Sara Chiong

From: Chris Abell <[redacted]>
Sent: 20 September 2024 16:56
To: [redacted] Local Plan
Cc: [redacted]
Subject: Tate & Lyle Sugars Consultation Response - Draft Local Plan (Regulation 19)
Attachments: TLS Representation 200924 FINAL .pdf

Follow Up Flag: Follow up
Flag Status: Completed

Hi all,

Please find the TLS response attached. Happy to discuss further should you require any clarification.

Thanks, Chris

Chris Abell
Head of Property and Local Affairs

Tate & Lyle Sugars
t [redacted]
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BY APPOINTMENT TO
HER MAJESTY THE QUEEN
SUGAR REFINERS

TATE & LYLE
SUGARS

ASR
GROUP

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t [redacted]

Chris Abell
Head of Property & Local
Affairs

20 September 2024

Local Plan Team
Newham Dockside
1000 Dockside Road
London
E16 2QU

Dear Local Plan Team,

TATE & LYLE SUGARS CONSULTATION RESPONSE - DRAFT LOCAL PLAN (REGULATION 19)

About Tate & Lyle Sugars in Newham

We operate two linked manufacturing sites in the London Borough of Newham (LBN) employing approximately 800 people. The two sites are located approximately one mile apart, with the most of the journey between the two being carried out along North Woolwich Way. Tate & Lyle Sugars (TLS), like many other businesses in Newham has a viable future at its existing sites in the Royal Docks. We have no plans to move from these sites.

1. Thames Refinery, Factory Road, Silvertown, London E16 2EW
2. Plaistow Wharf, Knights Road, Silvertown, London E16 2AT

Tate & Lyle Sugars started refining sugar at Thames Refinery in Silvertown, East London, in 1878. Thames Refinery is the largest cane refinery in Europe and can produce around 8% of all European sugar demand/50% of UK sugar demand, when able to run at capacity. Thames Refinery and contiguous land owned by Tate & Lyle Sugars forms a site of nearly 50 acres in size straddling the area between Factory Road and the River Thames, as far East as the EMR Metal Recycling site. It forms the vast majority of the Thameside East SIL and shares a boundary with *SA3 Connaught Riverside* site allocation. We make extensive use of public transport, the road network and the River Thames to transport raw materials, finished products and staff to and from both sites.

Our Plaistow Wharf factory, located on Knights Road, has been in operation since 1881 when Abram Lyle established the business and produces the iconic Lyle's Golden Syrup. Since 2012 we have invested over £20 million in a new syrup production line, 9 new packing lines and other upgrades to the Plaistow Wharf factory, more than doubling the number of jobs to over 100. It is the most profitable site in our global group. It is part of the Thameside West SIL and borders the *N3.SA2 Lyle Park West.*

General Response

We believe that there have been a number of sensible positive amendments made to the draft Local Plan since the Regulation 18 version was published. We are broadly supportive of the plan.

The area we believe needs detailed consideration is around CE2: Zero Carbon development. We do believe there are elements of the plan that are unsound here. It is a complex area, and we are happy to provide further information about the specific nature of energy intensive industries with onsite power and heat generation.

We believe that there are some smaller amendments around strategic sites and Agent of Change that are worthwhile and justified by National or London level planning policy.

We provided a detailed and very extensive representation to the Regulation 18 version of the draft Local Plan. For brevity we have sort to avoid simply reiterating large sections of the previous response, and focused on giving new or additional information or commentary where it is necessary.

It is presumed that the reader of this document is familiar with our previous Regulation 18 representation. It is placed in an appendix at the end of document for easy reference, if that is not the case.

CE2: Zero Carbon development:

We fully understand the Council has declared a Climate Emergency and wants to encourage zero carbon development as much as possible. However having re-read Policy CE2, we **are extremely concerned this could essentially prevent all development at Thames Refinery and Plaistow Wharf for potentially decades. Further it could have the surely unintended consequences of preventing major steps in reducing carbon emissions** at the Refinery site and potentially endangering jobs and the business if it is impossible to replace or upgrade buildings or process technology at the end of their useful lives. We have put a suggested textual amendment to the draft plan below and then a detailed explanation beneath that.

Suggested Addition to text on page 289: CE2: Zero Carbon development:

6. Recognising the unique difficulties in decarbonising Energy Intensive Industries and the role national Government policy on new fuels and technologies infrastructure will play, new developments by pre-existing Energy Intensive Industries shall not be subject to the requirements of Policy CE2 provided that:

- *New development results in lower carbon intensity per m2 GIA/yr of the overall site*
- *An evidenced long term decarbonisation strategy is in place*

This recognises the unique characteristics of energy intensive industries which, at the time of plan writing, have no realistic alternative to fossil fuels to generate sufficient heat and / or power to carry out their core business activities. It specifically seeks to avoid the unintended consequence of preventing development which would significantly reduce the carbon emissions and carbon intensity of energy intensive sites within Newham. This could occur as new buildings or processes are proposed that would result in a reduction in carbon emissions but may not technically constitute net zero development as the buildings or processes would continue to use, albeit on a much more efficient basis, power or heat generated on site by fossil fuels. Furthermore it seeks to avoid a situation where decarbonisation enabling new development is prevented, ahead of new fuels or technologies becoming available in Newham or the UK.

Explanation:

In short, sugar refining is an energy intensive industry which requires very large quantities of heat and power, especially heat. **Thames Refinery has a combined heat and power plant (CHP) within it**. **This is a constituent part of the sugar refinery.** In essence, we bring in natural gas to the refinery via a pipe which is then used to produce both electricity and steam essential for running the refinery. Currently there is essentially no practical lower carbon alternative to gas as the base fuel, in particular to generate the on demand steam in the quantities the refinery needs to be able to run. We've done extensive work on decarbonisation in recent years and in the long run we believe a fuel switch to hydrogen is the most likely route to full decarbonisation. However the infrastructure and availability of hydrogen is simply not present currently. Further our work and research indicates that in the industrial quantities we will need, hydrogen availability is a number of years – probably over a decade – away. We are actively involved in lobbying at national and regional level to bring hydrogen to Newham as soon as possible, for example through our support for Capital Hydrogen and the nascent plan for an East London Hydrogen Pipeline.

