

# Neptune Group

## FISH ISLAND AREA ACTION PLAN - Public Examination

Day 3 – Session 5 – Friday 20 July am

Mid Fish Island – Including Opportunity Sites

***Issue 6 – Are the policies and proposals for growth and change in this area appropriate and justified, including in relation to the NPPF, the London Plan and the Core Strategy and in terms of environmental, economic and social impact; are they clear and deliverable by 2025?***

The following comments supplement Neptune’s formal representations and should also be read in conjunction with comments in relation to Sessions 1 and 2, where we highlight the need for clarity in terms of the opportunity / capacity of the FI area, including Mid FI.

### **Neptune Wharf – Opportunity Site 3**

Neptune welcome the designation of Neptune Wharf as an opportunity site and the designation of the site within an area identified for residential-led development.

However, in identifying opportunity sites, it is important that the AAP adopts a realistic approach to their potential to deliver both identified development requirements for say housing and employment and also their capacity to contribute towards infrastructure and other identified AAP priorities.

The AAP appears to adopt the presumption that a relatively small number of opportunity sites will support the majority of infrastructure provision. This is a position that we demonstrate has to be approached carefully in terms of viability if it is to ensure delivery. The evidence has to be reliable and the expectations realistic and balanced. In the context of the additional burden of a school on Neptune Wharf, the approach is not sound.

It is critical that in adopting a robust approach to the delivery of positive change, of new housing and employment and other uses; that the AAP provides a viable delivery framework, otherwise it will prejudice both development and infrastructure delivery and undermine its own wider regeneration objectives.

However, we consider that in terms of the weight of obligations now imposed on site OS3, Neptune Wharf, the AAP is not sound. In relation to the new requirement for primary school provision, it does not rely on a robust and credible evidence base or delivery framework in relation to infrastructure provision.

The following comments focus upon the proposed designation of the Neptune site for the provision of 3 form entry (3FE) primary school. The designation of the site for a school was only introduced at the last stage of the AAP process, the designation was not introduced as a result of any discussion with Neptune despite the fact that in parallel with the AAP, detailed site specific discussions have been ongoing with LBTH, GLA, LTGDC, LLDC, the ODA/Legacy Authority in relation to the emerging scheme for the site.

For the reasons set out below, the proposed school designation is not considered to be sound having regard to, for example, the following tests outlined in *'Development Plans Examination - a Guide to the Process of Assessing the Soundness of Development Plan Documents - Planning Inspectorate 2005'*. In particular we identify:

#### Conformity tests

- √ Consistency with national planning policy

#### Coherence, consistency and effectiveness tests

- √ Whether the strategies/policies/allocations represent the most appropriate in all the circumstances, having considered the relevant alternatives, and they are founded on a robust and credible evidence base;
- √ Are there are clear mechanisms for implementation and monitoring;
- √ Is it is reasonably flexible to enable it to deal with changing circumstances.

In relation to the tests of effectiveness, the guidelines ask 'key questions' such as:

- √ Is it clear that the Local Planning Authority considered all reasonable options and alternatives in preparing the DPD?
- √ Are the assumptions in the DPD set out clearly and are they supported by evidence?
- √ Does the evidence clearly support the policies in the DPD?
- √ Is the evidence robust and credible – i.e. has it been prepared in accordance with national policy and good practice guidance?
- √ Where a balance has been struck in taking decisions between competing alternatives – is it clear how those decisions have been taken?

#### **Background**

At the LPA's invitation, Neptune met with LBTH towards the end of June to review their objections in relation to the proposed designation of the western end of their site for a primary school. Following the meeting, the LPA provided a note further explaining their position and rationale (Annex 1).

Neptune sought to encourage the LPA to adopt a less rigid and more flexible / deliverable approach to primary school provision, for example, suggesting that the AAP should not identify a single specific site, but instead identify a need to be met within the FI area and to identify through the AAP, the process by which site options would be considered. However, the LPA suggests that a single site designation option would be their only way of achieving certainty. We demonstrate that such an approach would seriously undermine the delivery strategy and is thus not sound.

The LPA note in Annex 1 suggest that the approach to securing a school relies upon the basic presumptions that:

- √ The Neptune site selection has been tested through the AAP process
- √ That it is unique in being able to meet the LPA's (somewhat limited) site selection and delivery criteria
- √ That it is available early
- √ That it is capable of delivering enabling development and that the process is viable.

