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## 1. Introduction

- 1.1. Savills has been instructed by Promontoria Battersea Limited (PBL) to prepare this statement and participate in the forthcoming examination of the London Borough of Wandsworth (the LBW) Local Plan.
- 1.2. PBL exchanged contracts to purchase 1 Battersea Bridge Road ('the site') in 2021, an unallocated site within the Ransomes Dock Area of Focal Activity, with the aim of bringing it forward for residential-led mixed-use redevelopment. The site is a significantly under-utilised office building that is not built for modern use. The building occupies a highly sustainable, well-located site and therefore presents an excellent opportunity to help the LBW deliver a number of policy ambitions, in particular making a significant contribution towards market and affordable housing.
- 1.3. We understand that the Inspectors are not assessing the merits of omission sites as part of this Examination process. As such, reference made to the site in this hearing statement seeks to demonstrate, by way of example, the deficiencies of the Draft Local Plan's evidence base, concluding that the Draft Local Plan is not sound.
- 1.4. This statement seeks to respond to Matter 1 (Legal Requirements and Overarching Issues) which queries, amongst other things, whether the Draft Local Plan accords with national policy for plan making in the NPPF. Specifically, this statement will address the following Inspectors questions:

***Does WLP meet all other legal requirements, specifically:***

...

***Has WLP been subject to a Sustainability Appraisal (SA) and have the requirements for Strategic Environmental Assessment been met? Is it clear how the SA influenced the final plan and dealt with mitigation measures?***

...

***Does WLP accord with national policy for plan making in the NPPF, specifically:***

- ***Does WLP contribute to the achievement of the three dimensions of sustainable development – economic, social, and environmental?***
- ***Has it been positively prepared in a way that is aspirational but deliverable? (paragraph 16 of the NPPF)***
- ***Do the policies in WLP provide a clear indication of how a decision maker should react to a development proposal?***

- *Is WLP consistent with the NPPF in all other respects? Or if not, what is the justification for any inconsistency?*

## 2. Executive Summary

2.1. This statement outlines why:

- The requirements for Strategic Environmental Assessment have not been met in relation to the Draft Local Plan;
- The Draft Local Plan is not consistent with the NPPF and therefore **unsound** for the following reasons;
  - The Draft Local Plan does not align with paragraph 8 of the NPPF in planning to deliver economically, socially and environmentally sustainable development;
  - The Draft Local Plan does not align with paragraph 16 of the NPPF which states that plans should be positively prepared in a way that is aspirational but deliverable; and
  - The Draft Local Plan is underpinned by a contradictory policy framework that fails to support the delivery of the strategic objectives of the Draft Local Plan and the NPPF.

### 3. Main Representation

**Inspectors Question:** *Has WLP been subject to a Sustainability Appraisal (SA) and have the requirements for Strategic Environmental Assessment been met? Is it clear how the SA influenced the final plan and dealt with mitigation measures?*

- 3.1. The Environmental Assessment of Plans and Programmes Regulations 2004 (SI 2004/1633) (“the SEA Regulations”) require by regulation 12(2) that “reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme”. The SA states “In December 2018, a call for sites commenced. The site information submitted was analysed to establish the capacity, availability and deliverability of sites that could be brought forward as Site Allocations, including their potential suitability for different uses. All sites were considered objectively for allocation considering the policy context and the approach for Area Strategies to be the focus for change in the borough. Consequently, the Site Allocations are those that best responded to this assessment and no alternative sites are discussed in the SA”.
- 3.2. This is an extraordinarily broad brush statement and not sufficient to ensure compliance with the SEA Regulations. As an example of the flaws inherent in the approach taken to the rejection of the site as an allocation, it is flawed for the reasons set out in PBL’s Hearing Statement for Matter 2 as the reasons given do not align with its own Site Selection Methodology.

**Inspectors Question:** *Does WLP contribute to the achievement of the three dimensions of sustainable development – economic, social, and environmental?*

- 3.3. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development<sup>1</sup> with regards to economic, social and environmental objectives. NPPF Paragraph 8 outlines the following objectives:

#### **Economic**

***“...to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;***

#### **Social**

***“...to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being”***

#### **Environmental**

***“...to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.***

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<sup>1</sup> Paragraph 7 of the NPPF (2021).

3.4. As detailed within PBL's Matter 2 Hearing Statement<sup>2</sup>, the Draft Local Plan has a housing target of 20,311 homes over the 15 year plan period. This figure is unjustifiably low and falls significantly short of the objectively assessed housing need of 2,537 homes per annum or 45,666 homes between 2019 and 2037, as set out in the LBW's Local Housing Needs Assessment<sup>3</sup> (LHNA, 2020).

