

London Borough of Tower Hamlets

Isle of Dogs Neighbourhood Forum

Proposed policy modifications

Outcome of meeting held on 26th April 2018

Review process:

27 th April 2018	First Draft	Council
2 nd May 2018	Track changes	Forum
4 th May 2018	Consolidated version	Council

Introduction

- 1.1 On 5th April 2018 John Parmiter, the Neighbourhood Plan Examiner, requested LBTH and the Isle of Dogs Neighbourhood Forum (the Forum) further discuss the wording of the policies (in particular policies D1, ES1, BBA1 and AQ1) and propose any proposed modifications to him. In addition to these policies, amendments to SD1 and CIL2 and CIL3 have been provided.
- 1.2 The following table (the first 3 columns) were provided to the Forum on the 6th of April 2018. These columns contained LBTH comments in relation to those policies provided during the regulation 16 consultation.
- 1.3 The Forum provided a response to these comments (fourth column) to LBTH on 19th April 2018.
- 1.4 A meeting was held on the 26th of April 2018 to discuss proposed wording. The outcome of this meeting is recorded in the fifth column with proposed modifications agreed by LBTH and the Forum contained in Appendix 1. There are two versions of Appendix 1:
 - Appendix 1a – this includes commentary from LBTH (EKT) and the Forum (RH), including the justification for the proposed modifications.
 - Appendix 1b – this includes just the agreed proposed modifications and no commentary
- 1.5 The meeting concentrated on proposed modifications to the policy wording and did not address the surrounding text (source, explanation, justification, guidance to the committee, etc.).
- 1.6 It is noted that the Forum sought written Counsel advice on some of the issues raised by the consultation – specifically those that had been identified by the Examiner as agenda items for the public hearing. This advice was only received by the Forum on their way to the meeting on the 26th of April 2018 and was only received by LBTH after the meeting, so neither side had had the benefit of reading it properly prior to the meeting. However, the Forum representatives were able to explain and reflect in the meeting what they understood was expected to be in it following the conference they had had with Counsel a few days previously. The Forum has requested that the advice be circulated to all interested parties so they

can consider it prior to the hearing, but the Examiner has determined that, as he is not accepting late representations, it should only be used by the Forum at the hearing as part of the Forum's representations to him at the hearing.

- 1.7 Following the meeting, the following table (columns 1 to 5) and a draft of Appendix 1a were provided to the Forum on 27th April 2018 for their review. This represented the initial LBTH write up of the meeting held on the 26th of April 2018.
- 1.8 The Forum reviewed the documents and responded on the 2nd of May 2018 with further track changes on the below table (in colour) and with additional comments on Appendix 1a.
- 1.9 LBTH added the final column with clarifying comments with respect to the Forum's track changes on 4th May 2018.

DRAFT

Reference	LBTH Comment / Suggested Amendment (as per Regulation 16 submission)	LBTH Reason (as per Regulation 16 submission)	Isle of Dogs Neighbourhood Forum Comment / Suggested Amendment	Outcome of meeting on 26 th April 2018	LBTH clarifying comments 4 th May 2018
All policies				<p>Outstanding areas to be addressed through the examination:</p> <ul style="list-style-type: none"> - Retention of the opening wording of policies e.g. 'To support Sustainable Development'.... <p>LBTH suggested its deletion to ensure the policy only contains wording necessary to determine applications.</p> <p><u>Forum have stated:</u> <u>Counsel has advised as follows (para 13): "It is important to have in mind the limitations on the examiner and the subsequent consideration by the local planning authority. It is not the role of either body to decide</u></p>	

				<p><u>what the correct planning policies should be nor are they entitled to amend the plan to put it in a form which they would have written. A modification can only be made to address a failure to meet the statutory requirements or to correct errors.”</u></p> <p><u>Counsel has advised as follows (para 8): Policies ‘in relation to the development and use of the land’ are those which serve a planning purpose, being one which relates to the character of the use of land. This will include any policies which may be material to the determination of a planning application in the neighbourhood plan area. Relevant policies are not constrained simply to the determination of planning or other applications.”</u></p>	
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				<p><u>Moreover, given that the NPPF says that the purpose of planning is to deliver sustainable development, it is entirely reasonable for this text to be retained.</u></p> <p><u>As LBTH notes, the Forum considers these words helpful for the interpretation of the policy.</u></p>	
Policy D1 – Density and Infrastructure.					
D1 (1)	<p>We support the intention behind this approach but recommend the policy should be significantly reworded to ensure it is in conformity with the NPPF, in particular to ensure it doesn't place an overly onerous requirement on the developer.</p>	<p>Positivity / Sustainable Development: The policy, as currently worded, is not in conformity with national legislation regarding the presumption in favour of sustainable development. By seeking to limit the density of development subject to very broad infrastructure requirements, the policy could be seen</p>	<p>Positivity / Sustainable Development: There is no legal definition of sustainable development, although inadequate Infrastructure cannot be sustainable development on any definition, especially when in such a geographically constrained area.</p> <p>A policy that seeks to ensure that development now does not impact on future developments is entirely consistent with the basic “Brundtland” principles of sustainable development and in conformity with the</p>	<p>Proposed minor amendments provided. See appendix 1.</p> <p>Agreement to revise the numbering of clauses.</p> <p>Outstanding areas to be addressed through the examination:</p> <ul style="list-style-type: none"> - Consideration of the definition of sustainable development (as per paragraphs <u>6 and 11 – 16</u> of the NPPF, <u>and the emerging Framework due to be adopted this summer</u>), <u>and how this</u> 	<p>DIFS / IDP:</p> <p>The Forum have suggested that they submit to the Examiner the LBTH Infrastructure Delivery Plan (produced in October 2017 to support the LBTH Local Plan Regulation 19 consultation) instead of the DIFS (or in addition to the DIFS if the GLA does produce it in time for the hearing).</p> <p>The Infrastructure Delivery Plan is a public document that has been consulted on during the Local Plan</p>

