

STATEMENT ON THE WOOLWICH EXCHANGE STOPPING UP ORDER

1. INTRODUCTION AND PURPOSE OF THIS STATEMENT

- 1.1 This statement has been prepared by Lorna Parsons, Technical Director - Development Transport Planning and Infrastructure of SWECO UK Limited.
- 1.2 SWECO is the agent of Spray Street Quarter LLP (**SSQ**) as applicant to Royal Borough of Greenwich (**RBG**) for the stopping up of public highway (footways) to facilitate the carrying out of the proposed development known as Woolwich Exchange.
- 1.3 In its Opening Statement to the Inquiry to consider objections to the Royal Borough of Greenwich (Woolwich Exchange) CPO 2022, RBG confirmed that SSQ's application for stopping up was subject to further consultation of relevant statutory undertakers.
- 1.4 This statement has been produced to update the Inquiry as to the current position relating to the progress of the application for stopping up.

2. THE NEED FOR STOPPING UP OF HIGHWAYS

- 2.1 Planning permission was granted for the Woolwich Exchange scheme on 23 December 2021, reference 20/3385/F (Core Document CD.D.15, **the Planning Permission**).
- 2.2 The development authorised by the Planning Permission requires small extents of land which are currently public highway to be stopped up, where the building line of the development is further out than the existing building line.
- 2.3 Section 247(2A) Town and Country Planning Act 1990 (**the 1990 Act**) provides that:

"The council of a London borough may by order authorise the stopping up or diversion of any highway within the borough... if it is satisfied that it is necessary to do so in order to enable development to be carried out:

(a) *in accordance with planning permission granted under Part III..."*

- 2.4 The Planning Permission is a permission granted under Part III (of the 1990 Act), and the local highway authority (**the LHA**) is therefore empowered pursuant to section 247(2A) to authorise the stopping up of highways where that is necessary to allow the development to be carried out.

3. THE STOPPING UP ORDER APPLICATION AND PROCESS

- 3.1 SSQ therefore applied to the LHA for a stopping up order (**SUO**) relating to lengths of footway along Plumstead Road, Spray Street and Parry Place, and the full extent of Scotts Passage (off Spray Street). The SUO application was submitted on 22 February 2022 (**the SUO Application**). The SUO Application comprised the main application form, continuation sheets (listing owners of the land), a copy of the Planning Permission, plans relating to the development, and a plan showing the areas required to be stopped up.
- 3.2 The LHA carried out consultation on the proposed SUO, known as the Royal Borough of Greenwich (Stopping Up of Highways) (No. *) (Woolwich Exchange) Order 202*. The LHA issued consultation letters to those parties listed as owners of the land in the SUO Application, issued local press notices and erected site notices, as required under Section 252 of the 1990 Act. That consultation process ran from 8 June 2022 for 28 days, as required under Section 252(1) (the "**first consultation exercise**"). No objections to the proposed SUO were received during the first consultation exercise.

- 3.3 Following that process discussions proceeded between SSQ and the LHA as to the form of the SUO and in particular the conditionality to be included within it. Such conditionality is required as otherwise a SUO comes into effect automatically after it is made – that would not be desirable for Woolwich Exchange, given that the delivery of the scheme remains dependent on the confirmation of the CPO, and absent that it would not be appropriate for the relevant parts of the highway to be stopped up.
- 3.4 The LHA subsequently established that the consultation in June 2022 had not encompassed all relevant undertakers as required by Section 252(1), specifically those who do not have an interest in land but who may have apparatus within the relevant section of highway.
- 3.5 The LHA therefore issued further consultation letters to the relevant parties, on 31 January 2023 and again providing for the required 28 day consultation period (the "**second consultation exercise**"). A list of those consulted on 31 January 2023 is provided at Appendix 1, and an example pack of consultation documents is provided at Appendix 2.

4. **RESPONSES TO THE CURRENT CONSULTATION**

- 4.1 As of date of this statement, all parties consulted during the second consultation exercise have provided substantive responses to the SUO consultation – the table in Appendix 1 sets out the position in relation to each party that has been consulted.
- 4.2 Only Virgin Media and Southern Gas Networks issued objections to the SUO.
- 4.3 Following proactive liaison and negotiation, all parties have confirmed that they no longer object and/or do not have any apparatus in the area.
- 4.4 The current position is therefore that the SUO can be made, and this has been confirmed in writing by the LHA as provided in Appendix 3. The LHA has confirmed that the SUO will be made and publicised shortly.

