

**APPEAL BY LONDON CONCRETE LTD
FERME PARK, CRANFORD WAY, HORNSEY**

**PROOF OF EVIDENCE OF:
MICHAEL WOOLNER, BA, MRTPI**

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Planning Inspectorate Ref: APP/Y5420/A/05/1189822
LPA Ref: HGY/2005/0007
Firstplan Ref: 0305

Date: November 2005

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TOWN AND COUNTRY PLANNING ACT 1990

APPEAL AGAINST: The failure of Haringey Borough Council to determine a planning application for the erection of a concrete batching plant with associated hoppers, conveyors and ancillary facilities within the statutory time period.

APPELLANT: London Concrete Ltd

SITE LOCATION: Land known as Ferme Park Sidings, Cranford Way, Hornsey.

LPA REFERENCE: HGY/2005/0007

APPEAL REFERENCE: APP/ Y5420/A/05/1189822

FIRSTPLAN REFERENCE: 0305

DATE OF COMMENCEMENT OF INQUIRY: 13th December 2005

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SECTION 1: INTRODUCTION

- 1.1 My name is Michael Woolner, I hold a Bachelor of Arts Degree in Town Planning and I am a member of the Royal Town Planning Institute. I am a Director of Firstplan. Previously I was a Director of RPS, and I have been in practice for over 30 years. During this time I have given advice on a wide range of planning matters to many clients including public authorities, major commercial and development companies, amenity societies and private individuals. I have considerable experience in dealing with issues concerning aggregates and the concreting industry.
- 1.2 I am familiar with the appeal site and the surrounding area. I have investigated the relevant matters with officers of the local planning authority and I have made myself aware of the planning policy background and other relevant issues for the purposes of giving evidence at this inquiry.
- 1.3 My evidence deals with the planning issues arising from this appeal. I firstly set out the relevant details relating to the planning appeal proposals, before describing the appeal site and the surrounding area and relevant planning history. I examine the relevant Central Government and strategic planning advice and advice in relation to the use of aggregates at Section 5. The policies and objectives of the London Plan are considered at Section 6 and Section 7 considers the relevant adopted and emerging UDP policies. At Section 8 I deal with the reasons for refusal. At Section 9 I set out information relating to the Tolworth Appeal Decision. I deal with the existing pattern of concrete batching plants serving the area as Section 10. At Section 11 I make reference to various sources of support for the proposal including TfL and the Mayor. My conclusions are set out at Section 12.
- 1.4 Other evidence for the appellant is given by Derek Casey the Managing Director of London Concrete Limited, Alex Grant of Smith Grant Partnership on dust matters, Doug Sharps of Sharps Redmore who deals with noise issues, Graham Bellamy of the Bellamy Roberts Partnership who gives transport evidence, and John Stephenson, of Grant and Partners, who provides evidence on property market and employment land issues.

SECTION 2: THE PLANNING APPLICATION UNDER APPEAL

a) Background

- 2.1 An application for a concrete batching plant at the Ferme Park site was originally submitted to the local planning authority on the 9th January 2004 and was accompanied by a range of supporting assessments which considered: noise, airborne dust, highways, and ecology matters as well as a planning report which considered, amongst other things, London Concrete's operation and relevant strategic and local plan policy matters.
- 2.2 The submission of the application followed more than 6 months of pre-application consultation with the local planning authority which included a visit to the appellant's Wembley Plant by a Planning Officer and an Environmental Health Officer and discussion with regard to the range of technical assessments which should accompany the application.
- 2.3 Following the submission of the application the local planning authority raised the issue of whether the proposal comprised EIA development within Schedule 2 development of the 1999 Regulations and whether, as such, it should have been accompanied by an Environmental Statement (ES).
- 2.4 Firstplan, as the applicant's planning agents, were very much of the view that the proposals were not of a scale which would require an ES. Following receipt of legal advice to this same effect, Firstplan wrote to the Government Office for London requesting a Screening Direction in respect of the proposals. The Screening Direction was issued on the 28th April 2004, and confirmed that the proposal would be unlikely to have significant effects on the environment by virtue of factors such as its nature, size or location. Accordingly the direction was made that the proposed development was not "EIA development" within the meaning of the 1999 Regulations, and that as such the planning application could proceed without submission of an environmental statement.
- 2.5 During the time this application was under consideration the only additional information requested by the local planning authority originated from the Highways Engineers at Haringey who requested a junction analysis of Tottenham Lane/Cranford Way to be undertaken showing the reserve capacity of the junction. This information was submitted in August 2004.

- 2.6 Additionally, and on the local planning authority's request, a copy of the planning permission and committee report for the London Concrete plant at Wembley was submitted.
- 2.7 In June 2004 Firstplan were notified by the local planning authority that due to the scale of the application and associated levels of public interest that a public forum would need to be held before the application could be determined. The forum was held on the 15th July 2004. Unfortunately as the date was imposed by the local planning authority a number of the consultants involved in preparing documents in support of the application were unable to attend and as such were unavailable to answer questions. As a result it was agreed that a further public meeting would be held where the full team of consultants and a representative from London Concrete would be available to answer questions. It was also agreed that a site visit would be arranged for Councillors and for a representative group of residents both to the appeal site and to visit an operational London Concrete plant.
- 2.8 The second public forum was scheduled for the 16th September 2004. A few days before the meeting took place, Green N8, a local residents group opposed to the application, submitted a statement of objection to the local planning authority.
- 2.9 Subsequent to the public forum a group of six Councillors, two planning officers and a representative from Green N8 were taken by London Concrete to the appeal site and to the Wembley Plant. A further opportunity for a site visit and visit to the Wembley Plant for a representative group of residents was offered by London Concrete. Despite a number of dates being suggested, and an initial expression of interest by the residents, this offer was not ultimately taken up.
- 2.10 A number of issues for consideration were raised at the site visit both by the Officers and the Councillors. The key points related to the possibility of turning the plant around so that the loading area for the mixer trucks would face the railway line, as well as the possibility of fully enclosing the top of the storage bins to cover the conveyor at the point where material falls into the bins.
- 2.11 In October 2004, by which point the application had been with the local planning authority for some 10 months, possible Committee dates of February and March 2005 were being suggested to the appellant, with an indication that the Committee might even be scheduled for later in 2005 subject to whether the local planning authority decided to appoint outside consultants.

- 2.12 On the basis of the timescales involved and in the context of advice from the Inspectorate at that time that one could expect a period of 12-15 months from lodging an appeal to commencement of an Inquiry, it was decided that an appeal on grounds of non-determination should be lodged. This was done on the 2nd December 2004. On the same day a duplicate application was submitted to the local planning authority to enable on going discussion and consideration of the proposals with a view to agreeing a revised scheme.
- 2.13 On the basis of comments made at the two public forums, and the site visit and discussions with Officers at a meeting held in March 2005, a number of amendments were proposed to the duplicate application. These amendments were submitted in draft to the local planning authority by letter dated 13th June 2005 and in summary proposed the re-orientation of the plant toward the railway line, the provision of an acoustic screen, and further enclosure of elements of the plant and storage bins. In addition, plans detailing a more sophisticated form of feature cladding were also submitted in draft to the local planning authority. Following this submission a meeting was held with the Case Officers to discuss the proposed amendments. The notes of this meeting, held on the 20th June, are attached at Document 1.

DOCUMENT 1

- 2.14 Further to that meeting, and as per the approach agreed with the local planning authority, amended plans including the feature cladding were formally submitted to the local planning authority, to be substituted for the duplicate application plans, by Firstplan's letter dated 27th June 2005. It is this scheme which now comprises the proposals under appeal.
- 2.15 Following the submission of the amended plans on the duplicate application, addendum reports to each of the reports previously provided were submitted to the local planning authority by letter dated 14th July 2005.
- 2.16 The amended application drawings and addendum reports were also submitted to the Greater London Authority (GLA) who had previously indicated that whilst this was not a proposal they were statutorily required to be consulted on that they would be providing an informal consultation response to the local planning authority.

2.17 The GLA subsequently determined, however, that it was not appropriate for them to provide a consultation response as this did not comprise a “strategic site”. Nonetheless, their correspondence dated 22nd August, 2005 is noteworthy in that it confirms that a report to the Mayor would have re-iterated the strong support for the scheme outlined previously by Transport for London (TfL). A copy of the GLA letter is provided at Document 2.

DOCUMENT 2.

2.18 It had been indicated by the local planning authority at the beginning of August 2005 that the application would be put to Committee on the 12th September 2005. However for a number of reasons, including the fact that the local planning authority had decided to instruct outside consultants to consider, noise, highways, dust and ecology matters, Firstplan were subsequently advised that the application would be put to Committee on the 10th October 2005.

2.19 On the 6th September, 2005 Firstplan were advised by the local planning authority that a further public forum meeting was to be held to consider the application at the request of residents in the Green Lanes area. A meeting date of the 14th September, 2005 was set and was attended by each of the consultants who had prepared technical documents for the application and who were able to answer questions from the residents.

2.20 On the basis that the Committee Date had slipped to October, and on the basis that the local planning authority subsequently indicated that they would be recommending refusal, it was considered expedient to lodge an appeal on grounds of non-determination prior to the Committee to enable sufficient time for the appeal to either be co-joined with the appeal already before the Inspectorate or indeed to be substituted for the existing appeal, and enable the Inquiry to proceed on the 13th December, 2005.

2.21 The appeal was lodged on the 22nd September 2005 and initially sought to have the two appeal proposals co-joined.

2.22 The two appeal applications were put to Committee on the 10th October with a recommendation that had they not been appealed that the applications would have been refused. A copy of the relevant Committee Report is provided in the local planning authority's Appeal Questionnaire. The Committee followed the officer recommendation. The local planning authority's resolution and reasons for refusal were confirmed in an undated notice, which is provided in the local planning authority's Appeal Questionnaire. In summary the three reasons for refusal related to the following matters:

1. Disturbance to residents on nearby roads by virtue of additional traffic.
2. Detrimental impact on current operating and working conditions of properties in Cranford Way which would discourage businesses from locating in Cranford Way and may lead to occupiers moving out thus leading to a net reduction in jobs in a Defined Employment Area.
3. That it has not been adequately demonstrated that the proposal will not be harmful to the amenity of nearby residents by reason of noise nuisance, and in particular with regard to the rejection of BS4142.

