

# EXAMINATION OF HOUNSLOW LOCAL PLAN (2020-2041)

## EXAMINATION HEARING STATEMENT – MATTER 7, QUESTION 11 DAY GROUP LTD

11 DECEMBER 2025

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# DOCUMENT CONTROL

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<b>Client Name</b>	Day Group Ltd
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# SECTION 1 | INTRODUCTION AND SUMMARY

- 1.1 This Statement has been prepared by Firstplan Ltd on behalf of Day Group Ltd in response to Matter 7, Question 11, relating to Policy EQ10 insofar as it relates to minerals.
- 1.2 Day Group hold a long lease in respect of land at Transport Avenue which extends to some 3.8 hectares in area and includes: a railhead and various rail served minerals and waste operations including: aggregate distribution, concrete batching plant, construction and demolition waste recycling, and incinerator bottom ash recycling plant. The Submission Hounslow Local Plan (Policies Map) identifies the site as a '*Safeguarded Minerals Railhead and Associated Minerals Operations*'.
- 1.3 Firstplan responded on behalf of Day Group at all previous stages of consultation to this Local Plan review as well as the previous Local Plan Review (DPDs and Focussed Issues Review) which were ultimately withdrawn. The representations made have been principally in respect of ensuring the Day Group site and operations at Transport Avenue are appropriately safeguarded both by policy text and in plan (diagrammatic) form. In addition to ensuring sites coming forward for development in the vicinity are required not to prejudice the rail served operations under the 'Agent of Change' principle.
- 1.4 Rail served sites such as that at Transport Avenue comprise a scarce resource which are particularly difficult to replace. Indeed, the importance of safeguarding rail served minerals sites is underpinned by policy requirements both at National level (NPPF) and within the London Plan as detailed within our response to the Proposed Submission Draft (Regulation 19) Local Plan Consultation in 2024 (Firstplan Response, 28 October 2024). This policy context, together with a full appreciation of the rail function and operations the Day Group site supports and the role these types of facilities play in assisting with the sustainable supply of building materials, is critical to understanding the basis for the comments made both in terms of support for elements of the Proposed Submission Local Plan and objections made.
- 1.5 The question raised in regard to Policy EQ10, insofar as it relates to minerals, cuts to the heart of the issues raised by Day Group and most recently in the Firstplan Response, 28 October 2024.
- 1.6 It is acknowledged and welcomed that over the consultation process the Council have responded positively to a number of the representations made in respect of railhead/mineral safeguarding. This is particularly in terms of identifying the extent of the safeguarded rail site on the Policies Map (a significant change from the approach in the previous Local Plan review) and by proposing Modifications at Submission stage to supporting text at paragraph 9.28 to Policy EQ10, within Document S11 '*Schedule of Suggested Modifications*'.
- 1.7 In response to Matter 7, Question 11, it is in summary considered that Policy EQ10, insofar as it relates to minerals, is positively prepared, justified, effective, consistent with national policy and in general conformity with the London Plan. However, this position would have been significantly undermined by the wording of the supporting text at paragraph 9.28 which did not reflect either the approach set out in Policy EQ10, nor did it reference NPPF or London Plan requirements or accord with them. The modification proposed at Document S11 in this context now addresses that key issue.
- 1.8 Whilst the approach to Safeguarding is supported in the context of Policy EQ10, and in particular now with the proposed modifications to supporting paragraph 9.28, in overarching terms the approach in other parts of the Local Plan to railhead/mineral safeguarding continues to undermine the intent of the safeguarding. Unless the approach to safeguarding is appropriately, robustly and consistently reflected across other relevant parts of the Plan this continues to call into question the strength of the safeguarding and raises questions of soundness.

