconomic to address on this scale. It is our view that there is a very realistic prospect within the development plan period of the site having to be addressed.

The net economic impact of failing to address this situation would be negative:

- it would perpetuate low grade accommodation,
- it would prevent the growth and diversification of employment opportunity in the area
- It would provide no benefit to the occupier.

In discussion (and in its responses to SEGRO's representations) the LPA has repeatedly highlighted that it places weight upon the occupation of the site and would not wish to adopt an approach that would adversely affect the occupier. However, it should be noted that the occupier raises no objection to SEGRO's proposed approach. Further, if the LPA's approach were correct, why does it identify the site for development in OIS7? The existing and rather unique building that exists, covers the majority of the site and it is inevitable that its replacement would be required even to implement an employment only designation.

It is therefore not appropriate to place weight upon what is a unique occupation of a non-compliant building that fails to maximise the site's economic opportunity and which would be of no beneficial use to a future occupier.

If the site allocation is not modified as we propose, then it is clear that it would have no positive effect upon the delivery of the DS's regeneration and employment objectives.

If our recommendations are taken forward, then in contrast to a low grade building with extremely low levels of employment; both of which would continue to decline; a viable and deliverable option on SEGRO's land would secure major benefits in terms of employment and the regeneration of the area around Greenford Green.

We do not suggest that any specific split of land-use should be identified now, but simply that a mechanism is put in place to allow that to be considered, albeit with the intention of optimising the delivery of good quality employment space. As an illustration using a hypothetical example, if it were possible to identify a scheme that delivered say 5 of the 7 ha as employment (the remainder providing enabling uses, beneficial development and environmental enhancement on the southern part of the site) using standard development densities (50% min') and floorspace ratios for industrial / warehousing uses, (360-500 psf) then the site could generate over 600 jobs, a massive net gain over the existing scenario.

This serves to demonstrate that our comments on the June 2012 Final Proposal would not only address the lack of soundness in the original site allocation, but offer greater certainty that the established DS objectives would be achieved.

There is no reason to suggest that through the careful implementation of a masterplan for this area of the site, that a mix of commercial and residential uses with appropriate separation could not be achieved. If the LPA believes that housing south of Rockware Avenue, immediately abutting a busy railway, with what it proposes as an SIL site immediately opposite is appropriate, then it is clearly possible to create a far better location for residential with higher levels of amenity on the southern area of SEGRO's land.

SIL – Justification and Process

We now turn to address the Submission stage Proposed Modifications to the site allocation (and proposals map), to annotate SEGRO's land as SIL.

The attached annex incorporating our email to the LPA sets out the main body of support for our reasoning that:

1. The proposal to flip SIL from the GSK part of the site to SEGRO's is procedurally flawed, in that there is quite simply no SIL to flip.

2. Even if the flip is agreed not to be necessary, then there is still no evidence to justify the SIL designation of SEGRO's land.

As the Annex below illustrates, it is clear that the GSK area was never identified as SIL in terms of there being no detailed boundaries drawn in a DPD. Even if, at a local level MEL designation is intended to reflect what would eventually be defined as SIL, the adoption of the DS clearly and consciously removed the MEL designation from the GSK site.

The decision at the DS stage to exclude GSK from SIL was taken in light of the Council's evidence base on employment land and without objection from the GLA.

Any potential need to compensate the 'perceived loss' of SIL was not raised as an issue by either the GLA or the Inspector. This is despite the ELR being available at the time. Indeed, we would suggest that the ELR informed that approach and that in the context of local of GLA benchmarks, it has already been accepted that it is not necessary to allocate SEGRO's land as SIL.

On that basis, there is neither a procedural need to flip the designation, nor any fresh evidence available on employment land to suggest that the LPA should seek to mitigate a change in designation of the GSK land, that has already been tested through the CS process and found to be sound.

