

From: Paul Willmott [REDACTED]
Sent: 09 March 2020 12:43
To: Fowler, David [REDACTED]
Cc: Lawlor, Josh [REDACTED]; Nick Carter [REDACTED];
[REDACTED] Helena Chrysostomou [REDACTED]
Subject: 2020/0662/P - Details pursuant to Condition 88 (CMP) to PP 2015/2704/P & 2019/2475/P

Dear David

I refer to our telephone conversation last week and write in respect to application reference 2020/0662/P. This relates to the submission of details pursuant to Condition 88 of planning permission 2015/2704/P as amended by the S.73 submission under reference 2019/2475/P. That later submission includes a S.106 obligation.

The submission pursuant to condition 88 relates to the submission of the Construction Management Plan for development at Plot 7 of the wider Central Somers Town regeneration, which is more commonly known as Brill Place Tower, and is the plot immediately adjacent to the Crick.

Having reviewed the document submitted by the developers I am instructed to notify the Council that the Crick wishes to raise a **holding Objection** in respect to the material submitted.

The Francis Crick Institute is designated as national infrastructure and a key part of the Government's Industrial Plan, and the economic centre piece in the UK Life science and research strategy and therefore works that might impact the operations of the Crick are by their very nature sensitive. The Crick however recognises that it must work with its neighbours in ensuring that their development vision can be achieved, whilst ensuring that the critical activities of the Institute are not undermined or compromised.

As you know, there was considerable interaction between the parties last year as application reference 2019/2475/P was brought forward and collectively we sought to set a framework that would satisfy all concerns. There was much discussion around the Council's roles and responsibilities as landowner and planning authority and the planning department sought to separate its regulatory responsibilities from those of the property department. Indeed, on the 23rd September 2019, David J and Bethany gave, as you may recall, some indication of what they expected that the CMP should contain to protect the Crick and David used the CMP associated with the development adjoining the ITV Studios on the Southbank as an example of what would be expected in this case.

Having regard to those concerns, the S.106 Obligation includes additional measures and requirements that must be incorporated within the CMP, and in terms of engagement and consultation between the 'owner' and the 'developer' and the Crick. Provisions that cover both the CMP and the Basement Construction Plan.

Our principle concerns relate to the following:

- Lack of proper consultation and engagement as required by the S.106 Obligation
- Lack of detail regarding the standards, constraints, mitigation and responses to exceedances if these occur. This was very much the thrust of David Joyce's comments last September. A Plan, after all, is defined as being a detailed proposal or methodology for doing or achieving something. There are no SMART requirements, standards or methodologies within the plan.
- Significant gaps in information within the plan with references such as 'to follow'

- The Crick's own S.106 position as the party (not Camden Highways) responsible for the public highway from curb line (footpath to road) on the south side of Brill Place and east side of Ossulston Street

Specifically:

- There has been no formal engagement between the Developers or the Crick on the subject of the CMP. The current document records that a meeting of the Construction Working Group took place on the 30th January 2020 but as the minutes show the CMP was only the subject of a 'short discussion' and that the CMP would be brought forward once further details of the contractor were known. An FCI Liaison Group meeting was held on the 10th February 2020. The only document shared with the Crick was Appendix 8: The Logistics Plan. By this stage the CMP, as submitted, would have been well advanced given the date it was registered and the narrative of the document itself.
- The S.106 includes commitments on both the developer and the Council to engage with the Crick and specifically in the sharing of information. This is expected to occur prior to submission. There is an expectation that a degree of agreement would be reached. This has not occurred. There are also other requirements on the Council (as Owner) to provide copies of documents to the CWG and to give them time to respond.
- The FCI Liaison Group meeting scheduled for the 9th March 2020 is not, as I currently understand the position and unless anything has changed since last Friday, taking place as the Council (as 'owners') have indicated that they are not attending and they are a key party to that meeting.
- The S.106 also includes a commitment to draw up an FCI Neighbour Management Plan, and we are not aware if work on this has commenced yet, but it would dovetail into the CMP and Basement Construction Plan and provide the framework for both documents and associated engagement.
- The CMP provides no details as to how the construction will ensure compliance with the FCI Baseline Document (The constraints document), location of receptors and the mechanism of addressing any exceedances contained therein. It recognises the constraints but not how they will be complied with. It also, generally includes no standards of expected performance by which to gauge what constitute success/compliance.
- The CMP programme indicates the intent to undertake piling as part of the development. The S.106 contains specific provisions in respect to this type of operation, as does the Baseline document and there is also a condition within the planning permission. No inference that the Basement Construction is approved should be implied in the CMP.
- Highways, in advising the Council as owner and the developer must ensure that they inform the parties that overall responsibility for the maintenance of highways land surrounding the Crick on the southern side of Brill Place and the eastern side of Ossulston Street are the responsibility of the Crick, and not the Council. As the proposals set out in the CMP do not constitute essential works associated with a statutory purpose, the Council has an obligation to consult with the Crick and the Crick has the same rights as the Council for the making good of damage and the receipt of other costs and charges in monitoring etc. associated with or caused by the development.
- Had the developer consulted with the Crick, the Crick would have been able to make them aware that there are two cast iron gas mains running along Brill Place and their proposals

could be impacted by these. It would also have enabled the Crick to have provided details and thus saved the Council (as owner) and the developer time and money.

It is not the Crick's wish or intent to delay or prevent the development approved at Plot 7. Indeed, it is aware of the other submissions that have been made and has not commented on these (although the more recent S.73 submission required amendment as a result of the S.96(a) decision and a Deed of Variation to the S.106 is also potentially necessary). However, the CMP, Basement Construction Plan and the FCI Neighbour Management Plans are crucial to ensuring that the development does not compromise the operations of the Crick going forward and from a planning perspective these documents should ensure that. The commitment to doing so runs through all levels of the Council leadership.

We therefore welcome your approach and suggestion that we should discuss the mechanism for engagement and communication going forwards. The alternative to the above would be an arrangement between the Crick, the owner and the developer which would fall outside the planning regulatory regime. We have and continue to propose this through a suitable APA, which our other neighbours are looking at positively.

The Crick very much hopes that these matters can be amicably resolved and quickly. We certainly do not believe that there is any reason why they should not, but you will appreciate the risk to the Crick and subsequent fall out if we do not get it right.

Regards

Paul



Paul Willmott OBE FRGS MRTPI
Partner, Planning



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