

Planning & Building Control
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By email

15th May 2018

Dear Mrs Masters,

Further to your email of the 3rd of May 2018, please find below and in two appendices, responses to your queries and the additional information you requested. For ease of reference, we have laid out our response in a table, with your query in the first column.

I trust this provides the clarification you required, but please do let us know if you have any further questions.

Query from letter received 3rd May 2018	LBTH response
Housing Delivery and Infrastructure Provision	
<p>I have reviewed the Infrastructure Delivery Plan (IDP) [SED06] and the infrastructure requirements as identified by the five year land supply and housing trajectory. There appear to be a number of discrepancies in connection with the proposed delivery trajectory for housing when compared to the infrastructure requirements.</p> <p>I note the general commentary regarding health care provision which advises that until 2021, existing provision is 'nearly' able to accommodate the current demand for these facilities (para 5.2, page 47). What precisely does this mean in</p>	<p>Tower Hamlets currently has enough GPs to meet the needs of our residents. However, by 2020/21, projections suggested there will be a deficit of 2.42% in general practice provision, which equates to 4 GPs (as shown in table 13 on page 47 of the IDP).</p> <p>It should be noted that the model to project population growth and numbers of GPs utilises a proxy number (1 GP per 1,800 populations) but does not account for a more complex health mix within a community of Tower Hamlets' diversity and deprivation.</p> <p>It should also be noted that Tower Hamlets Primary Care Strategy takes into account the full breadth of primary care support staff (e.g. practice nurse, healthcare practitioner, pharmacist), which will also meet local health needs, whereas the measure above relates to GPs only.</p>

<p>practical terms?. How does this statement relate to table 13 on page 47 of the IDP? I would be grateful for clarification on this issue from the Council.</p>	
<p>Similarly, there is no timeframe specified on the open space strategy list of projects identified to help meet the need for open space (table 32). This is the same for the community centre provision (table 38). This is despite a number of these facilities being included within the site allocations proposed. I would again be grateful for a clear explanation of the approach adopted by the Council in relation to these infrastructure requirements.</p>	<p>As noted, 15 of these facilities are linked to specific site allocations, and the delivery date will therefore be dependent on the dates at which planning applications are submitted and work begun on sites. Others are rolling programmes of infrastructure improvement, such as the green grid projects or the outdoor sport facilities improvement programme – as rolling programmes, these have no final date of delivery. For details on the general approach used in the preparation of the Infrastructure Delivery Plan (and thus the approach taken to these infrastructure projects), please see the section below - headed 'How has the infrastructure delivery plan been developed?'. </p>
<p>In terms of education provision, I note the evidence base documents which have been submitted in this regard, including the Spatial Assessment Need for Schools (2018) [SED72] as well as the Site Allocations Methodology (2017) [SED64]. My understanding of the approach the Council is adopting is the over allocation of sites for both primary and secondary schools. As matters stand, from the Site Allocations Methodology (2018) [SED64], there is a requirement for 6 primary schools and 9 sites are allocated, and a requirement for 4 secondary schools and 5 sites are allocated. As far as I can see, the reasons for this approach are set out at paragraph 3.1 of document SED72 and include concerns regarding delivery constraints and timing in connection with the sites proposed, site capacity and potential air quality considerations which may make an allocated site</p>	<p>The council has a statutory duty to provide sufficient school places for the local population and a key means of achieving this is through the Local Plan. In order to ensure that there is sufficient capacity in the right places to accommodate primary and secondary school children within the Local Plan period (up to 2031), a number of sites have been identified for their delivery as part of wider comprehensive development.</p> <p>The Local Plan has allocated more schools than required for the reasons set out in the Site Allocations Methodology (2017) (SED64) and the Spatial Assessment Need for Schools (2018) (SED72). The Infrastructure Delivery Plan (2017) (SED06), Site Allocations Methodology (2017) and the Spatial Assessment Need for Schools (2018) are the evidence base documents that have informed the council's approach to allocating schools.</p> <p>The inspector is correct in concluding that these reasons are set out in the Spatial Assessment Need for Schools but they are set out in paragraph 3.11 (as opposed to 3.1 in the inspector's letter (ID02)) as well as paragraph 3.12.</p> <p>The borough faces a unique set of circumstances - being a very dense urban environment with a decreasing number of suitable sites. The approach set out in the Local Plan is seeking to protect sites for schools to ensure suitable land is not lost to</p>