20 March 2023

Appendix 1: List of Persons Consulted on 31 January 2023 and Information on Consultation Responses

Statutory Undertaker	Asset Type	Consultation Response and Latest Position
Virgin Media	Telecommunication services	<p>Objected to the SUO on 1 February 2023.</p> <p>Virgin Media subsequently confirmed on 9 February 2023 that they were not objecting to the principle of the SUO but on grounds of access and asset protection.</p> <p>Confirmed on 16 March 2023 that Virgin Media do not object to the SUO on the basis that their apparatus would be protected under S247 of the Town and Country Planning Act 1990.</p>
Southern Gas Networks	Gas services	<p>Objected to the SUO on 2 February 2023.</p> <p>The Acquiring Authority and SSQ have entered into a Side Agreement and Asset Protection Agreement ("APA"), signed on 17 March 2023. The purpose of these agreements is to protect SGN's assets in respect of the CPO and SUO and upon completion, SGN withdrew their objection to both the CPO and the SUO.</p>
BT Openreach	Telecommunications	Confirmed on 2 March that BT Openreach do not object to the SUO on the grounds that their rights prior to the making of the order would be retained.
Thames Water	Water Services	Confirmed on 1 February 2023 that Thames Water do not object to the SUO.
Zayo	Fibre-Optic Telecommunications	Confirmed on 31 January 2023 that Zayo does not have apparatus affected by the SUO.
Neos	Fibre-Optic Telecommunications	Confirmed on 1 February 2023 that Neos does not have apparatus affected by the SUO.
SSE	Energy Supplier DNO	Confirmed on 20 February 2023 that SSE do not object to the SUO.
Fulcrum	Bio-Energy Company (Gas Supplies)	Confirmed on 31 January 2023 that Fulcrum do not have any apparatus in the area.
UKPN	Energy supplier DNO	Confirmed on 13 February 2023 that UKPN do not object to the SUO.

Appendix 2: Example SUO Consultation Documents Issued on 31 January 2023

From: Ben Murphy <Ben.Murphy@royalgreenwich.gov.uk>
Sent: 31 January 2023 14:55
To: 'streetworks@ukpowernetworks.co.uk' <streetworks@ukpowernetworks.co.uk>
Subject: Woolwich Exchange Stopping Up Order
Importance: High