2.23 For completeness it is confirmed that the original appeal proposal was withdrawn by Firstplan letter dated 12th October 2005. As such the only scheme to be considered at the Inquiry is the revised scheme, with the plant rotated round and incorporating the aesthetic cladding, details of which are provided below.

b) The Appeal Proposals

2.24 The application under appeal proposes the erection of a Lanton Park LP 2000 low level concrete batching plant, incorporating the latest environmental and safety features, with cladding enclosing all of the working elements of the plant. Lanton Park is a market leader in the design and manufacture of low level environmentally secure batching plants. The LP 2000 is designed for semi permanent and long term installations and, in particular, is appropriate for sites such as the appeal site because the plant is visually unobtrusive and has sophisticated environmental controls. Mr Casey explains in detail in his evidence the operational matters relating to the plant.

- 2.25 Aggregates will be imported to the site by rail. Trains carrying aggregate will arrive up to three times per week. Cement will arrive in road tankers, although London Concrete anticipate that in the future cement, like aggregates, will be imported by rail. There is then a realistic prospect that all raw materials will be brought by rail, maximising the use of this rail head.
- 2.26 Trains will use the existing sidings, arriving from the south. The aggregate will then be transferred into the aggregate storage bins via a bottom unloading system and covered conveyor and then transferred by a further conveyor into the concrete batching plant itself. The application drawings identify the various elements of the application proposals.
- 2.27 The concrete batching operation itself comprises the following:
- i) Within the concrete batching plant, which will be entirely enclosed, aggregates are stored in separate storage bins, and cement is stored within a silo. Appropriate quantities of the materials are then weighed and batched by a computer controlled system in the proportions required for the particular mix. Following this, the materials are discharged by gravity into the truck mixers, which then leave the site. The pan mixer that comprises part of the plant allows the ready mixed concrete to enter the mixer trucks in a wet state. Thereafter the rotating drums of the mixer trucks continue to agitate the mix en route to the customer's site.
 - ii) The cement will be discharged directly into the cement silo within the batching plant via a sealed system, using compressed air. Up to three deliveries of cement will be needed each day.
 - iii) The plant will probably be served by five mixer trucks, each with a capacity of 8 cubic metres. Mr Bellamy's evidence indicates the pattern of vehicle movements.
- 2.28 The dust extraction equipment used as part of the batching operation is detailed in the proof of evidence of Mr Grant. His proof concludes that the proposal is unlikely to have a discernible affect on the locality.

- 2.29 All traffic will enter and leave the site by the site entrance via the existing access road onto the two-way eastern limb of Cranford Way, and then onto Tottenham Lane, which forms part of the A103. As detailed in the evidence of Mr Bellamy, it is envisaged that there will be an average of 56 vehicle movements per day from the application site. Mr Bellamy's evidence concludes that the proposal will have no material impact on either highway capacity or amenity in Cranford Way and Tottenham Lane.
- 2.30 London Concrete are prepared to accept a working hours restriction from 0700-1900 hours Monday-Friday; 0700-1300 hours on Saturdays, with no working on Sundays and Bank Holidays. Such restriction can be imposed by condition if that is thought to be necessary and appropriate.
- 2.31 London Concrete, as has been previously indicated to the local planning authority, are also prepared to accept a condition which precludes the unloading of aggregate deliveries by rail outside of the plants operating hours.
- 2.32 The concrete batching plant will generate new employment for approximately 12 staff including 5 drivers, 3 plant staff, 2 technical staff and 2 administrative staff at the Company's headquarters.

c) Amendments to the Scheme

- 2.33 As has been detailed earlier in this proof of evidence, amendments were made to the appeal application during the time it was being considered by the local planning authority. The amendments were made to address points raised at the first two planning forums attended by a number of local residents; points raised at various meetings with Haringey Borough Council planning officers, and comments arising from a site visit attended by a number of the Councillors on the Planning Committee. In detail the amendments to the scheme comprised the following:

Amendments to Plant

- Plant rotated away from Chettle Court to result in the loading area facing the railway line, away from the nearest residential properties;
- An acoustic screen 8.5m long by 5m high with a 0.5m cantilevered top set at 45 degrees provided to loading area;

- Height of plant reduced from 16.5m (top of conveyor) to 15m;
- Point at which main conveyor discharges into the internal shuttle conveyor of plant fully enclosed;
- Feature cladding provided for aesthetic styling purposes; and
- Altered building profile including curved roof detailing provided for aesthetic styling purposes.

Amendments to Storage Bins

- Additional cladding provided to enclose the lower section of the storage bins;
- Point at which the conveyor discharges into storage bins has been fully enclosed;
- Height of conveyor at point of discharge into bins reduced from 18m to 14.24m (Overall height of bins maintained at 15.5m);
- Feature cladding provided for aesthetic styling purposes; and
- Altered building profile including curved roof detailing provided for aesthetic styling purposes.

Other Amendments

- Section of Siding No. 15 (located closest to the plant) to be removed.

2.35 The various issues and policy considerations raised by the appeal proposals and the reasons for refusal are considered in subsequent sections of my evidence.

SECTION 3: DESCRIPTION OF SITE AND SURROUNDING AREA

- 3.1 The appeal site comprises operational railway land to the south-west corner of Ferme Park down sidings, which extends along the western side of the East Coast Main Line between Hornsey and Haringey Stations. The extent of the appeal site is identified on plan FP/01 provided within the appellant's original appeal documentation submission.
- 3.2 The appeal site is located to the southern end of the Cranford Way Industrial Estate. Access to the application site is from Cranford Way, a private road which runs through the Industrial Estate, and leads onto Tottenham Lane (A103). Its entrance off Tottenham Lane is about 120m south of Hornsey Station. Tottenham Lane is one-way southbound at this point, with northbound traffic using Church Lane. Cranford Way is approximately 630m long, with the entrance to the appeal site at the very southern end. Cranford Way is a two way road. There is, however, a loop at the southern end providing a one-way northbound route (that is towards Tottenham Lane). This runs between the back of units 7-11 Cranford Way and the rear garden boundaries of Nos. 40 to 94 Uplands Road.
- 3.3 There is a slight rise from the southern end of Cranford Way onto the site, but the site itself is generally flat and open. To the east the site abuts the East Coast Main Line. Three high level fuel tanks are located just to the east of the site, and there are also a number of raised rail lines in the vicinity of the appeal site. To the eastern side of the railway lines, and set at a lower level than the railway lines and appeal site, is Wightman Road, a residential street. This is separated from the appeal site by some 150m. To the south the site lies adjacent to the Stroud Green Railway Embankment. This comprises a steeply sloping bank covered in trees and scrub which leads up to the boundary of Chettle Court, a substantial block of flats. There is a children's play area located in front of Chettle Court. To the west and south-west lies Uplands Road a residential street. Properties at Chettle Court and Uplands Road would be the nearest residential accommodation to the appeal site and would be separated at between 100m and 130m.

3.4 Photographs of the site and surrounding area are provided at Document 3.

DOCUMENT 3

SECTION 4: SITE HISTORY

- 4.1 The Ferme Park sidings comprise operational railway land in the ownership of Network Rail. Following the privatisation of the railways, the management of freight is now undertaken by English, Welsh and Scottish Railways (EWS).
- 4.2 The appeal site and the adjoining Cranford Way Industrial Estate previously comprised the Hornsey Goods Yard. Following various planning permissions in the 1950's and 60's, office and industrial uses were gradually established on the land, which now comprises the Cranford Way Industrial Estate. The planning history for the last 30 years largely relates to applications for office uses and for a variety of industrial uses.

SECTION 5: RELEVANT GOVERNMENT AND STRATEGIC POLICY

5.1 This section addresses national and strategic policy considerations relevant to the proposed development.

a) **National Planning Policy Guidance**

(i) **PPS1: Delivering Sustainable Development**

5.2 PPS1 sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system. This replaces Planning Policy Guidance Note 1, 'General Policies and Principles', published in February 1997.

5.3 Paragraph 5 of the PPS confirms that planning should facilitate and promote sustainable and inclusive forms of urban and rural development by:

- **making suitable land available for development in line with economic, social and environmental objectives to improve people's quality of life;**
- **contributing to sustainable economic development;**
- **protecting and enhancing the natural and historic environment, the quality and character of the countryside, and existing communities;**
- **ensuring high quality development through good and inclusive design, and the efficient use of resources; and,**
- **ensuring that development supports existing communities and contributes to the creation of safe, sustainable, livable and mixed communities with good access to jobs and key services for all members of the community.**

5.4 The application proposals are a key example of sustainable economic development, which will contribute to the local economy of this part of Haringey.

5.5 Paragraphs 21 and 22 of PPS1 encourage the prudent use of natural resources, of which land is one. This prudent use of resources would thus include the re-use of previously developed land. The application proposals are in direct accordance with this advice as they propose a more efficient and effective use of previously used land.

- 5.6 Paragraph 28 of PPS1 confirms the Government's commitment to the plan led approach and states that:

"Planning decisions should be taken in accordance with the development plan unless other material considerations indicate otherwise. Planning decisions taken in accordance with the plan are therefore key to the delivery of sustainable development."

- 5.7 Paragraph 31 confirms this point once more and states that:

"The regional spatial strategies and local development documents that are development plan documents form the framework for taking decisions on applications for planning permission. Decisions have to be taken in accordance with the development plan unless other material considerations indicate otherwise."

- 5.8 It will be demonstrated in subsequent sections of this report that the proposals fully accord with the policies both of the London Plan and those of the relevant adopted and emerging UDP.

(ii) PPG13 Transport (March 2001)

- 5.9 The overall theme of PPG13 is to promote sustainable transport choices for people and for moving freight; accessibility to jobs, shopping and leisure facilities and services by public transport, walking and cycling; and to reduce the need to travel, especially by the private car.

- 5.10 In terms of freight, Policy 47 is particularly relevant:-

"Minerals can only be worked where they are found and the transport of minerals and spoil as well as material for landfill sites can have significant environmental impacts. Local authorities should seek to enable the carrying of material by rail or water wherever possible, through partnership with extractors and rail and water operators, appropriate planning conditions and obligations, the use of DETR freight grants and promoting facilities for landing aggregates by sea and distribution by rail or water..."