<p>incapable of delivering a school. Could you confirm if my understating of this issue is correct?</p>	<p>other uses (e.g. housing) which is likely to increase the need for schools but also means it is unlikely that sufficient sites would come forward for schools. In addition, paragraph 72 of the NPPF prioritises 'choice' of school places which suggests support for over allocation. As such, we consider that the Local Plan approach to over-allocation is consistent with the NPPF.</p> <p>The uncertainty of the projections in the context of Brexit and the borough's quickly changing demographics are other key factors in the reasoning for over-allocation of school sites. On this basis, the local authority continues to take a cautious approach to planning for additional school capacity.</p>
<p>If this is correct, is the approach deliverable? I note that this position is disputed by a number of representors and concerns have been expressed regarding the ability of a number of the sites to accommodate the school provision envisaged. Does this issue require a more clear and focused approach? Precisely how does this approach relate to the viability work which has been carried out and contained within document SED72 and moreover the advice contained with paragraphs 173 and 177 of the NPPF?</p>	<p>The viability work undertaken makes allowances for the provision of schools on-site i.e. the development capacities of the site allocations are reduced to account for the land for the school. No specific build costs for the delivery of the schools has been assumed – developers will generally only need to provide the land – the council (or another party) will pay for the delivery of the school.</p> <p>The council's approach takes account of paragraphs 173 and 177 of the NPPF. With regards to paragraph 173, the Tower Hamlets Local Plan Viability Assessment (SED5) does account for the costs of requirements that will be applied to development and in this case the sites allocated to deliver primary schools. All sites allocated to deliver primary schools have been found to be viable, apart from the Millharbour South site.</p> <p>Two of the five sites that include the requirement for a secondary school have been found unviable, in that they cannot deliver a policy compliant scheme. These are: Bow Common Gas Works and Leven Road Gas Works. However, the lead-in times of these sites mean that there will be an opportunity to discuss the provision of a new secondary school at the planning application stage, based on a more up-to-date assessment of infrastructure needs and viability considerations. In addition, it should be noted that the viability testing undertaken assumes secondary schools require a 1.5 ha land area which has been identified by the council's Education Service as the ideal size of land area for secondary schools. It is likely that the land area required for secondary schools will be significantly less than 1.5 ha, which will allow an increased capacity on these sites, improving their viability.</p>

Sites allocations that were viability tested¹

Billingsgate Market	Limeharbour	Millharbour
Bishopsgate Goods Yard	Marian Place Gas Works and The Oval	North Quay
Bow Common Gas Works	Marsh Wall East	Reuters Ltd
Crossharbour Town centre	Marsh Wall West	Whitechapel South
Leven Road Gas Works	Millharbour South	



= site requires a secondary school



= site requires a primary school

In addition, the council considers its approach of over-allocating schools provides compliance with paragraph 177 of the NPPF and in particular the need to deliver infrastructure in a timely fashion. Over-allocation will give the council a better chance of delivering in a timely fashion in the event that some of the site allocations do not come forward when expected.

As set out in appendix 1 (see attached), the delivery of school sites corresponds well with the projected need which increases significantly towards the end of the plan period. A significant number of site allocations are expected to come forward towards the middle to latter part of the plan period. Delivery of schools during this period will meet the anticipated shortfall of school places and our phased approach here takes account of long lead-in times. At the planning application stage, it will be necessary to safeguard sufficient land within the boundary of the allocated sites in order to ensure that a school can be delivered during the appropriate phase of the development.

In terms of prioritisation, sites will be required to provide schools at the point of delivery to meet future school needs based on the latest available information set out in the Infrastructure Delivery Plan. Section 5 of the Local Plan sets out how the council will review and monitor the delivery of key infrastructure set out in Infrastructure Delivery Plan, which will be updated on a regular basis. In instances where the evidence shows that the school is no longer required to meet local needs on an allocated site, the council will work closely with

¹ There are other site allocations that require a school to be delivered that have not been viability tested (for example Wood Wharf and London Dock. The reasons for not testing these sites are set out in pages 33-34 of the Site Allocations Methodology).