Good Afternoon,

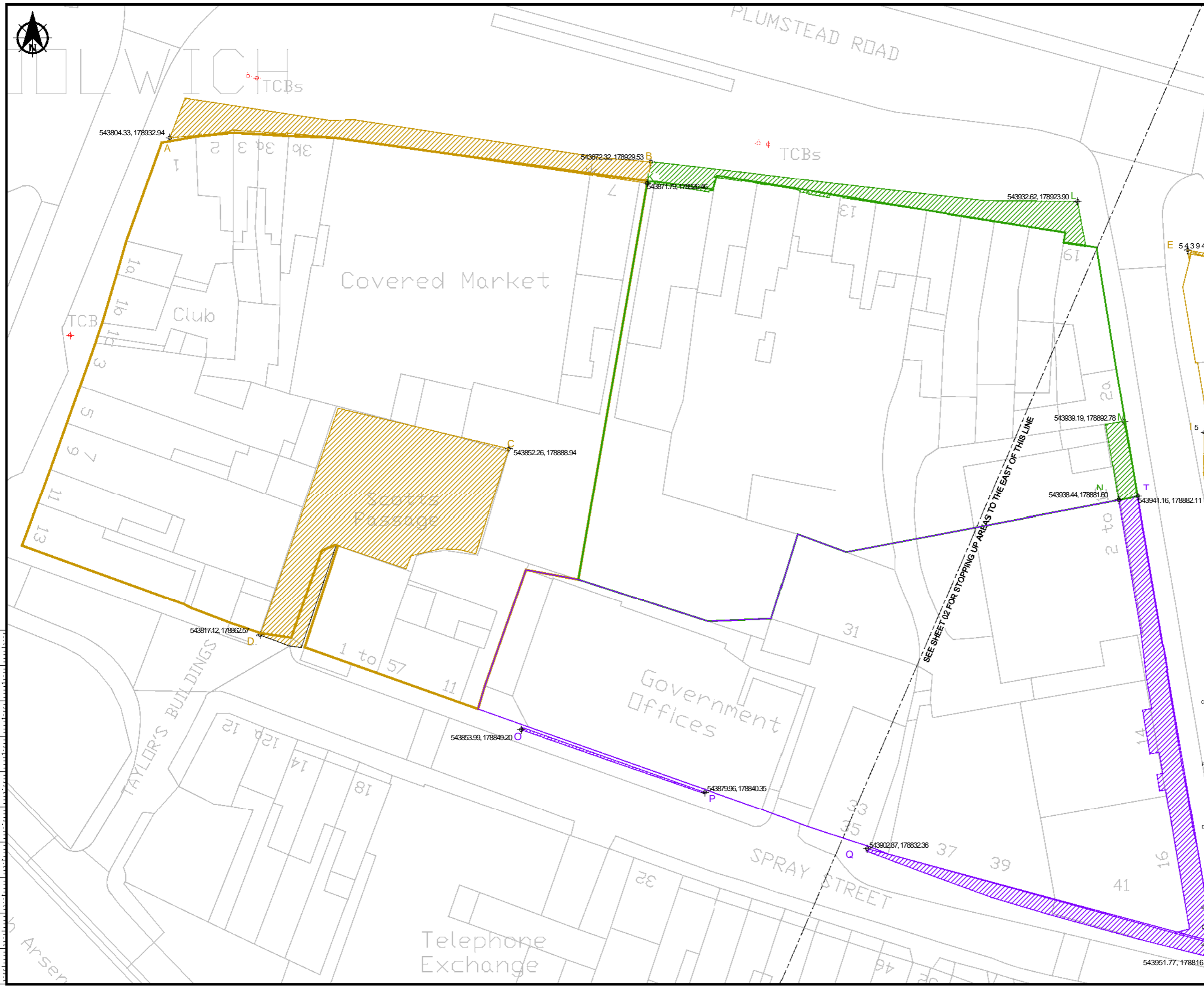
It has come to our attention that your organisation did not get an opportunity to comment on the Woolwich Exchange Stopping up Notice of Intent advertised in June 2022.
I would now like to invite you to see the necessary document and corresponding plan, which I have attached to this email.
Any comments you may have can be sent to this email address.
If physical copies of the documentation is required, please send a mailing address to this email.
As per typical stopping up order advertising procedure, you will have 28 days to respond to this email from todays date.

Kind Regards,

Ben Murphy
Highways Agreements Engineer
Communities, Environment and Central
Royal Borough of Greenwich

' 020 8921 4320

□ 5th Floor, The Woolwich Centre, 35 Wellington Street, London SE18 6HQ
□ www.royalgreenwich.gov.uk



NOTES

- AREA TO BE STOPPED UP
- PHASE 1
- PHASE 2
- PHASE 3

Rev	Date	Amendment Details	D r	l	C h	k	App
P03	16.01.2023	UPDATED SUO AREAS TO REFLECT CONSTRUCTION PHASING	BK	LP	LP		
P02	17.12.2021	UPDATED SUO AREAS	CW	LP	LP		
P01	01.12.2021	FIRST ISSUE	CW	LP	LP		

This drawing should not be relied on or used in circumstances other than those for which it was originally prepared and for which Sweco UK Limited was commissioned. Sweco UK Limited accepts no responsibility for this drawing to any party other than the person by whom it was commissioned. Any party which breaches the provisions of this disclaimer shall indemnify Sweco UK Limited for all loss or damage arising therefrom.