		<p>to counter the presumption in favour of sustainable development.</p> <p>Deliverability: The policy suggests that when submitting a planning application a developer would have to assess the current infrastructure deficit; the infrastructure deficit their development would create; and identify what infrastructure was coming forward to meet all of these shortfalls. There is in particular a concern that requiring developers to not only compensate for the infrastructure impacts their own development will have, but also for any existing deficit, This</p>	<p>environmental and social dimensions of sustainable development.</p> <p>This policy is designed to address the cliff edge concern that, if developments are permitted without sufficient Infrastructure to sustain them and everything else that is coming (as defined in the NP), you get to a point where all further development has to stop, leaving empty and abandoned sites. That is patently not sustainable development on any basis. As stated in a London Mayor press release of 3rd October 2014 regarding the South Quay Masterplan: <i>“Sir Edward Lister, Deputy Mayor for Planning said: “South Quay is enjoying unprecedented interest from developers all of whom want to bring forward their own plans. While we want to see the comprehensive regeneration of the area, what we cannot allow is a situation where planning is</i></p>	<p><u>relates to the Basic Conditions.</u></p> <ul style="list-style-type: none"> - Conformity with the CIL 122 tests, <u>and how this relates to the Basic Conditions.</u> - Consideration of paragraph 18 of the Plan Making PPG, <u>and how this relates to the Basic Conditions.</u> - Consideration of clarity on where the responsibility for determining need and delivery of infrastructure lies, between the planning authority and applicant, <u>and how this relates to the Basic Conditions.</u> - Clarity of terms in the policy, including: ‘all the infrastructure’ and ‘specifically identified by the relevant planning authority and guaranteed to be put in place’, <u>and how this relates to the Basic Conditions.</u> <p><u>-As regards the meaning of words used in the policies,</u></p>	<p>Regulation 19 consultation and LBTH have no objection to the principle of this being used as an evidence base for neighbourhood planning. However, LBTH does note that the Infrastructure Delivery Plan and the DIFS were produced for, and accordingly serve, different purposes, albeit covering similar infrastructure issues.</p>
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		<p>could be considered an overly onerous requirement on the developer, which would raise soundness concerns in relation to PPG (plan-making) paragraph 173, NPPF paragraph 204 and The Community Infrastructure Levy Regulations 2010 (122).</p> <p>It is the role of the development plan to ensure adequate infrastructure is in place to enable development to come forward. See Local Plans PPG Paragraph: 018. It may be more appropriate to seek to deliver this objective through the planning mechanisms</p>	<p><i>granted on a first-come-first-served basis with no overall strategy, as this could eat up valuable space, have a negative impact on the public realm and potentially cause other schemes to collapse.</i></p> <p><i>“This Masterplan will allow us to take a coordinated approach so that this growth is managed in a sensible way with developers coordinating their proposals. It will allow us to maximise the area’s huge potential while ensuring that all development contributes directly to the sustainability of the area.”</i> The NP policy is therefore wholly consistent with London strategy.</p> <p>Deliverability: The Thames water representation to the Plan suggests that existing deficits are being ignored to the extent that the biological viability of the Isle of Dogs is threatened by future developments. Existing mechanisms are clearly failing.</p>	<p><u>the Forum has pointed out that the Supreme Court last year warned against ‘excessive legalism’ in interpreting language, and the general principle is that words should have their ‘ordinary and natural’ meaning.</u></p> <p>-Clarity on what ‘evidence-based’ refers to. <u>LBTH and the Forum agree that the LBTH Infrastructure Delivery Plan dated October 2017, which has been publicly consulted on (in relation to the draft Local Plan) and which draws heavily on the GLA’s DIFS issued in June 2017, is useful and valid evidence for the Examiner to consider in addition to the GLA’s DIFS (or instead of that if the GLA’s DIFS is not provided by the GLA in time for the Examiner’s consideration).</u></p> <p>- Inclusion of hotels and</p>	
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		<p>which currently exist to identify infrastructure need and expected delivery i.e. a local infrastructure delivery plan, site allocations, encouraging developers to include infrastructure on their site (which would result in a reduction in CIL payment), and by developing a more specific Neighbourhood Priority Projects list which could indicate CIL spend priorities.</p> <p>Applicability / Deliverability: As currently worded it is unclear what developers will be required to do to meet the policy</p>	<p>It is therefore reasonable, if not essential to have a policy in this area that requires this to be a consideration in the decision making process.</p> <p>The Utility page of the DIFS also says: <i>“Water – Capacity constraints at present”</i> and <i>“Electricity – No substantial capacity now to support growth; two new primary substations needed in early phases”</i>.</p> <p>“Soundness” is a not relevant concern for Neighbourhood Development Plans</p> <p>The policy is in any event not absolute, as it only applies to exceptionally dense development applications, and is not therefore overly onerous. It is always open to the applicant to propose a development below the very high threshold of 1,100 hr/ha which would not be subject to this policy.</p>	<p>whether their infrastructure impacts are the same as high density housing, <u>and whether their inclusion or their impacts being the same as for housing is relevant to the legal acceptability of the policy, and how this relates to the Basic Conditions.</u></p> <p><u>See also Counsel’s opinion, especially paras 17-19.</u></p>	
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		<p>requirements. This is in particular because some terms require clarifying: ‘all the infrastructure’ and ‘specifically identified by the relevant planning authority and guaranteed to be put in place’. What would this require? A Site Allocation? A planning application? A commenced application?</p>	<p>Current mechanisms are clearly not working – see the Thames Water representation.</p> <p>Applicability / Deliverability: The policy states that the Infrastructure requirement (as defined by reference to the LBTH Reg 123 list and other specified items, so it is not open-ended) has to be identified by the LPA: not by the developer. Moreover, the policy does not require the developer to put the Infrastructure in place: rather <i>“by the developer or by others”</i>.</p> <p>The LBTH Annual Infrastructure Statement 2017/18 and 2018/19 agreed in LBTH Cabinet on Tuesday, 30th January 2018, defined how CIL across the Borough should be spent. 25% is allocated to be spent locally (i.e. in the area from which it is derived) in one of four LBTH defined areas (the Isle of Dogs area matches the IOD NP Forum</p>		
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			<p>Area). It then describes various categories of spend that the remaining 75% should be spent on across the Borough, specifying four projects on which this remaining CIL should be spent: £10 million on a new South Dock Bridge in the IOD NP Forum Area; and £51 million on other bridges between Tower Hamlets and Newham in the Poplar Riverside Housing Zone (which is <u>outside</u> the IOD NP Forum area). While the Cabinet report suggests that other forms of funding would be sought as well, it shows that Poplar Riverside Housing Zone (<u>outside</u> the IOD NP Forum area) will be the main recipient of CIL principally generated inside the IOD NP Forum area to offset the strain of related developments inside the IOD NP Forum area.</p> <p>As the DIFS assumes that, contrary to this, <u>all</u> CIL derived from developments in the IOD and South Poplar OAPF area is</p>		
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		<p>Clarity: The policy currently includes a number of clauses which might be clearer if separated out. i.e. requirements around character, accessibility and infrastructure.</p>	<p>spent inside the OAPF area and not elsewhere in the Borough, the Infrastructure funding deficiency in this OAPF area is further exacerbated.</p> <p>This is a policy and cannot therefore anticipate each and every development yet to be proposed. Including the policy in the plan will ensure that these issues are taken into account as proposals come forward and we would indeed welcome the chance to work with the Council in developing policy requirements into viable and enforceable Section 106 obligations.</p> <p>Note that LBTH refers repeatedly to “infrastructure” rather than to the defined term and more limited “Infrastructure”, which is more readily identifiable and deliverable.</p> <p>Clarity: We have no objection in</p>		
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			principle to this drafting adjustment.		
D1 (2)	We support the intention behind this approach but recommend the policy should be significantly reworded to ensure it is in conformity with the NPPF, in particular to address the problem of 'double dipping', deliverability, remove end users and reword reference to the Forum.	Conformity: We have concerns that the policy, as currently worded, is not in conformity with national legislation regarding CIL. The policy must avoid 'double dipping' – whereby developers in effect “pay twice” for infrastructure – once via CIL and once via direct delivery. The CIL legislation (The Community Infrastructure Levy Regulations 2010 (122 and 123)) is clear that in relation to securing relevant infrastructure the only role of developers is to contribute via CIL. It is then the Council’s role to determine the	We do not consider that this breaches Regulation 122 or 123. Each of the items listed could be justified as necessary, reasonably related or related in scale and kind to particular developments as they come forward. There is no reason why these items should not be site specific section 106 obligations, and we would welcome the opportunity to work with the Council in developing these policies into viable and enforceable obligations as and when sites come forward. Site allocations can only be part of the answer. We are happy to include words expressly to avoid double-dipping, as that was never the intention. However, the policy does not require the developer to provide the Infrastructure.	Proposed minor amendments provided. See appendix 1. Outstanding areas to be addressed through the examination: - Conformity with the CIL 122 tests, and how this relates to the Basic Conditions. - Consideration of paragraph 18 of the Plan Making PPG, and how this relates to the Basic Conditions. - Clarity of terms in the policy, including: 'reasonable walking distance', 'demand anticipated at the time', 'relevant public authority regulations and policies', and how this relates to the Basic Conditions. See also re the natural meaning of words.	

