

Ellie Kuper Thomas

From: Michael Byrne [REDACTED]
Sent: 11 January 2018 16:09
To: Neighbourhood Planning
Subject: FW: CONSULTATION - draft Isle of Dogs Neighbourhood Plan (Regulation 16)

I would like to formally SUPPORT the Isle of Dogs neighbourhood plan in all aspects.

Best regards,

Michael Byrne

From: Ellie Kuper Thomas [mailto:Ellie.KuperThomas@towerhamlets.gov.uk] **On Behalf Of** Neighbourhood Planning
Sent: 11 January 2018 13:56
Cc: Neighbourhood Planning <NeighbourhoodPlanning@towerhamlets.gov.uk>
Subject: CONSULTATION - draft Isle of Dogs Neighbourhood Plan (Regulation 16)

Dear Sir/Madam,

This email is being sent to you as you have previously engaged with the planning process in Tower Hamlets or in the development of the Isle of Dogs Neighbourhood Plan.

Draft Isle of Dogs Neighbourhood Plan

Neighbourhood Planning was introduced by the Localism Act (2011) and enables community groups to submit applications to the Council to establish 'Neighbourhood Planning Forums' and 'Neighbourhood Planning Areas' and to draft Neighbourhood Plans for their areas. These Neighbourhood Plans will be used to determine planning applications in the area.

Notice is hereby given that the Isle of Dogs Neighbourhood Forum has submitted a draft Neighbourhood Development Plan (the "Isle of Dogs Neighbourhood Plan") to the London Borough of Tower Hamlets under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended).

The draft Isle of Dogs Neighbourhood Plan has been developed in consultation with the local community and provides a vision for the future of the Area. It sets out a vision, objectives and planning policies.

The London Borough of Tower Hamlets is satisfied that the draft Isle of Dogs Neighbourhood Plan and supporting documents, as submitted, meets the requirements of Regulation 15.

Representations

In accordance with the legislation, a 6-week consultation period on the draft Isle of Dogs Neighbourhood Plan is required. This will be carried out from the **11th of January 2018 and finishing at 5pm on the 22nd of February 2018**. Any submissions received after this deadline cannot be considered.

Comments are invited on whether the draft Isle of Dogs Neighbourhood Plan and supporting documents, as submitted under Regulation 15 fulfils the [Basic Conditions](#) as required by regulations. **Any person or organisation may comment on the Plan or supporting documents.**

All representations will be publicly available and will be forwarded for consideration by the Independent Examiner appointed to carry out the examination of the draft Isle of Dogs Neighbourhood Plan.

Anyone making a representation may request to be notified of the Council's decision.

Where and when the plan proposal may be inspected

Copies of the draft Isle of Dogs Neighbourhood Plan and supporting documents are available to view at the following locations:

- on the Council's [website](#)
- at the Tower Hamlets Town Hall Mulberry Place, 5 Clove Crescent, E14 2BG
- Canary Wharf Idea Store, Churchill Place, E14 5RB
- Cubitt Town Library, 52 Strattondale Street, E14 3HG

Written responses should be made by **5pm Monday 22nd February 2018**. Responses should be sent to: neighbourhoodplanning@towerhamlets.gov.uk

or to:

**FREEPOST RRBK – TZER – UTAU
Neighbourhood Planning Consultation
Strategic Planning – Plan Making
London Borough of Tower Hamlets
PO BOX 55739
London
E14 2BG**

[Ellie Kuper Thomas](#)

Strategic Planning – Plan Making Team
Place Directorate

Town Hall, Mulberry Place
5 Clove Crescent
E14 2BG
0207 364 3648
ellie.kuperthomas@towerhamlets.gov.uk

Working Together for a Better Tower Hamlets
Web site : <http://www.towerhamlets.gov.uk>

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If your request relates to a Freedom of Information enquiry, please resend this to foi@towerhamlets.gov.uk

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Ellie Kuper Thomas

From: Planning South <Planning.South@sportengland.org>
Sent: 12 January 2018 13:43
To: Neighbourhood Planning
Subject: RE: CONSULTATION - draft Isle of Dogs Neighbourhood Plan (Regulation 16)

Follow Up Flag: Follow up
Flag Status: Completed

Thank you for consulting Sport England on the above neighbourhood plan.

Government planning policy, within the **National Planning Policy Framework** (NPPF), identifies how the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Encouraging communities to become more physically active through walking, cycling, informal recreation and formal sport plays an important part in this process. Providing enough sports facilities of the right quality and type in the right places is vital to achieving this aim. This means that positive planning for sport, protection from the unnecessary loss of sports facilities, along with an integrated approach to providing new housing and employment land with community facilities is important.

It is essential therefore that the neighbourhood plan reflects and complies with national planning policy for sport as set out in the NPPF with particular reference to Pars 73 and 74. It is also important to be aware of Sport England's statutory consultee role in **protecting playing fields** and the presumption against the loss of playing field land. Sport England's playing fields policy is set out in our Planning Policy Statement: 'A Sporting Future for the Playing Fields of England'.

<http://www.sportengland.org/playingfieldspolicy>

Sport England provides guidance on **developing planning policy** for sport and further information can be found via the link below. Vital to the development and implementation of planning policy is the evidence base on which it is founded.

