

Liverpool Street Station | Representation Form - City Plan 2040

R0065

Suzy Crawford



Wed 5/29/2024 10:50 AM

To: Planning Policy Consultations <PlanningPolicyConsultations@cityoflondon.gov.uk>

Cc: [Redacted]

1 attachments (4 MB)

Liverpool Street Station Representation Form for City Plan 2040 290524.pdf;

THIS IS AN EXTERNAL EMAIL

Dear Sir/Madam,

Please find attached our Representation Form in response to the Regulation 19 version of the City Plan 2040.

Please kindly confirm safe receipt.

Kind regards,  
Suzy


Suzy Crawford



DP9 Ltd  
100 Pall Mall  
London  
SW1Y 5NQ  
telephone: 020 7004 1700 website: [www.dp9.co.uk](http://www.dp9.co.uk)

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## Model Representation Form for Local Plans

 <p><b>CITY OF LONDON</b></p>	<p><b>Local Plan</b> Publication Stage Representation Form</p>	<p><b>Ref: Reg 19</b>  <b>(For official use only)</b></p>
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**Name of the Local Plan to which this representation relates:**

City Plan 2040

**Please return to City of London Corporation BY 11:00PM 31 May 2024** emailing to: [planningpolicyconsultations@cityoflondon.gov.uk](mailto:planningpolicyconsultations@cityoflondon.gov.uk)

Please note that all representations will be made public on our website in line with the Town and Country Planning (Local Planning)(England) Regulations 2012. This will include the name of the person and, where relevant, the organisation making the representation. All other personal information will remain confidential and managed in line with the City Corporation's privacy notice.

For more information on how we collect and process personal information, and your rights in relation to that information, please refer to the Environment Department's privacy notice available at [Environment Department Privacy Notice \(cityoflondon.gov.uk\)](http://cityoflondon.gov.uk) and the City Corporation's privacy notice available at [www.cityoflondon.gov.uk/privacy](http://www.cityoflondon.gov.uk/privacy)). Please also see our Statement of Representations Procedure available at: [City Plan 2040 - City of London](http://City Plan 2040 - City of London).

This form has two parts –

Part A – Personal Details: need only be completed once.

Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

### Part A

1. Personal Details\*

*\*If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) boxes below but complete the full contact details of the agent in 2.*

2. Agent's Details (if applicable)

Title	<input type="text" value="Network Rail (Anglia, Eastern Region)"/>	<input type="text" value="Mr"/>
First Name	<input type="text" value="Elliot"/>	<input type="text" value="Jonathan"/>
Last Name	<input type="text" value="Stamp"/>	<input type="text" value="Marginson"/>
Job Title	<input type="text" value="Town Planning Manager"/>	<input type="text" value="Director"/>

(where relevant) Organisation	Network Rail	DP9 Ltd
(where relevant) Address Line 1	C/O Agent	[REDACTED]
Line 2		[REDACTED]
Line 3		
Line 4		
Post Code		[REDACTED]
Telephone Number	C/O Agent	[REDACTED]
E-mail Address (where relevant)	C/O Agent	[REDACTED]

## Part B – Please use a separate sheet for each representation

Name or Organisation: DP9 Ltd on behalf of Network Rail (Anglia, Eastern Region)

3. To which part of the Local Plan does this representation relate?

Paragraph  Policy  Policies Map

4. Do you consider the Local Plan is:

4.(1) Legally compliant	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
4.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
4 (3) Complies with the Duty to co-operate	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

Please tick as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Draft Policy DE1 places importance on achieving sustainable development through a 'retrofit first' approach. We support this approach, however, we do not consider that the specific wording proposed is fully justified, for the reasons discussed below.

Criteria 1 of draft Policy DE1 stipulates that, "*development proposals should follow a retrofit first approach, thoroughly exploring the potential for retaining and retrofitting existing buildings as the starting point for appraising site options*". As currently worded, the requirement of an options appraisal lacks any detail in terms of scenario testing to allow for developments to come forward that are most suited to a site in planning policy terms.