		<p>spending of the CIL collection to support growth. The only exception to this is through site allocations where infrastructure will need to be considered as part of a development proposal.</p> <p>Deliverability: Notwithstanding concerns about the broad soundness of the policy, the policy provides no safeguards to prevent all sites coming forward with the cheapest / easiest to provide form of infrastructure.</p>	<p>“Soundness” is not one of the Basic Conditions.</p> <p>Deliverability: This would be the task of the 106 agreement. We would welcome the opportunity to work with the Council in developing these policies into viable and enforceable obligations as and when sites come forward.</p> <p>The NP does not seek to usurp other policies and regulations to ensure high quality Infrastructure; neither does it require the applicant to put the Infrastructure in place.</p> <p>Again, “soundness” is not one of the Basic Conditions.</p> <p>End Users: Section 106 agreements routinely identify end users</p>	<p>- How particular infrastructure uses can be linked to particular sites, without use of site allocations, <u>and how this relates to the Basic Conditions.</u></p> <p>- Clarity on how developers are expected to contribute towards infrastructure to ensure no risk of double-dipping, <u>and how this relates to the Basic Conditions.</u></p> <p>- Clarifying that section 106 agreements can identify end users on a first refusal basis, but not for perpetuity, <u>and how this relates to the Basic Conditions.</u></p> <p><u>-See also Counsel’s opinion, especially para 20.</u></p> <p>Role of the Forum: Counsel has advised as follows (para 13): “It is important to have in mind the limitations on the</p>	
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		<p>End Users: Notwithstanding concerns about the broad soundness of the policy, the policy cannot specify end users, as planning cannot control this (e.g. Scout facility or NHS). The Planning System can only specify required use-classes.</p> <p>Role of the Forum: It is inappropriate to refer to the Forum's involvement being required. The Neighbourhood Forum also has no formal role in the development management process</p>	<p>such as health care or education providers as the end users and occupiers of specific site elements. We would be happy to supply examples of sites and clauses (including some currently being negotiated with the GLA) if this helps.</p> <p>Role of the Forum: The planning disbenefit identified would not be outweighed by a general consultation requirement.</p> <p>"Forum" is a defined term in the NP as follows: <i>"The Isle of Dogs Neighbourhood Planning Forum, or a successor organisation performing similar functions in respect of the Area from time to time or, if there is no such successor organisation, then an appropriate community organisation nominated by LBTH"</i></p> <p>In any event, the Forum's role here is limited to agreeing with</p>	<p>examiner and the subsequent consideration by the local planning authority. It is not the role of either body to decide what the correct planning policies should be nor are they entitled to amend the plan to put it in a form which they would have written. A modification can only be made to address a failure to meet the statutory requirements or to correct errors."</p> <p>The Forum has volunteered to change the policy obligation for the Forum to have to agree to such other purposes to a right to be consulted, in light of Counsel's advice.</p> <p><u>Consistent with the spirit of Counsel's advice now obtained, the Forum accepts that it should be a consultee in this respect, but requires its right to this to be spelt out in the policy.</u></p>	
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		<p>beyond consultation. The Forum's agreement therefore cannot be a condition for planning permission. The council is happy to add consultation with Neighbourhood Forums to the Statement of Community Involvement to address the wish for the Forums to be involved. In addition, there is no guarantee the Forum will be in place indefinitely. As the purpose of the involvement of the Forum is to ensure wider public involvement / awareness, this could be replaced by wider public consultation requirements.</p>	<p>the Council any addition to the stated list.</p> <p>In our opinion this is well within the scope of the Forum's powers. Had the government wished to limit those powers it would have done so in the originating legislation.</p>	<p><u>See below pp 14/15</u>. E.g. m) Other Infrastructure where agreed to by LBTH and in consultation with the Forum.</p> <p>LBTH consider this insertion unnecessary as the Neighbourhood Planning Act already requires Neighbourhood Forums to be consultees on planning applications in their Area. E.g. m) Other Infrastructure where agreed to by LBTH and the Forum</p>	
D1 (2)	The list (a – m) of infrastructure	Ensure the proposed approach is evidence	Our identification of these needs is based on the extensive	Proposed minor amendments provided.	DIFS / IDP: The Forum have suggested