5.11 Paragraph 45 of PPG13 advises that land use planning can help to promote sustainable distribution, including where feasible, the movement of freight by rail. Local planning authorities are encouraged to identify and, where appropriate, protect sites and routes which could be critical in developing infrastructure for the movement of freight and to encourage developments generating freight movements in the most appropriate locations.

b) Minerals Policy Guidance

(i) MPG6: Guidelines for Aggregates Provision in England

5.12 The most pertinent policy guidance for the provision of aggregates in England is MPG6, published in 1994. The Policy objectives of MPG6 are stated in Paragraph 9 as:

“The Government wishes to see indigenous mineral resources developed within its broad objectives of encouraging competition, promoting economic growth, and assisting the creation and maintenance of employment. The Government believes that for the economic well being of the country that the construction industry continues to receive an adequate and steady supply of aggregates so that it can meet the needs of the community and foster economic growth.”

5.13 The transportation of aggregates by rail is supported in MPG6. Paragraph 93 of the Guidance Notes states:

“The effect of the heavy goods vehicles used to move aggregates is often a major concern to the local community. Where possible consideration should be given to the movement of material by rail as this can offer environmental advantages and for longer distances may be more economic...”

(ii) MPG1: General Considerations

5.14 Further support for the use of rail is given in MPG1, published in July 1996. This states at Paragraph 64 that:

“...the Government would like to see as much freight as possible carried by rail or waterway rather than by road wherever possible.”

(iii) Planning for the Supply of Aggregates in England (October 2000)

5.15 This paper was published by the DETR in October 2000 as the first public step in reviewing MPG6. It served as a consultation document on the principles and practices of land use planning for the supply of aggregates in England.

5.16 Annex B provides background information on aggregates and trends in inter regional movements. Paragraph B 16 states that:

“Another major issue for the planning of aggregates supply in England is the tendency for there to be an imbalance between the prime areas of economic activity mainly needing aggregate material, currently especially in London and the South East, and the areas where suitable supplies can be obtained. Over time major flows of aggregate material, mainly crushed hard rock, have therefore developed between areas of supply and market areas to ensure a balance between supplying and demand.”

5.17 Paragraph 3.21 deals specifically with the transportation of aggregates and identifies that the great majority of aggregate is still distributed by roads. It indicates that if technical and marketing conditions are right, aggregates are very suitable for bulk carriage by rail and water. It is acknowledged, however, that whilst there is a need for rail reception depots within areas of demand, there is competition for the use of such sites from other sectors of industry, and such opportunities may not remain open indefinitely.

5.18 The provision of a rail served concrete batching plant at Ferme Park, Hornsey, is consistent with this advice.

c) Transport Policy Guidance

(i) 'A New Deal for Transport' (1998)

5.19 The 1998 White Paper sets out the Government's approach to transport policy and identified a range of measures which would be instigated in order to achieve the stated objectives. Paragraph 1.22 of the White Paper sets out the Government's intention of creating an integrated transport policy. Parts of the objectives of that policy are to achieve:

“(i) integration with the environment – so that our transport choices support a better environment; and

(ii) integration with land use planning – at national, regional and local levels so that transport and planning work together to support more sustainable travel choices and reduce the need to travel.”

5.20 Paragraphs 3.32 to 3.35 deal with rail freight. Paragraph 3.32 states that:

“We can move more freight by rail, relieving pressure on the road network and bringing environmental benefits. The main rail freight operator, English, Welsh and Scottish Railway (EWS), has an aspirational target of doubling its traffic measured by tonne-kilometres over 5 years and tripling it over 10.”

5.21 The White Paper identified the Government's intention to set up a Strategic Rail Authority (SRA) and paragraph 3.33 of the White Paper highlighted the fact that the SRA would be asked to develop targets for both freight and passenger railways in order to secure maximum benefit overall from the rail network.

(ii) Transport 2010: The Ten Year Plan

5.22 The Government's commitment to the development of rail freight and the achievement of modal shift from road to rail is clearly expressed in “Transport 2010: The 10 Year Plan”, published in July 2000. It sets bold targets for increasing the amount of freight moved by rail and takes forward the goals set out in the 1998 White Paper.

5.23 Paragraph 6.14 of the Plan identifies Government funding targets during the period 2000 -2010, which include £7 billion rail modernisation fund with the objective of leveraging in private capital to secure the biggest rail expansion programme for more than a century. This rail modernisation fund is said to demonstrate the Government's commitment to the massive investment programme that is necessary to expand the network, and increase passenger rail freight by 50% and rail freight by 80%.

5.24 Paragraph 6.22 establishes a number of outcomes and targets which the Government expects will be achieved over the period, one of which is:

“A significant increase in rail’s share of the freight market to around 10% - an additional 15 billion tonne kilometres of rail freight, equivalent to one billion lorry trips in 2009/10.”

(iii) The Future of Transport (July 2004)

5.25 This recent White Paper builds on the 1998 White Paper and the subsequent Ten Year Plan. The foreword has been written by the Prime Minister, and the Preface by the Secretary of State for the Environment.

5.26 As with the earlier documents, there is a strong emphasis on freight transport, with Section 8 entitled ‘Moving Goods Efficiently’. The Government’s stated aim is:

“Efficient freight transport is essential to our economy and to our prosperity. In turn, economic growth increases demand for goods and therefore for their transportation – locally, nationally, and internationally. Goods need to be moved freely, reliably and efficiently, while minimising the impact on safety, the environment and other transport users.”

5.27 The application proposals will assist in meeting the Government’s aspirations for freight.

d) Strategic Rail Authority (SRA)

5.28 The Strategic Rail Authority (SRA) were previously responsible for implementing the Government's targets for the increased use of the rail network. However, the winding up of the SRA, as a result of Royal Assent being given to the Railways Act 2005 in April this year, has seen many of its functions passing to the Department for Transport's (DfT's) new Rail Group. SRA policy documents, however, still remain "live" having also been passed to the DfT Rail Group.

i) SRA Freight Strategy (May 2001)

5.29 The SRA's Freight Strategy, first published as a stand-alone document in May 2001, is now an integral part of the SRA's overall strategy. It reflects the advice in PPG 13 and promotes opportunities for freight generating development to be served by rail.

5.30 The Strategy aims to:

"...set a framework and lay the foundations for a network which will accommodate the scale and type of growth required to deliver the government's target of 80% growth in 10 years."

5.31 The Strategy identifies that a key role will be played by regional and local planning authorities, particularly in:

"facilitating the provision of a substantial increase in rail-connected warehousing, a significant move towards rail-linked sites for distribution and for industrial activity within land use plans and a higher success rate for rail freight related applications."

5.32 It is noted within Part 2 of the Strategy, however, that where individual businesses identify a rail connected site, with the specific intention of creating a rail served facility, the evidence suggests that far too many planning applications fail. This is acknowledged as being due to:

“local opposition on environmental grounds (noise and local traffic generation) or as a result of competing demands for the sites in question (e.g. brownfield housing or more employment intensive activities)”

5.33 As a consequence, one of the aims of the Strategy for planning is to:

“...improve the understanding of freight requirements by local and regional authorities and thereby ensure that they take into account and plan for rail freight growth and that more applications for planning permission for rail freight interchanges and associated activities are approved.”

(ii) SRA Strategic Plan (January 2003)

5.34 The last SRA Strategic Plan clarifies the Freight Strategy in the light of changes and new pressures in the rail industry. This essentially revolves around the issue of costs. The SRA's freight strategy is confirmed on page 25 of the document. The final paragraph reads as follows:

“The SRA's freight strategy remains the point from which any review of industry costs in this area must start. In its commitment to facilitating an increasingly competitive operating environment and in the mix or network and interchange investments, funding support and service quality measures proposed, it has already proved a robust basis from which to work. Elements of its infrastructure portfolio are already being implemented. As we go forward, the same issues, of developing the freight market in a sustainable way and introducing fresh sources of investment to the railway remain critical.”

5.35 The investment proposed by London Concrete as part of the appeal proposals can ensure that the Ferme Park site is brought into productive use as a rail freight site, in accordance with the SRA's freight strategy.

e) **Statement to Parliament by Transport Secretary Alistair Darling on the Government's Objectives for Rail Freight: 19 July 2005.**

5.36 A Statement by the Transport Secretary made in July this year re-asserts the Government's policy aim for rail freight and confirms that:

"Our clear policy aim is to see goods being moved in a sustainable way, which maximises benefits to the economy and to society. For instance, because they generally have less impact on society than road transport, rail and water freight can bring sustainability benefits. In 2004-2005, the rail freight industry moved the equivalent of over 7 million lorry journeys and saved 1.43 billion lorry kilometres, delivering significant reductions in pollution and congestion. We believe rail therefore has a crucial role to play in goods transport alongside other modes, and we wish to see freight travelling by rail instead of road wherever this makes most sense."

5.37 It is also noteworthy that within the statement the Transport Secretary makes the following comment:

"It is not appropriate for the Government to promote individual schemes – it is for the private sector to develop proposals and progress them through the necessary approvals including planning consent. But the Government does want due account to be taken of our policy goals for the sustainable movement of goods."

5.38 The application proposals are fully in accordance with Government Policy aimed at delivering a modal shift of freight from road to rail.

SECTION 6: THE LONDON PLAN

6.1 The London Plan was published in February 2004, and replaces the earlier strategic guidance of RPG 3. Development plans for the London Boroughs must be in general conformity with it. The Plan provides a framework looking forward 15 – 20 years.

6.2 The Introduction to the Plan sets out six objectives, with the fifth objective being to improve London's accessibility, with a key policy direction being to:-

“Improve the sustainable movement of freight within and around London, making more use of water and rail.”

6.3 This policy direction is taken further in the Freight Strategy (Policy 3C.24):-

“The Mayor will promote the sustainable development of the full range of road, rail and water-borne freight facilities in London and seek to improve integration between the modes and between major rail interchanges and the centres they serve. The development of a London rail freight bypass route is supported....”

6.4 Within Policy 3C.24, a number of objectives for UDP policies are stated and include the requirement that UDP policies should:

“- seek to locate developments that generate high levels of freight movement close to major transport routes.