In accepting the loss of the GSK land from MEL and in incorporating it into OIS7, the LPA and GLA have commented that, inter alia:

- It is not an industrial site, it is an office location so does not possess uses that reflect PIL allocations
- It is not appropriate for industrial development (although we would comment that we have seen no evidence to support this assertion).

If this is the case, then quite simply, there is no loss of land or capacity for PIL type industrial uses as defined in the London Plan and thus no adverse impact on industrial development or land benchmark targets.

If it were contended that there were an impact, then any previous decision to have removed MEL from the GSK site and the decision to allocate it for non-industrial development would both be flawed. However, neither the LPA nor the GLA suggest this is the case.

It is thus quite clear that the 'flip' of SIL, which is stated by the GLA and the LPA as the 'only reason' for designating SEGRO's land, is a procedural misdirection.

This was the only ground put forward for the designation. However, should the LPA now seek to suggest that the designation is based on merit, (which would represent a substantial shift in its justification), then we have also demonstrated above that this is neither sound nor necessary.

Annex

Email

From Austin Mackie - AMA

To Karen Montgomerie / Steve Barton - LBE

14 May 2013

Karen, Thank you for the note - which I think we have seen already from the website.

Steve, this is the matter that I refer to in my voicemail from last week. It would be helpful to discuss.

The notes below highlight a key point that it may be helpful to address in a SoCG ahead of any EIP sessions starting and relates to the proposed 'minor' ! modifications at Submission Stage to re-designate SEGRO land at Butler's Wharf as SIL.

As the following notes demonstrate, the proposal to 'flip' SIL is flawed and we would hope that this can be agreed and this unjustified modification withdrawn without the requirement for legal submissions at the EIP.

In the June Final Sites Proposals, Butler's Wharf is clearly not proposed as SIL. It may be employment led, (which we have commented upon and will address in further detail at the site specific EIP discussion), but quite clearly it is not SIL - nor for that matter MEL, nor LSIL nor any other industrial classification..

Importantly, LBE adopted that approach based upon your industrial land evidence base and of course the recognition of the need to be consistent with the Core / Development Strategy, which is itself in conformity with the London Plan.

There is no evidence put forward that any part of the DS is to be revoked.

On this basis, in adopting the CS neither LBE nor the GLA felt that in the light of the ELR or any other evidence base, that on its merit, Butler's Wharf should be SIL.

Indeed i recall that when we met last summer, you were helpfully very clear in stating that the Council were not considering 'flipping' the SIL designation from GSK to SEGRO. That was a specific query raised by us and your answer was very clear. We assume that confident assertion was based upon a sound consideration of your own evidence base, something that we would agree with.

In contrast the February Submission Documents quite clearly state that the proposed modifications to include the site as SIL are a reaction to the GSK

site, not a re-consideration of Butlers Wharf on its merit.

The submission bundle summarises the GLA as stating:

“There is a loss of SIL of 9.13 ha and an increase in LSIS of 9.47 ha south of the canal proposed in the site allocation. The loss of 9.13 ha SIL to the north of the canal is acceptable in principle **subject to the compensatory designation of land to the south of the canal as SIL**”

The Council’s Response states:

“The land south of the canal will be designated as Strategic Industrial Land **as recommended**”

This the late modification to allocate our site as SIL only relies on the above.

As you will appreciate, there are clear processes for defining SIL boundaries and the above 'on a whim' 'reactive' approach is not one of them. A quick 'flip' of a SIL designation does not represent a sound process for reviewing (i) whether GSK should have been released in the first place, (were that assessment actually necessary) and (ii) whether it should be replaced at Butlers Wharf.

More fundamentally, however, is the fact that both GLA and yourselves rely on the assumption that GSK was / is indeed SIL and that its loss should be mitigated.

That assumption is quite clearly incorrect and a simple familiarisation with your own DPD would illustrate this. Not only is GSK not SIL, but through the adoption of the DS it is not even MEL, having instead been given an 'opportunity site designation'. On this basis, the approach set out by yourselves and the GLA is flawed, there is no loss of SIL and no mitigation required.

