

# **POSITION STATEMENT**

## **Neptune Wharf – LBTH Response**

In respect of Session 5  
Mid Fish Island – Including Opportunity Sites

**London Borough of Tower Hamlets  
Fish Island Area Action Plan  
Local Development Framework  
9 July 2012**

This statement provides the Council's response to the issues stated within Neptune Group's Position Statement Mid Fish Island – Including Opportunity Sites of the Fish Island AAP Examination in Public. It does not seek to repeat information relating to the Council's position as stated elsewhere.

**Issue1: 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.*

**Council's Response:**

- 1.1 Disagree. The Council's approach to ensuring viability issues are fully considered as part of the development management process is stated within the document attached to the letter sent to Austin Mackie Associates on 27 June 2012, and remains unchanged. The AAP includes an Implementation Plan in Appendix 2 of the AAP, the role of which will be to identify the funds needed to deliver projects, set out relative priorities and to seek funding from a variety of sources. There are a large number of sites which can contribute towards infrastructure provision – eg. through Section 106 contributions or Community Infrastructure Levy – but only a limited number of sites of sufficient size to accommodate essential infrastructure, including a new school and a new local park, as part of wider redevelopment proposals.

**Issue 2: Neptune Wharf – Opportunity Site 3**

*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.*

**Council's Response:**

- 2.1 Disagree. The Council's site selection process regarding the primary school designation on Fish Island is stated within the document attached to the letter sent to Austin Mackie Associates on 27 June 2012 and remains unchanged.
- 2.2 In addition, the Council has been in dialogue with Neptune Wharf and other landowners throughout the preparation of the AAP. In relation to site specific discussions with LBTH, GLA, LTGDC, LLDC, ODA, no formal pre-application advice has been provided previously.
- 2.3 In relation to site specific discussions with stakeholders such as LBTH, GLA, LTGDC, LLDC and the ODA, a pre-application advice letter from the ODA (11<sup>th</sup> July), concerns were raised regarding social infrastructure. The letter stated that "there is a need for further development of your current scheme to take into account the current and emerging policy context that applies to Fish Island", specifically Policy SPO7 of the Adopted Core Strategy, and the Fish Island AAP Submission Version which identifies the need for a new 3FE primary school on the Neptune Wharf site. The letter also stated that "any scheme will need to convincingly respond to the education priorities as identified by adopted LB Tower Hamlets policy, including those of the adopted LB Tower Hamlets Core Strategy as set out above, and demonstrate that the uses proposed do not prejudice the policies of the adopted Development Plan as they relate to the site".

**Issue 3: 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*

**Council's Response:**

- 3.1 In terms of meeting this need, Figure 1 below demonstrates that there is insufficient capacity within existing schools within proximity of Fish Island to meet the supply of places projected to arise from Fish Island North and Fish Island Mid.
- 3.2 In addition, analysis has been undertaken to determine whether the Council is able to expand any of its current primary schools to meet this need. This analysis indicates that there are no schools within proximity of Fish Island which can be expanded to meet potential need arising from development in Fish Island.
- 3.3 Proposals within the LCS Application includes the provision of 6FE of primary school provision, provided in two 3FE primary schools, which meets the 6FE demand for places arising from the LCS development. Therefore, subject to admissions criteria and catchments, education provision in the LCS application (including Fish Island East) will only meet the needs of the application itself and not the wider area.
- 3.4 This suggests that, in accordance with AAP Policy FI 4.6, that a new primary school will be required within Fish Island North or Fish Island Mid.

**Figure 1: Capacities of Schools in proximity to Fish Island**

	Existing capacity (FE)	Existing capacity (places)	Roll Jan 2012	Unfilled capacity	Comments
<b>Within 800m</b>					
Old Ford	3	630	624	6	Already a large school, further increase in size not preferred
<b>Within 1200m</b>					
Chisenhale	1.5	315	308	7	Option for expansion identified by use of LBTH-owned building across the road. However, at this stage unable to agree lease surrender with long leaseholder. Unable to expand without additional site area.
Olga	1	210	207	3	Feasibility study for expansion being undertaken (will be able to update by the time of the EiP)
Malmesbury	2.5	525	523	2	Restricted site for cost-effective expansion
St Agnes	1	210	201	9	RC school - expansion would depend on need for RC places which is not required at present
Old Palace	2	420	418	2	Feasibility study for expansion being undertaken but site very restricted (will be able to update by the time of the EiP)
Wellington	2	330	325	5	Expansion from 1.5 FE to 2FE implemented - extra pupils admitted in 2011 and school will increase to full roll/capacity of 420

3.5 The Council has undertaken a review of all of its own assets within the existing school estate and other landholdings to ensure it has maximised the potential of its own land before looking to allocate sites in private ownership.