	<p>developers and landowners to discuss alternative ways of meeting future requirements.</p> <p>On this basis, the approach to over-allocation is considered to be sound in terms of deliverability and is sufficiently flexible to take account of changing circumstances, such as school place projections. Without this contingency in place, Tower Hamlets may not be able to secure sufficient land to meet future school place needs due to the uncertainty over the delivery of sites. As such, a more focussed approach to delivery is not warranted in this instance.</p>
<p>At this stage, I am not sufficiently clear as to how the Council envisages this working in practical terms in the context of the housing delivery indicated by the trajectory.</p>	<p>The school roll projections are based on the housing delivery trajectory alongside demographic trends – the housing trajectory is set out in appendix 7 of the draft Local Plan. These projections in turn inform the requirements set out within the Local Plan in respect of school provision during the plan period (2016-2031).</p> <p>In instances where no clear delivery dates have been set, the council will continue to work closely with stakeholders to monitor the development and implementation of school-build projects.</p>
<p>In addition, I note the Council has stated that further work is being carried out in relation to school provision and the site allocations² – what specifically does this work involve and when will it be available? I ask the Council to prepare a concise statement clearly explaining the position on all of this. I may well have further questions on this matter as part of the hearing sessions.</p>	<p>No further work is being currently carried out to support the Local Plan. The information regarding our approach to schools is set out in the Spatial Assessment Need for Schools (SED72) and the Site Allocations Methodology (SED64).</p> <p>The statement is provided in the response above.</p>
<p>It is necessary for me to fully understand the infrastructure requirements in the context of the housing delivery over the plan period. To this end, please could the Council produce a detailed infrastructure phasing plan. This should include the following information:</p> <ul style="list-style-type: none"> • Review the sites included within the housing trajectory 	<p>Please refer to appendix 1 (see attached) for the relevant infrastructure requirements.</p> <p>For the avoidance of doubt, supplementary information is being provided on the process of how the IDP (SED06) has been developed; where information on projects has come from; the ability of the IDP to provide detail on the phasing of infrastructure delivery and how the need for infrastructure will continue to be monitored.</p>

² As identified by the Council’s response to representations

(including the site allocation reference numbers where relevant), you will see below I have identified how this should be presented;

- Identify **all** of the infrastructure requirements on a site by site basis – this should be broken down to the following time periods 2017/2018, 2018/2019, 2019/2020, 2020/ 2021, 2021/2022 and then at 5 yearly intervals for the remaining plan period. For the avoidance of doubt this should cover all of the infrastructure requirements identified within the IDP at sections 3-20 inclusive;

How has the IDP been developed?

The IDP is a document that holds information on existing infrastructure supply and likely future demand based on analysis of borough-wide growth, existing infrastructure deficits, and recorded projects that have been identified to address current and likely future infrastructure demand (which takes into account existing infrastructure deficits). To this end, it is an important evidence document for the draft Local Plan.

The information on projects within the evidence base has been formed in conjunction with other service areas of the council as well as other infrastructure stakeholders (such as TfL and the NHS). The council undertook a review of existing plans, policies and strategies to capture any further projects proposed and to also understand where there is planning policy support for each infrastructure type. At the point of carrying out the regulation 19 consultation on the Local Plan, the most up to date information on existing infrastructure supply and likely future demand was included within the IDP.

Understanding the phasing of infrastructure delivery

Seventeen of the chapters within the IDP are dedicated to different infrastructure types and at the end of each chapter there is a table of projects that have been identified to address existing infrastructure deficits and likely future demand. Each table includes a wide range of information on projects such as the project reference, ward, description, planned year of delivery, funding etc. Where the exact timeframe for delivery is yet to be determined, the reasons for this are as follows:

- If the developer is to be providing infrastructure (for example on site open space) then the timescales will depend on when the developer wishes to start work on site (with a view to securing the delivery of infrastructure at the earliest opportunity).
- If a project is being provided through CIL ('in kind') then once again it will depend on when the developer wishes to start on site (with a view to securing the delivery of infrastructure at the earliest opportunity).