	<p>requirements are insufficiently justified in the evidence base. This only covered needs for schools and GPs. The DIFS doesn't include all these requirements. It is unclear if infrastructure provides have been engaged to consider whether they require these facilities. We recommend further evidence is provided to justify their inclusion.</p>	<p>based.</p>	<p>local consultation and engagement that we have carried out as part of developing the plan. It is an entirely valid evidence base from which to develop local policy and identify granular policy needs at a super local level.</p> <p>a) A secondary school; a primary school; education and training facility or a large nursery – Primary and secondary schools are in the DIFS <u>and the LBTH Infrastructure Delivery Plan.</u></p> <p>b) Key Sector employee housing – From detailed discussions with head teachers and doctors who repeatedly say cost of housing locally makes it difficult to attract and retain staff (as acknowledged by the Mayor at the Housing Hustings on 16th April); and many staff commute in from outside Tower Hamlets – this is a widely accepted issue (viz. for example the LBTH Key</p>	<p>See appendix 1.</p> <p>Outstanding areas to be addressed through the examination:</p> <p>- Whether sufficient evidence is available.</p> <p><u>-LBTH and the Forum agree that the LBTH Infrastructure Delivery Plan dated October 2017, which has been publicly consulted on (in relation to the draft Local Plan) and which draws heavily on the GLA's DIFS issued in June 2017, is useful and valid evidence for the Examiner to consider in relation to the neighbourhood plan in addition to the GLA's DIFS (or instead of that if the GLA's DIFS is not provided by the GLA in time for the Examiner's consideration).</u></p>	<p>that they submit to the Examiner the LBTH Infrastructure Delivery Plan (produced in October 2017 to support the LBTH Local Plan Regulation 19 consultation) instead of the DIFS (or in addition to the DIFS if the GLA does produce it in time for the hearing).</p> <p>The Infrastructure Delivery Plan is a public document that has been consulted on during the Local Plan Regulation 19 consultation and LBTH have no objection to the principle of this being used as an evidence base for neighbourhood planning. However, LBTH does note that the Infrastructure Delivery Plan and the DIFS were produced for, and accordingly serve, different purposes, albeit covering similar infrastructure issues.</p>
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			<p>Workers Scheme).</p> <p>c) A publicly accessible MUGA; sports facility; or a public swimming pool – Sports halls are in the DIFS and the LBTH Infrastructure Delivery Plan.</p> <p>d) An NHS health facility – in the DIFS and the LBTH Infrastructure Delivery Plan.</p> <p>e) A police station – in the DIFS and the LBTH Infrastructure Delivery Plan.</p> <p>f) A fuel station for vehicles <i>sui generis</i> use class – Based on loss of petrol stations in the vicinity of the area . Two have recently been lost in the E14 area (Burdett Road and Leamouth roundabout); and one is planned to be removed (ASDA, currently the only petrol station in the IOD Forum NP area). This would only leave one petrol station in the E14 postcode, on Cotton Street. In the 2011 Census 10,479</p>	
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			<p>vehicles were owned in the IoD and South Poplar OAPF area. According to the DVLA and Statista.com, 8,459m petrol stations serve the UK's 37.5m vehicles, giving an average of 4,433 vehicles per station. On that basis, the OAPF area should already have 3 petrol stations, before allowing for any significant population growth from 2011.</p> <p>g) A community and cultural centre – Community hub in the DIFS and the LBTH Infrastructure Delivery Plan.</p> <p>h) A scout or other youth facility – Based on the DIFS. Given the number of schools planned and the unquestionably huge overall growth of the local population in the IOD NP Forum area, there will inevitably need to be provision for more youth hubs. LBTH currently has 18 youth hubs serving its c. 300,000 population, implying one youth hub for c. 17,000 residents. The</p>		
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			<p>IOD NP Forum’s area has a current population of 45,036, forecast to grow to 96,572 by 2031. That indicates a need for 3 youth hubs in the area today (vs. the sole one that currently exists), and 6 youth hubs by 2031.</p> <p>i) A bridge landing point – From the OAPF TfL Transport Plan which showed the need for multiple new bridges in the OAPF area (e.g. the South Dock and Rotherhithe bridges).</p> <p>j) A mobile phone base station or other telecoms infrastructure to support mobile data access – Based on the unquestionably huge expected growth in the population of the IOD NP Forum area (typically about 1,000 people in each large residential building), and a UK average of 1.4 devices per mobile subscriber (91.9m UK subscribers for the 65m UK population).</p>		
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			<p>k) A fire brigade station – From the DIFS <u>and the LBTH Infrastructure Delivery Plan</u>.</p> <p>l) An ambulance station – From the DIFS <u>and the LBTH Infrastructure Delivery Plan</u>.</p> <p>We note that the Council expressly references what’s in the DIFS to make its case, and the DIFS is self-evidently and properly in the hands of several Forum members (including committee members) who happen also to be Councillors and who have contributed to writing the NP. This further justifies our view that the DIFS must be produced to the Examiner, who should not be prevented from reviewing evidence that supports the NP policies, and which the Council clearly considers relevant and significant. It patently exists.</p>		
D1 (3)	Recommend clarity is provided as to what developers	Applicability / Deliverability: As currently worded it is unclear what	Applicability / Deliverability: This would be the task of the 106 agreement. We would welcome the opportunity to	Outstanding areas to be addressed through the examination:	