**Issue 4 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.*

**Council's Response:**

4.1 Sites have been allocated in the AAP and the Managing Development (MD) DPD to make sure the borough has the infrastructure needed to support the level of growth set out in the Core Strategy and the AAP. If these sites were not identified and safeguarded for specific uses, the borough would be at risk of not being able to provide services and facilities for its communities. It is a key function of the AAP to create a balanced approach to regeneration that delivers new homes supported by schools, open space, health facilities alongside space for new businesses rather than just new homes alone.

**Issue 5: 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*

**Council's Response:**

- 5.1 The Council's site selection process regarding the primary school designation on Fish Island, which includes reference to changes made following the engagement period and the availability of new evidence, is stated within the document attached to the letter sent to Austin Mackie Associates on 27 June 2012 and remains unchanged.

**Issue 6: 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.*

**Council's Response:**

- 6.1 The Council's site selection process regarding the primary school designation in relation to viability and deliverability issues on Fish Island is stated within the document attached to the letter sent to Austin Mackie Associates on 27 June 2012 and remains unchanged.
- 6.2 In addition, we have responded to Annex 3: Comments on Viability and Deliverability Issues elsewhere in this response.

**Issue 7 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'*

**Council's Response:**

- 7.1 Disagree. The collaborative approach taken towards the AAP is identified in the Statement of Engagement and the Consultation Report, as well as the collaborative approach with other stakeholders addressed in the response to Issue 2 above.
- 7.2 The Council's site selection process regarding the primary school designation in relation to viability and deliverability issues on Fish Island is stated within the document attached to the letter sent to Austin Mackie Associates on 27 June 2012 and remains unchanged. The response to issue 4 above states the justification for identifying sites for key infrastructure

**Issue 8: 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.*

**Council's Response:**

- 8.1 In relation to the waste licence issue, the GLA have confirmed the approach taken in the MD DPD that the site be safeguarded for waste, and that development cannot come forward on the McGrath site until it is demonstrated that the Council's waste apportionment target can be delivered elsewhere. Whilst the Council is working with the GLA to agree a long-term solution for meeting its waste apportionment target, and remains committed to the redevelopment of the McGrath site in accordance with the Fish Island AAP, there is no certainty as to when this will be achieved.
- 8.2 In contrast there is a need to identify a site for a school which can come forward early in the process in line with new development to ensure there are school places available within Fish Island for the new population arising from this new housing.

***Issue 9: 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)*

**Council's Response:**

- 9.1 The Council's site selection process regarding the primary school designation in relation to inappropriateness of a school within LIL is included is stated within paragraph 5.1 of the document attached to the letter sent to Austin Mackie Associates on 27 June 2012 and remains unchanged. A primary school is not considered a suitable land use in a LIL, which are intended to be industrial in character. Industrial uses within a LIL have servicing and access requirements and potential amenity impacts which are not compatible with a location for a primary school. If a primary school was located in a LIL there is a risk of 'reverse sensitivity' impacts which could prejudice the continuation of industrial operations and undermine the intended function of the LIL.

***Issue 10: 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*

**Council's Response:**

- 10.1 Disagree. The Council views the methodology for selecting sites to be sound and of an appropriate level of detail required for the Strategic Policies of a Development Plan Document. The Site Selection Methodology Note (2011) and the document attached to the letter sent to Austin Mackie Associates on 27 June 2012 state the methodology, including the criteria, used to allocate sites.

***Issue 11: 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.*

**Council's Response:**

11.1 The exclusion of sites within LIL boundaries is addressed in issue 9 above. In relation to employment floorspace targets; as was stated in the response to Representation 120, appropriate uses and development proposals in LILs will be tested against the principles set out in the Core Strategy, Managing Development DPD and the Area Action Plan, the purpose of which are to ensure viable and active employment floorspace remains protected and that opportunities for new floorspace are facilitated in the borough.

