

**FELTHAM RE-SIGNALING SITE COMPOUND, FORMER MARSHALLING YARD,
HARLINGTON ROAD EAST, FELTHAM, LONDON TW13 5BN**

Planning Application PA/2015/4700, 00553/F/PA2

**Consultation Response of Friends of the River Crane Environment
("FORCE")**

7 December 2015

This response is structured as follows:

- Background to FORCE
- FORCE and the Crane Valley
- The Feltham Marshalling Yard ("FMY") site
- The Planning Policy Context for the FMY site
- Recent Planning history of the FMY site
- The current Network Rail ("NR") proposal
- FORCE concerns with the proposal
- FORCE aspirations from the proposal.

1 Background to FORCE

FORCE is a community-based environmental charity, formed in 2003 and now with over 500 members, most of whom are residents of the lower Crane Valley. FORCE works to enhance the environmental and community value of the Crane corridor in the boroughs of Richmond and Hounslow, through practical works, projects and partnerships. More information on the charity can be found at www.force.org.uk

FORCE is keenly interested in NR's proposal to develop a part of the FMY site, because the River Crane flows through the eastern side of the site. The main channel is in tunnel through the site, and there is also a parallel channel that is open to the air. The stretch of the Crane through FMY represents one of very few sites, along the entire 30-kilometre length of the river, to which the historic public access has been formally denied, as NR have fenced the perimeter of the entire FMY site. The site is therefore of key strategic interest to FORCE, and to the Crane Valley Partnership of which FORCE is a member.

Any proposal that affects the integrity of the unbroken green chain along the length of the River Crane valley, or has the potential to limit public access to the river corridor, will be vigorously opposed by FORCE.

2 FORCE and the Crane valley

The River Crane is one of the major tributaries of the Thames in Greater London. It rises as the Yeading Brook in Harrow and flows south through Hillingdon and into Hounslow at Cranford Park. It runs along the eastern flank of Heathrow Airport and accepts much of the run-off from the Heathrow site via balancing reservoirs in north Feltham. The Crane then turns east, running along the south side of Hounslow Heath

and through Feltham Marshalling Yards before entering Crane Park and Richmond Borough in Twickenham. It continues past Twickenham Station and St Margaret's before turning northwards and re-entering Hounslow just before its confluence with the Thames at Isleworth.

The Crane valley, at around 30 kilometres in length, represents the most important green environmental corridor in West London. Along with the Thames and the Lea valley, it is one of the three largest and most diverse such corridors in Greater London. This was recognised as far back as the 1920s when the Crane valley was named the West London Green Chain in the Middlesex County Plan.

In 2005 the Crane Valley Partnership ("CVP") was formed, with aims to restore one of London's most natural rivers, conserve its surrounding habitats and improve public access so that its nearby communities can enjoy contact with the natural world. Its mission statement includes: "To promote connectivity along the river corridor wherever possible." The CVP comprises membership from the five boroughs covering the valley (Harrow, Ealing, Hillingdon, Hounslow and Richmond) as well as the Environment Agency, Thames Water, GLA, English Nature, Royal Parks, London Wildlife Trust and FORCE, among others. BAA Heathrow Airport Limited ("HAL") hosts the partnership, and Green Corridor, an environmental and community charity supported by HAL, manages the process. The CVP welcomes ongoing relationships with all major landowners along the river corridor, of whom NR are key in relation to the FMY site.

In May 2006 FORCE launched its Vision for Crane Park, a proposal to improve the existing Crane Park and extend its boundaries to Hounslow Heath in the west and Twickenham Station in the east. This would more than double the size of the existing park and include Feltham Marshalling Yards, creating a new metropolitan park for West London. FORCE continues to work with the London Boroughs of Hounslow ("LBH") and Richmond upon Thames ("LBRuT") and the London Wildlife Trust to promote this new park. In 2009, the Boroughs secured £400 000 from the London Mayor's Priority Parks programme to fund improvements to Crane Park.