	<p>would be required to do to meet the requirements of this policy. The proposed role for the Forum should be deleted / reworded.</p>	<p>developers will be required to do to meet the policy requirements. This is in particular because some terms require clarifying: ‘specifically identified by the relevant planning authority and guaranteed to be put in place’. What would this require? A Site Allocation? A planning application? A commenced application?</p> <p>Role of the Forum: It is inappropriate to refer to the Forum’s involvement being required. The Neighbourhood Forum also has no formal role in the development management process beyond consultation.</p>	<p>work with the Council in developing these policies into viable and enforceable obligations as and when sites come forward. See also as stated above.</p> <p>Role of the Forum: As stated above, the planning disbenefit identified would not be outweighed by a general consultation requirement.</p> <p>And “Forum” is a defined term in the NP as follows: <i>“The Isle of Dogs Neighbourhood Planning Forum, or a successor organisation performing similar functions in respect of the Area from time to time or, if there is no such successor organisation,</i></p>	<p>- Clarity on the role of section 106 agreements and their signatories. LBTH view that section 106 agreements are signed by those with a legal interest in the land. NF is not the planning authority, landowner or developer, and therefore has no interest in the land for the purposes of s106.</p> <p><u>-Our request for the Forum (as defined) to be a signatory to s106 agreements ensures that the Forum is fully informed and involved in them and their variations. The Forum’s statutory right to be consulted on the application is insufficient, bearing in mind how critical the precise content of these agreements is (as opposed to the very general heads of terms approved when the Committee or officer</u></p>	
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		<p>The Forum's agreement therefore cannot be a condition for planning permission. The council is happy to add consultation with Neighbourhood Forums to the Statement of Community Involvement to address the wish for the Forums to be involved. In addition, there is no guarantee the Forum will be in place indefinitely. As the purpose of the involvement of the Forum is to ensure wider public involvement / awareness, this could be replaced by wider public consultation requirements.</p>	<p><i>then an appropriate community organisation nominated by LBTH"</i></p> <p>In our opinion this is well within the scope of the Forum's powers. Had the government wished to limit those powers it would have done so in the originating legislation.</p>	<p><u>makes the decision), and the need for on-the-ground monitoring of the performance of the obligations in them. Examples can be provided where LBTH has failed to engage in meaningful consultation with statutory consultees resulting in deficient s106 agreements.</u></p> <p><u>If however there is no legal mechanism that formally allows for parties such as the Forum to be a party to the 106 agreement, we propose that the following principles be secured in the policy instead: "The Forum (as defined) (i) will be included in the circulation of the first draft of the 106 agreement and any significant redrafts, and (ii) the Forum should be allowed to comment on and influence the content of obligations."</u></p>	
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				<p><u>- Only by being guaranteed access to and influence on draft agreements in this way can the Forum be assured of full knowledge of, and input into, them.</u></p>	
D1 (4)	Recommend that terms 'such developments' – is clarified i.e. developments exceeding...		Happy to repeat the definition, or have a defined term.	Proposed minor amendments provided. See appendix 1.	
Pag	(1) Correct the	Accuracy –	(1) We agree to correcting the	Agreed – amendment	

<p>e 44 of 92 – Explanation</p>	<p>reference to policies 1.3.50 and 1.3.51 and 1.3.52 as paragraphs.</p> <p>(2) Remove reference to the Long Plan – it is unclear what developers are required to do.</p>	<p>Supplementary Planning guidance cannot set policies.</p> <p>Clarity and usability.</p>	<p>reference as being to “paragraphs”.</p> <p>An SPG can inform policy and should be taken into account as a material consideration – such as in the ‘Copeland’ case. The Mayor’s SPG on Housing is already being used to justify significant changes to 106 agreements in London. It is not unreasonable for us to seek consistency with the GLA SPG on housing. And there is nothing preventing the NP drawing on SPG wording for its policies.</p> <p>(2) We are happy to replace the reference to the Long Plan with a reference to paragraph: 036 Reference ID: 26-036-20140306 of the NPPF and its specific reference to the use of design codes.</p>	<p>proposed was to clarify the difference between paragraphs and policies.</p>	
<p>Page 45 of</p>	<p>Recommend the text should be moved into an</p>	<p>Reduces the usability of the plan to have detailed evidence</p>	<p>Agreed, if the Examiner also agrees.</p>		

92 – Justification	evidence base document and referenced here.	within each policy.			
Page 47 of 92 – 3 rd and 6 th paragraph	Recommend further context is provided on the OAPF and Local Plan, in particular this should state that the infrastructure requirements for the OAPF and Local Plan differ due to different growth assumptions and that the Local Plan has greater planning weight. It should be corrected that the DIFs low / baseline growth is in line with the Local Plan, not the medium growth scenario.	Accuracy and clarity.	<p>The OAPF plans to the year 2041. The Local Plan extends only to 2031. This 10 year difference explains much of the difference between the two documents.</p> <p>The DIFS Medium Growth Option plans 36,500 homes over 25 years. The DIFS Low Growth Options plans 31,500 homes over 25 years. The Local Plan is for 30,601 homes over 15 years. The growth by 5 year period on page 5 of the DIFS makes it clear that the Local Plan aligns with the DIFS medium growth option: not the low growth option.</p> <p>We accept that the Council will determine the Infrastructure required (as the OAPF is only an SPG), and it's for the Council to agree this with the GLA. All the NP is doing here is reflecting</p>	<p>NOTE: Low growth scenario uses the Strategic Housing Land Availability Assessment which informed the Local Plan.</p> <p><u>The Strategic Housing Land Assessment was a piece of consultancy work done in 2014 that looks at how much demand there will be over the next 15 years in Tower Hamlets for new housing, and forms part of Council's evidence base. It does not look at sub-areas such as the Isle of Dogs.</u></p> <p><u>It also only looks at LBTH needs. It says we need to build 2,562 homes a year to satisfy LBTH needs. The London Plan's targets are a lot higher, as we are also required to deliver London's strategic housing</u></p>	<p>Point of Clarification. The Strategic Housing Land Availability Assessment (SHLAA) is a technical exercise to determine the quantity and suitability of land potentially available for housing development. It is led by the GLA, with input from London Boroughs and was completed in 2017. It is undertaken on a spatial basis, so can and has been used to determine land availability in different parts of the borough, including the Isle of Dogs and South Poplar sub-Area. The SHLAA assesses land availability until 2041, in accordance with the London Plan timeframe.</p> <p>The Forum have described the Strategic Housing</p>

			<p>that there are credible estimates showing that greater Infrastructure is likely to be required than the Council thinks.</p> <p>Again, we note that the Council expressly references what's in the DIFS to make its case, and the DIFS is self-evidently and properly in the hands of several Forum members (including committee members) who happen also to be Councillors and have contributed to writing the NP. This further justifies our view that the DIFS must be produced to the Examiner, who should not be prevented from reviewing evidence that supports the NP policies, and which the Council clearly considers relevant and significant. It patently exists.</p>	<p><u>targets.</u></p> <p><u>Accordingly, the above LBTH comment has little (if any) relevance to the numbers for the Isle of Dogs; nor does it counter our point about the different time periods projected for the Local Plan (15 years) and OAPF (25 years), which is more pertinent.</u></p>	<p>Market Assessment, which does assess housing need on a borough basis.</p>
<p>Page 49 of 92 –</p>	<p>Delete wording which seeks to direct the committee.</p>	<p>All of the policy and supporting text provide guidance to whoever the relevant</p>	<p>This simply asks for a specific consideration to be brought to the attention of officers and the committee as and when</p>	<p>NOTE: LBTH maintains its concern that the phrasing is confusing.</p>	