Sweco
3rd Floor, Eldon House
2 Eldon Street
London
EC2M 7LS
Tel: +44 (0)20 3002 1210
Web: www.sweco.co.uk



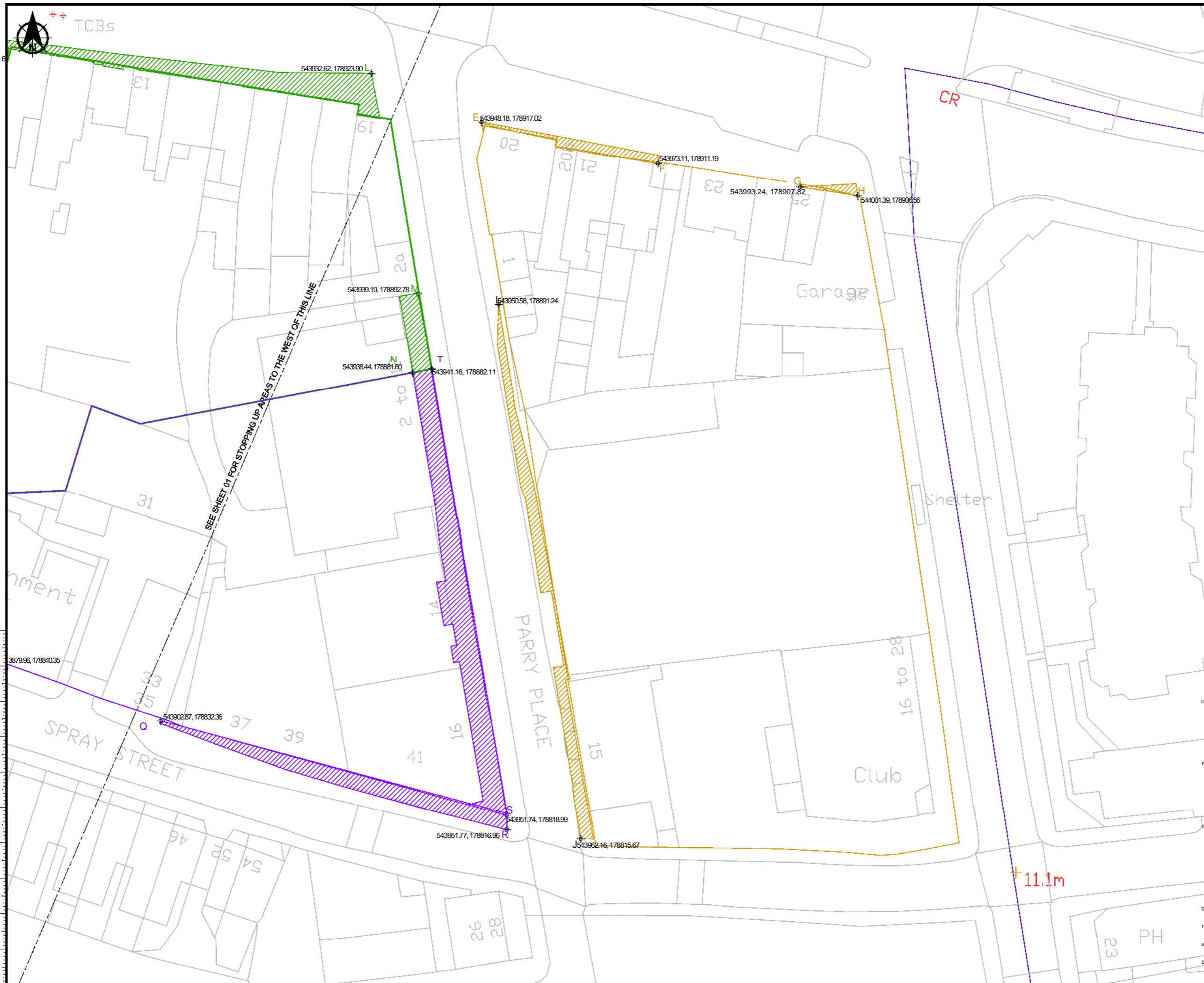
Client: SPRAY STREET QUARTER LLP

Project Title: WOOLWICH EXCHANGE



Drawing Title: STOPPING UP AREAS (SHEET 01)

Purpose Of Issue: PRELIMINARY							
Status	SO INITIAL STATUS OR WIP						
Designed	BK	Drawn	BK	Checked	LP	Approved	LP
Sheet Size	A3	Scale	1:500	SWECO Ref	5201329	Revision	P03

Drawing Number: 201329-SWE-ZZ-00-DR-TP-0014(01)