3 The FMY site

The FMY site covers a total area of around 30 hectares. Around 5 hectares of the site was lost when the post office sorting office was constructed. The yards were constructed between 1916 and 1922 and were finally abandoned by British Rail in 1969. Since that time a rich mosaic of wildlife habitats has developed on the site. It is designated Metropolitan Green Belt, and a Site of Importance for Nature Conservation (SINC) of Metropolitan Importance. This is a London-wide designation reserved for those "sites which contain the best examples of London's habitats" (Nature Conservation in Hounslow – London Ecology Handbook 15, 1990) and is the highest level of designation available at a regional level. As such it is protected in the London Plan, the London Mayor's Biodiversity Plan and the Hounslow UDP.

The site forms part of a Green Chain, part of the wider Lower Crane Valley Park. The site also lies within a designated Comprehensive Project Area (CPA4), part of the Crane Valley, designated to preserve and enhance the ecological and nature conservation value of the Green Chain, improve public accessibility, landscaping and recreational use.

The site forms part of a wider network of Metropolitan Green Belt, Green Chain and SINC along the River Crane valley, including the publicly accessible open space of Hounslow Heath to the north east, and Leirim Park and Hanworth Park to the south.

In terms of its features, it is a very interesting site because of its past land uses, followed by nearly 50 years of benign neglect where nature has produced a very unusual mixed community of plants in particular. The value of this type of “brownfield” site has only recently been recognised, after many such sites have been lost in the push to develop on brownfield land. In addition, brownfield sites are recognised in London, through the UK Biodiversity Action Plan process, by the London Wasteland Habitat Action Plan (HAP). The Wasteland HAP has a number of targets, one of which is to prevent the loss of important wasteland/brownfield sites.

The site is a good site for reptiles: many had to be relocated when the eastern part of the yards was re-developed as the Post Office Sorting Office in 1999/2000. This development, constructed on the eastern part of the FMY site, was contentious at the time and has been a major planning concern for LBH ever since (See “Recent Planning history of the FMY site” below). Although the development went ahead fully as planned, the Section 106 Agreement which was a key condition for approval of the development was never implemented.

Failure to implement the Section 106 Agreement has resulted in no formal public access to the site – which is surrounded by a large steel fence – being provided, and the funds for supporting the site not being released. As a consequence, and most importantly in the context of this most recent application by NR, the obligations, and associated public benefits, attendant on the previous application were not fully discharged. This, in the opinion of FORCE, is a key consideration for the planning authority when evaluating this new application.

The FMY site has received no significant environmental management support for the last fifteen years and the main public use of the site is illegal trail biking, accessed through holes broken in the fence. There is no formal access across the site and this represents a major blockage to public access for the whole of the West London Green Chain. For example, the London LOOP (London Outer Orbital Path) would ideally run through the FMY and along the River Crane but is currently put on a substantial detour along Hanworth Road.

LBH and LBRuT, with financial support from TfL, are in the process of developing a shared-use route for cyclists and pedestrians through Richmond and Hounslow. This should also go through the FMY. It would be a practical step in completing the spine of the North West London Greenway, linking up more of the open spaces in the corridor. It would also support the Quietways programme.

4 The Planning Policy Context for FMY

The FMY site is subject to planning policies at national, mayoral and borough levels. Some of the relevant policies are referenced in this section.

National Planning Policy Guidance - PPG2 Green Belts

PPG2 (January 1995 (Amended March 2001)) explains the purpose of Green Belts, describes how land within Green Belts is safeguarded, outlines Green Belt land-use objectives and sets out the general presumption against inappropriate development within Green Belts.

PPG2 para 1.5 states that there are five purposes of including land in Green Belts:

- *to check the unrestricted sprawl of large built-up areas;*
- *to prevent neighbouring towns from merging into one another;*
- *to assist in safeguarding the countryside from encroachment;*
- *to preserve the setting and special character of historic towns; and*
- *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

PPG2 para 1.6 goes on to state that once Green Belts have been defined:

the use of land in them has a positive role to play in fulfilling the following objectives:

- *to provide opportunities for access to the open countryside for the urban population;*
- *to provide opportunities for outdoor sport and outdoor recreation near urban areas;*
- *to retain attractive landscapes, and enhance landscapes, near to where people live;*
- *to improve damaged and derelict land around towns;*
- *to secure nature conservation interest; and*
- *to retain land in agricultural, forestry and related uses.*

PPG2 para 2.6 notes that once the general extent of a Green Belt has been approved it should be altered only in exceptional circumstances, and continues:

If such an alteration is proposed the Secretary of State will wish to be satisfied that the authority has considered opportunities for development within the urban areas contained by and beyond the Green Belt. Similarly, detailed Green Belt boundaries defined in adopted local plans or earlier approved development plans should be altered only exceptionally. Detailed boundaries should not be altered or development allowed merely because the land has become derelict.