The London Plan's Circular Economy Statements Guidance (2022) includes a test that promotes the reuse/retrofit of buildings rather than their demolition. A decision tree is shown at Figure 4, which is used to help an applicant determine whether it is feasible to reuse an existing building (or parts of it) or not. The tree denotes that even if it is "*technically feasible*" to retain an existing building (or parts), this may not be "*suited to the requirements for the site*". If this is the case, demolition is allowed, and then the question becomes whether it is possible to disassemble or reuse the building elements/materials or if you need to demolish and recycle. "*Suited to the requirements for the site*" means suited to the requirements for the site in planning policy terms. The planning policy requirements for a site can include but isn't limited to bringing a vacant site back into use and delivering the most appropriate land use, optimisation, good design, high quality, flexible and adaptable floorspace, economic growth, social infrastructure and urban renewal.

When evaluating a retrofit option a key consideration should therefore be whether it is suited to the planning policy requirements for the site. It is also crucial that a retrofit option is realistic and capable of being delivered. For these reasons, wording is proposed to ensure alignment with the London Plan policy intention.

(Continue on a separate sheet /expand box if necessary)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

For the reasons noted above in 5., we do not consider that draft Policy DE1 meets the soundness tests set out in the NPPF for plan-making, in terms of justification.

Wording should therefore be added to criteria 1 of draft Policy DE1 to ensure planning policy requirements are factored into the key test, to align with the London Plan's tests for demolition and to ensure only realistic retrofit options are pursued. We propose amended wording, as follows:

*"Development proposals should follow a retrofit first approach, thoroughly exploring the potential for retaining and retrofitting existing buildings as the starting point for appraising site options, **having regard to the planning policy requirements for the site.**"*

Further, we would welcome additional justification in the supporting text regarding clarity on how other planning policy requirements will be weighed in the balance against the embodied carbon impacts of a proposed development. We also request that the supporting text recognise explicitly that demolition redevelopment proposals may be permitted in certain cases where they are better suited to the requirements of the site than a retrofit version of a development, to ensure the application of the policy is clearly understood, and is in alignment with the London Plan.

(Continue on a separate sheet /expand box if necessary)

**Please note** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

**After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.**

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

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

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

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

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

N/A

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

## Part B – Please use a separate sheet for each representation

Name or Organisation: DP9 Ltd on behalf of Network Rail (Anglia, Eastern Region)

3. To which part of the Local Plan does this representation relate?

Paragraph  Policy  Policies Map

4. Do you consider the Local Plan is:

4.(1) Legally compliant	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
4.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
4 (3) Complies with the Duty to co-operate	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

Please tick as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

We are supportive of criteria 10 of draft Strategic Policy S25 which seeks to enhance Liverpool Street Station by *"improving the overall user experience and supporting improvements to the accessibility and capacity of Liverpool Street Station, including enhancing step free access and improving entry points"*. This intention is directly aligned with a planning application which has been submitted to the City Corporation in direct response to the existing Liverpool Street Station challenges, and which proposes a modern public transport interchange to accommodate future capacity demand whilst enhancing passenger experience. The planning application also aligns with criteria 8 and 9 of the policy, in terms of the policy impetus to improve the public realm and pedestrian environment around Liverpool Street Station, to help better accommodate passengers using the transport interchange.

Supporting paragraph 14.10.2 of draft Strategic Policy S25 states that, *"The City Corporation will work with relevant partners including TfL, Network Rail, train operators and landowners to promote improvements to the accessibility of facilities provided in Liverpool Street Station and the surrounding area. This may include enhancing step free access, improving entry points and reviewing bus interchange, together with any potential future improvements to operational capacity at the station"*.

Whilst the overall intent behind this supporting paragraph is supported, we do not consider that the specific wording proposed is fully justified, as it does not recognise the need for supporting development to fund the necessary improvements at Liverpool Street Station.