	<ul style="list-style-type: none"> • If infrastructure is being provided by somebody other than the council (for example, the London Legacy Development Corporation) then it will depend on their timescales and at this stage it might not be possible to determine this. • If the project is considered to be at conceptual stage then it will not always be possible to pre-determine when it can be delivered. <p>The main aims of the IDP are to set out an objectively assessed need for the provision of infrastructure in the borough and to help identify and coordinate infrastructure requirements. To this end, its approach is to establish the level and type of infrastructure need and record the level of response required to address the need. Housing growth is just one of a number of important factors to understand in this context. In some instances, the council has a duty to address current deficit levels as well as that which will be created by any new development.</p> <p>Maintaining an understanding of the infrastructure requirements for the borough</p> <p>The forecasted level of growth within the borough and the existing infrastructure deficit means that it is fundamental for the information on infrastructure projects to be updated regularly. This will allow the evidence base to keep track of infrastructure delivery and for it to adapt to any changes in need. Through the Annual Monitoring Report, it will be possible to track the progress of those projects listed within the IDP. This will also provide an opportunity for the council to test/review the accuracy of the information within the IDP and allow it to depict a greater depth of knowledge on the phasing and delivery timescales for infrastructure delivery.</p>
<p>Submission document SED27 - Five Year Housing Land Supply and Housing Trajectory Statement (2018)</p> <p>Section 6 of the report states that appendix C provides the full list of sites contributing towards the five year housing supply. I have reviewed this document and the information at appendix C in terms of the</p>	<p>Appendix A of the Five Year Housing Land Supply and Housing Trajectory Statement (2018) sets out information and housing trajectories provided by developers for nine sites. These trajectories do not always directly cross reference to the five-year housing supply in appendix C of the statement given the differences in timeframes. For example, with regards to Wood Wharf, the developers indicated that 1,379 units would be delivered to 2021, as stated in appendix A. However, the five-year period runs to 2022, which is why the site will contribute 1,764 units during this five-year period.</p>

sites contributing to the five year supply and there are a number of inconsistencies. Most notably, when the information presented here is cross referenced with appendix A, the number of homes to be delivered does not tally. For example Wood Wharf refers to 1379 units to be delivered by February 2021 yet appendix C shows 1764 homes? Similarly appendix A states 846 new homes for Goodmans Fields yet appendix C only records 485 units. These are just two examples. I would be grateful for the Council's view on this. Please could you also ensure there is consistency in the naming of the sites, and that the site allocation numbers from the Local Plan are used, for the avoidance of any doubt. In order to address this issue, please could appendix C be reproduced as a gantt chart with additional columns showing the:

- overall site capacity;
- remaining units to be built (this will make it clear if units have already been completed and therefore taken account of in terms of supply) ;
- number of units that will be delivered across each year: 2017/2018, 2018/2019, 2019/2020, 2020/ 2021, 2021/2022; and
- total the table, at present the table has no overall total.

Appendix A covers 9 sites – does the Council have delivery information for the remaining site allocations as proposed by the Local Plan? This should be added to the trajectory so that a complete picture is provided.

Similarly, the site capacity for Goodman's Fields is 846 homes, but given that this site has already delivered a significant amount of housing, the actual five years supply is much lower at 485 units.

To help understand the trajectory of the five-year housing supply in more detail, we have reproduced and attached the appendix C site list set out in the Five-Year Housing Land Supply and Housing Trajectory Statement (SED27) showing the following.

- Overall site capacity and remaining units to be built.
- Housing trajectory per year.
- All totals.

(Please note: the 2016/17 delivery year total has also been provided in order to allow cross-reference to other local plan tables which reference the Local Plan 5-year phases only).

We feel that the information provided should provide all the clarification required regarding the borough's five year housing supply. As we have raised previously, we are unsure as to how a gantt chart would use useful in this context, but please let us now if you'd like any further information on top of that provided.

Regarding the site names, the site list is made up of planning applications only - which is the reason why there may be some inconsistencies between the site names and the site allocation names i.e. there is often more than one site within each site allocation. The site names are based on the scheme name and/or site address. The attached five-year housing supply spreadsheet (appendix 2) will provide more clarity on this issue.

Chapter 6- Revitalising our town centres, page 93

In relation to the Town Centre Retail Capacity Study (2016) [SED33], I note that the version provided is marked 'final draft report'. Is this the correct version? Does this document support the retail floorspace requirements identified in Policy S.TC1 and table 4 of the Local Plan? If so, I ask the Council to explain where and how?

The Town Centre Retail Capacity Study (2016) is the correct report.

The retail need figures set out in the Local Plan are based on the above evidence base, however, it is accepted that the methodology used to reach the final borough-wide figures is not clear. A further review is required and this will be presented as a modification at examination.