However there are other projects we may be able to undertake that would make a significant dent in our carbon emissions. Essentially these are efficiency projects: they are the type of projects which reduce the amount of gas we use and therefore reduces carbon emissions. Typically this would be achieved through new developments, potentially of a large scale, that fundamentally change our sugar refining process technology or improve the reuse or efficiency or our existing steam and power systems. It is specifically this type of project that we believe would be perversely endangered by the current text of Policy CE2. A major change in our sugar refining technology would (1) likely require a planning application and (2) is unlikely to be inherently net zero as it is independent of the CHP plant but could significantly reduce carbon emissions by reducing the amount of energy used in the core refining process.

Another example of a project we are considering with a partner is installing carbon capture and utilisation technology at the refinery. We have even had a pre-application meeting with Newham about this. The carbon capture and utilisation proposal involves two parcels of land to be developed inside the Refinery site. The first parcel will contain specialist plant and machinery that will capture CO2 from preexisting Tate & Lyle Sugars chimney stacks and then liquefy it. The second parcel, slightly further East, will store the captured CO2 in 9 tanks. CO2 tanker vehicles will pick and deliver this CO2 to commercial customers (e.g. industrial gas suppliers and/or beverage manufacturers). The project will allow for critical decarbonisation enabling development. In the long term, if the project goes ahead, we believe rather than the partner selling the CO2 commercially, it will in fact go into permanent storage (likely underground/undersea rock formations) thereby decarbonising a large portion of the refining process. However there are currently simply not commercially viable storage sites for CO2 available for the Refinery's purposes or indeed other UK businesses. It is believed that this is likely to change over the next decade or so, and in this way, this development is seen to be a critical stepping stone to decarbonising the energy intensive refinery. Again this project would seemingly not meet the requirements of policy CE2 as it would not be net zero in operation, at least initially. It would use electricity produced by the on site CHP plant from the base fuel of natural gas. Once the captured carbon could be stored permanently (something that is out of TLS' control), it may then be or get close to being net zero in operation.

More broadly TLS cannot be in a situation where we cannot carry out any development whatsoever. For example: imagine we had agreed a switch-on date of hydrogen to the refinery of 2030. Under the way policy CE2 is currently written TLS would not be able to carry out decarbonisation enabling development like creating a new building in 2028 to house dual fuel boilers which could run initially on gas but then switch to hydrogen once it was turned on. Similarly under the way policy CE2 is currently written it seems TLS could not replace out of date warehousing or office space. This is because the current warehousing and office space is powered by electricity produced on site in the CHP plant. Excess electricity from the CHP plant is currently exported to the grid. Again reading the policy it would seem, if we replaced warehousing and office space, we would be compelled not to connect (at least initially) to our own site electricity network even if there was a plan to decarbonise this electricity and instead have to sell the electricity that would otherwise power these buildings via export to the grid.

As a company we have already carried out extensive work on decarbonisation. This has included detailed research and feasibility work looking at wind, solar, hydrogen, biomass and carbon capture and storage as well as fundamental process technology changes to drive energy efficiency improvements. This work is ongoing and there are live projects in this area. Decarbonisation is one of the biggest strategic focuses for TLS. If we, for example were replacing a warehouse, we absolutely would be considering placing solar panels on the roof as form of renewable energy generation – but the contribution this would make to decarbonising the site is extremely minimal.

To give you some numbers and idea of the scale, we used 16 million therms of gas to produce 490,000 tonnes of sugar in a recent year. 16 million therms is equivalent 468,912,000 kwh. Imagine TLS were to come forward with a large project requiring a major planning application which reduced our energy usage by 1/3 through a fundamental change in our core sugar refining technology, but this project did not change our base fuel from gas. Policy CE2 4 b states "*Where it can be sufficiently evidenced that it is not technically possible for the amount of energy generated in a year through onsite renewable energy production to match or exceed the predicted annual energy demand of the building, the applicant should fund renewable energy generation (equivalent to the*

shortfall) elsewhere in the borough through a cash-in-lieu contribution." Reading this it seems the intention would be that TLS would have to fund an extraordinary quantity of renewable energy generation elsewhere in the Borough. Imagine the new large project would include a building where now 2/3 of the energy would be used – 312,609,563 kwh – but it was not technically possible to produce this through onsite renewable energy generation, as explained previously. It would seem **the policy is intending to mandate TLS to provide a cash in lieu contribution to fund 312,609,563 kwh of renewable energy generation elsewhere in the Borough. If this was done via solar it would likely require an area of 1.783km2 of solar panels (excluding the ancillary essential infrastructure associated with the panels). This would be circa 5% of the entire land area of the borough of Newham at 36.21 km². If this was done via a wind power, it is essentially mandating TLS to fund the building of a multi turbine wind farm. Further the costs for either option would self evidently run into hundreds of millions, if not billions of pounds**, which patently would mean TLS could not go ahead with such a project. TLS cannot believe this is the genuine intention of the Policy CE2 and rather the focus of the policy is ensuring entirely new developments, like large scale residential or office schemes, are sustainable in the context of the climate crisis.

Finally it is worth saying that energy is the secondbiggest cost after raw sugar to the business and we are also members of the UK Emissions Trading scheme which places a direct cost on carbon emitted from the refinery, so TLS are already very strongly financially incentivised to reduce energy usage in the short term and find a route to long term decarbonisation as fast as possible.

TLS appreciate at an application level planning is always a balance and it seems unlikely LBN as a planning authority would seek to refuse an application that's principal purpose was significantly reduce carbon emissions from a large industrial site on the basis the application failed to achieve an impossible goal of immediate 100% decarbonisation. Nonetheless it is important that the Local Plan gets this right at a policy level, after all it is the development plan and plays a guiding role in all planning decision making. It should also be considered that huge amounts of time and resource could be taken up debating, evidencing and modelling the above issues at an application level. We are concerned that this specific policy, while clearly written with the best intentions, is "unsound" in relation to the test set out in the National Planning Policy Framework.

Neighbourhoods and Site Allocations

N3 Royal Victoria

TLS would like to pull out an important point perhaps missed in our previous representation

"The vision for Royal Victoria will be achieved by….

10. managing the transition between industrial and non-industrial uses through careful master planning, design and the delivery of modern industrial premises;"

Point 10 seems to be at least missing some text. TLS would suggest it read as follows:

"*10. managing the transition between industrial and non-industrial uses through careful master planning, design and the delivery of both new residential developments and modern industrial premises;"*

This reflects the fact that a greater quantity of new residential led developments is expected in the area and there is pre-existing longstanding significant industry, including within SIL. It would also be preferable to add the same text for the the Royal Victoria vision as contained in the point 6 of the North Woolwich vision (p362) "*The vision for ~~North Woolwich~~ Royal Victoria will be achieved by….appropriate mitigation and buffering between residential and industrial uses*."