PPG2 para 3.2 confirms that:

Inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In view of the presumption against inappropriate development, the Secretary of State will attach substantial weight to the harm to the Green Belt when considering any planning application or appeal concerning such development.

PPG2 para 3.4 states that the construction of new buildings inside a Green Belt is inappropriate unless it is for the following purposes:

- *agriculture and forestry (unless permitted development rights have been withdrawn*

- *essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it*
- *limited extension, alteration or replacement of existing dwellings*
- *limited infilling in existing villages..... and limited affordable housing for local community needs under*
- *development plan policies according with PPG3; or*
- *limited infilling or redevelopment of major existing developed sites identified in adopted local plans, which meets the criteria in paragraph C3 or C4 of Annex C.*

PPG2 para 3.12 states:

The statutory definition of development includes engineering and other operations, and the making of any material change in the use of land. The carrying out of such operations and the making of material changes in the use of land are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt.

In respect of land use objectives, PPG2 para 3.13 notes that:

When any large-scale development or redevelopment of land occurs in the Green Belt (including mineral extraction, the tipping of waste, and road and other infrastructure developments or improvements), it should, so far as possible contribute to the achievement of the objectives for the use of land in Green Belts (see paragraph 1.6). This approach applies to large-scale developments irrespective of whether they are appropriate development, or inappropriate development which is justified by very special circumstances. Development plans should make clear the local planning authority's intended approach.

With regard to visual amenity, PPG2 para 3.15 adds:

The visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt which, although they would not prejudice the purposes of including land in Green Belts, might be visually detrimental by reason of their siting, materials or design.

Mayoral Policy Guidance: Green Belt

The London Plan includes the following with reference to Green Belt:

Strategic

A The Mayor strongly supports the current extent of London's Green Belt, its extension in appropriate circumstances and its protection from inappropriate development.

Planning decisions

B The strongest protection should be given to London's Green Belt, in accordance with PPG2. Inappropriate development should be refused, except in very special circumstances. Forms of development that might be appropriate together with high quality management practices that improve access to and/or the environmental and landscape quality of London's Green Belt, while ensuring it continues to meet its statutory purposes, will be supported.

The stated aims of the Mayor's All London Green Grid Supplementary Planning Guidance of 2012, which clearly encompasses the FMY site in the River Colne and Crane Area Framework, include:

- "to increase access to open space
- to conserve landscapes and the natural environment and increase access to nature
- to make sustainable travel connections and promote cycling and walking."

Borough Planning Policy

The LBH UDP puts forward policies to protect green belt and has a specific policy CPA4 to protect the Crane valley. CPA4 includes the central and western parts of the FMY. The Proposals Map attaching to the LBH UDP (see extract in Section 5.2) shows the wider FMY site split into three components: (a) the post office site to the east of the river which is defined as a strategic industrial location, (b) the central river section and (c) the western yards which are both protected as green belt and as a Level III Site of Regional and Metropolitan Importance for Nature Conservation (ie a site of at least London wide environmental importance). LBH Policy ENV N2 includes the whole of the undeveloped FMY within the Council's Green Chain policy. LBH Policy T6.3 on surface access to Heathrow encourages cycle as well as rail access to the airport.

Finally, the Environment Agency 's River Basin Management Plan for the Crane Valley, produced in 2013, has as one of its key objectives "Awareness, Action and Appreciation." (p. 5) The key outcomes of this objective include:

- "Safe and welcoming sites for visitors
- Diverse opportunities to engage with the river"

and one of the means to fulfil these objectives is through "creation of a continuous River Crane walk." Public access through the FMY site is a key condition to the realization of all of these planning and policy objectives.