**Issue 12: 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.*

**Council's Response:**

12.1 The Council's site selection process regarding the primary school designation in relation to viability and deliverability issues on Fish Island is stated within the document attached to the letter sent to Austin Mackie Associates on 27 June 2012 and remains unchanged. In addition, we have responded to Annex 3: Comments on Viability and Deliverability Issues elsewhere in this response.

**Issue 13: 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 fulfil 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.*

**Council's Response:**

13.1 The Council's site selection process regarding the primary school designation in relation to land ownership patterns is stated within the document attached to the letter sent to Austin Mackie Associates on 27 June 2012 and remains unchanged. In addition, the site selection process considered land in public ownership on Fish Island East in relation to the potential provision of a primary or secondary school in Fish Island East as stated in AAP Policy FI 4.6 and as explained in paragraph 4.48 of the AAP. The Council has undertaken a review of all of its own assets within the existing school estate and other landholdings to ensure it has maximised the

potential of its own land before looking to allocate sites in private ownership. In relation to considering LTGDC's landholdings, the LTGDC has been granted planning permission for a development which contributes towards other strategic priorities in the AAP including a new neighbourhood centre, space suitable for SMEs, housing, facilitating improvements to increase the capacity and accessibility to Hackney Wick Station, and improving north-south movements between LB Hackney and LB Tower Hamlets.

**Issue 14: 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.*

**Council's Response:**

14.1 In addition to the response regarding flexibility in the format of the school that could be provided, this level of detail regarding the format of school provision would be discussed through the Development Management process, subject to relevant policies, and is not addressed in strategic policies in the Core Strategy, MD DPD or the AAP. Although there may be flexibility regarding the format of the school, it is still regarded as appropriate to include a site allocation for the school of approximately 0.5ha in line with relevant guidance referenced in the Site Selection Methodology Note.

**Issue 15: 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.*

**Council's Response:**

15.1 The Council has stated that it is committed to ensuring viability issues are fully considered as part of the development management process, as stated in paragraph 5.4 of the document attached to the letter sent to Austin Mackie Associates on 27 June 2012. In addition the Council's approach to development management and sustainable development is set out in the MD DPD (Paragraphs D.1 – D.12), and the Planning Obligations SPD. In addition, we have responded to Annex 3: Comments on Viability and Deliverability Issues separately in this response.

**Issue 16: 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.*

**Council's Response:**

- 16.1 The references made to the provision of a school at the western end of the Neptune site on Figures 2.1 and 4.1 are indicative, and does not preclude the opportunity to deliver a primary school elsewhere within Neptune Wharf as described for Opportunity Site 3.

**Issue 17: 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*

**Council's Response:**

- 17.1 We have responded to Annex 2 of the position statement separately in this response.

**Issue 18: 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.*

**Council's Response:**

- 18.1 Neptune's position have previously been addressed in the document attached to the letter sent to Austin Mackie Associates on 27 June 2012, and through the responses to the issues in this response.
- 18.2 It is not clear how delaying the issue of the provision of a key piece of infrastructure to a further study or the development control process would be compatible with the aims of the AAP.

**Issue 19 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.

#### **Council's Response:**

- 19.1 The AAP includes an Implementation Plan in Appendix 2 of the AAP, the role of which will be to identify the funds needed to deliver projects, set out relative priorities and to seek funding from a variety of sources, to ensure that the provision of infrastructure does not overburden individual developments. This has been recognised in response to the NPPF as well as representations received, and it is

proposed that additional wording will be provided to Section 7, 'Delivering the AAP' to provide clarification regarding funding and delivering infrastructure. The Council is also committed to ensuring viability issues are fully considered as part of the development management process and if necessary will prioritise infrastructure objectives to ensure the development is not overburdened and it is the school which is delivered.

- 19.2 There are a large number of sites which can contribute towards infrastructure provision – eg. through Section 106 contributions or Community Infrastructure Levy – but only a limited number of sites of sufficient size to accommodate essential infrastructure, including a new school and a new local park, as part of wider redevelopment proposals.
- 19.3 In relation to the funding to build a school the Council will enter in discussions regarding the delivery of the school as part of the Development Management process.
- 19.4 In relation to the site specific designation of Neptune, this has been addressed in the response to Issue 4 above.
- 19.5 In relation to the reference to the western area of Neptune, this has been addressed in the response to Issue 16 above.