N3.SA2 Lyle Park West

TLS strongly support both the extension of the industrial buffering South towards the river and the filling in of the gaps in the buffer building. We also strongly support the more detailed text clarifying

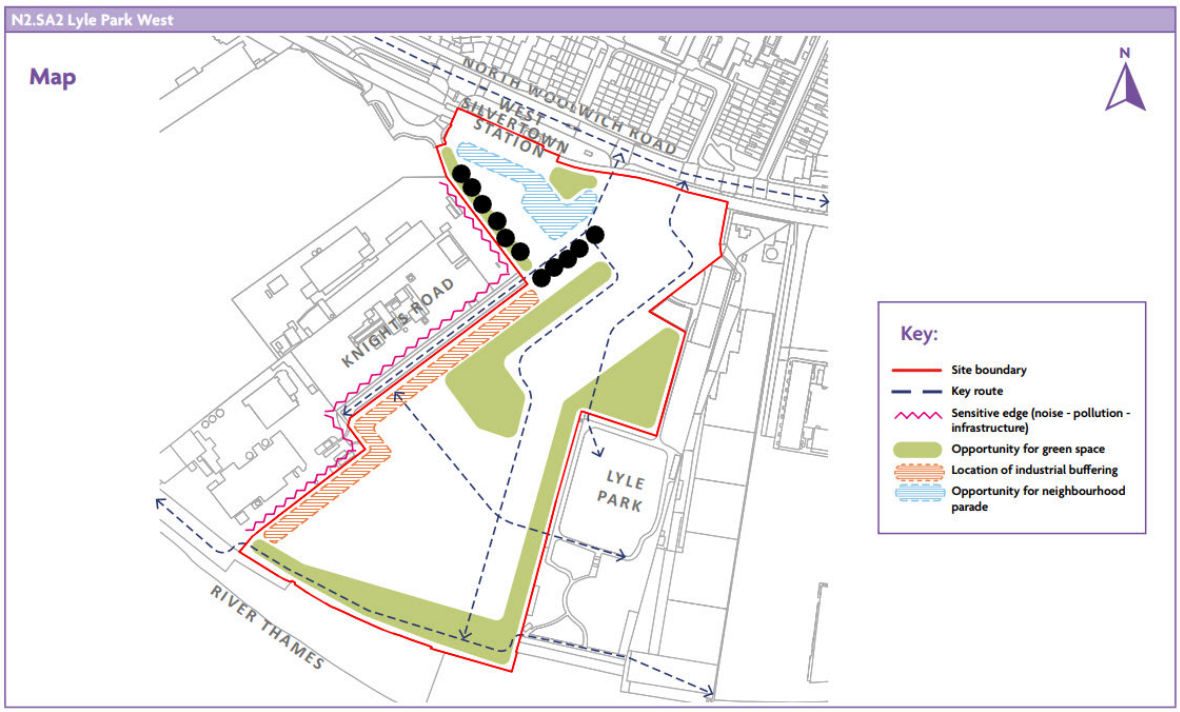
that *"stacked industrial buildings are considered to be the most appropriate typology to provide a buffer. The design and layout of the site should consider public realm enhancements and avoid habitable rooms and amenity spaces facing industrial uses".* Further we strongly support the recognition of the safeguarded wharves and additional text to protect these. We note the addition of a wavy red line marking a "Sensitive edge (noise - pollution - infrastructure)." This is a very wise addition as it sets reasonable expectations and removes supposed ambiguity for future residential led developments over the character of the area that must be accounted for in town planning terms.

Detailed reasoning is provided in our previous submission to regulation 18 draft and for brevity is not repeated here (our previous submission is in the appendix).

Despite these improvements we reiterate some points that we do think still need amending. We believe:

1. The buffer is extended North to fully protect SIL (see black on modified map below)
2. It is explicitly stated that the height of the buffer must be higher or equal to the height of residential buildings behind it

It may seem facile to write this but for a building to be an effective buffer, it actually has to provide a physical barrier. Buffers do not work if apartment blocks pop up over the top of the buffer with residents in say the top two storeys exposed to potential nuisances that those in lower storeys are not. We do note that perhaps the new reference to avoiding habitable rooms facing amenity spaces is an attempt to solve this problem. However, our preference, based on extensive experience and technical acoustic advice is that physical barriers are the gold standard for designing out nuisance and agent of change issues.



N2.SA3 Connaught Riverside

TLS would like to reiterate that the planning matters on this site are absolutely critical to the future of our operations in the Borough. Our Thames Refinery site neighbours it and stretches the entirety of the *SA3* Connaught Riverside Eastern boundary.

We strongly and wholeheartedly support the following amendments

- The filling in of gaps in the buffer building

Thames Refinery Factory Road Silvertown London E16 2EW, UK

- The addition of the text "*No residential uses should be located within the buffer building."*
- The more detailed text clarifying that *"Non-residential stacked industrial buildings are considered to be the most appropriate typology to provide a buffer. The design and layout of the site should consider public realm enhancements and avoid habitable rooms and amenity spaces facing industrial uses. Separate HGV and pedestrian access should be designed to avoid conflicts between different uses, particularly where servicing the buffer building."*
- The addition of the text "*The design and layout of the site should take into consideration amenity impacts of, and access to, the Thames Refinery Wharf to ensure development does not compromise its operation."*
- A wavy red line marking a "Sensitive edge (noise - pollution - infrastructure)."

These map and text changes should not be weakened or amended. It is important step in protecting SIL, Newham's oldest business, one of Newham's largest employers and critically designing out reasonably foreseeable nuisance complaints so future residents have high quality homes. As with N3.SA2 Lyle Park West, detailed reasoning is provided in our previous submission to regulation 18 draft and for brevity is not repeated here (our previous submission is in the appendix). The point on Thames Refinery Wharf is a particularly welcome addition as it was not addressed before and critical to our entire operations (every tonne of raw material passes through it) and has a big impact on the noise environment.

For the same reasons as laid out above in regards to N3.SA2 Lyle Park West, we would strongly suggest explicitly stating the height of the buffer must be higher or equal to the height of residential buildings behind it.