As currently worded, it does not reflect the urgent and pressing need to transform the existing operation of Liverpool Street Station to address current failings and build in long term resilience to meet forecast growth capacity and the City Corporation's objectives.

Accessibility within the Station is not representative of modern standards needed within the world's leading financial centre. The lack of step free access and vertical circulation throughout the Station severely constrains the passenger experience, and acts as a barrier to travel for some members of the community.

The station's capacity has not kept up with the scale of the development in the City and congestion remains a constant problem for the operation of the Station. As demonstrated within the planning application documentation, there are high pedestrian volumes, particularly during peak travel times, that are forecast to grow exponentially in years to come, that need addressing.

Permeability is also severely compromised, with only one escalator in each direction between the street and the platform levels at each of the two main entrances to the Station. Access and wayfinding is constrained by the steps and escalators, with the overall layout of the Station making wayfinding to the bus station/stops challenging. The paving and waiting areas are also very narrow, and are located away from the station's main exits and desire lines, making them hard to find.

These problems will only get worse as passenger numbers increase in the medium and long term. As demonstrated by the planning application, modest and incremental changes cannot address the Station issues, and the improvements cannot come forward in isolation as there is no funding available to do so. Network Rail will need to work with a third party commercial developer to fund the essential station improvements through the provision of additional new build floorspace at Liverpool Street Station.

This deliverability position needs to be recognised in the wording of supporting paragraph 14.10.2 of draft Strategic Policy S25, to accurately reflect the reality that commercial floorspace at the Station is the only viable way to enable the urgent and necessary improvements to come forward.

(Continue on a separate sheet /expand box if necessary)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

For the reasons noted above in 5., we do not consider that draft Strategy Policy S25 meets the soundness tests set out in the NPPF for plan-making, in terms of justification and effectiveness.

Wording should therefore be added to supporting paragraph 14.10.2 of draft Strategy Policy S25 to correctly reflect the funding position needed to enable the critical station improvements to come forward. The proposed wording is as follows:

*"The City Corporation will work with relevant partners including TfL, Network Rail, train operators and landowners to **enable promote critical** improvements to the accessibility, permeability and*

~~capacity at of facilities provided in~~ Liverpool Street Station. **It is recognised and the surrounding area that there is a pressing need for improvements to the station and that such improvements will need to be funded by supporting commercial development. This may These improvements should** include enhancing step free access, improving entry points and reviewing bus interchange, together with ~~any potential~~ future improvements to operational capacity at the station".

(Continue on a separate sheet /expand box if necessary)

**Please note** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

**After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.**

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

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

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

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

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

For the reasons noted in 5. And 6. above, we do not consider that draft Strategy Policy S25 meets the soundness tests set out in the NPPF for plan-making. It is necessary to participate in the sessions to advocate the proposed amendments to supporting text 14.10.2 of draft Strategic Policy S25 further.

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

## Part B – Please use a separate sheet for each representation

Name or Organisation: DP9 Ltd on behalf of Network Rail (Anglia, Eastern Region)

3. To which part of the Local Plan does this representation relate?

Paragraph

Policy

Policies Map

4. Do you consider the Local Plan is:

4.(1) Legally compliant	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
4.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
4 (3) Complies with the Duty to co-operate	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

Please tick as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

We are supportive of the overall objective of draft Strategy Policy S4, which seeks to facilitate growth in office accommodation to meet projected economic and employment growth in the City of London. Supporting paragraph 5.1.0 recognises the City of London as a, "world leading international financial and professional services centre" which has a "nationally important role in the economy". The paragraph goes on to note that, "the intense concentration of business occupiers in a small area is a key part of the attraction for companies looking to move into the City".

Supporting paragraph 5.1.1 stipulates that, "to maintain this position, it is vital to ensure that sufficient office floorspace is available to meet projected employment growth and occupier demand and that additional office development is of high quality and suitable for a variety of occupiers".

Criteria 2 of the draft policy focuses on this increasing demand from a broad range of occupiers and promotes the need for a variety of office types, "to meet the needs of Small and Medium Enterprises (SMEs), start-up companies, creative industries and those requiring move-on accommodation".