5 Recent Planning history of the FMY site

In 1986, LBH Development Control Committee adopted a Position Statement requiring any proposal to enhance the Green Belt with possible measures including:

- A link to the Heath
- Footpath links to surrounding open land (i.e. Pevensey Road Open Space and De Brome Open Space);
- Enhancing the nature conservation interest of the area;
- Enabling public access to the Western Yards commensurate with the site's importance as an area of Metropolitan Importance for Nature Conservation;
- Providing substantive landscape (incorporating the Oak copse off Godfrey Way) buffers not only to protect surrounding residential properties, but to effect the principle of Green Chains; and
- Providing an integrated landscape structure within the development compatible with the site's nature conservation interest.

In his Inquiry Report into the LBH UDP in 1994, the Inspector noted: "*the recognition of the Crane Valley as an important separation between Feltham and Whitton is justified in the terms set out in PPG2 (Government Guidance on Green Belt). However, this separation*

has been significantly reduced by the Industrial allocation on the Eastern Yards. If the merging of Feltham and Whitton is to be prevented, which I consider is an important aim in this part of the Borough, it is now vital that the Western Yards are included in the Green Belt”

The Secretary of State dismissed an appeal by British Rail for housing on the Western Yards site in July 1995, primarily on the grounds of inappropriate development within the Green Belt.

In 1998, British Land submitted an outline planning application, with all matters excepting access reserved, for the development of 40,000 sqm of industrial and warehousing development on the eastern end of the Marshalling Yards, broadly commensurate with the UDP allocation for employment on the UDP Proposals Map. However, the red line boundary also included the central area of the Marshalling Yards which lies within the Metropolitan Green Belt and for which a comprehensive landscaping package was proposed. This package included the provision of 5 acres of public open space, a new pedestrian/cycle link through the Crane Valley and Nature Conservation measures.

Fundamentally, the application also established the principle of replacing land to be developed within the Green Belt with other land, thus establishing a new Green Belt boundary. Consequently, there was no resultant loss of land to the Green Belt. However, Railtrack refused to allow the Western Yards to be included within the application site but indicated they would accept a 20 year lease arrangement with break clauses if operational uses could be found and a management agreement, primarily for nature conservation.

The Officers Report concludes by generally accepting the proposal, although it would have to be referred to the Secretary of State on Green Belt grounds, and recommending that a s106 Legal Agreement be entered into to secure, *inter alia*, the Central Area as Public Open Space with contributions to its future maintenance; the construction of a pedestrian link under the railway line to Hounslow Heath (specifically designed to make it fully accessible) again with contributions to its future maintenance and a management agreement for the Western Marshalling Yards including remedial works and a contribution to its future maintenance.

The primary purpose and intent of the Section 106 Agreement, as finally concluded and dated 6 July 1999, was to:

(a) Secure the *permanent* protection, enhancement and maintenance of the Central Area (called in the Agreement “Open Space Land”) for Green Belt, Nature Conservation and Public Open Space by the several measures as detailed in the Agreement, including:

(i) the then freehold owner, Railtrack, agreeing to procure “... that the public has access at all times to the Central Area (whether by means of a transfer of the *freehold* of the [Central Area] to the Council (on terms required by Railtrack for protection for operational purposes of its adjoining land) or otherwise)”

(ii) Railtrack granting to the Council “a *right* to use the footpath through the Cavalry Tunnel where it passes under the Railway Line ...”, and

(iii) the Developer making a lump sum payment of £100k to the Council for the future maintenance of the Central Area as public open space and the Developer, at its cost, carrying out substantial improvement works to the Central Area, including the diversion and de-culverting of Millstream and the creation of north-south and east-west cycle/pedestrian routes.

(b) So far as it was able by agreement with the then freehold owner of the Western Marshalling Yards, Railtrack, to secure the *long term* protection, enhancement and maintenance of the Western Marshalling Yards as part of the Green Belt and as a Nature Reserve with limited public access for educational and research purposes, by the several measures as detailed in the Agreement, including:

(i) Railtrack granting to the Council a *lease* of the Western Marshalling Yards for a term of *20 years* at a nominal rent, subject only to the right of Railtrack to terminate the lease earlier upon the grant of planning permission for development of the land, it ceasing to be part of Green Belt or it being required for operational purposes;

(ii) the agreement between Railtrack and the Council of a management and maintenance scheme for the Western Marshalling Yards; and

(iii) Railtrack making a lump sum payment of £100k to the Council to be used by the Council in accordance with the agreed scheme.

