

## OD9 Legacy Corporation note with regards to Rapleys Further Statement on Matter 13

At the examination hearings, the Inspector requested that the Legacy Corporation provide a note in response to Rapleys, who are acting on behalf of LaSalle Investment Management, suggested changes to the wording of site allocation SA4.5. This wording was included as part of the further statement received in advance of the examination hearings (Reference PR\_.008-002) and was reiterated by a representative of Rapleys, on behalf of LaSalle Investment Management, during the hearings relating to Matter 13. This note constitutes the Legacy Corporation's response to the further statement on Matter 13.

Site allocation SA4.5 is a new site allocation that has been identified as being a necessary addition to the Legacy Corporation's Local Plan as part of its Local Plan Review process. This site allocation covers the Bow Goods Yards (Bow East and West) and was developed in consultation with the tenants and land owners related to this site. This site allocation acknowledges the current uses and their importance, whilst setting out the need for a masterplan approach to any future changes that may take place on the site.

Rapleys, on behalf of LaSalle Investment Management, have suggested the following changes to the wording of SA4.5:

1. 'Demonstrates an acceptable relationship between the rail and other SIL uses both within the site and the wider Fish Island South Employment Cluster SIL and any non-SIL uses proposed, including noise, air quality and visual impact, applying the 'Agent of Change' principle, so as not to compromise operational requirements of Classes B2/B8 relative to noise generation and 24hour/7day a week operation and delivery requirements.'
2. A further supporting development principle – 'Ensure that any non SIL uses do not compromise the function, access and overall operation of ongoing industrial uses in the vicinity, particularly their ability to operate without undue restriction on noise generation and 24hour/7day a week operational/delivery requirements. Any environmentally sensitive non-SIL related uses should demonstrate that their location and design of the development and effective mitigation measures will protect and safeguard B2/B8 operations and the function of the Fish Island South Cluster SIL.'

With regards to the first suggested wording change in point 1 above, the Legacy Corporation believes that it would not be appropriate to reference the wider SIL area within the site allocation policy. This is because SA4.5, as with all site allocation policies, is designed to set out principles that are related to this specific site, including the mix of and relationship between different uses within the site allocation area itself. In terms of how proposed development within SA4.5 should relate to uses outside the site allocation area, the Legacy Corporation believes that the policies throughout the Plan, particularly in Sections 4 and 6 which incorporate the 'Agent of Change' principle, provide adequate means of assessment and ensure that proposed development will be required to demonstrate an acceptable relationship with existing uses in the wider SIL area. It is noted that the Agent of Change principle is supported in national policy (NPPF, paragraph 182) and in the DLP (Policy D12) as an appropriate way of managing the co-location of uses.

With regards to the second suggested wording change in point 1 above ('24hour/7day a week operation'), the Legacy Corporation believes that the amendment proposed within the Modifications

and Minor Modifications document (LD20) numbered MM13 addresses hours of operation in SILs. This proposed minor modification to the supporting information for the application of policy B.1 'Location and maintenance of employment uses', clarifies the position to hours of operation with the following wording '...Within or adjacent to SILs proposals should not compromise the integrity or effectiveness of the location in accommodating industrial type activities and their ability to operate on a 24-hour basis.'

With regards to the suggested additional development principle at point 2 above, the Legacy Corporation believes this would be inappropriate within the text of a specific site allocation such as this. These issues are managed through policies and wording in the main body of the Plan which have general application to the whole Legacy Corporation area. It is important to acknowledge the balance of requirements for different uses within the Legacy Corporation area. In some areas these can be complex, especially where a range of different uses co-exist and therefore that this balance should be reflected in policy. The Legacy Corporation believes that Policy B.1 and Table 3 together provide appropriate wording to protect the SIL function in the Fish Island South SIL area, and that this combined with the 'Agent of Change' principle that has been embedded in policy will ensure that development management decisions balance both the needs of the SIL uses and those of other uses and residents in the surrounding areas.