We recognise that the office market is going through a period of restructuring with increasing numbers of SMEs, changing work styles and accommodation, such as flexible and co-working space. However, it is also important that the policy acknowledges the continuing occupier take-up and demand for larger floorplates and for headquarter buildings within the City of London, which remains, owing to its prestige as a leading international financial and professional services centre. Indeed, London Plan Policy E1(C) asserts that, "the unique agglomerations and dynamic clusters of world city businesses and other specialist functions of the central London office market...should be developed and promoted". Supporting paragraph 6.1.1 recognises further these nationally and internationally significant office functions are a core part of the office market across the Capital. We have suggested wording in 6. below to ensure the intentions of draft Policy S6 are robust regarding office demand, and aligned with London Plan Policy E1.

Criteria 4 of draft Policy S4 requires, "where appropriate, encouraging the provision of affordable office workspace that allows small and growing businesses the opportunity to take up space within the City". Supporting paragraph 5.1.8 reiterates this need for affordable floorspace for start-up and growing businesses, noting that, "developers and building owners are also encouraged to consider a range of leasing structures, including below market rents to ensure that a range of affordable workspaces are available to meet demand, in particular from new and emerging sectors of the economy and creative industries". Whilst the intention of this policy limb is supported, there is no advice on how this would be applied to planning applications in practice. There is no qualifying criteria of when affordable office workspace should (or would) be required by applicants, which leads the policy wording to read as ambiguous and vague. We would welcome the inclusion of wording which clearly indicates when the provision of affordable workspace would be expected, and at what quantum, as set out at 6. below.

(Continue on a separate sheet /expand box if necessary)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with



the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

For the reasons noted above, we do not consider that draft Strategy Policy S4 meets the soundness tests set out in the NPPF for plan-making, in terms of justification.

Wording should therefore be added to criteria 2 of draft Strategy Policy S4 to ensure the policy intent is clearly understood regarding the existing demand for office floorspace within the City of London:

*"Ensuring that new floorspace is designed to be flexible to allow the transformation and adaptation of space to support new uses, different layouts and configurations, different types and sizes of occupiers, and to meet the needs of Small and Medium Enterprises (SMEs), start-up companies, creative industries and those requiring move-on accommodation, alongside catering for larger office occupiers typical of the City of London market";*

Further, we would welcome clarification within the 'how the policy works' section of draft Strategic Policy S6 in relation to the affordable office workspace requirement. At present there is no guidance of when this requirement is expected beyond 'where appropriate', and the policy therefore reads as subjective. The explanation should include detailed wording on when affordable office workspace would be applicable for planning applications, and the level of expected provision relative to the office floorspace proposed.

(Continue on a separate sheet /expand box if necessary)

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7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

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

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

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

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

N/A

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

## Part B – Please use a separate sheet for each representation

Name or Organisation: DP9 Ltd on behalf of Network Rail (Anglia, Eastern Region)

3. To which part of the Local Plan does this representation relate?

Paragraph  Policy  Policies Map

4. Do you consider the Local Plan is:

4.(1) Legally compliant	Yes	<input type="text"/>	No	<input type="text"/>
4.(2) Sound	Yes	<input type="text"/>	No	<input checked="" type="text"/>
4 (3) Complies with the Duty to co-operate	Yes	<input type="text"/>	No	<input type="text"/>

Please tick as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Draft Policy HE1 seeks to manage change to the historic environment and sets out a number of criteria that development proposals should meet, to ensure their acceptability. The policy is clear that an applicant should describe the significance of any heritage assets affected, including their settings, within a Heritage Impact Assessment to understand the potential impact.