We demonstrate below that both the late decision in the AAP process to switch the designation to the Neptune and the decision to allow no other option for delivery is fundamentally unsound, in that:

- √ **Late Change** : The AAP process offers no sound basis for the late change in school options and suggests a knee-jerk and poorly considered approach by the LPA
- √ **Inadequate Selection Process**: The site selection criteria are grossly inadequate and do not justify either a single site approach, nor suggest that the Neptune site is a clear option
- √ **Inappropriate Site**: When more robust criterion are applied to site suitability, Neptune performs very poorly in terms of suitability
- √ **No Alternatives**: The process of site selection has paid inadequate regard to alternative options, a critical failure in light of demonstrated delivery constraints and conflicts with other AAP priorities – the approach therefore fails tests of soundness
- √ **Unjustified Delivery**: Inadequate regard has paid to the ability of the site to deliver the school
- √ **Poor Evidence**: The evidence base relating to viability is not robust, does not reflect best practice and is unsound
- √ **Lack of Robustness**: The approach adopted in the AAP to place all its eggs in one basket, not only undermines the ability to deliver the school, but severely reduces the LPA's ability to review other options and also undermines the ability of the site to deliver the identified development objectives and other identified priorities within the UDP. In addition, the specific site allocation, severely restricts the ability of the LPA, to seek, in the event of needing to, an alternative provision elsewhere with the wider area.

## **Review and Responses to the LPA's Note**

The rationale as set out in the LPA's note of 27<sup>th</sup> June is as follows.

### 1.1 There is a need for a school

- √ This is not disputed, but the need is generated in-part by an existing shortfall of school places from an existing population outside FI – there is no evidence within the AAP of a comprehensive or exhaustive search of sites outside or near to FI
- √ Additional demand will be generated by growth from within FI - but this is not spatially plotted in the context of planned housing growth or tested against other qualitative operational/environmental/location/site and timing/delivery criteria or assessments.

- √ Neither factor can justify the selection of a single site without adequate testing. The existence of need does not of itself support the identification of Neptune as the sole opportunity.

#### 1.1/2.1 The Core Strategy identified FI as an area of search

- √ Acknowledged, but the subsequent process of selection is demonstrated to be far from robust.
- √ We therefore conclude that the CS does not advocate or justify the single site approach at the AAP stage.

#### 1.2 The Designation was informed by the Call for representations

- √ There is no evidence that through earlier consultation stages, any consultees submitted sound evidence to support the selection of the Neptune site

#### 1.2 Regard was had to viability and delivery considerations

- √ We demonstrate below that this evidence-base, which the LPA relies on to suggest a school is viable, is grossly inadequate.

#### 1.3 Support is offered by the NPPF

- √ The quoted section from the NPPF highlights the need for a collaborative approach, which has not been adopted here.
- √ The NPPF focuses on viability and delivery – there is no such certainty offered by the suggested AAP process. In fact the AAP process works against its own aims and ability to deliver a school by its reliance on a single ‘solution’. This of itself demonstrates the clear prospect that the AAP will score an ‘own goal’

#### 2.3 Evidence from the GLA justified the retention of the waste function on the originally designated McGrath site

- √ Our own meetings and discussions with the GLA on the wider development framework for the area suggest they are willing to work with the adjoining landowner to address the waste license
- √ There is no evidence to demonstrate that McGrath or another suitable site could not be brought forward within a reasonable timeframe.
- √ If the need for a school is such an overarching priority, the AAP could have maintained the aspiration for a school on the McGrath site and justified this as a key acceptable reason for promoting earlier policy change on (part of) that site.

#### 2.3 Refinement of the LIL boundaries and the identification of more land in FI for residential-led or mixed uses

- √ Again, this in itself does not justify the selection of Neptune as the only option. If the need for a school is such a key priority, land within or adjoining the proposed LIL boundaries could have been reviewed and allocated as a priority
- √ Such land, with lower land values would potentially be easier to acquire
- √ In addition, there are significant additional sites that lie outside the proposed LIL boundary that would be suitable for accommodating a school (Annex 2)

#### 3 Site selection criteria

- √ The criteria used are very basic and inadequate, they do not justify the selection of Neptune as the only preferred site, nor do they justify it as the sole option
- √ Reference is made to further criteria in 4.1, but at no stage were these tested with the landowner, nor were/have they been published

#### 5.5 Sites within LIL were excluded as not appropriate

- √ As before, if the need is so acute, there would be clear justification for adopting a flexible approach to any suitable sites within the draft LIL boundary, and the clear evidence base of need, would be available and robust.
- √ There is no evidence that any such sites were actually considered.
- √ The suggestion that such an approach would conflict with the employment policy objectives of the CS is somewhat undermined by the LPA's response to comments on the employment floorspace targets in the AAP (see response 120), suggesting that they are no more than guides and would be reviewed on a site by site basis. On this basis one could assume flexibility to allow say 0.5 ha for a school should be manageable.