## SECTION 2 | RELEVANT BACKGROUND INFORMATION

- 2.1 The Firstplan Response dated October 2024 deals fully with the issue of safeguarding of sites such as that at Transport Avenue. The background and supporting information as detailed in that response remains entirely pertinent and relevant to the consideration of this matter and the specific question raised (M7, Q11).
- 2.2 In headline terms (and as more fully detailed at Section 2 (a) of the Firstplan October 2024 response):
- Day Group's 3.8-hectare site includes a railhead, aggregate distribution, concrete batching, recycling of construction waste and incinerator bottom ash, plus rail infrastructure and storage facilities.
  - Between Day Group and West London Waste - circa **700,000 tonnes/year** of aggregate and waste is moved by rail. Moving this amount of material by road would result in **5.9 million lorry miles per year**, generating more than **1,000 weekly lorry movements**, and producing **7,500 tonnes of CO<sub>2</sub> per year**.
  - Day Group recycles circa **450,000 tonnes/year**, to provide recycled aggregates for local construction projects. Supplying this need by importing additional primary aggregate (in lieu of recycled) would result in some **3.5 million lorry miles per year**, generating some **700 lorry movements per week**, and **4,400 tonnes CO<sub>2</sub> per year**.
- 2.1 These types of mineral/rail served sites comprise a scarce resource which are particularly difficult to replace. This is because of the costs involved in creating new railhead facilities and the difficulties in securing land where appropriate access to the rail and road network can be achieved. In London the situation is particularly acute given the scarcity of development land and competing higher value land uses. The introduction of residential or other noise sensitive development in close proximity to such sites can result in potential conflict which can affect their existing and future operations.
- 2.2 These types of sites are key to the efficient and sustainable movement of freight and are critical to supporting growth ambitions. The environmental and societal benefits of rail over road are clear and compelling.
- 2.3 The importance of safeguarding rail served minerals sites is underpinned by policy requirements at both national level and within the London Plan. This reflects their essential role in delivering sustainable transport, reducing road congestion, reducing emissions, addressing environmental objectives and supporting growth.
- 2.4 The key National and London Plan policy requirements in the context of safeguarding of such sites and related agent of change considerations are detailed in full at Section 3 of the Firstplan Response – October 2024.
- 2.5 With regard to the NPPF 2023 this is with specific reference to paragraph 216 (e) – which requires that 'planning policies' should safeguard existing, planned and potential sites for (amongst other things): the bulk transport (by which is meant transport by rail or water) and handling of minerals and the manufacture of concrete and handling, processing and distribution of recycled aggregate material. All of these activities are undertaken at the Transport Avenue Day Group site. Similar safeguarding requirements are imposed by the London Plan under Policies SI10 'Aggregates' and Policy T7 'Deliveries, Servicing and Construction'.
- 2.6 It is additionally noted that the Planning Practice Guidance (PPG) under the heading of 'Minerals' specifically addresses the critical matter of **why** planning authorities should safeguard existing, planned and potential storage, handling and transport sites (Paragraph: 006 Reference ID: 27-006-20140306). This is to:
- ***ensure that sites for these purposes are available should they be needed; and***

- ***prevent sensitive or inappropriate development that would conflict with the use of sites identified for these purposes.***

2.7 What is evident from the policy review, and PPG, is that the safeguarding of sites such as that at Transport Avenue is not achieved merely by retaining the land on which they are located for that use. For safeguarding to be effective it must work in a twofold manner. It must seek to reserve safeguarded sites for a particular use as well as ensure that surrounding development does not prejudice the use of such sites for its safeguarded purposes in accordance with the Agent of Change principle.

## SECTION 3 | RESPONSE TO MATTER 7, QUESTION 11

- 3.1 It is considered that Policy EQ10, insofar as it relates to minerals, is positively prepared, justified, effective, consistent with national policy and in general conformity with the London Plan.
- 3.2 However, this position was considered to be significantly undermined by the wording of the supporting text at paragraph 9.28 as proposed at Submission stage. This did not reflect either the approach set out in Policy EQ10, nor did it reference NPPF or London Plan requirements (specifically Policy SI 10). The intended safeguarding arrangements for railheads are fully justified – but due to the way paragraph 9.28 was proposed to be worded this was not sufficiently clear and would have undermined the effectiveness of the policy intent.
- 3.3 The issues which paragraph 9.28 gave rise to are fully detailed at paragraphs 4.19 – 4.23 of the Firstplan Response – October 2024. This was accompanied by suggested modifications. The Council at Document S11, ‘*Schedule of Suggested Modifications*’, under Modification Code HLP-C9-01 have proposed modifications which very closely mirror those sought by Day Group. This Modification is fully supported and would appropriately underpin and strengthen Policy EQ10.
- 3.4 Whilst the approach to Railhead Safeguarding is supported in the context of Policy EQ10 together with the Modified paragraph 9.28 – minerals railhead safeguarding is still considered to be undermined by the approach adopted in other parts of the Local Plan. In summary this is as follows (*with reference to where this is dealt with in the Firstplan October 2024 Response provided*):
1. Identification of part of the Safeguarded Minerals Railhead as MOL and SINC and exclusion of part of the safeguarded area from SIL on the Policies Map (*Paras 4.4-4.7*);
  2. The omission of a Strategic Objective which deals with maximising the sustainable transfer of freight and the benefits of modal shift (*Paras 4.8-4.9*);
  3. Failure to reference the safeguarded Minerals Railhead in the supporting text to Policy P1, Great West Corridor (*Para 4.10*);
  4. Failure to identify the safeguarded area in key Figures within the Plan (Figure P1.1: Great West Corridor Place Policy and Figure SS3 Brentford Spatial Strategy (*Para 4.11-4.12*).
  5. Failure to reference the safeguarded Minerals Railhead and Agent of Change requirements in Site Allocation text (Site Requirements) for three allocation sites proposed in close proximity to the safeguarded site. Namely Site Allocations 5, 6 and 7. (*Paras 4.32 – 4.34*)