- ensure that suitable sites and facilities are made available to enable the transfer of freight to rail and water through the protection of existing sites and the provision of new sites.”

6.5 In this context the Ferme Park Sidings site is ideally located adjacent to the East Coast Mainline which links to other railway lines around southern England and the Midlands. Furthermore, the site also benefits from an existing means of access, via Cranford Way, to the principal road network.

6.6 The Plan continues:-

Paragraph 3.214: “The economy of London, and of the wider surrounding regional area, relies on an efficient

system for the distribution of goods and services. Servicing facilities and the provision of storage, handling and modal transfer facilities to cater for road, rail and water-borne goods are an important part of the distribution chain”.

Paragraph 3.215: “This plan facilitates freight distribution and servicing in a way that minimises congestion and any adverse environmental impact. It aims to foster a progressive shift of freight from road to more sustainable modes such as rail and water, where this is economical and practicable...”

Paragraph 3.218: “The SRA’s Freight Strategy identifies a requirement for three or four large multi-modal freight facilities on or close to the periphery of London, with a number of smaller facilities within the urban area..... Any site promoted as a suitable location must meet operational and strategic planning objectives and should be located wholly or substantially on previously developed land.”

6.7 The appeal proposals are wholly consistent with the sustainability objectives as set out in the London Plan, and particularly with its encouragement towards a progressive shift of freight from road to more sustainable modes, such as rail, and to the use of previously developed land.

6.8 Policy 4A.5 of The Plan deals with matters related to the better use of aggregates. This requires, amongst other things, that UDP policies should:

- “- Protect existing railhead capacity to handle and process aggregates;**
- Minimise the movement of aggregates by road”**

6.9 Supporting paragraph 4.11 confirms that:

“London needs a reliable supply of materials to support high levels of building and transport construction. These materials include land-won sand and gravel, crushed rock, marine sand and gravel and recycled and alternative materials. There are relatively small reserves of land-won sand and gravel in London. Most aggregates used in London come from outside including marine sand and gravel and land-won materials from other regions, including the South East and East.”

6.10 Paragraph 4.13 goes on to confirm that:

“The principle of this plan is to support the government’s Minerals Planning Guidance and the objective of achieving an essential level of supply in the most sustainable fashion. Aggregates are bulky materials and policy should maximise their use and re-use and minimise their movement, especially by road.”

6.11 Importation of aggregates to the appeal site will be consistent with these aims in that it will minimise their movement by road.

6.12 It is evident then that the application proposals are entirely consistent with the London Plan’s objectives with regard to the transfer of freight from road to rail and with regard to achieving a supply of minerals in the most sustainable fashion.

The Mayor’s Transport Strategy

6.13 The Mayor’s Transport Strategy confirms, at Proposal 4K.5, that Transport for London will work with the Strategic Rail Authority and the London Boroughs to help to ensure that suitable sites and facilities are made available to enable the transfer of freight to rail, both through the development of existing sites and the provision of new ones. In this context it is confirmed that Transport for London have written in support of the London Concrete application on the basis that it is in line with the Mayor’s strategic transportation and environmental objectives. The letter also notes that:

“The development will also see the use of railway infrastructure for rail freight, rather than other purposes.”

6.14 It is evident that the use of this particular site for rail related purposes, rather than for other purposes, is considered by Transport for London to be important. This provides clear support for an application proposal which will make best use of an existing rail head and will allow for the importation by rail of aggregates. A copy of Transport for London’s letter is attached at Document 4.

DOCUMENT 4

6.15 In general terms it is evident that the appeal proposals fully accord with the objectives and policies of the London Plan and the Mayor’s Transport Strategy.

SECTION 7: LOCAL DEVELOPMENT PLAN POLICY

7.1 The Statutory Development Plan for the Borough is the Haringey Unitary Development Plan (UDP), which was adopted in March 1998. The Haringey UDP is currently under review. A First Deposit Consultation was issued in September 2003, and a Revised Deposit Draft was issued for consultation in September 2004. The UDP Inquiry commenced in April 2005 and ended in September 2005.

a) **Adopted UDP (1998)**

7.2 The Adopted UDP Proposals Map shows a part of the site allocated as a "Defined Employment Area" (DEA) which comprises "DEA 5 - Cranford Way", with the remainder of the site unallocated. On the Proposals Map the embankment to the south of the application site, and separated by the existing access road, is allocated as an "Ecologically Valuable Site – Local Importance", and is locally known as the Stroud Green Railway Embankment. All of the railway line running from Wood Green in the north of the Borough down to Finsbury Park in the south of the Borough, and including that part which runs along side the application site is designated as an "Ecological Corridor".

7.3 The Adopted UDP includes three strategic policies which deal with employment and economic activities and which state that:

EMP 1 To protect existing land and buildings in industrial and commercial use from other forms of development, and to encourage investment and the development of a variety of new employment uses in appropriate locations, in order to enhance the quantity and mix of local job opportunities;

EMP 2 To increase employment opportunities and to improve access to secure, well-paid employment for local people especially those discriminated against in the labour market;

EMP 3 To protect and improve the local environment by ensuring that development of economic activities does not adversely affect the local amenity or transportation networks.

7.4 The preamble to the Employment and Economic Activity Chapter at paragraph 1.15 explains that a major feature of the Haringey economy has been a disappearance of large private industries. There has also been a dramatic decline in manufacturing activities since the 1960's. At paragraph 1.16 the UDP confirms that the main priorities are to retain existing jobs and create new employment opportunities.

7.5 At paragraph 1.18, the UDP defines various types of employment areas of different character where employment generating activity should be located. These are:

- i) **Defined employment areas (DEA)**
- ii) **Mixed areas**
- iii) **Town centres**

7.6 At paragraph 1.18 the UDP explains that Defined Employment Areas are areas consisting entirely of non-residential uses, where the infrastructure exists primarily to serve a range of business classes and related activities. The paragraph further explains that access to and from some Defined Employment Areas is through residential areas, which, if uncontrolled, creates environmental problems.

7.7 In Defined Employment Areas a range of employment generating uses are considered to be acceptable. Policy EMP 1.3 relates to DEA's and states:

"The Council has designated areas as indicated in Schedule 1 as Defined Employment Areas where the priority will be to sustain a special range of employment generating uses:

- 1. General industrial uses (Use Class B2),**
- 2. Business uses (Use Class B1) but generally excluding proposals for new large scale free standing non-ancillary office floorspace in locations which are not well served to public transport.**
- 3. Warehousing (Use class B8) but only in line with the Policy EMP 1.6 on warehousing."**

7.8 The appeal proposals do not prejudice the objectives of this policy in any way and in fact bring a part of the Cranford Way Industrial estate and Defined Employment Area into more productive use.

7.9 In relation to new employment opportunities, Policy EMP 2.1 relates to the provision of community benefits.

“... the Council will seek provision of appropriate infrastructure and social, recreational and community facilities where the need for these arises from the development concerned...”

7.10 The explanatory text at Paragraph 5.55 confirms that the Council recognises the need for road access to commercial and industrial premises, but wishes to minimise the environmental damage which goods vehicles, especially HGVs can cause.

7.11 In this context, the Council's aims for freight are:

- i) To site generators of heavy freight advantageously in relation to main roads and railways.**
- ii) To provide facilities for the handling of freight to secure efficient distribution.**
- iii) To reduce the movement of vehicles on roads, not suitable for them.**
- iv) To encourage the use of rail and water to carry freight traffic.**

7.12 The appeal proposals are fully in accordance with the UDP's stated aims with regard to freight. The site is strategically located with an access onto the strategic road network and proposes a rail served facility.

7.13 Policy TSP 6.5 relates to rail freight and states that:

“The Council will seek to retain existing rail freight and the provision of additional rail freight facilities, provided that these do not give rise to undue local environmental disturbance.”

7.14 The text of this Policy explains that rail freight is generally less environmentally intrusive than road freight and therefore the Council will generally seek to maintain existing facilities and encourage the development of new ones. The supporting text goes on to confirm that there may be situations where the provision of rail freight depots may give rise to increased local lorry movements as freight is transferred intermodally, so individual cases will need to be examined on their merits.

7.15 The proposals will result in the creation of a new rail served facility making best use of an existing rail head. The highways assessment submitted by Bellamy Roberts Partnership has considered the resulting generation of local lorry movements and has demonstrated that there will be no unacceptable or detrimental affect on the local road network.

7.16 As has already been confirmed, the embankment to the south of the appeal site, which is separated by the existing access road, is allocated as an 'Ecologically Valuable Site-Local Importance' and the railway lines adjacent to the site are allocated as an 'Ecological Corridor' Policy OP4.1 states:

“ The Council will not permit development on or adjacent to Sites of Special Scientific Interest (SSSI's), Statutory Local Nature Reserves, or other sites of nature conversation value or ecological importance unless there will be no adverse effect on the value of the site for nature conservation caused by the development and its subsequent land use..”

7.17 In relation to ecological corridors the policy explains that:

“Ecological corridors form important links between the nature conservation sites identified on the proposals map. Wherever possible the continuity of these corridors should be protected and their green nature enhanced so that they do not become fragmented and thereby diminish their ecological value...”

7.18 The supporting text to the policy explains that the Council will expect to see ecological surveys submitted with planning applications. In accordance with this requirement an ecological survey accompanied the planning application under appeal, and an ecological statement prepared by Mr Goodwin of Ecology Solutions considers ecology matters for the purposes of the appeal and has been appended at Document 5 of my proof. The ecological statement confirms that the appeal proposals conform with current national and local plan policies with respect to nature conservation and biodiversity. In general it concludes that there is no evidence to suggest that there are any overriding ecological constraints to the development of the appeal site as proposed.

DOCUMENT 5

7.19 In relation to the ecological corridor, the UDP text explains at paragraph 4.91 that:

“Most of the Ecological Corridors are operational railway routes. When transport development is being considered within an ecological corridor the operational requirements of transport will be taken into account.”

7.20 Policy DES 1.1 requires new development to be of a good design and that design quality will be assessed in relation to (inter alia):

“...How the proposal relates to and fits in with the surrounding area....

Development should relate to site character and its potentiality and should seek to improve the quality of the local environment....”