(c) In essence the agreement incorporated the provision of a permanent public access route (including provision for an off-road cycle track) through the central corridor of the FMY site along with a 20-year guarantee of public access to the main western part of the site, which would be developed as a nature park. £200,000 of funding was allocated to this work as part of the S106 Agreement for the development. However, the Section 106 Agreement was never implemented, even though the development went ahead as planned. FORCE understands that the £200,000 made available under the Section 106 Agreement is still sitting in an escrow account.

6 The current Network Rail (“NR”) proposal

NR is now proposing to provide a temporary compound which will comprise a principal site office, plant buildings, storage facilities, railway siding and parking within the former FMY site. The compound will be used by NR over a period of five years to provide a central store for construction materials for the Feltham Re-Signalling Scheme including signal posts, signal heads, equipment cabinets, concrete cable troughs, cables, ballast, cement and limited amounts of fuels and oils. The site will cover 3.32 hectares, and may be used for up to 24 hours a day on a daily basis.

7 FORCE concerns with the proposal

7.1 NR's current proposal is for significant development of a site which is designated Metropolitan Green Belt and a SINC of Metropolitan importance. NR selected this site from a range of alternative sites. The criteria by which these alternative sites were assessed was set out in the Environmental Impact Assessment ("EIA") Scoping Report of November 2014. However, FORCE is concerned at the lack of transparency of the relative weightings of the criteria, and the lack of transparency of the relative scoring of the alternative sites. FORCE is frankly surprised that a weighting and scoring scheme which gives appropriate values to environmental considerations should result in a preferred option which requires development in Metropolitan Green Belt and such a significant loss of Metropolitan SINC. Different scores and weightings might favour an alternative site which would not impose such severe and irreversible environmental costs.

7.2 FORCE is concerned with the scale of the proposed development. At 3.32 hectares, the site represents in excess of 13% of the remaining area of the Metropolitan Site of Importance of Nature Conservation ("SINC"). This represents a major reduction in total Green Chain area, a major loss of a high-value environmental site and habitat within the Crane valley, for a minimum of five years, and potentially permanently; and a major loss in potential amenity value.

7.3 FORCE is concerned with the potential duration of the development. The site is planned to operate for five years as a depot servicing the Feltham Area Re-signalling Project. The Environmental Impact Assessment Report Non-Technical Summary states that "Following the five year operational period of the development, the site and all associated infrastructure would be de-commissioned." FORCE would be concerned if slippage to the project extended this period of Green Chain denial. Moreover, NR's letter to LBH of 2 April 2014, requesting a Screening Opinion, held out a prospect of potential "legacy benefits e.g. conversion to a maintenance depot on completion of the project." FORCE opposes any such extension of operation, and would look for full de-commissioning and reinstatement to be achieved as early as possible after the five-year operational period.

7.4 FORCE is deeply concerned that this proposal represents a bridgehead development into a site of major environmental value and sensitivity. This development would set a precedent that would facilitate extension of the period of operation of the current site beyond the stated five years, and/or the expansion of this 3.3-hectare site into a larger site at the end of the initial 5-year period.

7.5 FORCE is concerned at the proposed intensity of usage of the site, both during construction and operation. FORCE notes that the Traffic and Transportation Report regards the potential impacts on traffic and transportation as "negligible," and the number of heavy goods vehicles and construction vehicles as "low." Nevertheless, FORCE believes that the construction phase, as well as reinstatement of the disused railway siding, will be seriously disruptive and detrimental to the environmental and amenity value of the Crane valley through noise, dust, air pollution and light impacts on the night-time corridor. There would be consequential impacts upon the environmental and amenity value of the remainder of the West London Green Chain.