#### 5.2 Viability

- √ Weight is placed on the requirement in the NPPF that the LPA must pay "careful attention to viability". We demonstrate below and in Annex 3 that an inadequate approach has been taken to assessing viability and that this evidence demonstrates that the approach adopted is thus contrary to the NPPF.

#### 5.3 LBTH has no land

- √ No evidence is offered to suggest that the LPA has reviewed land owned by its delivery partners, LTGDC / LLDC and whether any is available or could be used for or to contribute to assembling a school site.
- √ We are aware that LTGDC owns land, and has done so for some time, in FI North outside the hub that may be suitable for a school, and that would fulfill more selection criteria in a better and more sustainable way than the designation sought by the AAP..
- √ LTGDC/LLDC may suggest that they have an obligation to maximise receipts from land assets, but such an objective should not rule out the opportunity for the public sector to make available / assist in assembling for with LBTH, a site for essential infrastructure such a school. This should be a key role of a public sector delivery agency. In addition, the use of such a site for a school can easily be demonstrated to maximise the value of the land via future s.106 requirements.

#### 5.4 LBTH is willing to be flexible on school format

- √ No information is provided to support this comment, there are no guidelines on the format of school that would be considered, simply varying references to site sizes of 0.3, 0.4 or 0.5 ha. Clearly the evidence and approach suggest the contrary.
- √ If flexibility on format does exist, then this suggests that many other potential sites could / should also be considered.
- √

#### 5.4-7 LBTH is willing to consider viability issues

- √ This comment is somewhat vague and contradicts the Council's reluctance to agree to such a suggested change in the main body of the AAP (see 132)
- √ It implies that the LPA will review relevant priorities, but offers no clarity
- √ It is not possible to assess whether such a process would undermine other key priorities that are specific to the Neptune site – see supporting commentary below
- √ The simplistic assumption that as Neptune Wharf is a relatively large site, it could support a school in a mixed-use scheme, is not supported by any evidence.
- √ There is no evidence to demonstrate that other sites could not support a school as part of a mixed-use approach, for example, a school with residential over. We identify many sites in Annex 2 that could better deliver such an option.

#### 5.0 The need is for the school to be in an early phase

- √ There is no guarantee that the identified western end of the Neptune site could be delivered early or, for example, that the McGrath site, or part of it; or any other site could not be delivered even earlier.

In the following section we demonstrate that the AAP approach is flawed and unsound in terms of:

- √ Inadequate site selection
- √ Unfounded assumption as to viability
- √ Conflict and uncertainty generated in terms of key AAP objectives for both housing and employment development and site specific infrastructure

Neptune's position is that the AAP's single site approach for a school 'risks all'. By relying on a single site with no certainty on delivery, the LPA's ability to secure an alternative is greatly diminished and thus the approach undermines the very desire of LBTH to create short-term certainty and secure early delivery.

In contrast to the AAP's approach, Neptune believe that a more suitable approach would be to identify the need within the AAP to secure a site and to promote an early joint study between the LPA's and the Development Corporation to review options and their deliverability. Indeed such an approach was advocated by LLDC at a recent pre-application meeting and acknowledged by Officers of the GLA and LTGDC as appropriate. (see minutes in Annex 4)

#### **Site Selection**

The matrix attached at Annex 2 is an initial demonstration that there are clearly a wide number of sites that are potentially suitable for accommodating a school, the majority of which have not been considered.

It demonstrates that Neptune Wharf scores poorly when assessed against more relevant criteria than those adopted by the LPA and notably compares poorly when compared to other sites within the AAP area.

#### Neptune's Position

The approach we advocate as a sound alternative is that the AAP should acknowledge the need within the AAP area, but that it advocates an early study into the need and opportunity to deliver. Such a *considered* approach affords the LPA a far greater chance of successful delivery of not only a school, but also its wider AAP aspirations.