7.21 Bearing in mind the surrounding land uses and the appeal site's allocation, I consider the design of the plant to be entirely appropriate to its location.

7.22 Policy DES 1.9 which deals with privacy and amenity of neighbours is referred to in the local planning authority's reasons for refusal and states that:

“In order to protect the reasonable amenity of neighbours planning permission for development or change of use should meet the following criteria:

- 1. The scheme would not be unacceptably detrimental to the amenity of adjacent users, residents and occupiers or the surrounding area in general (see also RIM3).**
- 2. The scheme allows for adequate sunlight and daylight to reach new adjoining properties.**
- 3. The degree of privacy enjoyed by adjoining properties is not unacceptably reduced and new problems of overlooking are not created.**
- 4. The scheme complies with policies RIM 3.2 (Pollution) and Rim 3.3 (Nuisance).”**

7.23 As is demonstrated in subsequent sections of this proof of evidence the appeal proposal will not have any unacceptable effects on the amenities of residents. Nor will it have any unacceptable effects on the local environment. The appellant has during the course of the application offered to accept an hours of operation condition, and the impact of any construction activity can also be controlled via condition. The local planning authority does not raise any objection with regard to parking.

7.24 Policy RIM 3.2, Pollution and Nuisance from New Development, is a further policy referred to in the local planning authority's reasons for refusal. This policy states that:

“When considering applications from new developments and changes of use, the Council will seek to protect or enhance the amenities of the area. In particular planning permission:

1. Will not normally be granted for developments which cause noise, smell, smoke, soot, grit, dust, vibration or other forms of pollution or disturbance including traffic movements and vehicle obstruction above acceptable level.

2. May include conditions to control hours of operation and delivery and to protect amenities.

3. Will make appropriate provision of adequate parking, servicing and refuse storage to avoid undue disturbance to the neighbourhood.

4. May include conditions to control the impact of construction activity.”

7.25 As with Policy DES 1.9, this policy is considered in more detail in subsequent sections of my proof.

b) **Review UDP**

7.26 As has already been detailed the Review of the Haringey UDP is at a relatively advanced stage with a Public Inquiry having been held from the 12th April, 2005 to the 13th September, 2005. The Inspector's report is expected in November, 2005. If the Inspector's Report is issued prior to the commencement of the Inquiry it may be necessary to submit supplementary proofs of evidence to deal with any relevant recommendations.

7.27 The Proposals Map accompanying the Revised Deposit Draft September 2004, similarly to the Adopted UDP Proposals Map, shows the appeal site and particularly that section on which the Plant is to be constructed, allocated as a “Defined Employment Area” and referred to as “DEA 5 – Cranford Way”. The remainder of the appeal site is unallocated. To the south, and separated by the existing access road the Stroud Green Railway Embankment has been designated as an “Ecological Valuable Site – Borough Grade II”. The railway lines, as in the Adopted UDP, are allocated as an “Ecological Corridor”.

7.28 Paragraph 5.10 – 5.12 of the review UDP confirm a hierarchy of Defined Employment Areas comprising of Strategic Employment Locations; Industrial Locations; Employment Locations; and Regeneration Areas. The Cranford Way Employment Area is designated as an “Industrial Location” under the hierarchy and the Review UDP confirms in this respect that:

“Industrial Locations: These areas are listed in Schedule 3 and shown on the proposals map. These are well established industrial areas and the Council’s aim is to retain these areas solely for uses that fall within the B1 (b) or (c), B2 or B8 use classes.”

7.29 Policy EMP1 deals specifically with “Defined Employment Areas (DEAS) – Industrial Locations” and confirms that:

“The Council will seek to protect and enhance the Borough’s Industrial Locations as identified in Schedule 3 and on the Proposals Map, for the purposes of employment uses falling within use classes B1 (b) (c), B2 and B8 or similar uses.

Proposals for uses outside the ‘B’ use classes mentioned above, will not be permitted in the Industrial Locations unless they:

- a) are ancillary to a mainly employment generating use;**
- b) will not compromise the employment status of a DEA, and is a complimentary use needed for the area to function effectively for employment purposes.”**

7.30 Supporting text to the policy, at paragraph 5.16, confirms that

“The preferred uses within these DEAs are research and development, light and general industrial and warehousing B1 (b) and (c), B2 and B8.”

7.31 Paragraph 5.17 goes on to state that:

“General industrial and warehousing activities in particular could have a detrimental impact on the amenity of neighbouring uses and the environment, which is why some areas need to be set aside to specifically cater for these activities. In addition the safeguarding of certain areas for specific uses could create a degree of certainty regarding the planning aspect, thus enabling businesses involved in these sectors to look at Haringey as a possible location, and for existing businesses to invest in their operations.”

7.32 As will be amplified in subsequent sections of this proof it is evident that the local planning authority, having reviewed all of their employment allocations as part of the UDP review, have identified the Cranford Way Industrial Estate as one of those locations where it is appropriate to accommodate activities such as general industrial and warehousing activities which may have detrimental impacts in terms of amenity and neighbouring uses.

7.33 Policy EMP5 comprises one of the policies referred to in the local planning authority's reason for refusal. This policy, titled “Promoting Employment Uses” requires that:

“Proposals for employment generating uses within and outside the Defined Employment Areas will be supported providing that:

- a) any trips generated by the proposal are catered for by the most sustainable and appropriate means;**
- b) if it is on the edge and adjacent to a DEA, the proposal does not unduly inhibit the continuing operation of existing employment generating uses or compromise the employment status of the area; and**
- c) the building has been designed to enable convenient adaption to a range of employment uses and large units can be readily subdivided.**

Proposals for warehouses and storage (B8) should not lead to the loss of a good quality site for business or industry or any other labour intensive activity.”

7.34 I note that the appeal proposals fully accord with the relevant sections of this policy, and as such should be supported.

7.35 In terms of other employment considerations it is confirmed that the application proposal will provide 12 new jobs at the plant and will make more effective use of a part of the designated Cranford Way Estate which has previously been underused.

7.36 Within Chapter 7 of the UDP, entitled Movement, it is confirmed that:

“The safe, effective and convenient movement of people and goods in Haringey is the key to social inclusion, the viability and functionality of Haringey’s local town centres and the growth of the local economy.”

7.37 A number of the key objectives set out in this part of the UDP are relevant and seek to:

- **Improve freight movement, whilst minimising the environmental impact;**
- **To encourage developments which through their design reduce the need to travel especially by car.**

7.38 Policy M7 of the Review UDP deals with rail and waterborne transport and confirms that:

“The Council will seek to retain existing rail freight and water transport facilities, that are still needed for operational purposes, and the provision of additional facilities, provided they do not give rise to undue local environmental disturbance.”

7.39 Supporting text to this policy goes on to confirm that:

“Rail freight and water transport is generally less environmentally intrusive than other forms of transport and therefore the Council will seek to maintain existing facilities and encourage the development of new facilities.”

7.40 The appeal proposals are in keeping with each of these policies and objectives in that they will ensure that best use is made of an existing rail head to allow the transfer of aggregates to the site by rail rather than by road.

7.41 Policy UD2, General Principles, is relied upon in the reasons for refusal and states that:

“The Council will require development proposals to demonstrate that:

- a) there is no significant adverse impact on residential amenity or other surrounding uses in terms of loss of daylight or sunlight, privacy, overlooking, aspect and the avoidance of air, water, light and noise, pollution (including from the contamination of groundwater/watercourses or from construction noise) and of fume and smell nuisance;**
- b) where appropriate, the proposal complements the character of the local area, and is of a nature and scale that is sensitive to the surrounding area;**
- c) the proposal would not significantly affect the public and private transport networks, including highways or traffic conditions;**
- d) there is access to and around the site and that the mobility needs of pedestrians, cyclists and people with difficulties (including wheelchair users and carers with pushchairs) have been taken into account; and**
 - d)(i)opportunities for soft landscaping, including appropriate tree retention and tree planting, have been taken into account.”**

7.42 The appeal proposals fully accord with the requirements of this policy and in particular as is demonstrated in the proofs of evidence dealing with noise, airborne dust and highways and also in later sections of my proof, will not have any significant adverse impact on residential amenity or other surrounding uses.

7.43 The policies relating to ecological matters in the Review UDP which are relevant to the appeal site are very similar to those in the Adopted UDP and the same conclusions can be drawn in terms of the proposals relationship to the ecological designations in its vicinity. Once again reference is made to the ecological statement provided at Document 5 of my evidence.

c) **Representations Made to Review UDP**

7.44 In making representations to the first and second deposit draft of the UDP, and in advance of the UDP Inquiry, London Concrete have suggested that the appeal site should be identified as land to be safeguarded for rail related uses. We have suggested on London Concrete's behalf that the following form of wording is proposed for this policy:

"The Ferme Park sidings as shown on the Proposals Map will be safeguarded for rail related uses. The Council will resist planning applications for uses which do not utilise the sidings for the transportation of freight by rail."

7.45 London Concrete have also supported Draft Policy M7 which seeks to retain existing rail freight facilities that are still needed for operational purposes and, in dealing with ecologically valuable sites and their corridors, London Concrete have suggested that Paragraph 4.91 of the Adopted Plan is brought forward into the subsequent version, to recognise that the ecological corridors are also operational railway routes where the requirements of transport will need to be taken into account. In essence, the representations seek, in general terms, to ensure rail served sites such as Ferme Park are safeguarded in accordance with national and strategic policy requirements.

7.46 Whilst the policies of the Adopted and Review UDP could do more to encourage rail related uses, particularly in terms of safeguarding rail served sites such as Ferme Park, I consider that London Concrete's proposals for a rail served concrete batching plant in this location are wholly in line with the adopted and emerging UDP policies.

SECTION 8: PLANNING CONSIDERATIONS

a) Principle of the Appeal Proposals

8.1 As is confirmed in the Committee Report the principle of the development proposed on the appeal site is accepted in land use terms.

8.2 I have shown that the proposals accord with the adopted and emerging development plan policies. As is confirmed in the Committee Report the site is

“...located in a Defined Employment Area and is therefore appropriate in land use terms, subject to assessment of environmental effects.”