It is considered that the revised retail need table should instead set out the individual need figures for each major/district centre, as set out in the Town Centre Retail Capacity Study (SED33), in order to ensure consistency, as opposed to borough-wide need figures which causes some confusion.

Part 4 – Delivering Sustainable Places, page 175

The plan states that this section sets out how each of the four sub areas will grow and change over the period to 2031. The text goes onto note that a number of allocations are included within each of the sub areas identified to accommodate new homes and jobs. There appears to be inconsistency between the housing numbers identified at paragraph 2.4, 3.4, 4.5 and 5.5 and those represented at table 1 page 62. I have summarised the differences below:

The Local Plan (part 4) infographics are based on outdated housing trajectory figures, not the differences in windfall allowance. This is a graphical error that will be identified as a minor modification. Note that the figures within table 1 (page 62) are correct.

Sub area	Figure from table 1 page 62	Part 4 policy minimum figures
Isle of Dogs & South Popular	29848	30601
City Fringe	9330	10083
Lower Lea Valley	5395	6148
Central Area	6671	7624

<p>I am assuming the differences relate to the application of the windfall allowance of 753 units for each sub area. This being the case, what is the justification for the central area windfall allowance of 953 units? This conflicts with the information presented on page 311 of the plan. In addition, the figures contained within table 1 at page 62 do not equate to the total as presented – these figures total 54254 and not 54455. I would be grateful if the Council could provide clarification on these points and clearly explain the discrepancies.</p>	
<p>Turning to consider appendix 7: Housing Trajectory (page 309) there appears to be a number of typographical errors within this table. As a general point, please could you check all the totals within this table. How does the Borough wide windfall allowance of 860 relate to the annual windfall allowance of 215 units referred to on page 310? The text on page 311 states “completed (2016/2017)*” and also “Borough wide windfall allowance**”. However, there appears to be no explanation of what the asterisks refer to. Please could you explain this. The table on page 309 does not appear complete in the 2026-2031 timeframe period as the totals do also not tally. Please can you explain.</p>	<p>A number of typographical errors were identified within appendix 7 which have been identified as minor modifications.</p> <p>Please note that the ‘860’ figure identified refers only to 4-years-worth of windfall allowance (i.e. 215*4), given that the first year of the local plan year (2016/17) has already been delivered. The asterisks are typographical errors which have already been identified for removal with the minor modification table.</p> <p>The typographical error identified in the table on page 309 has also been identified as a minor modification and will be updated (i.e. a change from -7.4 to -7,475).</p> <p>The reason the total shortfall is in this table does not tally with the timeframe figures is that a deficit of 810 homes has been carried forward into the Local Plan period. A minor modification will be made to the plan to make this much clearer.</p>
<p>As a general point, is it the Council’s intention to produce any statements of common ground with other parties? If so, could the Council please confirm with whom and when such statements are likely to be completed. In particular, I</p>	<p>We are in the process of agreeing statements of common ground with the following organisations.</p> <ul style="list-style-type: none"> • Port of London Authority (policies) • London Legacy Development Corporation (waste management policies) • Canary Wharf Group (policies, North Quay Site allocation and Wood Wharf Site

<p>note that the representations from the London Borough of Hackney refer to the preparation of a statement of common ground regarding Bishopsgate Goods Yard, but there may well be others.</p>	<p>allocation)</p> <ul style="list-style-type: none"> • St. William (Bow Common Gas Works, Leven Road Gas Works, Marian Place Gas Works and The Oval) • Queen Mary University of London (Whitechapel South site allocation) • Barts NHS (Whitechapel South site allocation) • Ballymore Group (Marsh Wall West site allocation) • 356 ACQ Ltd and Millharbour AQC Ltd (Millharbour South site allocation) • Thompson Reuters (Reuters Ltd site allocation) • London Borough of Hackney (Bishopsgate Goods Yard site allocation) • St. George (London Dock site allocation) • Westferry Developments Limited (Westferry Printworks). <p>The above statements are due to be completed by 8th June 2018.</p>
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As you indicated in your letter, now that you have received our responses we look forward to receiving confirmation of the examination dates and an indication of when we can expect to receive the matters and issues from you.

Yours sincerely,



Philip Wadsworth
Local Plan Team Leader

