

JHM/TJWH/DP3024

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**Delivered by courier and email**

Dear Sir,

**FURTHER WRITTEN REPRESENTATION IN RESPECT OF LB TOWER HAMLETS'  
MANAGING DEVELOPMENT DPD PUBLIC EXAMINATION**

**SUBMITTED ON BEHALF OF EXPRESS NEWSPAPERS (ID: 635844)**

**ISSUE 2 – INFRASTRUCTURE (DM8) AND WATER SPACE (DM12)**

On behalf of our client, Express Newspapers, we wish to submit the following further written representation prior to the examination of LB Tower Hamlets' Managing Development DPD.

It should be noted that previous written representations on the 'Proposed Submission' version of the Managing Development DPD were submitted on behalf of Express Newspapers by CBRE, in a letter dated 8<sup>th</sup> March 2012. These previous representations provided comments on a number of policies including Policy DM8 and DM12, and the representations within that letter remain valid in respect of this particular issue.

This further written representation is provided in respect of Issue 2, which is as follows:

*'Are these policies consistent with the NPPF, the London Plan and the Core Strategy and/or supported by clear and robust evidence; are they reasonable and realistic, clear, deliverable and appropriate to local needs and circumstances?'*

**Policy DM8 - Infrastructure**

Since submitting previous representations on the 'Proposed Submission' version of the DPD, the National Planning Policy Framework (NPPF) was introduced on the 27<sup>th</sup> March 2012. 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 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.

It is considered that Part 2 of Policy DM8 requires further clarification in order to make clear the strategy which is being proposed by the policy. It is currently unclear what will be considered as constituting an adverse impact on existing health, leisure and social and community facilities, and it is therefore not possible to determine when the re-provision of an existing facility will be required.

It should be recognised within the policy that development proposals can only 'adversely impact' on existing facilities when they relate to the redevelopment of existing community infrastructure sites only. In any other situation, it would not be possible to accurately determine what the impact of development proposals may be on existing facilities, and in turn what level of re-provision would be required.

The policy should be clarified to identify that the requirement for re-provision, or for the provision of a new off-site facility, only relates to development proposals which are located on sites comprising existing community infrastructure facilities. When sites in the locality of existing community infrastructure facilities are being developed, any potential impact these may have on surrounding community infrastructure will be mitigated through the use of financial contributions.

It is considered that in its current format the wording of policy DM8 is therefore unsound. This is on the basis of the policy approach not being deliverable. The policy is also not consistent with national planning policy contained within the NPPF, with the current policy placing an increased burden on sites which do not comprise an existing community infrastructure facility.

#### Proposed Change

To make the Policy sound it is suggested that the following changes be made to the wording of the policy:

*'...2. Where development proposals **on sites comprising existing health, leisure and social and community facilities** ~~are likely to~~ adversely impact on **the existing health, leisure and social and community facilities**, the re-provision of the existing facility will be required as part of the redevelopment unless it can be demonstrated that a new off-site location would better meet the needs of existing users and complies with part (3) of this policy...*



## Policy DM12 – Water Spaces

As previously identified within CBRE's 8<sup>th</sup> March letter, the principle of Policy DM12 is supported, however the wording of the policy remains inflexible and does not adopt a design-led approach.

It is recognised that the supporting text in paragraph 12.4 has been amended from the 'proposed submission' version of the document. The supporting text now identifies that development should provide setbacks 'where appropriate' as opposed to 'appropriate setbacks'. It is however considered that this change should also be reflected in the wording of the policy itself.

The supporting text in paragraph 12.4 has also been amended to identify, that where appropriate, development should contribute to the 'maintenance' in addition to the restoration of water spaces. This is considered to impose an additional burden on development, which is over and above that imposed by London Plan policy 7.28, which seeks the restoration and enhancement of the Blue Ribbon Network. The requirement for development to contribute to the ongoing maintenance is considered unreasonable.

Part 3 of policy DM12 indicates development will need to improve the quality of the water space, and provide increased opportunities for access, public use and interaction. This wording is considered inflexible, and does not account for site specific characteristics which may mean the delivery of all of these requirements is not achievable.

It is considered that in its current format the wording of policy DM12 is unsound. This is on the basis of the policy approach not being deliverable and is therefore not effective.

### Proposed Change

To make the Policy sound it is suggested that the following changes be made to the wording of the policy:

*'2. Development ~~will~~ **should** ~~need to provide~~ **appropriate setbacks, where appropriate** from water space edges...*

*3. Development within or adjacent to the Blue Ribbon Network ~~will need to~~ **should** identify how it ~~will~~ **can** improve the quality of the water space and **where appropriate** provide increased opportunities for access, public use and interaction with the water space.'*

Additionally, it is considered that the following changes should be made to the supporting text contained within paragraph 12.4 as follows:

*'...To ensure the protection of this area, development should provide setbacks, where appropriate, from the edges of the water space and where appropriate contribute to its restoration ~~and maintenance~~.'*



We can confirm that we do not wish to attend the hearing session scheduled for Tuesday 18<sup>th</sup> September, at which this issue is to be discussed. However, it is requested that these representations be presented to the Inspector for his consideration, alongside the previous representations submitted in CBRE's letter dated 8<sup>th</sup> March 2012.

If you would like to discuss any aspect of these representations in more detail please feel free to contact Jonathan Marginson or Tim Holtham of this office, otherwise we look forward to receiving receipt of our comments.

Yours faithfully,

**DP9**  
**Enc.**