Criteria 2

Criteria 2 of the policy stipulates that;

*"there will be a presumption against heritage harm and development causing harm to, or total loss of, the significance of designated heritage assets will be refused unless it is clearly demonstrated that the heritage and/or wider public benefits outweigh that harm or loss. **Applicants should clearly demonstrate that all reasonable efforts have been made to sustain the existing use, find new appropriate uses, or mitigate the extent of the harm to the significance of the asset; and whether the works proposed are the minimum required to secure the long-term use of the asset**"; (our emphasis in bold).*

It is imperative that the draft policy text outlined in bold above aligns with the intentions of paragraph 207 and 208 of the NPPF, which set out different criteria, depending on whether a proposed development will lead to substantial harm (or total loss) or less than substantial harm to a designated heritage asset.

Paragraph 207 of the NPPF reads:

*"Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be*

*demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d) the harm or loss is outweighed by the benefit of bringing the site back into use”.*

The intention of this paragraph is clear; where a proposal will lead to substantial harm to (or total loss of significance of) a designated heritage asset, applicants need to either demonstrate that the level of harm is outweighed by necessary substantial public benefits, or, that a development proposal meets criteria a)-d).

Paragraph 208 of the NPPF reads:

*“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”.*

This paragraph makes it clear that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, the level of harm should be weighted against the public benefits of the proposal. The paragraph also notes that, where appropriate, this balancing exercise should include securing an assets optimum viable use, where appropriate.

As currently drafted, the text of draft Policy HE1 fails to recognise the difference between proposals that have substantial harm and proposals that have less than substantial harm by requiring proposals to examine sustaining the existing use even in circumstances where there is less than substantial harm. Therefore, there are a number of points that require consideration to ensure alignment with the NPPF:

- It is imperative that the criteria aligns with paragraphs 207 and 208 of the NPPF regarding the level of harm and required justification relating to alternative uses and viability. There are important distinctions between the two paragraphs, which set out different criteria, depending on whether a proposed development will lead to substantial harm (or total loss) or less than substantial harm to a designated heritage asset. This needs to be reflected in the draft wording of the policy text to accord with the NPPF.
- It is not clear how the draft policy text outlined by ourselves in bold would be applied in practice. Clarification is needed as to whether applicants need to undertake both assessments for existing and new uses, or if they are required separately, and in what instances. Clarification is also needed as to how these assessments work with the requirement to demonstrate the mitigation of the extent of harm. It is unclear whether this is required alongside, or as a separate exercise that circumvents the need to undertake these assessments.
- There is no definition of all reasonable efforts. We request that this is added to the supporting text of this policy for absolute transparency; and
- There is no clarity on what constitutes sufficient evidence is required to demonstrate that all reasonable efforts have been made to either sustain the existing use, find new appropriate uses, or mitigate the extent of harm. We request that this is added to the supporting text of this policy so that applicants can understand how to address the policy sufficiently.

### Criteria 3

Criteria 3 of the policy requires that;

*“Change of use to heritage assets should be consistent with their long-term conservation and should help to retain and enhance the asset, particularly those which have been identified at risk”.*

The NPPF stays silent on a specific policy approach relating to change of use of heritage assets. Chapter 16 of the NPPF is set within the context of conserving and enhancing the historic environment, with paragraph 196 (a) encouraging Local Plans to take into account, *“the desirability of sustaining and enhancing the significance of heritage assets and putting them into viable uses consistent with their conservation”*. The proposed wording of criteria 3 appears to seek alignment with this intention, but fails to note how any harm to the significance of a designated heritage asset will be dealt with in accordance with NPPF paragraphs 207 and 208. For criteria 3 to correlate with the intention of the NPPF, wording needs to be added to direct applicants to the requirements of criteria 2, to allow impact to be fully considered as part of a change of use application, as would be the case of any other development proposal.

### Criteria 9

Criteria 9 of the policy requires that;

*"Development should encourage the appreciation of the City's historic roofscapes and should not impact the setting of an asset from high level locations".*

This criteria introduces wording that proposes a very high test for applicants to achieve, requiring development *"not to impact the setting of an asset from high level location"*. Taken literally this appears to set a 'blanket ban' to any proposed development that would impact the setting of a designated heritage asset, when viewed from above. We noted that there is no definition as to what would constitute a high-level location.