7.6 Finally but importantly, FORCE is concerned that there is no reference in the documentation supporting this application to the 20-year public access benefit which was agreed from the previous Royal Mail development but never implemented. More importantly, there is no assurance that formal public access along the River Crane through the FMY site will be provided. Nor is there any expression of commitment to resolve the outstanding issues which prevented implementation of the previous Section 106 Agreement and which, if not resolved, would prevent the implementation of any future Section 106 Agreement. FORCE regards NR's proposed "improvements to the cycle/footpath adjacent to the River Crane, which can be used to access the adjacent open spaces," as inadequate assurance of the improvements to public access that are due from development of this space.

8 FORCE aspirations from the full proposal

8.1 FORCE believes strongly that any further development proposal for this site has to be preceded by the resolution of the dispute with LBH that has been outstanding since the Post Office development, providing both public access to the main FMY site with the release of the £200,000 from the escrow account, and permanent public access through the FMY site by means of a mixed pedestrian and cycle path along the River Crane. This path should form the London Loop route, ending the current detour of the Loop along Hanworth Road and thus finally securing this major public benefit legacy from previous development.

8.2 FORCE considers that the information provided does not provide confidence that alternative sites have been evaluated effectively. FORCE would expect that more detailed information on alternative site evaluations were provided, and that the selection of this site should be open to challenge in light of that information.

8.3 The Non-Technical EIA Summary asserts that "The proposed development site has limited connection within the River Crane, which is 0.5 km away." FORCE considers that any development of this site would provide the opportunity for the remainder of the FMY site which is not required for the proposed development to be opened up to full and formal public access (as was anticipated in the agreement to develop the post office sorting office). FORCE believes that this opportunity should be taken to increase the connection of the undeveloped part of the site with the River Crane. The metal fence around the perimeter of the current site, which has a number of ruptures and is an incitement to vandalism, should be removed.

8.4 The cycle path which is currently being used informally on the eastern area of the FMY site should be improved. The path should be consistent in design, and with consistent signage, to link with the path through De Brome Playing Field to the south, and to other pedestrian/cycle paths along the River Crane in LBH: it should be unlit, meandering, and surfaced in Bredon gravel.

8.5 FORCE would be pleased to be involved in the detailed planning and implementation of the paths. FORCE already holds detailed count data of usage of the path further south at Dragonfly Terrace in LBH, collected over a number of years, and we would be pleased to share this data with the developer of the paths through FMY.

8.6 FORCE expects that there will be no natural discharge of water on to surrounding land, and in particular that there will be no run-off of contaminated water into the River Crane, either during construction or operation of this project.

8.7 FORCE expects the mature trees in the eastern area of the site to remain undisturbed, and that a number of other trees will be retained for screening purposes. FORCE would welcome a commitment that NR will plant appropriate additional trees where there are gaps in the screening, to minimise the adverse visual impacts to recreational users of the FMY site and adjacent residential properties both during the construction works and once the scheme is complete.

8.8 FORCE welcomes the removal of invasive species within the site-clearance stage of the project. FORCE expects NR to take steps to prevent the spread of such invasive species to other parts of the FMY site as a result of the disturbance to the development site. In the event that invasive species do proliferate elsewhere in the FMY site as a result of such disturbance, FORCE expects NR to take timely and appropriate steps to nullify the proliferation.

8.9 FORCE believes that all lighting of the site, during both the construction and operational phases of the project, should be designed, installed and operated with an objective of minimising disturbance to bat populations and bat migrations.

8.10 FORCE would support biodiversity offsetting within the FMY site to provide new habitats which may help to compensate for natural habitat affected or lost as a result of the proposed project.

8.11 FORCE believes that a clear plan should be set out for restoration of the site to its former condition at the end of the five-year period, including removal of the proposed temporary structures, tarmacadam and concrete surface of the compound. This plan should be a clear and unambiguous condition of any agreement for site development, with a clear schedule of time-related penalties for non-delivery by NR.

8.12 FORCE supports the recommendation for a five-year habitat management plan for the remaining area of the FMY site in order to enhance the site for invertebrates and reptiles. Even though the site was not determined to be an "important" reptile site, FORCE would be concerned at any proposals that would diminish potential reptile habitat.