8.3 All of the possible environmental effects from the appeal proposals have been fully considered by technical experts. Furthermore, the scheme was specifically amended to address concerns raised by the local planning authority with regard to noise and dust. On this basis each of the proofs of evidence which have dealt with noise, airborne dust and highways, and the ecological statement appended to this proof of evidence, confirm that the proposals will not result in any material or harmful affects in terms of amenity considerations.

8.4 In my opinion, the proposals therefore comply with all of the relevant provisions of the adopted and emerging UDP.

8.5 Reference has also been made to how the proposals accord with the London Plan and how they are fully consistent with its encouragement towards a progressive shift of freight from road to more sustainable modes, such as rail, and to the use of previously developed land. The proposals further accord with the Mayor's Transport Strategy which seeks to foster a move towards more sustainable forms of goods transportation by rail

8.6 It is evident then that the proposals accord with the London Plan, have the support of TfL and the Mayor, amongst others. Furthermore, as I have demonstrated in earlier sections of my evidence, the proposals fully accord with relevant national policy relating to the transference of freight from road to rail.

8.7 I now go on to consider the specific issues raised in the reasons for refusal.

b) The Reasons for Refusal

8.8 The local planning authority have issued a resolution confirming that if the application had not been appealed on grounds of non-determination that they would have refused the application for three reasons. It is important to read each of the reasons jointly with the Committee Report and in particular the conclusions of the Committee Report.

(i) The First Reason for Refusal

8.9 The first reason for refusal accepts that there are no “capacity” objections to the appeal proposal and no concern that the highway network will be overloaded. As a result what is left is a somewhat vague statement which asserts that the additional traffic will result in disturbance to residents. The reason for refusal itself fails to elucidate further as to why any additional traffic could disturb residents.

8.10 However, the “Summary and Conclusions” section of the Committee Report does provide some element of additional insight by making reference to disturbance arising from: noise nuisance, vibration and the stirring up of additional dust caused by the additional traffic.

Noise Nuisance

8.11 Reason for refusal number one, asserts that as a result of additional traffic generation, but not the operation of the plant itself, or indeed from trains bringing aggregate to the appeal site, noise nuisance could arise causing disturbance to residents living on nearby roads.

8.12 Before considering the specifics of the numbers of vehicle movements generated by the proposals and their potential to create noise disturbance, it is important to first consider the characteristics of the nearby roads and, specifically, the two mentioned in the reason for refusal: Tottenham Lane and Church Lane. Both these roads form part of the A103, and are typical of urban roads with traffic present throughout the day and night, and where there is an existing level of noise. In planning terms, for noise nuisance to occur as a result of increased levels of traffic on roads such as

these, there would clearly need to be a very marked increase in traffic levels over existing levels for there to be any perceptible increase in noise on Tottenham Lane, Church Lane or indeed any other of the nearby roads along which vehicle movements generated by the appeal proposals may travel.

- 8.13 Mr Bellamy in his evidence confirms that the effects of traffic generated by the appeal proposals will not result in any material change or impact on ratios of flow to capacity. He also specifically considers, at Section 8 of his evidence, the existing and future 12 hour traffic flows in order to determine the actual percentage increase in traffic on the two roads in question. This demonstrates that the overall resulting traffic flow increases are marginal and will not have any meaningful impact on residential amenity.
- 8.14 It is also unlikely, in my view, that there can be any concern with regard to noise disturbance from vehicles. Mr Sharps in his proof has considered these very marginal increases in traffic flows in terms of the levels of additional noise they may generate. He shows that the resulting changes in noise in any public highway link would be very low. Indeed, the largest change would be 0.4 dB on Tottenham Lane, east of Cranford Way (i.e. vehicles travelling to the appeal site). Mr Sharps concludes on this basis that the appeal proposals will have no material effect in terms of noise generated by vehicles associated with the appeal proposals, in relation to properties fronting roads in the vicinity.

Vibration

- 8.15 In terms of considering the potential for vibration to disturb local residents this possibility must be related to existing circumstances and the characteristics of the roads in question, and the potential for any additional vehicle movements on those roads being perceptible. As a matter of common sense it should be evident that if the increase in traffic noise is only marginal, then the same must be true for vibration.
- 8.16 Indeed, Mr Sharps confirms in his proof of evidence, at Section 5, that the Design Manual for Roads and Bridges suggests that impact from traffic vibration will be the same as the effects of traffic noise.

Stirring up of Additional Dust

- 8.17 In the context of reason for refusal one, it is asserted that the appeal proposals will result in the stirring up of existing dust on the roads. Neither the Committee Report, nor the reason for refusal, seems to be suggesting that the appeal proposals will be responsible for creating the dust. Indeed, in an urban area such as this, dust on roads must be expected. One would also anticipate that any traffic on the road network has the potential to stir up dust.
- 8.18 On this basis any use of the appeal site which, under its employment allocation could include a variety of general industrial or warehouse uses, would equally generate traffic which may well stir up existing dust on the roads. I assume that the local planning authority are not suggesting that they would be objecting to any development at the appeal site which generates additional traffic on the basis that there is potential to stir up dust. In my view, this is at best a tenuous basis for a reason for refusal, and at worst one that is ill-founded and has no real planning basis.
- 8.19 Indeed, Mr Grant confirms at Section 6 of his proof his view that the assertion that there could be impact on residential amenity by virtue of stirring up of existing dust is simply not plausible and the proposals will have no discernable impact in this respect.
- 8.20 Nonetheless Mr Grant, for completeness, also considers the potential for new dust to occur. He identifies the main potential source for dust as comprising material falling from the truck mixers. As Mr Grant explains, as a result of the capacity of the drum and the scrolling action of the drum, concrete in a mixer truck remains at the lower end, so that even when travelling uphill it is unlikely that spillages will occur.
- 8.21 Standard site management techniques will be adopted by the appellants as a matter of course, such as predominant use of wet batching and hosing down of vehicles to ensure that the mixer trucks themselves do not transport dust out of the appeal site. I consider these points in more detail in the context of reason for refusal number two.

Road Safety Considerations:

- 8.22 The conclusions of the Committee Report additionally assert that the appeal proposals will also make roads less safe. However, no specific mention of safety is made in any of the reasons for refusal. Nonetheless, Mr Bellamy has, at Section 6 of his proof, considered this issue and concluded that there is no basis to suggest that the additional movements generated by the appeal proposals are likely to give rise to road safety problems in the area.
- 8.23 Importantly, I also wish to re-iterate that the appeal site falls within the designated Cranford Way Industrial Area. As part of their review of the Local Plan, the local planning authority split the Defined Employment Area allocations into DEAs which are "Industrial Locations" and DEAs which are "Employment Locations". The "Cranford Way Industrial Estate" was considered under this review and has been classified as an "Industrial Location".
- 8.24 As I have said in the Policy section of my proof, the supporting text to Policy EMP1 which deals with industrial locations, specifically envisages that certain areas have to be set aside to cater for activities such as general industrial and warehousing activities which could have a detrimental impact on the amenity of neighbouring uses and the environment. For this specific reason the Review UDP has sought to allocate "Industrial Locations". In allocating the Cranford Way Industrial Estate, as such the local planning authority have considered it appropriate for employment uses which could raise amenity considerations and which are suitable for this location. I consider the issue of the allocation of the appeal site and its appropriateness for general industrial purposes further in the context of reason for refusal number two.

(ii) The Second Reason for Refusal

- 8.25 Reason for refusal number two asserts that, as a result of additional traffic movements to and from the appeal site, and the nature of the traffic generated, that there is potential for noise and dust which would have a detrimental impact on properties in Cranford Way. The local planning authority further assert that this could discourage new businesses from locating in Cranford Way, and may lead to existing occupiers moving out, resulting in a net reduction in jobs in a Defined Employment Area.

- 8.26 In this regard, it is important to consider the designation and character of the Cranford Way Industrial Estate.

Appeal Site Designation

- 8.27 The appeal site is allocated as a Defined Employment Area, which allows for general industrial, business uses and warehousing.
- 8.28 As part of the Review of the UDP all employment sites in the Borough have been reviewed, with a view to identifying them in the replacement UDP as either “Employment Areas” or “Industrial Areas”. In the review UDP the Cranford Way Estate is identified as a “Defined Employment Area – Industrial Location”. I would reiterate that this is a designation which has recently been considered in detail by the local planning authority in light of the review of the UDP.
- 8.29 As I have said in Section 7 of my proof, supporting text in the Review UDP highlights the fact that general industrial and warehousing activities in particular could have a detrimental impact on the amenity of neighbouring uses and the environment, which is why some areas need to be set aside to specifically cater for these activities. In other words the allocation of “DEA – Industrial Location” implicitly accepts the fact that uses which may have a detrimental impact in amenity terms can be appropriately located in such areas. The local planning authority’s objection is, therefore, at odds with the recent clarification of the allocation in the Review UDP.
- 8.30 I attach at Document 6 a copy of a Report, which was obtained from the local planning authority’s application file for Ferme Park, and which was prepared as a briefing for a Councillor. The report specifically deals with the issue of the appropriateness of the allocation of the Estate for industrial purposes, as a result of objections made to the UDP Review seeking a new designation for the Cranford Way Estate for residential and employment purposes, excluding B2 uses. These objections were not duly made, and, as such, were not ultimately accepted by the local planning authority. The Report is undated but would have been compiled some time after the Revised Deposit Consultation Draft September 2004 was issued.

DOCUMENT 6

8.31 The Report makes reference to the fact that as part of the review of the UDP, the local planning authority commissioned an Employment Study to assess employment land supply and demand in the Borough, to provide recommendations for emerging policies. As part of the Study a range of opportunities were looked at including:

- 1) **opportunity for intensification and redevelopment within the existing DEA;**
- 2) **retention of employment uses with opportunities for greater flexibility in the range of uses particularly those which enable the retention or intensification of employment within the DEA.**

8.32 The Report confirms that the Study recommend that the Cranford Way Estate was suitable for retention as a DEA. It further confirms that the Study did not make any recommendations that the use of the estate should be restricted in any way, because of the proximity of residential or other uses.

8.33 The Report also confirms that the Employment Study for the Borough concluded that Cranford Way was a DEA in good condition with almost 100% occupancy and saw no reason to limit the uses on the site.