<p>Guidance to Planning Committee</p>		<p>decision maker is. The decision maker then interprets the relevant policy to inform their own decision.</p>	<p>applications come forward. We have genuine and justified concerns that the Infrastructure requirements of the Isle of Dogs are not being taken into account by officers and committees when determining applications in this area. In more recent Strategic Development Committee meetings the prominence of supporting Infrastructure has repeatedly been raised by elected members (e.g. at the Former Castle Wharf Esso Petrol Station application (PA/16/01763/A1) on 29th November, 2016).</p> <p>It is clear from the Thames Water representation that this is something that cannot continue to be ignored if a significant environmental crisis is to be avoided. In these circumstances it is reasonable to ask for these issues to be brought to the specific attention of officers and the planning committee.</p>	<p><u>-See Counsel's opinion, especially (para 13): "It is important to have in mind the limitations on the examiner and the subsequent consideration by the local planning authority. It is not the role of either body to decide what the correct planning policies should be nor are they entitled to amend the plan to put it in a form which they would have written. A modification can only be made to address a failure to meet the statutory requirements or to correct errors."</u></p>	
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Policy BBA1 – Fibre to the premises				
BBA 1	Recommend replacing 'any developments which have to dealt with by a development committee of LBTH (excluding call-ins)' with either Strategic Development or Referable Development	<p>Usability – this ensures a consistency with the Local Plan and doesn't introduce a new threshold.</p> <p>Evidence is also required that this is deliverable (i.e. the infrastructure is currently in place for developers to connect to), otherwise maybe beneficial to tweak wording to stress that this is a form of future proofing (similar to Decentralised Energy Network policies) which ensure connectivity is possible once the infrastructure is available.</p>	<p>We are happy to align this threshold definition to terms used in the draft Local Plan. The aim is exclude applications for minor developments.</p> <p>The Forum has had meetings with Hyperoptic and Virgin Media and shared with both of them a list of known and expected developments. Virgin Media and Hyperoptic are now able to connect any material development in the IOD NP Forum area, alongside BT. Virgin Media have installed their own fibre in the area; and Hyperoptic are able to install fibre to any large development in the IOD NP Forum area.</p> <p>The emerging draft Framework states that <i>“Advanced, high quality and reliable communications infrastructure is essential for economic growth and social wellbeing. Planning policies and decisions should support the expansion of</i></p>	<p>Proposed amendments provided. See appendix 1.</p> <p>It is noted that the proposed modification regarding the scale of development may need to be carried forward into BBA2 and BBA3.</p>

			<p><i>electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should set out how high quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments (as these connections will, in almost all cases, provide the optimum solution).” Our policies merely anticipate this – and it is well established that it is legitimate for neighbourhood plan policies to do this.</i></p> <p><i>See also 16 April HL report on Artificial Intelligence para 203. “We welcome the Government’s intentions to upgrade the nation’s digital infrastructure, as far as they go. However, we are concerned that it does not have enough impetus behind it to ensure that the digital</i></p>		
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			<p><i>foundations of the country are in place in time to take advantage of the potential artificial intelligence offers. We urge the Government to consider further substantial public investment to ensure that everywhere in the UK is included within the rollout of 5G and ultrafast broadband, as this should be seen as a necessity.”</i></p> <p>https://publications.parliament.uk/pa/ld201719/ldselect/ldai/100/10009.htm#idTextAnchor080)</p>		
<p>Page 75 of 92 – Guidance to Planning officers</p>	<p>Recommend to delete wording which seeks to direct the officer</p>	<p>All of the policy and supporting text provide guidance to whoever the relevant decision maker is. The decision maker then interprets the relevant policy to inform their own decision.</p>	<p>This simply asks for a specific consideration to be brought to the attention of officers and the committee as and when applications come forward.</p>	<p>NOTE: LBTH maintains its concern that the phrasing is confusing.</p> <p><u>-See Counsel’s opinion, especially (para 13): “It is important to have in mind the limitations on the examiner and the subsequent consideration by the local planning authority. It is not the role of either body to decide what the correct planning policies should be nor are</u></p>	

				<p><u>they entitled to amend the plan to put it in a form which they would have written. A modification can only be made to address a failure to meet the statutory requirements or to correct errors.”</u></p>	
Policy SD1 – Sustainable Design					
SD 1	<p>Recommend to reword the policy to strongly encourage compliance with the Home Quality Mark.</p>	<p>Deliverability: While we support the policy objective, the Written Ministerial statement of 25 March 2015 stopped local planning authorities from requiring developers to comply with any standards other than the Building Regulations and the optional technical standards. The WMS states that local planning authorities: “should not set in their emerging Local Plans, neighbourhood plans, or</p>	<p>Agreed, provided applications are required to spell out whether and how they meet the HQM One (or successor) standards.</p>	<p>Proposed amendments provided. See appendix 1.</p> <p><u>See the Forum’s detailed comments in the appendix.</u></p>	

	<p>Recommend replacing ‘any developments which have to dealt with by a development committee of LBTH (excluding call-ins)’ with either Strategic Development or Referable development</p>	<p>supplementary planning documents, any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings.” It is unclear whether sufficient evidence has been presented to indicate why the Neighbourhood Plan should disregard this national guidance.</p> <p>Usability – this ensures a consistency with the Local Plan and doesn’t introduce a new threshold.</p>	<p>We are happy to align this threshold definition to terms used in the draft Local Plan. The aim is to exclude applications for minor developments.</p>		
<p>Page 81 of</p>	<p>Recommend to delete wording which seeks to</p>	<p>All of the policy and supporting text provide guidance to</p>	<p>This simply asks for a specific consideration to be brought to the attention of officers and the</p>	<p>NOTE: LBTH maintains its concern that the phrasing is confusing.</p>	

92 - Guidance	direct the officer.	whoever the relevant decision maker is. The decision maker then interprets the relevant policy to inform their own decision.	committee as and when applications come forward. It is not a formal direction, nor is it unreasonable.	-See Counsel’s opinion, especially (para 13): “It is important to have in mind the limitations on the examiner and the subsequent consideration by the local planning authority. It is not the role of either body to decide what the correct planning policies should be nor are they entitled to amend the plan to put it in a form which they would have written. A modification can only be made to address a failure to meet the statutory requirements or to correct errors.”	
Policy ES1 – Empty Sites					
	Recommend to insert a requirement that this only apply to strategic development sites.	Scale: In order for this not to be considered onerous, this should only be applicable to sites over a certain size (it would have been useful to include an evidence base list of potential sites – this	This policy and comments were circulated late, so the Forum did not provide a response before the meeting. <u><i>The Forum’s comments are now included in the draft modifications appendix.</i></u>	Proposed amendments provided. See appendix 1. Outstanding areas to be addressed through the examination: - Whether CIL can be discounted in return for temporary uses on the site, as detailed in clause 3c.	