As previously discussed, the designation of Neptune Wharf as the only potential school site is not sound for a wide number of reasons, for example:

- √ The designation is not supported by adequate evidence that a full and proper assessment of potential site options has been undertaken.
- √ This weak process also undermines the ability to deliver other key AAP aspirations.
- √ The Neptune site is identified as being required to provide a significant number of fundamental AAP aspirations, a number of which only the Neptune Wharf site can deliver. The impact of the school designation would be to raise serious doubt as to the ability to deliver these other AAP priorities; for which there would be no fallback option. The impact on the AAP as a whole would be hugely detrimental. The clear potential for alternative sites for a school does not justify the significant risks that the LPA is taking in undermining core elements of the overall AAP.
- √ AAP priorities that are exclusive to the site include:
  - The creation of an enhanced N-S link over the canal, the desire for which is potentially the most significant element of the movement / connectivity network in the area, not only connecting the station/proposed hub to mid and south FI, but also connecting strategically at Neptune Wharf to E-W links. Throughout the emerging AAP process, this link has been identified as essential to “stitching” FI into both the wider Legacy area and established communities.
  - Whereas LBTH suggest that funding is available to build a school, there is no such funding for the crossing enhancement and its delivery is dependent upon development coming forward; Neptune being key to this.
  - Discussions with the Legacy energy provider Cofely have also identified that the proposed bridge is their only means of connecting the Legacy energy centre’s district heating network into North Fish Island. Without an improved N-S connection it is unlikely that the significant development proposed for Mid FI will be able to connect to the new district heating network, thus undermining the sustainable energy strategy for the Legacy and FI areas.
  - Creation of new public realm at this key location and opening up the southern side of the waterway to create public access and valuable amenity areas are identified as essential to improving environmental quality and appreciation of the waterway. This particular objective was acknowledged as important by the Inspector into the original Olympic CPO.
  - Providing a significant CCI hub, with a major contribution to new employment in the CCI sector is a key feature of the scheme. From the beginning Neptune has been committed to delivering a strong employment element to the scheme, which has always been a key longstanding land use objective of the AAP.
  - The delivery of a strong employment element within the early phases, with an emphasis upon the CCI sector. The scheme has a strong CCI central

facility that will not only provide CCI space, but will provide a central gallery / exhibition space where, for example, local artists can display work. Several CCI operators have confirmed their willingness to support and manage the space, which would be offered at genuinely discounted rents.

- √ LBTH has suggested that they have the funding to build a school, but not the land. However, no evidence has been provided to demonstrate what scale of funding is available and when.
- √ A site specific designation of Neptune as the sole school site offers no guarantees of the delivery of land.
- √ Firstly it would promote what is clearly one of the least suitable sites in the area (see Annex 2) and would thus fail to meet the objective of providing a quality long-term educational environment/facility. In the light of other potentially available sites not being fully considered, there is no justification for this approach.
- √ The 'Neptune only' approach would signal to every other landowner in the area, the freedom to exclude consideration of a school within their own proposals. In doing so, the LPA would reduce its ability to identify and secure a more suitable school option. As such, the current approach significantly increases the risk of unsuccessful delivery.
- √ LBTH also suggested that the requirement was urgent, however, the western area of Neptune Wharf is, currently identified as the final development phase. It is occupied by BOC and may not come forward for some years.

LBTH acknowledges that Neptune is committed to the regeneration of the area and that they have been a major promoter of the overall aspiration of the AAP. In doing so they are committed to key site specific AAP aspirations and to, for example, early connectivity infrastructure and a development phase that will support / stimulate other occupiers, landowners and investors to commit to the area. The inertia that this could offer to the wider regeneration programme should not be under-estimated. Should such a key site stall through, for example, lack of viability or be sterilised due to the school designation / safeguarding; then the impact upon the wider AAP delivery aspirations would be seriously negative and harmful. This of itself is contrary to the tenet and thrust of the NPPF.

The site is identified as one of the major opportunity sites in the AAP that will deliver significant new homes and employment, a commitment that unlike the very late school allocation, has been consistent throughout the evolution of the AAP and which has informed the evolving proposals.

As discussed at the LBTH meeting, we do not seek to oppose the need for a school, but the present position is, for example, not justified (sound) in terms of the lack of evidence; nor sound in terms of (i) its ability to actually secure the delivery of a school (ii) its harmful impact on other key AAP priorities and thus the AAP as a whole.

If the AAP is neither realistic or balanced in how it will deliver its overall objectives. Its delivery strategy will be seriously undermined. The AAP has to be realistic in terms of delivery, yet even the LPA's own viability evidence base fails to support the deliverability of

a school at Neptune Wharf. We attach at Annex 3 a critique of the viability position, which demonstrates that there is no basis to support this additional obligation.

We see a far more robust position to be one whereby the AAP identifies the need for a school within the AAP/wider area and that it advocates an early study into the need and delivery opportunities. Such a considered approach affords LBTH, the LLDC who is the future planning authority and the wider delivery partners greater chance of successful delivery of the not only a school, but its wider aspirations.

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