This proposed modification to allocate SIL is thus unsound.

The evidence in relation to this is quite clear from your own development plan documents, both in draft and final published form, including proposed changes to the Proposals Map.

Notwithstanding that the London Plan identifies "indicative" SIL locations, it is an accepted principle that detailed SIL designations are drawn up in local development plan documents, an approach that has been established since

the first 2004 London plan. The GLA confirmed this to us last week, re-affirming that SIL designations should be tested with the GLA through a robust process of, for example, sub-regional or OAPF frameworks.

Until a development plan document does so, detailed SIL boundaries are not set. The Council might suggest that it assumed all MEL would become SIL, but that assumption cannot be made without a supporting DPD designation and map and of course a robust process of assessment and evidence base to justify; otherwise, without the due process, including assessment and liaison with GLA and other sub-regional processes, there is no guarantee that all MEL would have become SIL, some might be LSIL or even neither at all (as per GSK and Butlers Wharf).

Furthermore, it is clear that the LPA consciously and clearly removed the GSK designation away from MEL through the DS.

Having taken one step forward in the DS to go from MEL to 'opportunity site' designation, it is inconceivable that at the same time the Council were considering taking two steps backwards to then go to SIL, whilst also considering going forwards again to remove SIL ! Clearly any intention to treat GSK as SIL had been addressed via the DS, which code not to designate and in doing so did not consider it necessary to mitigate by designating Butlers Wharf as SIL/MEL. that sound process was agreed by the Council, the Inspector and the GLA.

We can go through the detailed Development Plan chronology in more detail if you wish, but i would highlight key areas as follows. I should say that the following reasoning has been confirmed by our Client's QC and if the Council maintains the proposed SIL approach to SEGRO's land, then we may need to make submissions on a legal point.

We would also hope that the Council avoids the temptation to suggest that notwithstanding what the various plans show, its intention always was that GSK would have been SIL. As highlighted above, this was clearly not the case in the DS and would not be sound and as the Supreme Court has held, a development plan is to interpreted objectively and in accordance with the language used and its proper context (Tesco v Dundee 2012).

As we demonstrate below, the first draft detailed SIL designations do not appear until June 2012 (and exclude GSK) and to this date - SIL boundaries have not been formalised locally.

2004 London Plan

Identifies the area as an 'indicative' SIL, but both policies 2A.7 and 3B.5 state that detailed boundaries are to be defined in DPD's. As such, until the matters are addressed, GSK was MEL, not SIL.

2004 UDP

The UDP confirms this and retains the MEL designation. At this stage, SIL remains indicative. SEGRO's land is not MEL recognising the distinction that the UDP adopted between 'safeguarded' or 'designated' industrial land and sites identified as being 'development opportunities'



2007 Draft CS

Notably the draft CS does not take the opportunity to formally define SIL. The options at G116 consider the option of continuing SEGRO's site as

either an opportunity site or MEL, but not SIL. Notably as the CS progresses, it does not take up the option of MEL at Butlers Wharf, a decision and process clearly informed by its own evidence base.

It is not possible for the Council to suggest that MEL automatically implied SIL (then SEL) as, for example, under A101, another site in the Borough is identified as being MEL/SEL, a clear distinction to the option suggested at Greenford Green.

The indicative key diagram in the draft plan shows GSK as MEL and makes no reference to SIL.

2010 Draft Sites DPD

1.5.2 states that:

"Employment sites are currently being reviewed through the Employment Land Review (ELR – September 2010) and the recommendations from the ELR are likely to be carried forward into the next draft of this DPD."

One can assume that the ELR therefore informed the subsequent iteration of both the emerging Sites and Strategy DPD's.

Although for the first time GSK is co-joined with SEGRO's land to create a single opportunity site (GRE04), GSK is still referred to as MEL not SIL.

2010 ELR

Importantly the ELR confirms that SIL boundaries have not yet been defined, stating in 1.3 that:

"The study will to help inform the Council in defining detailed strategic industrial locations (SILs), other locally defined employment areas and allocations for mixed use development, so that strategic and local economic development is achieved within the Borough."