## SECTION 4 | REQUIRED MODIFICATIONS AND TESTS OF SOUNDNESS

- 4.1 A number of interlinked modification were detailed at Section 5 of the Firstplan Response – October 2024. The appropriateness and need for all of the modifications identified remains in full.
- 4.2 In the context of Policy EQ10 specifically, and supporting Paragraph 9.28, the Modification as proposed by the Council (Modification Code HLP-C9-01) are critical and are required in full.
- 4.3 There were a range of other deficiencies highlighted in the context of railhead/minerals safeguarding and suggested modifications were set out in the Firstplan Response – October 2024 which would address these. These have not been reflected in the Council's Schedule of Suggested Modifications (S11). For ease of reference the suggested modifications as proposed by Day Group are set out again at Appendix 1 to this Hearing Statement.
- 4.4 If the emerging Hounslow Local Plan does not appropriately deal with the safeguarding of the mineral railhead at Transport Avenue (including the implications of that safeguarding for development coming forward in the vicinity of the safeguarded site) the Plan cannot be considered 'sound' for the following reasons:

### The Plan is not 'justified'

- The failure to reflect the Minerals Railhead Safeguarding as identified on the Policies Map in key area specific Figures within the Plan is not the most appropriate strategy. The prudent and sound approach is to ensure the site is appropriately and clearly identified as being safeguarded both on the Policies Map **and** relevant Figures (P1.1 and SS3) – **and** that Site Allocations in the vicinity of the Safeguarded Site make express reference to the relationship and requirements this imparts.

### The Plan is not 'effective'

- Whilst the identification and Policy safeguarding (under Policy EQ10) of the Minerals Railhead is very much supported, for the safeguarding to be effective (and therefore for the Plan to be effective) there is an inherent requirement to ensure that the location of the site is fully understood by appropriate mapping within Figures in the Local Plan, that there is some explanation of the kind of uses the site supports, and that the implications/requirements on developments coming forward in the surrounding area (in particular under Site Allocations) appropriately reference the safeguarded site and agent of change implications. If the site were to come under threat in the future then key policy objectives of the Plan, key requirements in the NPPF and London Plan, in terms of sustainable growth, sustainable travel, sustainable delivery, servicing and construction and specifically promoting sustainable transfer of freight could be undermined.
- In terms of the mapping anomalies (Green Belt and SINC on areas of the Safeguarded Minerals Railhead) – it cannot be 'effective' (or indeed justified) for the Plan to designate land as Green Belt/MOL or SINC when the land is clearly in operational/industrial and rail related uses (and safeguarded for this purpose) and not performing any Green Belt/MOL or SINC function.

### The Plan is not 'Consistent with National Policy' and not in 'Conformity with the London Plan'

- Where the Plan fails to appropriately underpin and reflect the Safeguarded status of the Minerals Railhead specifically, and transfer of freight to more sustainable means more generally, it is evidently not consistent with NPPF requirements that Plans should be prepared with the objective of contributing to the achievement of sustainable development (para 16(a)).



- The Plan is not consistent with NPPF requirements that Plans should contain policies that are clearly written and unambiguous, so that it is evident how a decision maker should react to development proposals (para 16 (d)). This is in the context of lack of clear mapping in Figures and appropriate referencing in the Site Allocations to the Safeguarded Minerals Railhead and Agent of Change.
- Lack of direct reference to the Safeguarded Minerals Railhead and 'Agent of Change' in the Site Allocations means that the Plan is not consistent with NPPF requirements in terms of safeguarding and that planning policies should ensure new development can be integrated effectively with existing businesses in line with the 'Agent of Change' principle (para 193) nor does it accord with aligned requirements in the London Plan (in particular Policies SI 10 and T7) with which the Local Plan is also required to be in conformity.