D6: Neighbourliness & Agent of Change

The proper and thorough application of the Agent of Change principle in Newham's planning decision making is extremely important to our business – it is critical to protecting our future in the borough. We have extensive specific experience in this area of policy.TLS are broadly supportive of policy D6 on neighbourliness and commend the strong focus on Agent of Change.

We strongly support the amends made in D6.2 and elsewhere. They provide clear direction on consultation with operators, detailed textual guidance and the insertion of the instruction to assess nuisance/amenity impacts against "*reasonable worst case scenarios*." This is a sensible clarification of the policy and will hopefully ensure applicants properly fulfil their agent of change obligations. Ultimately this is good for both future residents and current businesses in Newham.

We very much hope this will solve the problem outlined in our previous correspondence where we experience some applicants carrying out noise or dust monitoring either at times when the factories were not operating (such as bank holidays), for insufficient periods of times (such as a single 24 hour period) and/or ignoring critical information provided (for example, monitoring should take place when a ship is unloading on the jetty). The insertion of the phrase *"reasonable worst case scenario"* is particularly helpful in solving this problem.

However we do believe there is a need for some further strengthening of the Agent of Change, specifically in reference to SIL land. The most relevant part is on page 92, under policy D6.2. We would suggest the following addition in red:

When assessing baseline amenity impact generated by existing uses, applicants should ensure that the testing undertaken reflects a reasonable worst-case scenario. Engagement with operators is strongly recommended to ascertain:

· The busiest times of the week/day to undertake monitoring (e.g. when a ship is unloading on the jetty, or when a large event is planned at a sporting or cultural venue), and whether more than one recording interval is recommended. And

· Any increases in intensity of operation that may reasonably take place within both the margins of existing planning permissions, e.g. a shift to 24/7 operation, and a reasonable worst case land use on SIL.

TLS would draw specific attention to policy E5 of the London Plan as justification (TLS emphasis added) and ask this is carefully considered

*D Development proposals within or adjacent to SILs **should not compromise the integrity or effectiveness of these locations** in accommodating industrial type activities and their ability to operate on a 24-hour basis. Residential development adjacent to SILs should be designed to ensure that **existing or potential industrial activities** in SIL are not compromised or curtailed.*

In our previous submission (in the appendix) we drew attention to our own experiences as an industrial land owner and operator at the Thameside East SIL over how operations can wax and wane over the long term and similarly industrial tenants can come and go. This renders snapshot assessments in relation to SIL and Agent of Change as inappropriate. We would give a further example of the Peruvian Wharf land at Thameside West SIL. This patch of land was a sugar refinery established in 1881. By the late 20th Century most of the activities aside had been consolidated at Thames Refinery, aside from Golden Syrup manufacture and some speciality product manufacturing. In 2000 most of the land was sold by Tate & Lyle. Sadly, it lay vacant for 18 years, during which time several inappropriate residential led developments were proposed and bold claims were made by residential developers to planners that it would never return to industrial use. Nonetheless in the last 5 or so years two safeguarded wharves have successfully re-opened: a soil remediation operation and a concrete batching plant. The majority of the land was sold to an industrial developer, in reputedly one of the highest value transactions for SIL land ever recorded in London, who initially proposed a multi storey warehouse and has recently received planning permission for 3 huge data centres (see 23/01697/OUT).

We hope this provides further direct local evidence as to how SIL sites, or parts thereof, can be temporarily vacant, undergoing refurbishment, caught in legal or planning battles, and/or take time to transition from one use to another. We believe this is why the extra text suggested is necessary to protect the long term viability of SIL as a protected reservoir of land for the types of activity that are inappropriate elsewhere.

Heat Networks

TLS supports the small amendments (Policy W4:5 on p353 and W4.5 on p355) that make clear that genuine waste heat from industrial sources can play a part in new heat networks. It is inherently efficient and environmentally friendly for this heat to be utilised in heat homes locally rather than emitted as waste and it should be actively encouraged by the local plan. TLS also note the following section on p293:

CE2.2 *Waste heat can be a potential source of low carbon heat, however any facility producing waste heat must:*

• follow the waste hierarchy by reducing the amount of waste produced to the greatest extent possible, as set out in Policy W1.
• ensure that energy efficiency is maximised, using as little energy as possible before producing waste heat, as set out in Policy CE2.1
• Consider air quality impacts, as set out in Policy CE6

Waste heat would not be considered a benefit of a scheme, unless a development pays for the heat network infrastructure that would allow the waste heat to be delivered – i.e. passive provision is not considered a public benefit.

TLS broadly supports this section. We think that genuine industrial waste heat would fall into this category and it addresses LBN's concerns about inadvertently either incentivizing the production of "waste" heat from fossil fuels or disincentivizing energy efficiency and internal heat reuse. For Thames Refinery heat has a real value – pressurised steam is integral to the process and we seek

to reuse this several times. Further, as explained previously, energy is the 2nd biggest cost after raw sugar to the business and we are also members of the UK Emissions Trading scheme which places a direct cost on carbon emitted from the refinery, so we have large financial incentives not to overproduce steam/heat for any reason.

Conclusion

We hope our submission is helpful and provides both evidence and context to support the plan making process. Please feel free to contact us for further information or clarification.

Yours sincerely,

Chris Abell

APPENDIX 1 – TLS REPRESENTATION ON REGULATION 18 DRAFT

TATE & LYLE SUGARS CONSULTATION RESPONSE - DRAFT LOCAL PLAN (REGULATION 18)

About Tate & Lyle Sugars in Newham

We operate two linked manufacturing sites in the London Borough of Newham (LBN) employing approximately 800 people. The two sites are located approximately one mile apart, with the most of the journey between the two being carried out along North Woolwich Way. Tate & Lyle Sugars (TLS), like many other businesses in Newham has a viable future at its existing sites in the Royal Docks. We have no plans to move from these sites.

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most profitable site in our global group. It is part of the Thameside West SIL and borders the *N3.SA2 Lyle Park West.*

General Response

It is important to start by saying there is much to commend about Newham Local Plan 2018. We engaged extensively with Local Plan team when the current live local plan was drawn up in 2017 and 2018 and believe our representations were listened to.

In this regard we believe the current Local Plan Review Process starts from a strong base. Nonetheless, we feel it worthwhile to provide a comprehensive response, as well as provide some specific feedback on relevant policies and spatial maps.