2.33 further states that SIL boundaries remain indicative:

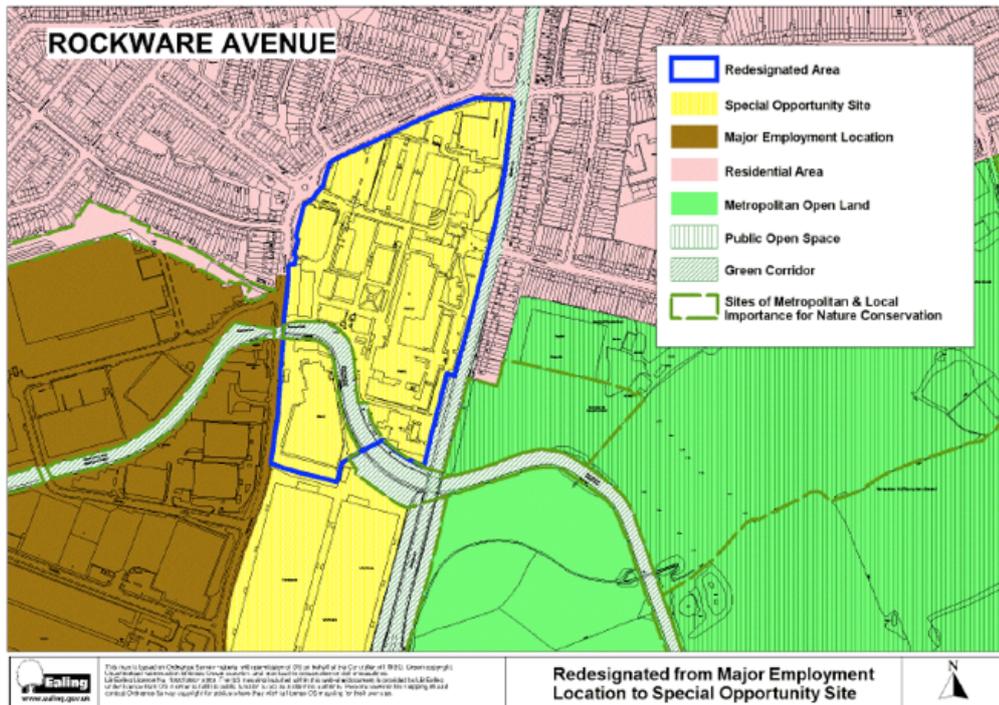
"This suggests that the GLA will accept mixed use options within existing employment locations, including some in the indicative SIL area, so long as the above criteria are taking into account."

The Council acknowledges that its approach to industrial designations relies on its own evidence base. We can therefore rely on the assumption that subsequent draft and adopted DPD rely upon in it.

2010 (Nov) - Draft Atlas of Proposed Changes to the Proposals Map to Reflect Emerging Core / Development Strategy

Map 10 is self explanatory, indicating that GSK is to be removed from MEL (with no suggestion that it will be replaced by SIL)

Map 10: Re-designation of Rockware Avenue/Greenford Green from Major Employment Location to Special Opportunity Site



April 2012 Adopted Development Strategy

The adopted DC acknowledges that SIL has still not been formally defined in terms of detailed boundaries:

Page 20, para 1.2(b) states...

“.....Employment land will be categorised for short, medium or long-term protection.”

Managed release of employment sites will involve categorising employment sites into three broad categories:

- Long-term protection – Strategic Industrial Locations (SILs) and Locally Significant Industrial Sites (LSISs) comprise the borough’s strategic

employment land and are the primary focus for general industrial and warehousing land.

The context in the adopted plan is clearly that SIL will be defined in the future, not the present or past.

At 4.2 the adopted plan identifies Greenford Green (including GSK and Butlers Wharf) as a mixed-use site, there is no reference in 4.2 or the supporting text to GSK being MEL.