3.5. PBL's Matter 2 Hearing Statement also outlines how the Councils Site Selection Methodology used to determine the supply of deliverable and sustainable land across the borough, and in turn inform the Draft Local Plan housing delivery target of 20,311, fails to recognise the development potential of well-connected, brownfield sites, such as 1 Battersea Bridge Road, to deliver much needed market and affordable housing.

3.6. Furthermore, as cited within PBL's Matter 13 Hearing Statement<sup>4</sup>, the Draft Local Plan locates 1 Battersea Bridge Road within a mid-rise building zone. As such, Draft Policy LP4 (Tall Buildings) means that any re-development of this site is capped at 6 storeys or (18m). PBL's Regulation 19 submission to LBW<sup>5</sup> demonstrated that such height caps would sterilise the development of the site, meaning it would not be able to contribute to any objectives of the Draft Local Plan. This reflects a Draft policy framework which blocks the development of sustainable sites and therefore fails to accord with the NPPF sustainable development agenda. By rendering the development of available and deliverable sites unviable, the Draft Local Plan not only prevents the delivery of much needed market and affordable housing, but also the delivery of associated economic growth and social and environmental benefits.

3.7. Given the above, the Draft Local Plan is not considered to accord with paragraph 8 of the NPPF on the following grounds:

- The Site Selection Methodology does not ensure that sufficient land of the right types is available in the right places and at the right time to support growth across the Borough;
- The Site Selection Methodology and Draft Local Plan Policy LP4 does not ensure that a sufficient number and range of homes can be delivered. In fact, as currently drafted, the Draft Local Plan actively blocks the redevelopment of available and deliverable sites, such as 1 Battersea Bridge Road, meaning that it conflicts with the NPPF; and
- Given the above, the Draft Local Plan does not seek to make effective use of land.

***Inspectors Question:*** *Has it been positively prepared in a way that is aspirational but deliverable? (paragraph 16 of the NPPF)*

3.8. The Draft Local Plan cannot be considered to be positively prepared in a way that is aspirational but deliverable on the following grounds:

- The Draft Local Plan does not seek to meet the Local Housing Needs Figure;

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<sup>2</sup> See Matter 2 Hearing Statement submitted on behalf of PBL.

<sup>3</sup> Wandsworth Local Housing Needs Assessment (December 2020).

[https://www.wandsworth.gov.uk/media/8015/local\\_housing\\_needs\\_assessment\\_december\\_2020.pdf](https://www.wandsworth.gov.uk/media/8015/local_housing_needs_assessment_december_2020.pdf)

<sup>4</sup> See Matter 14 Hearing Statement submitted on behalf of PBL.

<sup>5</sup> [https://www.wandsworth.gov.uk/media/11188/107\\_promontoria\\_battersea\\_limited\\_savills\\_redacted.pdf](https://www.wandsworth.gov.uk/media/11188/107_promontoria_battersea_limited_savills_redacted.pdf)

- The Site Selection Methodology fails to acknowledge the development potential of available and deliverable brownfield sites; and
- Draft Local Plan Policy LP4 caps building heights, effectively sterilising the development potential of available and deliverable sites.

3.9. Given the above, the Draft Local Plan conflicts with paragraph 16 (b) of the NPPF.

***Inspectors Question:*** *Do the policies in WLP provide a clear indication of how a decision maker should react to a development proposal?*

3.10. It is our view that Draft Local Plan Policy LP4 does not provide clear direction as to how a decision maker should react to a development proposal. We consider that our proposed modifications as per Table 1 and Table 2 within our Matter 13 Hearing Statement are required if the Draft Local Plan Policy is to be considered sound.

***Inspectors Question:*** *Is WLP consistent with the NPPF in all other respects? Or if not, what is the justification for any inconsistency?*

3.11. In summary, we consider that the Draft Local Plan conflicts with the NPPF and is not sound. We set out our reasons below.

- The Draft Local Plan sets an unjustifiably low housing target of 20,311 homes across the plan period which falls significantly short of the objectively assessed housing need;
- The Draft Local Plan fails to acknowledge the ability of 1 Battersea Bridge Road to contribute towards the delivery of housing within the Borough, despite the site clearly satisfying the Site Allocation Methodology; and
- When read as a whole, the Draft Local Plan effectively sterilises the development potential of 1 Battersea Bridge Road by:
  1. Not positively planning for housing growth;
  2. Not acknowledging its development potential through a Site Allocation; and
  3. Including a Tall Buildings policy (LP4) which renders any redevelopment of the site unviable. Our Matter 13 representation evidences why the height caps cited in Draft Local Plan Policy LP4 would sterilise the development potential of 1 Battersea Bridge (an unallocated site). Further to this, we note that landowners of sites which are allocated within the Draft Local Plan also consider them undeliverable due to the height caps set out within Draft Policy LP4. As such, as currently drafted, the Draft Local Plan not only fails to allocate all available sites within the Borough, but those that it does allocate are rendered undeliverable due to an unjustified and overly restrictive Tall Buildings policy.