8.34 The Report goes on to state:

“Defined Employment Areas are just what they say they are: areas of land where employment use is protected and where it is considered that employment uses can take place without detriment to the surrounding area. In instances where absence of detriment cannot be assured the use of planning conditions or the refusal of planning permission occurs. Every application that the Council receives is judged on its merits. The relatively few (16) sites within the Borough where B2 uses are explicitly allowed already limits this type of employment use within the Borough. To further limit it by removing B2 use from one of the defined DEAs (and one that has been established for many years) would mean that choice of employment would be limited.”

8.35 I would add that the Committee Report itself accepts that the appeal proposals comply with the Council's UDP policies in terms of land use and employment.

- 8.36 On this basis it must be accepted that the appeal site is appropriately allocated for industrial and employment uses and that the appeal proposals accord with that designation. On this basis reason for refusal number two essentially asserts that whilst the appeal proposals are acceptable in principle, the level of additional traffic movements are such that they will be detrimental to the operating and working conditions of the estate, with specific reference to noise and dust generation.

Character of Cranford Way Industrial Estate

- 8.37 The second reason for refusal asserts that the Cranford Way Industrial Estate is predominantly of a storage/light industrial character. This description is somewhat misleading. One of the largest units on the estate, located close to the appeal site was previously occupied by TNT as a parcel distribution operation. A further unit on the estate is currently occupied by a newspaper distribution operation which generates significant volumes of HGV movements. As Mr Bellamy confirms in his evidence, it is also evident from the 2003 surveys undertaken by Bellamy Roberts that the meat processing company generated at least 120 HGV movements during the day of that survey, a figure which is double what the appeal proposals can be expected to generate.

Traffic Generation

- 8.38 The appeal site is accessed through an industrial estate where vehicles ranging from cars and vans through to HGV's, including articulated lorries, will inevitably use the estate road to access individual units.
- 8.39 If a B8 use were proposed for the appeal site, a use which would be allowed under its employment designation, Mr Bellamy estimates in his proof that this could generate in the region of 66 vehicle movements over the day, of which 38 would be HGVs.
- 8.40 Moreover, an aggregate depot, which could operate from the appeal site under permitted development rights, could give rise to a similar or indeed a greater number of HGV movements than those envisaged by the appeal proposals. These movements could not be controlled as can the appeal proposals, with a condition restricting hours of operation. Such movements could also occur at any time of day or night.

- 8.41 In my judgement, it is inconsistent for the local planning authority to allocate a site for industrial and other employment purposes, which will generate traffic and then seek to refuse the appeal proposals, which accords with the allocation, because it generates traffic.

Noise Generated by Additional Traffic

- 8.42 Mr Sharp's has in his proof considered the traffic flow data for Cranford Way provided by Mr Bellamy and has been able to equate this to an increase in noise level of 1.5 dB. This change in noise level is well below the 3 dB level that PPG 24 considers is the minimum perceptible change under normal circumstances.

Generation of Dust

- 8.43 The second reason for refusal suggests that additional traffic movements resulting from the appeal proposals will "generate" dust, which will be detrimental to the current operating and working conditions of properties in Cranford Way.
- 8.44 Standard site management measures adopted at all London Concrete sites will ensure that dust is minimised, which consequently means that dust is not transported off-site. These management practices will comprise regular hosing down of the appeal site, and the retention of a commercial cleaning company who would clean the site twice weekly with wet-sweepers. This is done as a matter of good and responsible business practice. In addition, all aggregates will be stored in overhead storage bins, so there will be no open storage of aggregate, thereby limiting any potential for dust to be generated. The plant itself will be fully enclosed, further minimising the potential for dust, and because the majority of concrete batched will be wet batched, the potential for dust to accumulate on mixer trucks will be minimal. Indeed, Mr Casey explains in his proof, dry batching is only used as a backup if the main central mixer is not working.
- 8.45 For all of these reasons there will be negligible levels of dust on the appeal site, and the prospect of dust reaching Cranford Way or the roads beyond is extremely limited.

8.46 As Mr Grant explains in his evidence the enclosure of the proposed operations will result in almost complete containment of any dust emissions. On this basis Mr Grant concludes that the passage of HGVs to and from the appeal site will not be detrimental to current operating and working conditions of occupiers in Cranford Way Estate.

Viability of the Cranford Way Industrial Estate

8.47 Mr Stephenson's proof of evidence assesses the credibility of the local planning authority's assertion that the appeal proposals may discourage new businesses from locating in Cranford Way or encourage existing occupiers to leave their existing premises.

8.48 Mr Stephenson concludes that the appeal proposals will not have the alleged negative effects, and that the Cranford Way estate will continue to be a viable industrial estate. As such the appeal proposals will not result in a net reduction of jobs in this Defined Employment Area.

(iii) The Third Reason for Refusal

8.49 Reason for refusal number three asserts that it has not been adequately demonstrated that the appeal proposals will not be harmful to the amenity of nearby residents by reason of noise nuisance.

8.50 This reason for refusal is principally dealt with by Mr Sharps' who concludes that the appeal proposals are unobjectionable in terms of noise nuisance, irrespective of the methodology employed.

8.51 Referring to all of the reasons for refusal, the totality of the appellant's evidence demonstrates that the proposed concrete batching plant will have no adverse impacts either on residents in the surrounding area, or on occupiers, existing or future of the industrial estate. The appeal proposals offer strategic benefits in terms of supplying Haringey with ready mixed concrete in a sustainable way, with the benefits associated with the rail-borne supply of aggregates.

c) **Other Considerations**

- 8.52 It is noteworthy that the appellant has been willing to make changes to the appeal proposals to address specific concerns raised by the local planning authority and third party objectors.
- 8.53 In this respect, the re-orientation of the plant will provide improved protection in terms of noise and dust, and the visual containment to the loading bay, and the full enclosure of the conveyor discharges at the top of the plant, additional cladding at the base of the bins and at roof level of the conveyor discharge into the bins will reduce further the already low risk of dust emissions from the plant conveyor and the storage bins.
- 8.53 Whilst not specifically referred to in the reasons for refusal, I also analyse visual amenity considerations. The principal views of the proposals from the nearest residential properties, will be from Chettle Court. There will also be some views of the proposals from a limited number of properties in Uplands Road. There is, however, a significant degree of separation between the appeal site and the properties in Chettle Court and Uplands Road. Indeed the nearest point of the façade of Chettle Court to the proposed plant is some 125m, and the distance between the closest rear garden boundary wall of the nearest property in Uplands Road to the rear of the plant is some 100 m. Moreover when viewed from Chettle Court the proposed plant will be seen against a backdrop of existing railway lines, three substantial fuel tanks, and the Cranford Way Estate. When viewed from Uplands Road the foreground view will be of the Cranford Way Industrial Estate, which has little architectural merit. The appeal site is located on operational railway land, and within part of a Defined Employment Area, which, again, has little visual merit. A design statement is appended at Document 7, which considers the development and parameters of the design of the appeal proposals in more detail.

DOCUMENT 7

SECTION 9: TOLWORTH APPEAL DECISION

- 9.1 A recent appeal decision (October 2004) granted planning permission to London Concrete for a rail-served concrete batching plant at Tolworth, within the London Borough of Kingston upon Thames. The appeal site in that instance comprised a former coal depot site, adjacent to Tolworth Station.
- 9.2 The Tolworth appeal site is bounded by open land to the south, which is designated as Metropolitan Open Land. To the east of the site, on the opposite side of Kingston Road, is a sports ground, garden centre and nursery. Existing and proposed residential uses are located to the north of the railway line.
- 9.3 A copy of the red-line plan for Tolworth is provided at Document 8 (i). The approved site layout and elevations for the Tolworth scheme is provided at Document 8 (ii). Photomontages showing existing and proposed views of the site are provided at Document 8 (iii). At Document 8 (iv) I provide an extract from the Kingston Upon Thames UDP First Review Deposit Proposals Map (March 2001). The appeal site formed part of that area identified in red on the Proposals Map as "Proposal Site 50 a", and identified as suitable for rail-related uses. The sites relationship to surrounding land uses is clear from this plan. Proposal Site 42 identified to the north comprises a former Government Offices Site allocated for residential purposes including affordable and special needs housing and community facilities. This site is located some 70-80m from the Tolworth appeal site. Existing residential properties are located to the east and west of the Government Offices site. Proposal Site 43 to the south is identified as appropriate for hotel and recreation uses. Extracts from the Kingston UDP Proposed First Alteration (Combined Version 2002) also provided at Document 8 (iv) provides further information on the three Proposal Sites.

DOCUMENT 8 (i) – (iv)

- 9.4 The Inspector in his decision letter considered a number of the issues which are also relevant to the consideration of the Ferme Park proposals. The decision letter is attached at Document 9.

DOCUMENT 9

- 9.5 There are two key differences between the Tolworth scheme and that proposed for the Ferme Park site. For the Tolworth proposals the area of sidings to which aggregate would be brought did not form part of the red-line application area. Furthermore, the Tolworth scheme proposed that the railway wagons importing the aggregates would be unloaded by grab off-load into a series of open storage bays. Aggregates for the concrete batching plant would then be transferred by a front end loader into a covered ground level aggregate receiving hopper. In contrast, the Ferme Park proposals have an enclosed bottom unloading system to transfer aggregate via covered conveyors to enclosed aggregate storage bins, and a further covered conveyor is proposed to transfer aggregate from the storage bins to the batching plant itself.
- 9.6 The Ferme Park proposals therefore offer clear advantages in environmental and amenity terms in using a bottom unloading system, and by proposing the storage of aggregate in enclosed bins.
- 9.7 In the context of considering the acceptability of the principle of the Tolworth scheme, the Inspector, at paragraph 15 confirmed that:

“As a matter of principle, there are strong sustainability arguments in favour of the appeal proposals that are supported by national, regional and local policies which seek to encourage the movement of freight, particularly aggregates by rail. This constitutes a strong planning argument in favour of the appeal proposal.”

- 9.8 With regard to issues of noise associated with additional freight movements the Inspector concluded at Paragraph 20 that:

“I do not accept that this minimal increase in the use of the track by passing freight trains would result in any material loss of amenity for the occupiers of dwellings which abut the railway line.”

- 9.9 The Inspector went on to note that:

“The predominant source of noise for this site is currently from the railway, and would continue to be so with the batching plant in operation.”

