

Murphy's Yard – ES Scoping and Planning Application Red Line

22 April 2021

Introduction

1. This note has been prepared to set out the Applicant's position in relation to the red line boundary for the planning application and Environmental Statement scoping report following conversation with officers and requests for additional areas adjoining the site to be included within the planning application boundary.
2. An Environmental Statement ("ES") scoping report prepared by Trium on behalf of Folgate Estates ("FE") was submitted to the London Borough of Camden ("LBC") in December 2020 and an addendum to this was submitted to LBC in February 2021.
3. The addendum included adjustments to the land use areas as well as a revised red line plan to define the land to remove the O2 Forum service yard.
4. LBC are holding the scoping addendum in abeyance in order to consider further changes to the red line. Officers are requesting that the following areas are included:
 - a. The Forum servicing yard
 - b. Murphy's HQ and car park
 - c. Access points from and parts of Greenwood Place, Sanderson Close, and Gordon House Road
 - d. An area between the southwest corner of the site and the Regis Road industrial area, over the railway
 - e. The area between the southwest corner of the site and Kentish Town Road, including the Car Wash Site, adjacent the railway

Proposed boundary and rationale

5. We understand that officers wish to see these areas included within the planning application's formal red line boundary and want to safeguard the ability of the ES to consider the impacts that additional landscaping/public realm works and infrastructure delivery in these areas would have on the development.
6. FE has excluded these areas from the red line for the following reasons:
 - a. The Forum servicing yard is subject to a long lease to the Forum and FE does not have the ability to bring forward works in this area. The service yard is used to accommodate visiting tour buses for events at the O2 Forum, the storage and distribution of stage equipment and the location of TV and film recording equipment. Usually for an event there are 3 large tour buses, which transport the band and the vast equipment they require to perform. These vehicles are too large to park on Greenwood Place and there are no other suitable locations within the vicinity of the site, therefore the O2 are reliant on the service yard for the operations of the venue and thus their refusal to amend their lease.

The O2 Forum is a significant and important music venue both locally within Kentish Town and Camden, and for London more widely. Lack of ability to service the venue appropriately would detract the operators being able to host large events. The O2 Forum is seen as important asset to protect and ensure its future. Culture and leisure facilities such as the Forum are protected through both strategic and local policy. In response to widespread loss of such facilities the Mayor of London has launched a city-wide initiative to support and protect music venues. In addition, Camden Local Plan policy C3 states that “The Council will seek to protect cultural and leisure facilities and manage the impact of adjoining uses where this is likely to impact their continued operation.” Proposals which jeopardise the Forum’s ability to utilise the service yard and therefore impact on their ability to operate successfully would therefore be inconsistent with planning policy. The service yard being removed from the use of the O2 Forum would consequentially significantly jeopardise the value of the property. The proposed red line satisfies the planning policy objective of facilitating comprehensive redevelopment of the Murphy’s Yard site and the proposals do not necessitate the inclusion the O2 Forum service yard. Operational requirements prevent them being included in any event, and draft policy KT1 (b) recognises the importance of retaining existing businesses as far as possible. Throughout public consultation, the importance to retain the O2 Forum has strongly been supported by the local community and it considered that its continued operation will complement the wider mix of uses proposed at the site.

- b. No development is proposed at the Murphy’s HQ building or the area which serves it (namely the car park and surrounding landscaping) and so should be treated as any other third-party adjoining land. Murphy’s have operated from the site for over 55 years. A significant amount of the operations is relocating however their global HQ will remain on site. The Murphy’s UK operations are spread across the country. The function of the Murphy’s HQ often hosts meetings of operational employees who will be visiting the HQ during the course a day, who then go onto visit sites across the south east of England, where often public transport is not a feasible option. It is usual for construction company head offices to have parking, regardless of their location, due to their operational requirements of their staff to have to travel vast distances and several locations in one day.

It is important to Murphy’s to retain their HQ on the site. The removal of the associated car park would significantly impact on the running of the business and result in them needing to relocate. The retention of the car park does not impact on the successful delivery of the proposals. The landscaping around the car park is maintained to a very high standard, and it is within Murphy’s interests to ensure that this area is maintained well and a well-presented area. Through public consultation, it has become apparent that it is important to the local community that Murphy’s do not leave the site.

