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**Issue Number 6
Representor Number 635200**

Dear Sir

LB TOWER HAMLETS 'MANAGING DEVELOPMENT' DPD PUBLIC EXAMINATION

**Position Statement Submitted on behalf of Bishopsgate Goods Yard Regeneration Limited
Policy DM29**

On behalf of our client, Bishopsgate Regeneration Limited, we wish to submit the following 'Position Statement' in advance of appearing at the Public Examination of the LB Tower Hamlets Managing Development DPD. This Position Statement is submitted in respect of Policy DM29 'Achieving a zero carbon borough and addressing climate change'.

We recognise that the scope of the Public Examination is to consider whether the DPD meets the 'soundness' tests set out in the National Planning Policy Framework. However, it should be noted that the previous written representations on the 'Proposed Submission Version' of the Managing Development DPD on 8th March 2012 provided comments on a number of policies including Policy DM29, and the representations within that letter remain valid in respect of this particular issue.

This 'Position Statement' is provided in respect of Issue 6, as follows:

"Are the design, heritage and climate change policies appropriate and justified, including in relation to the NPPF, the London Plan and the Core Strategy and in terms of their environmental, economic and social impact; are they reasonable and realistic, clear and deliverable?"

The section below sets out the reasons why the proposed wording of Policy DM29 is not consistent with the NPPF, the London Plan and the Core Strategy.



Policy Framework

Following the submission of representations to the 'Proposed Submission Version' of the DPD, the National Planning Policy Framework (NPPF) was published on 27th March 2012. The NPPF replaces a raft of previous national guidance, including PPGs, PPSs and circulars, with one consolidated statement of national planning policy. At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both the plan-making and decision-taking process.

Paragraph 96 of the NPPF indicates that development should comply with local plan policies on local requirements for decentralised energy supply, '*...unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable.*'

Paragraph 97 of the NPPF also indicates that local authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources and also '*...identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.*'

Paragraph 173 of the NPPF identifies that in order to pursue sustainable development, careful attention to viability and costs in plan making and decision taking needs to be made to make sure plans are deliverable. The NPPF continues that sites should not be subject to such a scale of obligations or policy burdens that their ability to be developed viably is threatened.

Policy 5.2 of the London Plan seeks to make the fullest contribution to minimising carbon emissions to a set of targets. The policy identifies that where carbon dioxide reduction targets cannot be met on site, any shortfall may [our underlining] be provided through alternative means.

Consideration of 'soundness'

Policy DM29 currently only identifies the requirement for development to connect to, or alternatively, demonstrate the potential to connect to a decentralised energy system as a possible method of reducing carbon emissions.

The current wording does not provide applicants with the ability to demonstrate that a connection to a decentralised network is not feasible or viable. Alternatively, if a development is not able to connect to a decentralised network, Policy DM29 requires applicants to demonstrate a potential connection to a decentralised system. The policy does not acknowledge situations where site specific circumstances could mean a connection or potential connection are not feasible or viable. It is therefore considered that the policy is not reasonable or appropriate when considered against NPPF policy.



As outlined by the NPPF, and by London Plan Policy 5.2, a number of alternative options are available to developments when seeking to reduce carbon emissions, and it is considered that Policy DM29 should be amended to identify all possible methods of achieving carbon reduction. Furthermore, the carbon reductions set out in Policy DM29 exceed the targets set out in Policy 5.2 of the London Plan.

As currently worded, Part 2 of Policy DM29 is considered inflexible when compared to both NPPF policy and Policy 5.2 of the London Plan.

Proposed Change

To make the Policy 'sound' it is suggested that the carbon reduction figures reflect those in Policy 5.2 of the London Plan. Furthermore, the following changes are suggested to amend the wording of the policy:

"2. When seeking to achieve compliance with the above targets development should seek to incorporate the most appropriate renewable or low carbon technologies available, having regard to viability and individual site circumstances.

2.3. Development will be required to connect to or demonstrate a potential connection to a decentralised energy system unless it can be demonstrated that this is not feasible or viable..."

It is also noted that since the 'Proposed Submission Version' additional text is proposed at paragraph 29.4 of the 'Submission Version' DPD which identifies that '*...where development demonstrates it cannot achieve the specified reduction targets, other mitigation measures will be sought to be delivered in accordance with the most up to date supplementary guidance, including those relating to planning obligations and the London Plan.*'

Again, it is considered that the additional wording contained in paragraph 29.4 is inflexible and does not account for viability, or site specific circumstances which may prevent other measures from being provided. The requirement for additional measures to be provided without recognition of potential impact on viability could subsequently prevent the delivery of development.

Proposed Change

It is suggested that the following changes be made to paragraph 29.4:

"Where development demonstrates that it cannot achieve these reductions, other mitigation measures will ~~may~~ be sought to ~~be delivered~~ in accordance with the most up to date supplementary guidance, ~~including those relating to planning obligations and the London Plan~~ having regard to viability and individual site circumstances."



We confirm that we wish to attend the hearing session scheduled for Wednesday 19th September, at which this policy is to be discussed.

If you would like to discuss any aspect of these representations in more detail please feel free to contact Julian Shirley of this office, otherwise we look forward to discussing this issue at the upcoming examination.

Yours faithfully,

DP9