NOTES

-  AREA TO BE STOPPED UP
-  PHASE 1
-  PHASE 2
-  PHASE 3

Rev	Date	Amendment Details	D r	C h k	App
P03	16.10.2023	UPDATED SUO AREAS TO REFLECT CONSTRUCTION PHASING	BK	LP	LP
P02	17.12.2021	UPDATED SUO AREAS	CW	LP	LP
P01	01.12.2021	FIRST ISSUE	CW	LP	LP

This drawing should not be relied on or used in circumstances other than those for which it was originally prepared and for which Sweco UK Limited was commissioned. Sweco UK Limited accepts no responsibility for this drawing to any party other than the person by whom it was commissioned. Any party which breaches the provisions of this disclaimer shall indemnify Sweco UK Limited for all loss or damage arising therefrom. COPYRIGHT © Sweco 2021

Sweco
3rd Floor, Eldon House
2 Eldon Street
London
EC2M 7LS
Tel: +44 (0)20 3002 1210
Web: www.sweco.co.uk



Client: SPRAY STREET QUARTER LLP

Project Title: WOOLWICH EXCHANGE

Drawing Title: STOPPING UP AREAS (SHEET 02)

Purpose Of Issue: PRELIMINARY					
Status: SO	Status Description: INITIAL STATUS OR WIP				
Designed: BK	Drawn: BK	Checked: LP	Approved: LP		
Sheet Size: A3	Scale: 1:500	SWECO Ref: 5201329	Revision: P03		

Drawing Number: 201329-SWE-ZZ-00-DR-TP-0014(02)

Contact Ben Murphy
Telephone 020 8921 4320
Facsimile 020 8
Email ben.murphy@royalgreenwich.gov.uk



Transportation
Communities and Environment

The Woolwich Centre
35 Wellington Street
London
SE18 6HQ

31 January 2023

Main number 020 8854 8888

Dear Sirs

RE: ROYAL BOROUGH OF GREENWICH

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 247

NOTICE OF PROPOSED STOPPING UP OF THE HIGHWAY –WOOLWICH EXCHANGE

OS GRID REFERENCE: TQ 543850; 178850

It has come to our attention that we did not write to you before publishing on 10 June 2022 the Notice of Proposal for the stopping up of highways in relation to the proposed Woolwich Exchange development. I am therefore serving Notice that the Council of the Royal Borough of Greenwich intends to make an Order under section 247 of the Town and Country Planning Act 1990 ("the Act"), entitled the Royal Borough of Greenwich (Stopping Up of Highways) (No. *) (Woolwich Exchange) Order 202*.

The general effect of the Order would be to authorise the stopping-up of areas of the highway located on Plumstead Road, Parry Place, Spray Street and Scotts Passage, London SE18 as shown hatched on the enclosed plans (drawing Nos. 201329-SWE-ZZ-00-DR-TP-0014(01) and (02)).

If the Order is made, the stopping up would only be authorised in order to enable the provision of the development described in the Schedule to this Notice to be carried out in accordance with the planning application reference 20/3385/F granted on 23rd December 2021.

The draft wording of the proposed Order is attached. The expectation is that the stopping-up will be in phases, with each phase only being stopped-up when required to enable that phase of the development to be constructed.

You have 28 days from the date of this letter to respond with representations or an objection to this Notice. If you wish to do so, you should send a statement specifying the grounds on which any objection is made to the Council by email to ben.murphy@royalgreenwich.gov.uk or by post to the address in this letterhead, marked for the attention of Ben Murphy.

Should an objection be received and the Council unable to subsequently reach agreement on its withdrawal, the Council will follow the statutory procedures in S252 of the Act requiring notification to and the consent of the Mayor of London and a public inquiry.

encl:

- drawing Nos. 201329-SWE-ZZ-00-DR-TP-0014(01) and (02) [ver.03]
- draft of Stopping Up Order

If you require a physical copy of these documents, please email ben.murphy@royalgreenwich.gov.uk with a mailing address.