Both our sites are zoned as Strategic Industrial Land (SIL) in the Draft Local Plan. We support this wholeheartedly, however there is the potential for development (including residential) on the borders of our land. This necessitates effective planning policy and well thought out spatial development plans that are 'sound' as per the tests set out in the National Planning Policy Framework. Our views on the specifics of the sites and policies are dealt with in detail below.

In general, we believe the Draft Local Plan is "sound" and takes into account the needs of our business and employees. The Draft Local Plan presented for Regulation 18 consultation is, in general, is supportive and protective of jobs, business and industrial land uses. The plan gives clear, strong policies on the protection of SIL and signals (such as agent of change principles) that the onus is on developers to accommodate their designs to pre-existing industrial neighbours rather than vice-versa. TLS strongly support the below statement and see it is as encapsulating the correct approach which reflected throughout the plan.

BFN1: Spatial strategy

BFN1.3 To deliver Newham's regional economic role as a key location for industrial land, the Plan seeks to consolidate and optimise our remaining industrial sites to deliver modern, intensified, high quality workspaces and ensure they are suitably buffered from residential areas by lighter industrial and workshop uses

TLS have focused the rest of our response on areas of the draft plan that we believe need greater clarity, modification or comment.

Royal Docks Regeneration

TLS would also like to put on record our overall support for the regeneration of the Royal Docks. It covers a huge area and is a fantastic opportunity for Newham. New homes, new jobs and new leisure activities are a very good thing. It is important that older, longstanding communities fully share in the opportunities this delivers, especially job and economic opportunities for young people in North Woolwich and Custom House. TLS works extensively with LBN on the wider community wealth building agenda and the planning regime is only one (albeit important) part of it. The long-term vision for the Royal Docks should be as a thriving, prosperous, mixed use area where industry and residents and old and new communities happily co-exist for decades to come. It is very important planners to understand that the Docks are not a new area. They are an old area with some long established, enduring activities where new neighbourhoods are being constructed alongside old neighbourhoods.

Further we believe it is worth emphasising that effective spatial planning is more important than ever in the Royal Docks. Since the Newham Local Plan 2018 was published, a number of large residential developments have now, not only been built, but have high levels of occupancy in the Royal Docks. A number of organised residents' campaign groups have formed out of these new developments with complaints of one sort or another about existing local industry or potential industrial development. Some of the issues or complaints are absolutely legitimate and the direct result of bad behaviour by certain business.

However many of the issues are the result of a mismatch in expectations between newer residents (perhaps misled by the slick marketing of unscrupulous property developers) believing themselves to be moving an entirely new "residential" area and the reality of moving into a mixed use area in which heavy industry is an enduring and central characteristic. We mention this issue for two reasons. Firstly, while the Draft Local Plan cannot solve these issues, it definitely can prevent them becoming further exacerbated. It reiterates and underlines the importance of getting spatial planning right – especially the boundaries, borders and transitions between industrial land (especially SILs) and new residential led developments. It is absolutely critical that boundaries, borders and transitions provide comprehensive protection to industry from nuisance complaints, unreasonable restrictions on their operating and likewise that residents have pleasant, high quality homes and amenity. The buffering approach in the plan is supported, subject to some additional comments.

Secondly, we are aware of some extreme suggestions circulating in the local area, such as a wholesale removal of the Thameside West SIL with existing land owners subject to compulsory purchase orders. While the Local Plan Team will be aware of the broader policy frameworks and context, such as the emphasis on protecting SIL in the London Plan and the economic rationale underpinning this, we wanted to put on record our unequivocal opposition to any of these extreme ideas. It is simply completely unsound from a planning perspective and myopic from an economic, jobs, investment, cultural or historical perspective to call for 140 year + old factories, that employ hundreds of people on good wages typically thousands of pounds above the Borough average, to wiped off the map.

Neighbourhoods and Site Allocations

N2 North Woolwich

TLS broadly support the text and principles laid out in this section. TLS cannot emphasise enough the importance of point 6 of the North Woolwich vision (p306*) "The vision for North Woolwich will be achieved by…6. appropriate mitigation and buffering between residential and industrial uses."* This is issue is dealt with in greater detail below in the context of specific sites.

N3 Royal Victoria

TLS broadly support the text and principles laid out in this section. However TLS caution the vision laid out p318 is clearly highly ambitious and wide ranging given the 24 points laid out, and it is almost inevitable that they will be some contradiction between these aims in practice. TLS would like to emphasise pull out two important points

"The vision for Royal Victoria will be achieved by….

7. intensifying the neighbourhood's industrial land, through increasing capacity at N3.SA4 Thameside West and through the delivery of a diverse range of modern industrial uses across the rest of the Strategic Industrial Location, including wharf related functions

9. managing the transition between industrial and non-industrial uses through careful master planning, design and the delivery of modern industrial premises;"

Point 7 is important given the patch of vacant SIL within Thameside West SIL, to ensure maximum jobs and economic benefit to Newham from its valuable reservoir of SIL land. Point 9 maybe a typo or at least missing some text, TLS would suggest it read as follows

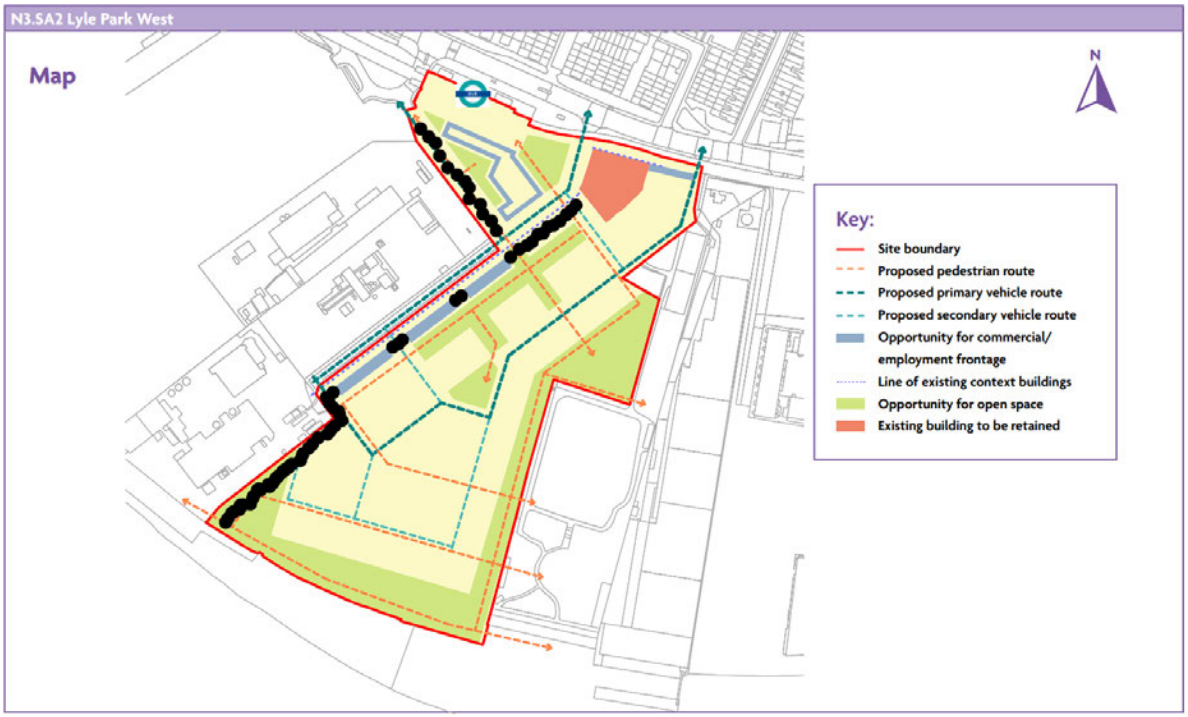
"*9. managing the transition between industrial and non-industrial uses through careful master planning, design and the delivery of both new residential developments and modern industrial premises;"*