# APPENDIX 1: Further Modifications Required to Support Safeguarding Approach to the Minerals Railhead

Further modifications required to support and underpin the safeguarding approach to the Minerals Railhead are as follows (additional proposed text shown in red, deleted text shown red and struck through):

## (i) Policies Map – SIL and SINC Mapping Anomalies for Safeguarded Minerals Railhead

The Policies Map should be modified as follows:

- North-west tip of the Safeguarded Minerals Railhead site (triangular area of land) - MOL designation should be removed and SIL designation provided.
- North-west tip of Safeguarded Minerals Railhead site (eastern boundary) – SINC designation/boundary with Safeguarded Minerals Railhead and SIL should be corrected.

## (ii) Local Plan Objectives

Local Plan Objective Eight, Enhancing Connectivity, should be modified to include the following additional objective:

**“To safeguard existing rail served sites and support opportunities to increase and expand provision of the movement of freight by sustainable means”.**

## (iii) Policy P1, Great West Corridor – Supporting Text

Supporting text to Policy P1, Great West Corridor, potentially after paragraph 2.42 should include reference to the Transport Avenue Quarter as follows:

**“Transport Avenue, located east of the railway line, is occupied by heavy industrial uses such as aggregate storage, a waste transfer site, waste recycling and concrete batching plants. These uses take advantage of the site’s access to the rail and road network and separation from sensitive uses. Due to the critical function this SIL area plays in terms of the sustainable supply of construction materials by rail part of the Transport Avenue site comprises a Safeguarded Minerals Railhead and Associated Minerals Operations.”**

## (iv) Mapping of the Safeguarded Minerals Railhead Site in Figures

The Local Plan should be modified so that the extent of the Safeguarded Minerals Railhead and Associated Minerals Operations is shown/mapped on:

- Figure P1.1: Great West Corridor Place Policy

- Figure SS3 Brentford Spatial Strategy.

## (v) Policy P1 (a) Great West Corridor West, Part (E)

Policy P1 (a) Great West Corridor West, Part (E) should be modified as follows:

**“Protecting and intensifying industrial uses and through the agent of change principle, requiring development to incorporate design elements to ensure that established noise-generating uses such as the safeguarded minerals railhead and related operations at Transport Avenue Quarter remains viable and can continue to operate without unreasonable restrictions being placed on them”**

## (v) Policy EC1, Strategic Transport Connections

Policy EC1, Strategic Transport Connections should be modified as follows:

**“N. Enabling efficient freight movements in the borough through freight consolidation measures and a shift to greener freight through cargo bikes and enabling electric last mile deliveries; and by safeguarding existing railheads and associated infrastructure and supporting the movement of goods by rail.**

## (vi) BSS Site Allocation 6

BSS Site Allocation 6 should be modified as follows:

- **Existing Use:** **“Industrial Uses E(g) with Storage and distribution B8 (with ancillary yard space and car parking) and Parking (Suis Generis)”**
- **Movement and Access:** An annotation or text reference is required confirming that flexibility would be allowed in the routing of the ‘clean air walking and cycling route’ / ‘Local Green Grid Link’. This could potentially be provided at Figure P1.1 and/or Policy 1 (a) Great West Corridor West Part (I) and/or within Site Allocation 6.
- **Site Requirements:** “Intensification and diversification of existing **industrial storage and distribution** uses should be appropriately located within the site in order to create a consistent and visible commercial frontage against the Great West Road and Transport Avenue (with account taken of conflict on the function of the adjacent strategic industrial location, **including the Safeguarded Minerals Railhead and Associated Minerals Operations, in line with the agent of change principle**), and form a buffer between this and non-employment uses on the site....

## (vii) West Cross Campus Site Allocation 5

West Cross Campus Site Allocation 5 should be modified as follows:

- **Site Requirements:** Intensification and diversification of existing industrial uses should be appropriately located within the site in order to create a consistent and visible commercial frontage against the Great West Road and

form an effective buffer between this and other non employment uses on the site. The development should seek to deliver a public plaza outside of the station and a green public open space within the development, in accordance with Place Policy P1, P1 (a) & GWC Masterplan. Proposals with housing co-located with or adjacent to employment uses **and/or with the potential to conflict with the existing industrial uses at Transport Avenue including the Safeguarded Railhead and Associated Minerals Operations**, should be provided in line with the agent of change principle.

#### **(viii) Profile West Allocation Site 7**

Profile West Allocation Site 7 should be modified as follows:

- **Site Requirements:** Introduction of industrial uses onto the site with supporting residential development. Intensification and diversification of existing industrial uses should be appropriately located within the site in order to create a commercial frontage against Transport Avenue (with account taken of conflict with the function of the adjacent strategic industrial location **including the Safeguarded Minerals Railhead and Associated Minerals Operations, in line with the agent of change principle**) and form a buffer between this and non-employment uses on the site, which should be sheltered away from industrial frontages, access and servicing