Yours sincerely,

Ben Murphy
Highways Agreements Engineer



STOPPING UP ORDER

TOWN AND COUNTRY PLANNING ACT 1990

RBG 202* No.** SUO

The Royal Borough of Greenwich (Stopping Up of Highways) (No.**) (Woolwich Exchange) Order 202*

The Council of the Royal Borough of Greenwich (hereinafter referred to as “the Council”), in exercise of the powers conferred by section 247 of the Town and Country Planning Act 1990¹ (hereinafter referred to as “the Act”), and of all other powers thereunto enabling, hereby makes the following Order:

1. This Order may be cited as the Royal Borough of Greenwich (Stopping Up of Highways) (No. *) (Woolwich Exchange) Order 202* and shall come into force on the date on which notice that the Order has been made is first published in accordance with section 252(10) of the Act.

2. In this Order, unless the context otherwise requires:

“deposited plans” means the drawings titled “WOOLWICH EXCHANGE STOPPING UP AREAS (SHEET 01) Drawing No. 201329-SWE-ZZ-00-DR-TP-0014(01) and WOOLWICH EXCHANGE STOPPING UP AREAS (SHEET 02) Drawing No. 201329-SWE-ZZ-00-DR-TP-0014(02)” and deposited at the offices of the Council's Director of Communities Environment & Central, Royal Borough of Greenwich, The Woolwich Centre, 35 Wellington Street, London, SE18 6HQ;

“developer” means Spray Street Quarter LLP or such other person as the Council's local highway authority may approve in writing from time to time; and

“statutory undertaker” has the same meaning as in section 262 of the Act.

3. The Council authorises the stopping up of the area of highway in the Royal Borough of Greenwich described in the Schedule to this Order and shown hatched on the deposited plans in the Stopping Up Phases identified in the Schedule or in such other Stopping Up Phases as the Council may specify in a certificate as shown on an accompanying plan, only in order to enable development to be carried out in accordance with the planning permission granted under Part III of the Act to the developer, on 23 December 2021, reference 20/3385/F, or any permission granted pursuant to an application under section 73 of the Act (“the planning permission”) subject to the stopping up of each Stopping Up Phase only taking effect upon the following being satisfied in respect of the relevant Stopping Up Phase:

- (a) The Council or the developer has acquired, terminated and/or issued a notice of entry (pursuant to section 11 of the Compulsory Purchase Act 1965) in respect of all freehold and leasehold interests in the land immediately adjoining the relevant Stopping Up Phase; and

- (b) Evidence has been submitted to the Council as local highway authority evidencing the matters in paragraph (a) above and the Council as local highway authority has issued a certificate

¹1990 c.8

approving the evidence and confirming that as a result the stopping up of the area of highway in the relevant Stopping Up Phase takes effect on the date of the certificate.

4. Any statutory undertaker having apparatus under, in, on, over, along or across any of the areas of highway authorised to be stopped up pursuant to this Order, shall subject to section 256(1) of the Act have the same rights in respect of that apparatus after that highway is stopped up as they had immediately before.

Dated this **th day of **** 202*

Assistant Director, Transportation

DRAFT

SCHEDULE

(DESCRIPTION OF HIGHWAYS IN THE ROYAL BOROUGH OF GREENWICH TO BE STOPPED UP)