This reflects the fact that a greater quantity of new residential led developments is expected in the area and there is pre-existing longstanding significant industry, including within SIL. It would also be preferable to add the same text for the the Royal Victoria vision as contained in the point 6 of the North Woolwich vision (p306) "*The vision for ~~North Woolwich~~ Royal Victoria will be achieved by….appropriate mitigation and buffering between residential and industrial uses*."

N3.SA2 Lyle Park West

TLS strongly support the following wording on p326 "*The industrial and employment floorspace should be located in the west of the site to provide a buffer to the Strategic Industrial Location to the west of the site.*" TLS believe this is essential to meaningfully fulfil the policy requirements (including within the draft plan) around Agent of Change and protecting and enhancing SILs. TLS also strongly support the visual indication of buffer buildings in the map in blue/grey and the specification as commercial / employment. This is of particular importance as we have experience of developers claiming that text around buffering is ambiguous, the location is unclear and the type of use is unclear. TLS have directly experienced a developer presenting the current live local plan as supporting the use of a primary school as a buffer between noisy SIL and new apartments. TLS have 3 important suggestions in regards to the site

3. The buffer is extended North and South to fully protect SIL (see black on modified map below)
4. Gaps in the buffer buildings are filled in (see black on modified map below)
5. It is explicitly stated that the height of the buffer must be higher or equal to the height of residential buildings behind it



TLS suggest these amends on the basis of extensive experience in dealing with these issues. Regarding point 1, it is of particular importance that the buffer is extended South toward the river. TLS have a process critical heat extraction fan in the South East corner of our site. It is very noisy but currently can only be heard by other heavy industrial operators. TLS is aware from extensive acoustic work related to a previous planning application that this is almost certain to present an agent of change issue in the future. Further immediately over the South West boundary of the *SA2 Lyle Park West* site is a newly safeguarded wharf. While this wharf does not have a permanent tenant yet, the neighbouring safeguarded wharves are occupied by a concrete batching plant and a soil remediation operator. Both are on long terms leases and indicative of the character (noisy, dusty) of likely activity at this boundary of the site. Buffer buildings are critical to providing a transition from residential led development to SILs characterised by traditional industrial activity, so one is entirely appropriate here. Points 2 and 3 and also of critical importance. It may seem facile to write this but for a building to be an effective buffer, it actually has to provide a physical barrier.

Buffers do not work if apartment blocks pop up over the top of the buffer with residents in say the top 2 storeys exposed to potential nuisances that those in lower storeys are not. The same principle applies horizontally, where there is the potential for small strips of apartments that fall in between buffer buildings to be exposed to noise, dust or other potential nuisances. Future developers should design out these issues as the Agent of Change, but absolute clarity in the plan can make huge difference.

N3.SA3 Connaught Riverside

TLS would like to emphasise that the planning on this site is absolutely critical to the future of our operations in the borough. Our Thames Refinery site neighbours it and stretches the entirety of the *SA3* Connaught Riverside Eastern boundary.

TLS have a number of comments. Firstly, TLS are concerned that the following sentence on p329 could be read as mixing up two distinct policy aims *"The existing employment uses on Thames Road Industrial Estate should be relocated within the site boundary to form a buffer building adjacent Thameside East Strategic Industrial Location*." TLS agree with both aims, namely (1) relocating existing tenants/industrial users within the site and (2) providing a buffer building to transition from residential led to heavy industrial. However with detailed knowledge of the area and close relationships with some of the current Thames Road tenants we are aware that a tall multistorey modern industrial building (as it seems likely the buffer building will be) with small to mid-sized units is unlikely to be suitable. Several of the tenants are primarily open storage users or volume warehouse units. These policy aims should be distinct. TLS suggest the following text as appropriate