The vast majority of development proposals in the City of London have the potential to impact the setting of a heritage asset, from above, to some degree. The impacts of any harm to setting are, and would continue to be, fully assessed as part of a planning application and supporting heritage documentation. The rationale behind this criteria is unclear, with no justification or explanation included in the supporting text. For these reasons, we request this criteria is deleted from Draft Policy HE1.

(Continue on a separate sheet /expand box if necessary)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

For the reasons noted in 5. above, we do not consider that draft Policy HE1 meets the soundness tests set out in the NPPF for plan-making, in terms of justification.

#### Criteria 2

We request that wording is added to criteria 2 to ensure the intention of the policy is in line with paragraphs 207 and 208 of the NPPF regarding the level of harm to designated heritage assets and required justification relating to alternative uses and viability. There are important distinctions between the two paragraphs, which set out different criteria, depending on whether a proposed development will lead to substantial harm (or total loss) or less than substantial harm to a designated heritage asset. This wording needs to be inserted into the draft wording of the policy text to ensure accordance with the NPPF.

Wording needs to be added to provide clarity as to the assessment requirements proposed in the second part of the criteria limb, as justified in 5. above. Alternative wording is proposed, as follows:

*"there will be a presumption against heritage harm and development causing harm to, or total loss of, the significance of designated heritage assets will be refused unless it is clearly demonstrated that the heritage and/or wider public benefits outweigh that harm or loss. **Where appropriate**, applicants should demonstrate that efforts have been made to sustain the existing use, **or/and** find new appropriate use;"*

This provides greater clarity on how the policy would be applied in practice.

#### Criteria 3

Wording needs to be added to provide clarity, particularly in relation how any harm on the significance of a designated heritage asset subject to a change of use will be dealt with, as justified in 5. above. Alternative wording is proposed, as follows:

*"Change of use to heritage assets should be consistent with their long-term conservation and should help to retain and, **where possible**, enhance the asset, particularly those which have been identified at risk. **Any heritage harm resulting from change of use should be assessed in accordance with the requirements of criteria 2 of this policy"**.*

#### Criteria 9

For the reasons set out in 5. above, we request this criteria is removed from Draft Policy HE1.

(Continue on a separate sheet /expand box if necessary)

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

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

N/A

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

## Part B – Please use a separate sheet for each representation

Name or Organisation: DP9 Ltd on behalf of Network Rail (Anglia, Eastern Region)

3. To which part of the Local Plan does this representation relate?

Paragraph

Policy

DE4

Policies Map

4. Do you consider the Local Plan is:

4.(1) Legally compliant

Yes


No


4.(2) Sound

Yes

No

4 (3) Complies with the  
Duty to co-operate

Yes

No

Please tick as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Criteria 3 of draft Policy DE4 requires all tall buildings or major developments to provide, “free to enter, publicly accessible elevated spaces, which may include roof gardens, terraces, public viewing galleries, or other retail or leisure facilities to create attractive destinations for people to enjoy the City’s spectacular skyline and views”. Supporting paragraph 9.5.3 advocates for publicly accessible, step-free areas that are free to enter and inclusively designed. It further notes that these spaces “may include public viewing galleries at upper levels or other forms of open space provision and may provide retail, leisure or educational facilities to enhance their attraction, where this would not undermine the inclusivity of the space”. Whilst we support the objective of delivering publicly accessible spaces across the City, we question the benefit of a blanket approach to elevated public space promoted by this criteria draft policy. Beyond inclusive design, it is not clear of the purpose behind this policy nor how it relates to a co-ordinated provision extending across the City of London. It is our view that criteria 3 needs to be set in context, with clear direction on how tall buildings or major developments can contribute to a City wide publicly accessible space strategy.

(Continue on a separate sheet /expand box if necessary)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

For the reasons noted above in 5., we do not consider that draft Policy DE4 meets the soundness tests set out in the NPPF for plan-making, in terms of justification.