9.10 At paragraph 22 the Inspector concluded that:

“On the basis of the evidence presented I am satisfied that noise from the operation of the batching plant would not result in any loss of amenity for local residents, or for users of the nearby open space.”

9.11 The Inspector next considered the issue of dust, and noted at paragraph 24 that:

“With respect to the batching plant I am satisfied that the proposed plant, which is totally enclosed, has been designed to ensure high levels of control over the emission of dust during operations. My visit to the company’s similar plant at Wembley confirmed the effectiveness of the design, and it is to be noted that the company’s record at other sites in London is equally good. The plant will require an LAPPC permit, issued by the Council. Concrete batching is also subject of a PGN⁵ that sets out various standards and criteria that must be met. These include a requirement for no visible dust emissions from any inlet or outlets, or across the site boundary. I am satisfied that there would be no loss of amenity for occupiers of nearby dwellings as a result of dust from the batching plant.”

9.12 As with Tolworth, the Ferme Park proposal will require an LAPPC permit, which will further safeguard the amenities of nearby residents and other land users.

9.13 At paragraph 25 the Inspector noted that:

“There is far greater potential for dust generation during the delivery, handling and stockpiling of aggregates at the proposed depot. As with noise, as these activities can be undertaken as permitted development the Council’s powers of control are limited. The S.106 obligation contains provision for the implementation of a dust management scheme. The provisions include measures to ensure that delivered and stockpiled aggregates have an appropriate moisture content when handled, stockpiled bays are not overfilled, running areas of concrete or tarmac are cleaned and damped, and drop heights minimised.”

9.14 Notwithstanding the above the Inspector went on to conclude at paragraph 26 that:

“This combination of physical actions and management measures reflects current best practice

for the mineral industry, and its inclusion within the S.106 agreement provides the Council with a significant degree of control over the activities of the proposed aggregates depot which it would not otherwise have. While I accept that the handling of aggregates here has the potential to cause a loss of amenity due to dust, I am satisfied that that would be unlikely to occur if undertaken in accordance with the provisions of the dust management scheme”

9.15 Given that the Inspector considered there was no issue of dust in terms of amenity considerations at Tolworth, even on the basis of the proposed open storage of aggregate, then the more comprehensive scheme now proposed at Ferme Park, which provides for enclosed storage bins should not raise any concerns in this respect either.

9.16 With regard to traffic considerations the Inspector noted at paragraph 34 that:

“There will be a maximum of 5 mixer trucks based at the site and these will each make on average 5 deliveries per day. Combined with up to 3 deliveries of cement, HGV traffic generation would be 56 movements per day. Staff car movements would be up to 8 per day. These movements would of necessity be spread relatively evenly throughout the working day.”

9.17 As confirmed in Mr Bellamy’s evidence the Ferme Park proposal would also operate on the above basis.

9.18 The Inspector went on to conclude that:

“This level of additional traffic would not have a material impact on traffic flows...”

9.19 Overall the Inspector concluded that:

“For the reasons given above and having regard to all other matters raised, I conclude that the appeal proposal has been designed to minimise its visual impact and noise and other disturbance on MOL and residential properties in the vicinity of the appeal site. It accords with the criteria of Proposal PS50a and the emerging UDP and would not result in an

unacceptable loss of residential amenity for the occupiers of the neighbouring residential properties sufficient to justify a refusal of planning permission. The appeal should be allowed.”

9.20 In comparative terms, the Ferme Park appeal proposals offer significantly greater environmental benefits than is the case with the Tolworth proposals.

SECTION 10: PATTERN OF CONCRETE BATCHING PLANTS SERVING THE AREA

10.1 There is a strong demand for ready mixed concrete in the Hornsey/Haringey market, which London Concrete intends to serve from the application site.

10.2 London Concrete's nearest concrete batching plants to the appeal site, at Wembley, Battersea and Bow are all rail served, but operate in different markets areas, and given that ready mixed concrete cannot realistically be transported for more than 5 miles in London, these plants are not capable of serving the Haringey market. The Ferme Park site is ideally placed to fill the gap between the company's existing plants.

10.3 In terms of competitors' plants, there are four road fed plants and two rail served plants as follows:

1.	Larfarge, Jeffery's Road, Enfield	-	Road Served
2.	RMC, Pegamoid Road, Edmonton,	-	Road Served
3.	Hanson, Gibbs Road Edmonton,	-	Road Served
4.	RMC, Rufford Street, Kings Cross,	-	Road Served
5.	Tarmac, York Way, Kings Cross Goods Yard -		Rail Served
6.	Hanson, York Way, Kings Cross Goods Yard -		Rail Served

10.4 The distribution of the plants currently serving the Hornsey/Haringey market area is shown on Plan 0305/FP/02 attached at Document 10. In addition a survey of these plants providing information on the age of the plant, estimated annual production levels, and other site specific information, as well as photographs and site location plans is provided at Document 11.

DOCUMENT 10 & 11

10.5 It is noted that none of the Edmonton plants are located on sites which are capable of being linked to the rail network, so to the extent that London Concrete will compete with them, HGV movements in the Haringey area will be reduced.

- 10.6 Currently the plants serving the Haringey market and lorries transporting concrete to the area travel unnecessarily lengthy trips to reach customers.
- 10.7 The appeal proposals will clearly have environmental benefits in terms of improving the supply of ready mixed concrete in this part of north London. By increasing market competition, the appeal proposals will encourage sustainability in the delivery of ready mixed concrete, which will generally be delivered during off peak times. The importation of aggregates by rail will keep traffic associated with the development to a minimum.

SECTION 11: STRATEGIC SUPPORT FOR THE APPEAL PROPOSALS

- 11.1 There is support at a strategic level for the appeal proposals.
- 11.2 Transport for London (TfL) have confirmed their support on the grounds that the appeal proposals are in line with the Mayor's strategic transportation and environmental objectives, and their letter of support highlights the fact that the development will allow the use of railway infrastructure for freight, rather than other purposes. TfL's letter has been reproduced at Document 4.
- 11.3 Correspondence from the GLA, provided at Document 2, makes reference to the strong support for the scheme already provided in writing by TfL and further confirms that had this been a 'strategic' application to which the Mayor could have responded formally, the Mayor would have re-iterated the view of TfL. There is, therefore, implicit support for the appeal proposals from the Mayor.
- 11.4 The Rail Freight Group, which is the representative body of the rail freight industry, have also written in support of the proposals. They confirm their view that the appeal site is well suited to such a facility, located as it is adjacent to main railway lines and an industrial estate that was formerly part of the railway lands. The Rail Freight Group further refer to the fact that it is Government and TfL policy to encourage rail freight, and confirm the appeal site is one that is well suited as a rail connected freight site. A copy of this letter is attached at Document 12.

DOCUMENT 12

- 11.5 The sentiments of the Rail Freight Group are echoed by support provided for the appeal proposals by Freight on Rail, a partnership of the transport trade unions, the rail freight operators, the Rail Freight Group, Network Rail and Transport 2000.
- 11.6 Freight on Rail confirm that it is their view that the appeal proposals can make a significant contribution to reducing road traffic in the North London area. They state that an average freight train can remove between 50-60 HGV's trips. Freight on Rail refer to the fact that the appeal application is supported by the London Plan which aims to increase rail freight's share of the surface access market in the Capital to help alleviate congestion, reduce pollution and road accidents. A copy of this letter is attached at Document 13.

DOCUMENT 13

- 11.7 English Welsh and Scottish Railways (EWS) have also written in support of the appropriateness of the appeal proposals, and have made reference to the importance of bringing the rail sidings back into productive use. It is also EWS's view, as set out in their letter of support, that the proposals are wholly consistent with the aims and objectives as set out in the London Plan, which encourages a shift of freight from road to more sustainable modes, such as rail. A copy of the EWS letter is attached at Document 14.

DOCUMENT 14

- 11.8 EWS have expanded upon their letter of support and prepared a statement, which considers not just their in principle support for the appeal proposals but also provides additional background information with regard to the former uses of the appeal site and, indeed, the future uses to which the appeal site could be put. A copy of this statement is provided at Document 15.

DOCUMENT 15

- 11.9 It is noteworthy that the EWS Statement identifies Ferme Park as one of the few, probably one of only eight, rail connected sites in London which could be used for a rail fed concrete plant. Within the London Borough of Haringey, EWS identifies Ferme Park as the only suitable site for this type of proposal.
- 11.10 EWS conclude that the Ferme Park appeal proposal offers a unique opportunity to provide a rail fed terminal that will greatly assist the amount of materials transported by rail.

SECTION 12: CONCLUSIONS

12.1 I conclude my evidence as follows:

1. London Concrete is committed to producing ready mixed concrete in a sustainable way. The company already operates rail served and mineral workings based plants and the application under appeal proposes a rail served facility which will be sustainable and environmentally beneficial.
2. There is a need for ready mix concrete in the Hornsey/Haringey area, which is currently being served by plants located outside the Borough.
3. The appeal site comprises operational railway land and the proposed use is wholly in accordance with the stated aims of Government and the rail operators in terms of encouraging the movement of freight, including minerals, by rail, rather than by road.
4. The appeal proposals fully accord with the objectives of the London Plan with regard to the transference of freight from road to rail, and there is support for the proposals from TfL and the Mayor.
5. The appeal proposals also fully accord with the policies of the Adopted and Emerging UDP and are in keeping with the designation of the site as part of the Cranford Way Employment Area.
6. My evidence, and that of other witnesses, which deal with traffic, noise, and dust matters, demonstrates that the appeal proposals will have no adverse environmental effects either on occupiers of the Cranford Way Industrial Estate or local residents.
7. The type of concrete batching plan proposed, together with the environmental safeguards to be incorporated, demonstrates the extent to which London Concrete has embraced modern technology. The appeal proposals cannot be compared with older batching plants, which may operate without the same degree of control proposed by London Concrete.

8. Ferme Park is one of only a small number of remaining rail connected sites in London which could accommodate a rail fed concrete batching plant.
9. The appellants will accept reasonable and necessary conditions to ensure the implementation of environmental safeguards as part of the appeal proposals.

12.2 For these reasons I therefore respectfully request that this appeal is allowed.