On page 82 the DS states that MEL will be protected.

Map 15 in the DS is only indicative, but it is notable that the general position of GSK is shown as an opportunity site, whilst SIL and LIL are to the west.

We therefore turn to the proposals map to understand the boundaries of MEL - or indeed SIL/LSIL.

April 2012 - Atlas of Changes to the Proposals Map

Knowing that the DS's employment land policies are based upon the evidence base and of course, have been found to be in conformity with the London Plan, we can place some significant reliance on the PM in respect of MEL or other boundaries.

Notably, where employment land is designated, it is by reference to MEL and not SIL, as such, the Council has still not begun the process of formally defining SIL

The text states:

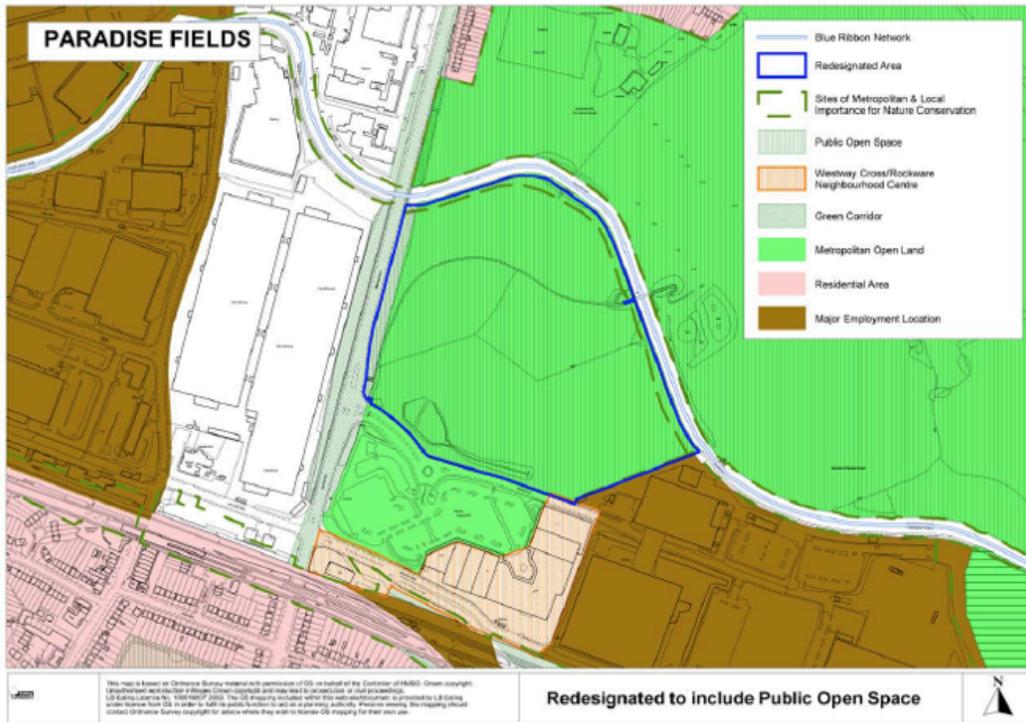
"Volume 1 contains 7 maps that identify the changes to the following:

.....

Special Opportunity Site designations"

Whilst there is no plan to identify the boundary of the Greenford Green Opportunity site, the following map is notable. Whilst it relates to adjoining open space designations, it is consistent with the 2010 draft proposals map and the text of the adopted Development Strategy by excluding GSK from MEL.