We would welcome clarification within the supporting text of draft Policy DE4 as to how criteria 3 will be applied in practice across tall building and major development proposals. The policy is generically worded, with little justification as to its purpose, beyond facilitating inclusivity. Further explanation should include detailed wording on how the requirement for free to enter, publicly accessible elevated spaces fits within a City wide publicly accessible space strategy prepared by the City Corporation. This would ensure a co-ordinated approach to publicly accessible space and guard that can meet the needs of the City.

(Continue on a separate sheet /expand box if necessary)

**Please note** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

**After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.**

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

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

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

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

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

N/A

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

## Part B – Please use a separate sheet for each representation

Name or Organisation: DP9 Ltd on behalf of Network Rail (Anglia, Eastern Region)

3. To which part of the Local Plan does this representation relate?

Paragraph

Policy

S12

Policies Map

4. Do you consider the Local Plan is:

4.(1) Legally compliant

Yes

No

4.(2) Sound

Yes

No

4 (3) Complies with the Duty to co-operate

Yes

No

Please tick as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Draft Strategic Policy S12 sets out the City Corporation's proposed approach to assessing tall buildings. The policy defines tall buildings within the City of London as buildings over 75m, above Ordnance Datum ("AOD"). The policy identifies areas where tall buildings may be appropriate on the Policies Map and Figure 14 of the Local Plan. Criteria 3 then depicts the maximum permissible tall building heights within the identified tall building areas by contour rings on Policies Maps C and D alongside Figure 15.

Liverpool Street Station sits on the northern cusp of the identified City Cluster Tall Buildings Area. The submitted planning application for Liverpool Street Station is currently pending determination with the City Corporation. It has been prepared in direct response to the existing Station challenges, and proposes a modern public transport interchange to accommodate existing and future capacity demand whilst enhancing passenger experience. The planning application demonstrates that modest changes cannot address the fundamental station problems, and that the level of improvements necessary cannot come forward without a substantial level of commercial development to fund them. Network Rail will need to work with a third party developer to fund the essential station improvements through the provision of additional new build floorspace at the Station, which, due to the range of constraints at the station, requires the delivery of a tall building above threshold of 75m to accommodate the level of floorspace required.

The submitted planning application delivers an interchange for the twenty-first century and futureproof the operation of the Station in terms of passenger growth forecasts and future capacity increases. The commercial development needed to facilitate the improvements chimes with London Plan Policy D3, which seeks to optimise development capacity and promote higher density developments in well-connected locations with existing areas of higher density buildings, through a design-led approach.

The submitted planning application has tested the height and massing of the proposed building in respect of its impact on the surrounding townscape environment, including heritage assets and protected views and environmental and functional matters. Overall compliance with the tall building requirements of London Plan Policy D9(C) has been demonstrated, alongside accordance with adopted Local Plan Policies CS10 and DM10.1. This demonstrates that a well-designed tall building above Liverpool Street Station can be policy compliant and deliverable. A detailed breakdown of each aspect of the policy and the application's accordance is set out within the Planning Statement submitted with the application. For the reasons above, we assert that this site should be included within the City Cluster Tall Buildings Area, in order to allow the delivery of the necessary additional floorspace to fund the necessary and critical improvements to Liverpool Street Station

Furthermore, we consider that the policy as currently drafted is not clear on how tall buildings proposed outside of the City Cluster and Fleet Valley areas would be assessed. There is no wording that provides clarity on whether in these instances the development proposal would remain subject to the impact criteria set at criteria 8 and 9, or if such a proposal would be refused outright due to its location. We are concerned that the policy is not explicit in its conformity with London Plan D9. Whilst Part B of London Plan Policy D9 requires boroughs to determine if there are locations where tall buildings may be an appropriate form of development, it is not a gateway or pre-condition to enable assessment under Part C of the policy. This has been confirmed by the Courts (See R (London Borough of Hillingdon) v Mayor of London (Lang J, December 2021)). Wording is needed to ensure the approach of draft Strategic Policy S12 is consistent with London Plan Policy D9, in these instances.