1. The areas located in Plumstead Road, Scotts Passage and Parry Place shown hatched brown on the deposited plans as follows (Stopping Up Phase A):
 - (a) the area of Plumstead Road shown which is bounded on the south-west side by the north-eastern flank wall of Nos. 1 to 7 Plumstead Road, between the point marked 'A' and the point marked 'B', with a maximum width throughout of 6.0 metres;
 - (b) the area of Scotts Passage shown which is bounded on the north-east side by the south-western wall of the covered market with a maximum length of 33.9 metres and a maximum width of 24.8 metres;
 - (c) the area of Plumstead Road shown which is bounded on the south-west side by the north-eastern flank walls of Nos. 20 to 22 Plumstead Road, between the north-western wall of No. 20 at the point marked 'E' and the eastern flank wall of No. 22 at the point marked 'F', with a maximum width throughout of 1.6 metres;
 - (d) the area of Plumstead Road shown which is bounded on the south-west side by the north-eastern flank walls of Nos. 25 and 26 Plumstead Road, between the north-western wall of No. 25 at the point marked 'G' and the eastern flank wall of No. 26 at the point marked 'H', with a maximum width throughout of 1.8 metres; and
 - (e) the area of Parry Place shown which is bounded on the east side by the western flank wall of Nos. 1 to 15 Parry Place, between a point 10 metres south of the northern wall of No. 1 at the point marked 'I' and a point 2.5 metres north of the northern kerb-line of Spray Street at the point marked 'J', with a maximum width throughout of 1.9 metres.
2. The areas located in Plumstead Road and Parry Place shown hatched green on the deposited plans as follows (Stopping Up Phase B):
 - (a) the area shown which is bounded on the south-west side by the north-eastern flank wall of Nos. 8 to 19 Plumstead Road, between the point marked 'K' and the point marked 'L', with a maximum width throughout of 6.5 metres; and
 - (b) the area shown which is bounded on the west side by the eastern flank wall of Nos. 2 to 12 Parry Place, between the point marked 'M' and the point marked 'N' with a maximum width throughout of 2.7 metres.
3. The areas located in Spray Street and Parry Place shown hatched on the deposited plans as follows (Stopping Up Phase C):
 - (a) the area of Spray Street shown which is bounded on the north-east side by the south-western flank wall of Lcem House, No. 15 Spray Street, between a point 33.5 metres southeast of the south-eastern kerb-line of Scotts Passage at the point marked 'O' and south-eastward for a maximum length of 27.5 metres to the point marked 'P', with a maximum width throughout of 0.4 metres;
 - (b) the area of Spray Street shown which is bounded on the north-east side by the south-western flank wall of Nos. 37 to 41 Spray Street, between the south-eastern wall of Nos. 33 and 35 at the point marked 'Q' and a point 4 metres south-east of the south-eastern flank wall of No. 41 at the point marked 'R', with a maximum width throughout of 2.2 metres; and

- (c) the area of Parry Place shown which is bounded on the west side by the eastern flank wall of Nos. 2 to 16 Parry Place, between the point marked 'T' and a point 3 metres south of the southern flank wall of No. 16 Parry Place at the point marked 'S', with a maximum width throughout of 5.2 metres.

DRAFT

Appendix 3: RBG Highways Letter of Intent for the Making of the Order

Contact Ben Murphy
Telephone 020 8921 4320
Facsimile 020 8

Email ben.murphy@royalgreenwich.gov.uk

Lorna Parsons
Technical Director - Development Transport Planning &
Infrastructure
Sweco London
Eldon House, 2 Eldon St, London EC2M 7LS

20 March 2023

Dear Lorna

**Stopping up order for Woolwich Exchange known as the Royal Borough of Greenwich (Stopping Up of Highways) (No. *) (Woolwich Exchange) Order 202* (the Order)
Town and Country Planning Act (TCPA) 1990
Royal Borough of Greenwich (RBG)**

I write to you as agent of the applicant, Spray Street Quarter LLP (SSQ), to the Order.

I am authorised to confirm the following matters:

- RBG has carried out consultation in respect of the Order in accordance with the requirements of section 252 of the TCPA 1990 as follows:
 - all relevant persons with a proprietary interest were consulted on 8 June 2022 for 28 days ending 6 July 2022;
 - all relevant statutory undertakers were consulted on 31 January 2023 for 28 days ending 28 February 2023; and
 - corresponding local press notices were advertised and site notices were erected;
- No objections were received during the first consultation exercise;
- Objections were received from the following parties during the second consultation exercise:
 - Virgin Media; and
 - Southern Gas Networks;
- Following a period of discussions that have followed, RBG has received notification that all objections have now been withdrawn;



Transportation
Communities and Environment

The Woolwich Centre
35 Wellington Street
London
SE18 6HQ

Main number 020 8854 8888

- In the case of Virgin Media, they require protection rights as telecommunication operators consistent with the requirements of section 256 of TCPA. RBG is satisfied that such protection exists and is expressly provided for in the form of Order to be made;

On this basis, RBG is now in a position to make and publicise the making of the Order which it intends to do so shortly in the coming days.

I will write to you again shortly to confirm the final arrangements for the making and publication of the Order.



20.03.23

Yours sincerely,

Ben Murphy
Highways Agreements Engineer



Struggling?



Page 2 of 2
Have your say