Map 35: Public Open Space designation added to Paradise Fields



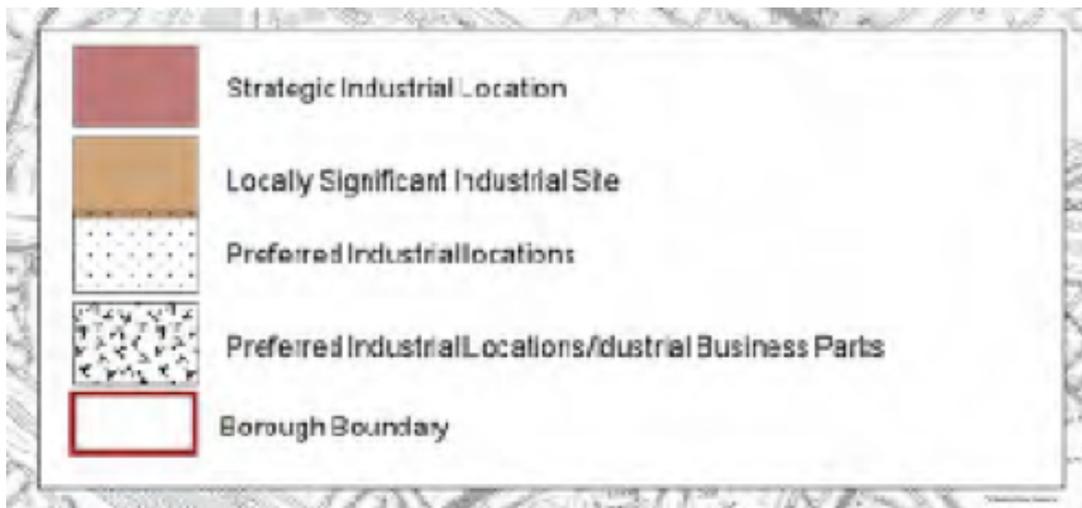
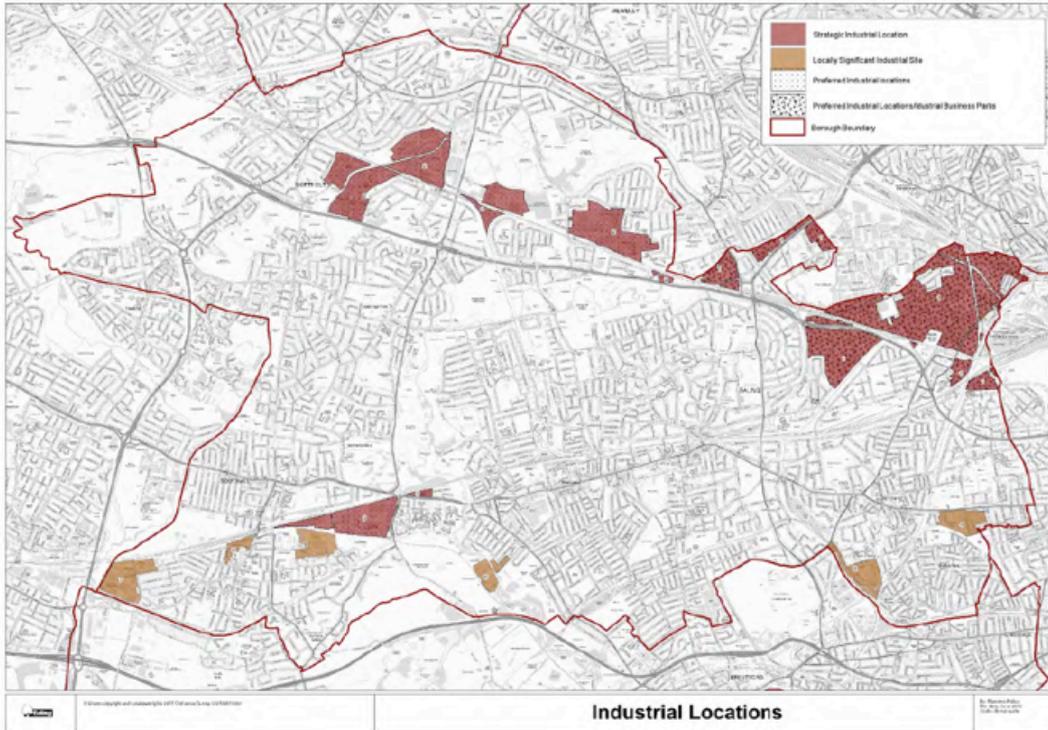
On this basis, the adopted DS, which is in conformity with the London Plan, has already removed GSK from MEL in favour of an opportunity site designation.