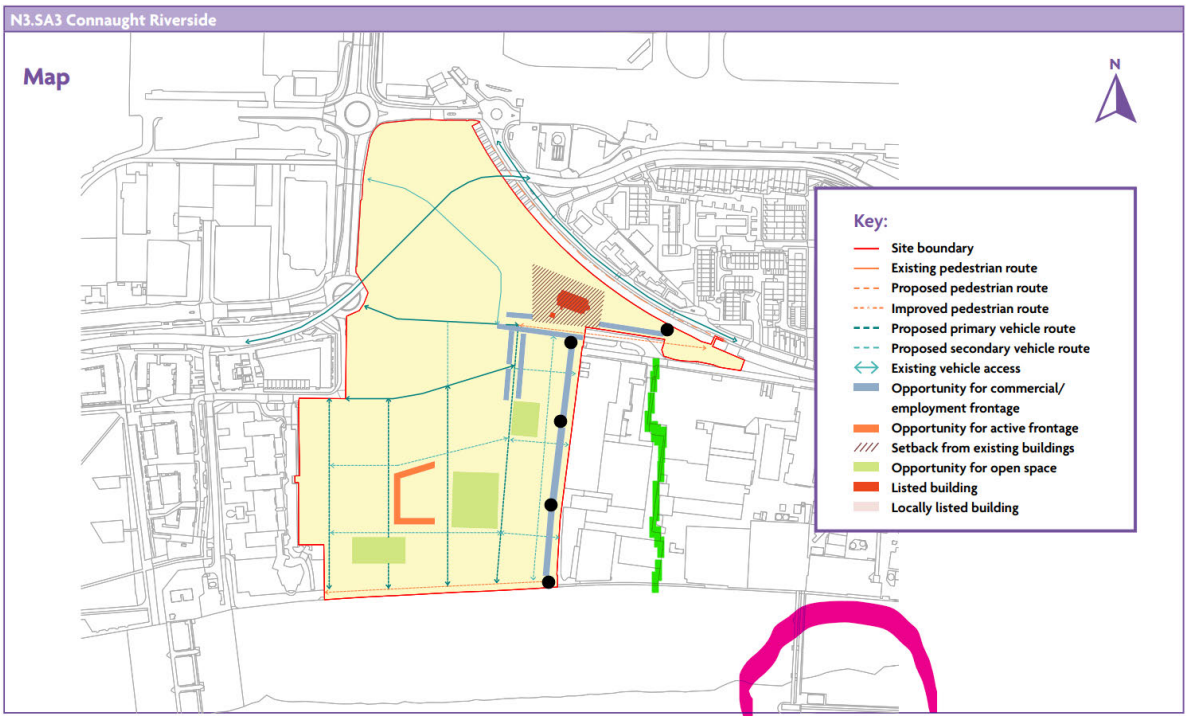
"The existing employment uses on Thames Road Industrial Estate should be relocated within the site boundary."

Then a new separate sentence

"Employment uses with separate access, including modern industrial/warehousing and workshops, will form a buffer building along the entire Eastern boundary of the site. This will provide an effective transition between primarily residential and the heavy industry of the neighbouring SIL."

Regarding the *N3.SA3* Map TLS have a similar set of points with the same reasoning

1. The buffer is extended North and South to fully protect SIL (see black on modified map below)
2. Gaps in the buffer buildings are filled in (see black on modified map below)
3. It is explicitly stated that the height of the buffer must be higher or equal to the height of residential buildings behind it



I will not reiterate the general logic, which is laid out in the *N3.SA2 Lyle Park West* paragraph above. It is important though to explicitly state the specific characteristics in this spatial context. Thames Refinery has a number of very noisy steam vents that are at an elevated height and face directly West towards the Southern part of the site intended for residential led redevelopment. Releases of steam through these vents is a normal part of operations. While we try to keep it to a minimum steam venting is essential, necessary and happens on about six out of every ten days ranging in duration from a few minutes to an hour. The releases can happen at day and at night. Extensive acoustic work has shown it is possible that these steam releases could at least cause a disturbance and at worst a statutory nuisance to future new residents. It is a classic "Agent of Change" situation, where it is right to place the "*responsibility for mitigating impacts from existing noise and other nuisance-generating activities or uses on the proposed new noise-sensitive development*." TLS appreciate that perhaps this will be dealt with at an application level, but nonetheless believe this is salient information at a master planning and local plan generation level. With this context, it is clear why point 3 above is important given the elevated height of the steam vents.

Further TLS are concerned that at no point does *N3.SA3 Connaught Riverside* guidance mention the proximity of the Thames Refinery safeguarded wharf. TLS are concerned this is significant oversight in terms of ensuring the Local Plan is ultimately "Sound", given the proximity of the wharf itself and London plan policy on safeguarded wharves (including regarding protecting access to safeguarded wharves which in practical terms will mean protecting access through *SA3 Connaught Riverside*). On the map, the Western boundary of the safeguarded wharf, closest to *SA3 Connaught Riverside,* is marked in green shading. This is circa 82 metres away. The current position of import jetty and actual dock is roughly marked in pink. Again there is information which may be salient at a master planning and local plan generation level.

The Wharf receives regular cargoes of tens of thousands of tonnes of raw sugar throughout the year. This wharf can operate at any point 24 hours a day, 365 days a year in line with tides. It does regularly operate on weekends and through the night when a ship is berthed and can make a significant amount of noise. The wharf and its operations are essential to the entire business operation. It is crucial to understand that the jetty protrudes about 135m into the Thames (i.e. the ships do not dock next to the river wall). So there is no form of visual or acoustic shield (or buffer) between the river frontage parts of *SA3 Connaught Riverside* and the wharf. The acoustic characteristics of the wharf are relevant to masterplanning the riverfront element of *SA3 Connaught Riverside*. It should also be remembered there is also an export jetty and historically further berths both within the Thames Refinery Wharf boundary and outside it but within Thameside East SIL.

There has been interest from external parties in leasing land and/or re-opening these berths for river freight. While there are no current plans to do so, it should not be discounted as a possibility.

Co-Location

TLS note with interest the Co-location references within the draft plan and support the below policy statements

J1: Employment and growth

The policy therefore requires industrial development to take the form of intensification to deliver further industrial floorspace and not co-location with residential, unless explicitly stated as suitable for mixed use in Policy J1 (p151)

J2: New employment floorspace

2. Co-location with residential development is only supported in the specific Local Mixed Use Areas and on Micro Business Opportunity Areas identified in Policy J1 Tables 8 and 9

However, TLS believe that some additional policy guidance is necessary and would suggest the following line is added both to relevant site allocations (such as those above) and / or in relevant policy sections

Co-location of residential and industrial will not be supported in buffer buildings providing transitions between new residential led land uses and SILs.

TLS is believe this is critical to credibly protecting and enhancing SIL uses in line with draft Local Plan and existing London Plan policy aims. No doubt the plan authors will be aware of some of the problems already existing within the borough, in terms of trying to fill ground floor light industrial units in recently built tall residential towers. The currently live Local Plan included significant SIL release with the aim to re-provide a substantive quantity of employment and/or industrial floorspace in new developments through building upwards. In the case of the two aforementioned site allocations, this is through the use of buffer buildings. This is a sensible, practicable idea which broadly supports the desirable goals of increasing housing supply, providing new modern employment floorspace and protecting remaining scarce SIL land.

This sensible idea could potentially be jeopardised through unproven co-location attempts, with apartments and industry in the same building. There are obvious conflicts such as many industrial businesses requiring regular HGV access and noisy loading / unloading at antisocial hours (if not 24 hours a day) and residents (not in a town centre location) will expect quiet between say 22.00 – 07.00. It is in fact likely that unsuitable industrial units will be built, with residential property developers retaining the freehold to the units and having little interest in filing them. Then lobbying over many years for changes of use class or even permitted development rights to turn industrial to residential (such as happened with office to residential).