- c. A satisfactory landscaping and public realm scheme can still be provided at the site’s interface with the Forum and Murphy HQ boundaries to ensure consistency between the sites.
- d. Highways works improvements can be dealt with via S278 works as is standard practice.

- e. Development at the Regis Road site is entirely outside of the control of the applicant and so any potential bridge crossing to this area cannot be either designed or committed until such time as the owners of that site are prepared to consider a coordinated approach to bringing the bridge forward as part of wider development proposals at that site. This will also require detailed discussions with and agreement from Network Rail from an operational perspective. Therefore, no works are proposed on this bridge as part of the application so there is no reason for the red line to extend to this area.

The proposed development of the Murphy's Yard site will not prejudice the future delivery of a bridge crossing in due course but its delivery at this stage is not necessary to make the proposed Murphy's Yard development acceptable in planning terms, indeed given the considerable uncertainty over the feasibility and nature of the potential link a requirement for its inclusion could stymie the Murphy's Yard scheme or at the very least significantly and unnecessarily delay the planning process and the delivery of the major regeneration benefits it will bring. If in due course LBC wishes to utilise CIL monies to deliver this element of infrastructure FE would be supportive and is happy to discuss the strategy to achieve this in due course with LBC.

- f. Similarly, the potential bridge link to Kentish Town is outside FE's ownership and cannot be delivered without securing the necessary rights over Network Rail's operational land. The bridge link is not necessary to make the proposed development acceptable in planning terms and could be delivered through CIL funding in due course. Its inclusion now, however, could stymie or significantly and unnecessarily delay delivery of the Murphy's Yard scheme.
- g. The Car Wash site has been purchased as a standalone scheme. It may potentially have the ability to help deliver the connection to Kentish Town in due course, should it be feasible, but it does not form part of the planning application and will be appropriately assessed in its own right as and when it comes forward.
- h. It will be demonstrated that none of these items are required to make the planning application acceptable and any future application cannot reasonably be made contingent upon these works coming forward.

Purpose of the ES and potential way forward

- 7. The purpose of the ES is to assess the impacts associated with the development proposed by the developer (as well as cumulative impacts arising from other developments).
- 8. Article 15(2)(a)(i) of the 2017 EIA Regulations is clear that the plan which accompanies the Scoping Report should define the land on which the development would be carried out (see definition of "land" under Article 2(1)). For this reason, the formal plan submitted pursuant to Article 15(2)(a)(i) should not differ from the intended planning application red line. The 2017 EIA Regulations require a local planning authority to issue a scoping opinion based on the information submitted by the applicant pursuant to Regulation 15(2).
- 9. In order to address officers' requests for the potential infrastructure initiatives set out above to be considered, the ES can consider the infrastructure initiatives within the cumulative assessment as potential future developments. At this stage while none of the initiatives mentioned fall within any of the usual criteria mentioned at paragraph 65 of the Trium scoping

report, such an assessment would have to be a high level given the lack of detail currently available. FE is happy to discuss this further with LBC to agree the approach and a reasonable basis of assessment. The primary assessment of the ES will, of course, consider the effects of the proposed development without these elements and demonstrate that they are not required to make the development acceptable in planning terms.

10. Paragraph 2 of Schedule 4 to the 2017 EIA Regulations also expressly provides that a description of reasonable alternatives studied by the developer which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects may be included in the ES. FE would be happy to include in the relevant section of the ES a description of the potential works within the areas listed above, the reasons for not including them and the main reasons for selecting the proposed red-line to delineate the land for the purposes of Regulation 15(2)(a)(i). This approach would be fully in accordance with the provisions of the 2017 EIA Regulations.
11. The delivery of the infrastructure initiatives mentioned above will also be subject of separate discussions with officers in the context of the wider approach to CIL on this project.
12. The amended red line as currently proposed is therefore acceptable for the purposes of the ES scoping exercise and the future planning application. For the reasons set out above, and to the extent it is reasonable and appropriate, it will be possible for the ES to provide a structure for the initiatives raised by LBC to be referred to within the chapters dealing with cumulative effects and alternatives.