June 2012 - Proposals Map Further Changes (EB15)

In June 2012 the LPA published proposed changes to the Proposals Map, to reflect the emerging Sites DPD.

This appears to be the first time in the chronology of the local development plan that SIL boundaries are specifically referred to on a proposals map or other DPD. Again we should be able to rely on the assumption that this map was informed by both the evidence base such as the ELR and of course, the recently adopted DS, which is in conformity with the London Plan.

Map 6



Notably, GSK is not shown as SIL.

The Maps are not presented with any before / after annotations, so it is a reliable assumption that this is the first designation of detailed SIL on the map.

However, based upon the adopted DS, it is clear that by the time this first draft SIL boundary is published, GSK had been removed from MEL, so was never formally or informally defined as SIL.

June 2012 - Development Sites Final Proposals

The draft 'sites' document refers to the sites under OIS8. Notably, under the heading 'designations' there is no reference to either MEL or SIL, again confirming that the GSK site has already been released from employment classification under the DS, in favour of an opportunity designation.

Hopefully you are still with me, but on this basis, the GLA were clearly wrong to assume that GSK was SIL and that its loss needed to be mitigated. By the time of the adopted CS, at the very least, GSK no longer had an MEL designation and there appeared to be no intention to reverse the removal of MEL into the re-designation as SIL. That is confirmed by the June 2012 draft proposals map.

The proposed 2013 modification to designate SEGRO land as SIL is therefore flawed and are not sound.

We would hope that this can be agreed ahead of the EIP, ideally ahead of Friday's submission deadline, such that any reference to SIL at Butlers Wharf is dropped.

Inevitably we will still have to address our original June objections to the overall land use approach within the site allocation, but this assessment will inevitably be easier to address without the flawed and misleading suggestion that it should be SIL, which we suspect has clearly fetters the Council's view towards our site.

Caroline has kindly forwarded the GLA's June representations on the Sites DPD (attached for reference).

We have already addressed the alleged loss of SIL 'flip' issue raised by the GLA at para 11.

However, the GLA submission is somewhat confusing in that:

Firstly:

- it suggests that the proposed designation of SEGRO land south of the

canal as LSIL is not justified and that it should be SIL. However, it is not clear what document the GLA are referring to. EB12, the NW map from June 2012, which was out for consultation, shows no LSIL in this location, indeed it shows no SIL either! Similarly, nor does the booklet in EB14, which at Map 18 show neither SIL or LSIL at GSK or Butlers Wharf. These were the documents that were out to consultation, so we are not sure what the GLA are responding to. I wonder whether the GLA were distracted by other scenarios that you may have been discussing with them outside of the consultation process; but obviously it is not possible for us or the Inspector to have regard to anything other than what was published for comment.

- It may be helpful if the GLA can clarify this somewhat confusing point

Secondly

- In para 11 of their comments, the GLA imply that having regard to, inter alia, the ELR and SIL criteria, it would be appropriate to designate the SEGRO land as SIL. However, as you will be aware, the adopted DS, which was supported by the aforementioned ELR, both released GSK from MEL and did not propose to designate SEGRO's land as either MEL or SIL or LSIL. The DS was found by the GLA to be in conformity with the London Plan and sound by the Inspector.
- In June 2012 you acknowledged this position in the Final Draft of the Sites DPD and proposals map, which does not show either as SIL or any alternative industrial designation.
- It is not justifiable for the GLA to now suggest, without any detailed site specific assessment, that suddenly SEGRO's site justifies SIL designation. There are robust processes in places for review of SIL and para 11 of the GLA's representations is far from sufficient to either satisfy those processes or on its own to represent sufficient evidence to justify a SIL designation.

I suspect there has been a degree of misdirection here and it would be helpful to resolve before the EIP !

Regards

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