What categorically should not happen is that Newham becomes London's guinea pig for industrial/residential co-location experiments, whether in these buffer buildings or elsewhere in the borough. The idea of industrial/residential co-location, at least on a large scale, is still very much unproven. The locations selected in the draft plan are a sensible, sound selection in areas away from large industry and in some cases already having a history of traditional co-location (flats above shops) nearby. In this regard, TLS believe the following conclusion in the Employment Land Review (2022) is relevant

6.43 It is critical that in the SILs and LILs redevelopment takes the form of intensification rather than co-location. For the Plan and the Borough more generally, there is a risk that short term co-location proposals would squander medium term intensification opportunities.. This is a particular risk while the GLA, via its pilot projects, looks to build an intensive industrial market in London, and where developers can demonstrate that, in current market conditions, a more intensive format is not viable. (p138)

TLS believe this is also relevant specifically to buffer buildings providing border transitions from residential into SIL, rather than just on pre-existing SILs and LILs.

D7: Neighbourliness & Agent of Change

TLS are broadly supportive of policy D7 on neighbourliness and commend the strong focus on Agent of Change. TLS have specific experience around Agent of Change issues in Newham having experienced them in several planning applications. This was principally focused on trying to ensure that applications for new residential developments bordering or very near our factories adequately accounted for noise from the factories.

TLS would suggest that, at least when it comes to SILs, Agent of Change principles should be assessed against a reasonable worst case scenario. TLS have direct experience of applicants carrying out noise testing at times when the factories were not operating (such as bank holidays), for insufficient periods of times (such as a single 24 hour period) and/or ignoring critical information provided (such as monitoring should take place when a ship is unloading on the jetty).

Further to this, as a long term freehold owner of a large industrial site TLS is aware how operations can wax and wane over the long term and similarly industrial tenants can come and go. For example in the last 10 years TLS has not operated the refinery at its historical norm of 24/7, instead operating it 24/5. However due to changes in the sugar market, TLS have just decided to move back to 24/7 operations. Similarly, at least once in the last 10 years and in two different locations (including next to Connaught Riverside) we have had to store hundreds of thousands of tonnes of raw sugar outside for months on end – with the associated 24/5 heavy vehicle movements and risk of sugar dust escape. TLS currently lease some land and buildings out on the Western side of the Thameside East SIL (part of the Thameside Industrial Estate). Over the past 5 years it has been used for outside sugar storage, sugar warehousing, as a yard leased to plant hire company which subsequently left, the refinery waste storage area and the refinery security Headquarters. Most of the area is currently leased to a specialist affordable workspace provider focused on modern light industrial and creative tenants. It also houses (and has done for 20 years) a 'wholesale' foodbank who use the warehousing to store and distribute thousands of meals to those in food poverty in Newham each month. The range of uses over recent years has been extensive and varied and included brief periods of partial vacancy.

It provides a clear example of why snapshot assessments of Agent of Change whether dust, noise, odour or something else are not necessarily appropriate if a core policy aim is "*BFN1 3.a protecting and intensifying the borough's Strategic Industrial Locations and Local Industrial Locations for a diverse range of industrial and storage, logistics and distribution and related uses.*" While TLS appreciate that Agent of Change principles are not intended to create unfettered rights for nuisance causing activities to proliferate, we do believe it is essential to demand applicants look at realistic worst case uses for SIL, rather than just the immediate current use, if LBN is serious in its intention to protect and intensify SIL.

TLS would suggest the following text is added to the paragraph D.7.2 (p75)

When considering a new development adjacent to or in close proximity to a SIL, Agent of Change principles will be assessed against a reasonable worst case scenario on SIL Land. Specifically tests for noise, dust, odour and fumes in table 2 would assess against a reasonable worst case land use on SIL.

TLS believe this is essential from our own experience if the long term viability of SIL is to be protected, particularly when (part of) a SIL site may be temporarily vacant or undergoing refurbishment. For further policy support TLS would draw attention to policy E5 of the London Plan

D Development proposals within or adjacent to SILs should not compromise the integrity or effectiveness of these locations in accommodating industrial type activities and their ability to operate on a 24-hour basis. Residential development adjacent to SILs should be designed to ensure that existing or potential industrial activities in SIL are not compromised or curtailed

Heat Networks

The current heat network text could be considered ambiguous in regards to industrial waste / excess heat and large scale heat networks. Industrial heat (including waste heat) is currently usually derived from fossil fuels (typically gas). Waste heat is currently typically emitted as just that (waste). The carbon has already been "spent" to produce the heat. It is inherently efficient and environmentally friendly for this heat to be utilised in heat homes locally rather than emitted as waste. Further the electrification of heat (e.g. via air source heat pumps) itself require electricity which by dint of UK's overall energy mix is not 100% renewable currently. Further, just as over the medium term the UK's power production will increasingly transition to renewable sources in future, energy/heat intensive industrial users will likely transition to renewable technologies as they mature (most likely hydrogen). Industrial users will still likely have waste/excess heat due to the nature of their specific processes.

At a new development carbon accounting level, a heat network supplied with industrial waste heat will typically be recorded today as decarbonised as no additional carbon will have been "spent" to produce the heat for the development. The heat would have been produced anyway by industry but instead of becoming waste, it has been fed into a local heat network reducing the need for other energy to heat homes. It may be the intention of the draft local plan to treat such heat networks as decarbonised and TLS have misinterpreted. This is a complex area but the Local Plan unequivocally should not discourage the environmentally beneficial possibility of industrial waste heat in Newham being utilised to heat local homes. There may also be benefits in terms of end consumer pricing as well. TLS would suggest the following amends

W4: Utilities and Digital Infrastructure (p293)

5. Major developments should prioritise connections to heat networks only where the source of the heat network is sufficiently decarbonised to be considered a renewable energy source, to support the transition to create zero emission solutions for clean and integrated energy systems. Heat networks using waste heat from industrial processes are considered decarbonised and are encouraged.

W4.5 Connections to decarbonised heat networks are an increasingly important driver for heat network deployment and objectives in the plan to transition to carbon free development. Proposals for new and extended networks will need to demonstrate that the energy source is a renewable source through the submission of an Energy Strategy. Heat networks using waste heat from industrial processes are considered decarbonised and are encouraged. (p295)

ENDS