	<p>Second clause of the policy should be reworded to clarify what is meant by 'complex operational interfaces' and should recommend low impact uses 1, 4, 5, and 6 rather than 2,3 and 7 and to remove role of the Forum.</p> <p>Third clause, second bullet point should be reworded to 3 years.</p> <p>Third clause, third bullet point should be reworded to</p>	<p>could have been used to ascertain size).</p> <p>The level of assessment and detail required for the high impact uses will likely be considered too onerous by developers.</p> <p>Role of the Forum: The Neighbourhood Forum also has no formal role in the development management process beyond consultation. The Forum's agreement cannot be a condition for planning permission. The council is happy to add consultation with Neighbourhood Forums to the Statement of Community Involvement to address the wish for</p>		<p>LBTH understand the Forum's objective to encourage developers to deliver meanwhile uses on their sites, but are unclear how this can be legally delivered.</p> <p>Any discount in CIL must be as a result of creating a piece of infrastructure, not as compensation for costs. Legally this could be construed as buying planning permission. LBTH is also concerned regarding how "reasonable costs incurred" would be calculated.</p> <p>CIL is not charged for a temporary use so couldn't be discounted. CIL would be charged on the permanent use but should only be discounted if it provided infrastructure we considered would meet an identified infrastructure need (as per the section 123 list). We would consider it unlikely that a</p>	
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	<p>indicate that the potential offsetting of CIL should be to reflect the infrastructure provided, not to offset costs.</p>	<p>the Forums to be involved. In addition, there is no guarantee the Forum will be in place indefinitely. As the purpose of the involvement of the Forum is to ensure wider public involvement / awareness, this could be replaced by wider public consultation requirements.</p> <p>3 years is defined by national law as when planning permission expires on a site</p> <p>Any discount in CIL will be as a result of creating a piece of infrastructure, not as compensation for costs. Legally this could be construed as buying planning</p>	<p>DRAFT</p>	<p>temporary use would meet such a need. It is also unclear how to calculate the CIL relief for temporary infrastructure.</p> <p>LBTH must ensure that the planning obligation meets the relevant tests under section 122 of CIL, in that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. LBTH considers that unlikely that the s106 payments for temporary uses would satisfy this test.</p> <p><u>The Forum do not see why a s106 payment could not be used. See Working Title Films Ltd R (on the application of) Westminster City Council & Anor [2016]EWHC (Admin) 22 July 2016 and the use of 106 funds for a community</u></p>	
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		permission.		<p><u>hall.</u></p> <p><u>On LBTH's broader point, CIL is typically reduced in exchange for the provision of socially valuable infrastructure. Unless and insofar as there is a clear legal prohibition on CIL or s106 contributions being reduced where meanwhile use costs have been incurred by developers, we think it important for the policy to include an inducement for developers to provide useful social infrastructure, even if that infrastructure may not be permanent. After all, most infrastructure has a shelf life, so the concept of permanence is always relative.</u></p> <p><u>- Consistent with the spirit of Counsel's advice now obtained, the Forum accepts that it should be a consultee in this respect, but requires its right to this</u></p>	
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				<p><u>to be spelt out in the policy.</u></p> <p>. E.g. 2.7 Other purposes agreed with LBTH and after consultation with the Forum.</p> <p>LBTH consider this insertion unnecessary as the Neighbourhood Planning Act already requires Neighbourhood Forums to be consultees on planning applications in their Area. E.g. 2.7 Other purposes agreed with LBTH and the Forum.</p>	
Policy AQ1 – Air Quality					
AQ 1	Recommend replacing ‘any developments which have to dealt with by a development committee of LBTH (excluding call-ins)’ with either Strategic Development or	We support the objectives of this policy but consider that it is undeliverable or enforceable as currently worded. Usability – this ensures a consistency with the Local Plan	We are happy to align this threshold definition to terms used in the draft Local Plan. The aim is to exclude applications for minor developments.	<p>Proposed amendments provided. See appendix 1.</p> <p><u>The amendments proposed by LBTH in the appendix are acceptable to the Forum, in order to correct errors and/or to secure compliance with the Basic Conditions.</u></p> <p>Please note: the basis of the modifications was, on</p>	It is noted that this is an untested policy position. In particular AQ1(2). The draft London Plan signals an intention to move towards this but this has not yet been examined and no details have been provided on its delivery.

	Referable development.	and doesn't introduce a new threshold.		the Forum's request, the redrafted Knightsbridge policy.	
AQ 1 (1)	(1) Recommend removing reference to the Paris Agreement	Relevance: The Paris Agreement does not yet form part of domestic law, so it is unclear how it will be implemented domestically, let alone through the planning system. It is therefore inapplicable to development applications.	Replace with a specific requirements for all new developments to have an Air Quality Action Plan consistent with and based on the GLA template: https://www.london.gov.uk/sites/default/files/air_quality_action_plan_template.pdf	NOTE: the Link to the document provided is the GLA template for a borough AQAP. It is not applicable to applications. Suggestion instead to use the guidance provided in the GLA SPG on Sustainable Design & Construction, in particular in relation to the 'air quality neutral standard'.	
AQ 1 (2a)	Recommend providing greater detail on 'air quality positive'	It is unclear what this would require and there is currently no regional or national guidance available on this. It is noted that the draft London Plan (2017) includes this wording but this has not yet been examined and no guidance has been	We are happy instead to adopt the revised Knightsbridge Neighbourhood Plan policy "KBR35: Healthy Air", subject to amending the development size threshold from their "Level 3 or larger (as described in Appendix G)" to our revised threshold definition – see re AQ1 above).	Proposed amendments provided. See appendix 1. <u>The amendments proposed by LBTH in the appendix are acceptable to the Forum, in order to correct errors and/or to secure compliance with the Basic Conditions.</u> Please note: the basis of the modifications was, on the Forum's request, the	

		provided and they have indicate guidance will only be provided within a year. The Council is supportive of this aim, but requires greater detail in order to deliver it.		redrafted Knightsbridge policy.	
AQ 1 (2b and c)	Recommend rewording to create a more deliverable air quality target and (2b and c) should be reworded to clarify which receptors should be assessed.	Deliverability: requirements are too onerous. For example, due to the inherent uncertainty of air quality modelling, 0.1µgm-3 is too small to be considered significant as it could be within the general margins of error for modelling. Requiring developments to comply with such a requirement would be considered onerous and would not be compliant with NPPF presumption in	We are happy instead to adopt the revised Knightsbridge Neighbourhood Plan policy “KBR35: Healthy Air”, subject to amending the development size threshold from their “Level 3 or larger (as described in Appendix G)” to our revised threshold definition – see re AQ1 above).	Proposed amendments provided. See appendix 1. <u>The amendments proposed by LBTH in the appendix are acceptable to the Forum, in order to correct errors and/or to secure compliance with the Basic Conditions.</u> Please note: the basis of the modifications was, on the Forum’s request, the redrafted Knightsbridge policy.	