(Continue on a separate sheet /expand box if necessary)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

For the reasons noted in 5. above, we do not consider that draft Strategy Policy S12 meets the soundness tests set out in the NPPF for plan-making, in terms of its justification for excluding Liverpool Street Station from the City Cluster Tall Buildings Area and approach to assessing the impact of tall buildings outside of the City Cluster and Fleet Valley areas.

We assert that Liverpool Street Station should be included within the City Cluster Tall Buildings Area, in order to allow the delivery of the necessary additional floorspace to fund the pressing need for station improvements. This is in the context of the submitted planning application for this site which demonstrates that Network Rail will need to work with a third party commercial developer to fund the station improvements through the provision of additional new build floorspace at the station. The extent of this commercial floorspace will rise above the threshold of 75m and as such, a tall building is



a reality on this site to facilitate the critical station improvements. The submitted planning application shows the height and massing of the proposed building to comply with the tall building criteria of London Plan Policy D9(C), alongside accordance with adopted Local Plan Policies CS10 and DM10.1. A tall building is therefore acceptable in this location, and we accordingly advocate that the extent of the City Cluster Tall Buildings Area be extended to include Liverpool Street Station.

Further, we would welcome additional justification within the policy providing clarity on how the approach to assessing tall buildings situated outside of the City Cluster and Fleet Valley Tall Building Areas. As noted above, there is no wording that indicates if a tall building proposal would remain subject to the impact criteria set at criteria 8 and 9, or if such a proposal would be refused outright due to its location. It is imperative that this policy aligns with London Plan Policy D9, which remains unclear as currently written.

(Continue on a separate sheet /expand box if necessary)

**Please note** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

**After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.**

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

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

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

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

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

For the reasons noted in 5. And 6. above, we do not consider that draft Strategy Policy S12 meets the soundness tests set out in the NPPF for plan-making. It is necessary to participate in the sessions to advocate the proposed amendments described further.

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

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**Part B – Please use a separate sheet for each representation**

Name or Organisation: DP9 Ltd on behalf of Network Rail (Anglia, Eastern Region)

3. To which part of the Local Plan does this representation relate?

Paragraph  Policy  Policies Map

4. Do you consider the Local Plan is:

4.(1) Legally compliant	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
4.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
4 (3) Complies with the Duty to co-operate	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

Please tick as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Draft Policy CV2 seeks opportunities to provide new arts, cultural and leisure facilities that offer unique experiences. Criteria 2 requires, "large scale development proposals of 10,000sqm or more in size to make provision on-site for arts, culture or leisure facilities". Criteria 3 requires, "major developments below 10,000 sqm in size to make provision for arts, culture or leisure facilities of a scale commensurate with the size of the development, or to provide off-site provision or contributions towards arts, culture and leisure facilities and infrastructure". The policy intention is to secure cultural proposals of different types and scale across the arts, culture or leisure offerings. Whilst this is welcomed, there is no detail of how this provision would be co-ordinated across the City of London. Arts, culture and leisure facilities cover a wide range of uses and explanation as to how this would be located across the City as part of a wider cultural strategy is needed to ensure delivery is co-ordinated and the exact needs of the City are met in the right location.

(Continue on a separate sheet /expand box if necessary)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

For the reasons noted above in 5., we do not consider that draft Policy CV2 meets the soundness tests set out in the NPPF for plan-making, in terms of justification.

We would welcome clarification within the supporting text of draft Policy CV2 as to how the provision for arts, culture or leisure facilities required by criteria 2 and 3 will be co-ordinated through a robust cultural strategy prepared by the City Corporation for the area. The policy as worded would allow for sporadic provision across a wide range of uses and there is no detail as to how this would be located across areas of the City of London. Inclusion of text clarifying the approach to this provision is need to ensure demand is focused in areas where it is shown to be needed, and encourage a consolidated approach to these uses.

(Continue on a separate sheet /expand box if necessary)

**Please note** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

**After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.**

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

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

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

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

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

N/A

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