		<p>favour of sustainable development policies (paragraphs 17 and 173).</p> <p>We would be supportive of a policy which would restrict development where current and future residents will be exposed to air pollution levels above National Objective levels.</p>			
AQ 1 (2d)	<p>Recommend (2d) should be reworded so as to clarify how this policy can be applied. For example indicating that where the benefits of the policy clearly outweigh the impacts to air quality.</p>	<p>Clarity: To ensure the policy can be applied (as per paragraph 154 of the NPPF).</p>	<p>We are happy instead to adopt the revised Knightsbridge Neighbourhood Plan policy “KBR35: Healthy Air”, subject to amending the development size threshold from their “Level 3 or larger (as described in Appendix G)” to our revised threshold definition – see re AQ1 above).</p>	<p>Proposed amendments provided. See appendix 1.</p> <p><u>The amendments proposed by LBTH in the appendix are acceptable to the Forum, in order to correct errors and/or to secure compliance with the Basic Conditions.</u></p> <p>Please note: the basis of the modifications was, on the Forum’s request, the redrafted Knightsbridge policy.</p>	

AQ 1 (2e)	Recommend (2e) should be clarified to confirm which scale of development it refers to. If all, it should state this should be proportionate to the nature of the development and should be a separate policy – as currently contradicts scale wording at the top of the policy.	To ensure the policy is clear and proportionate (as per paragraphs 154 and 173 of the NPPF).	We believe that ANY development of any scale could ‘tip the balance’ in terms of biological viability and negative social impact (see for example this recent study https://www.sciencedirect.com/science/article/abs/pii/S026378631630059X), but would consider drafting suggestions regarding proportionality.	<p>Proposed amendments provided. See appendix 1.</p> <p><u>The amendments proposed by LBTH in the appendix are acceptable to the Forum, in order to correct errors and/or to secure compliance with the Basic Conditions.</u></p> <p>Please note: the basis of the modifications was, on the Forum’s request, the redrafted Knightsbridge policy.</p>	
AQ 1 (2g)	Recommend to remove reference to ASHRAE guide.	The ASHRAE guide referred to is a US publication and does not have applicability to a UK context.	We are happy instead to adopt the revised Knightsbridge Neighbourhood Plan policy “KBR35: Healthy Air”, subject to amending the development size threshold from their “Level 3 or larger (as described in Appendix G)” to our revised threshold definition – see re AQ1 above).	<p>Proposed amendments provided. See appendix 1.</p> <p><u>The amendments proposed by LBTH in the appendix are acceptable to the Forum, in order to correct errors and/or to secure compliance with the Basic Conditions.</u></p> <p>Please note: the basis of the modifications was, on the Forum’s request, the</p>	

				redrafted Knightsbridge policy.	
AQ1 (3)	Recommend (3) be reworded as unclear what it refers to or requires developers to undertake.	Clarity: To ensure the policy can be applied (as per paragraph 154 of the NPPF).	We are happy to follow generally accepted principles on AQ in this respect.	<p>Proposed amendments provided. See appendix 1.</p> <p><u>The amendments proposed by LBTH in the appendix are acceptable to the Forum, in order to correct errors and/or to secure compliance with the Basic Conditions.</u></p> <p>Please note: the basis of the modifications was, on the Forum’s request, the redrafted Knightsbridge policy.</p>	
AQ1 ALL		It is noted that the source for this policy is the draft Knightsbridge Neighbourhood Plan however it is also noted that the current version of this policy in the Reg. 16 Knightsbridge Neighbourhood Plan has substantially changed in order to	We are happy instead to adopt the revised Knightsbridge Neighbourhood Plan policy “KBR35: Healthy Air”, subject to amending the development size threshold from their “Level 3 or larger (as described in Appendix G)” to our revised threshold definition – see re AQ1 above).	<p>Proposed amendments provided. See appendix 1.</p> <p><u>The amendments proposed by LBTH in the appendix are acceptable to the Forum, in order to correct errors and/or to secure compliance with the Basic Conditions.</u></p> <p>Please note: the basis of the modifications was, on the Forum’s request, the redrafted Knightsbridge</p>	

		address many of the issues raised above.		policy.	
Page 83 of 92 - Guidance	Recommend to delete wording which seeks to direct the officer.	All of the policy and supporting text provide guidance to whoever the relevant decision maker is. The decision maker then interprets the relevant policy to inform their own decision.	This simply asks for a specific consideration to be brought to the attention of officers and the committee as and when applications come forward. It is not a formal direction, nor is it unreasonable.	NOTE: LBTH maintains its concern that the phrasing is confusing.	
AQ 1	<p><u>Other Council Function Comments:</u></p> <ul style="list-style-type: none"> Policy seems to be conflating climate change policies and air quality. The Paris agreement is a climate change agreement. Zero emissions usually refers to carbon emissions. The two objectives do overlap but sometimes are in conflict – for example some low carbon energy sources can have poor air quality impacts. Clause (2) should therefore be re-worded. 	We are happy instead to adopt the revised Knightsbridge Neighbourhood Plan policy “KBR35: Healthy Air”, subject to amending the development size threshold from their “Level 3 or larger (as described in Appendix G)” to our revised threshold definition – see re AQ1 above).	<p>Proposed amendments provided. See appendix 1.</p> <p><u>The amendments proposed by LBTH in the appendix are acceptable to the Forum, in order to correct errors and/or to secure compliance with the Basic Conditions.</u></p> <p>Please note: the basis of the modifications was, on the Forum’s request, the redrafted Knightsbridge</p>		

	<ul style="list-style-type: none"> Policy would need to refer to the UK National Air Quality Objectives or EU Objectives. The WHO standards do not form part of the UK's legal framework on air quality. 		policy.	
CIL2 and CIL3	<p>This modification was proposed by the Forum at the meeting on the 26th April 2018. Comments were not circulated in advance.</p>		<p>Proposed minor amendments provided. See appendix 1.</p> <p><u>The amendments in the appendix are acceptable to the Forum, in order to correct errors and/or to secure compliance with the Basic Conditions.</u></p> <p>Outstanding areas to be addressed through the examination:</p> <ul style="list-style-type: none"> - Whether this should be expressed as a policy or as a separate appendix. - Whether CIL2 should form part of the priority list in CIL3. - Whether in conformity with the CIL regs <p><u>- See Counsel's opinion, especially paras 22-24.</u></p>	

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