<http://www.sportengland.org/facilities-planning/planning-for-sport/forward-planning/>

Sport England works with local authorities to ensure their Local Plan is underpinned by robust and up to date evidence. In line with Par 74 of the NPPF, this takes the form of **assessments of need and strategies for indoor and outdoor sports facilities**. A neighbourhood planning body should look to see if the relevant local authority has prepared a playing pitch strategy or other indoor/outdoor sports facility strategy. If it has then this could provide useful evidence for the neighbourhood plan and save the neighbourhood planning body time and resources gathering their own evidence. It is important that a neighbourhood plan reflects the recommendations and actions set out in any such strategies, including those which may specifically relate to the neighbourhood area, and that any local investment opportunities, such as the Community Infrastructure Levy, are utilised to support their delivery.

Where such evidence does not already exist then relevant planning policies in a neighbourhood plan should be based on a proportionate assessment of the need for sporting provision in its area. Developed in consultation with the local sporting and wider community any assessment should be used to provide key recommendations and deliverable actions. These should set out what provision is required to ensure the current and future needs of the community for sport can be met and, in turn, be able to support the development and implementation of planning policies. Sport England's guidance on assessing needs may help with such work.

<http://www.sportengland.org/planningtoolsandguidance>

If **new or improved sports facilities** are proposed Sport England recommend you ensure they are fit for purpose and designed in accordance with our design guidance notes.

<http://www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/>

Any **new housing** developments will generate additional demand for sport. If existing sports facilities do not have the capacity to absorb the additional demand, then planning policies should look to ensure that

new sports facilities, or improvements to existing sports facilities, are secured and delivered. Proposed actions to meet the demand should accord with any approved local plan or neighbourhood plan policy for social infrastructure, along with priorities resulting from any assessment of need, or set out in any playing pitch or other indoor and/or outdoor sports facility strategy that the local authority has in place.

In line with the Government's NPPF (including Section 8) and its Planning Practice Guidance (Health and wellbeing section), links below, consideration should also be given to how **any new development**, especially for new housing, will provide opportunities for people to lead healthy lifestyles and create healthy communities. Sport England's Active Design guidance can be used to help with this when developing planning policies and developing or assessing individual proposals.

Active Design, which includes a model planning policy, provides ten principles to help ensure the design and layout of development encourages and promotes participation in sport and physical activity. The guidance, and its accompanying checklist, could also be used at the evidence gathering stage of developing a neighbourhood plan to help undertake an assessment of how the design and layout of the area currently enables people to lead active lifestyles and what could be improved.

NPPF Section 8: <https://www.gov.uk/guidance/national-planning-policy-framework/8-promoting-healthy-communities>

PPG Health and wellbeing section: <https://www.gov.uk/guidance/health-and-wellbeing>

Sport England's Active Design Guidance: <https://www.sportengland.org/activedesign>

(Please note: this response relates to Sport England's planning function only. It is not associated with our funding role or any grant application/award that may relate to the site.)

If you need any further advice, please do not hesitate to contact Sport England using the contact details below.

Yours sincerely

Planning Administration Team
Planning South
Planning.south@sportengland.org

From: Ellie Kuper Thomas [mailto:Ellie.KuperThomas@towerhamlets.gov.uk] **On Behalf Of** Neighbourhood Planning

Sent: 11 January 2018 13:56

Cc: Neighbourhood Planning <NeighbourhoodPlanning@towerhamlets.gov.uk>

Subject: CONSULTATION - draft Isle of Dogs Neighbourhood Plan (Regulation 16)

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Draft Isle of Dogs Neighbourhood Plan

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or to:

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Neighbourhood Planning Consultation
Strategic Planning – Plan Making
London Borough of Tower Hamlets
PO BOX 55739
London
E14 2BG**

Ellie Kuper Thomas

Strategic Planning – Plan Making Team

Place Directorate

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Working Together for a Better Tower Hamlets
Web site : <http://www.towerhamlets.gov.uk>

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Ellie Kuper Thomas

From: Anthony Milbourne [REDACTED]
Sent: 13 January 2018 19:26
To: Neighbourhood Planning
Subject: Isle of Dogs Neighbourhood Plan

To whom it may concern,

I am writing in support of the Isle of Dogs Neighbourhood Plan. I would like to ask, as a resident of the island (Thermopylae Gate), that the council adopts the plan and does not try to obstruct or significantly amend it.

Thanks,

Anthony Milbourne

Ellie Kuper Thomas

From: Anil Mohinani [REDACTED]
Sent: 13 January 2018 21:12
To: Neighbourhood Planning
Subject: Isle of Dogs Neighbourhood Plan - Support

Dear Sir / Madam

I fully support all the policies contained within the Quick Plan and my only wish is that the policies are used as soon as possible on planning applications currently in the pipeline.

As a resident on Millharbour - I am highly impressed with the quality of this document and look forward for its use in practice.

Kind regards,
Anil

[REDACTED]

Ellie Kuper Thomas

From: Olavi Valli [REDACTED]
Sent: 15 January 2018 17:05
To: Neighbourhood Planning
Subject: Draft Isle of Dogs Neighbourhood Plan consultation (Regulation 16)

Dear planners,

I'd like to add my support to the Isle of Dogs Neighbourhood Plan and believe it should be adopted as described in the consultation papers, as it contains important provisions which support sustainable development and investment in the area, for the benefit of all that live and work there.

Kind Regards,

Olavi Valli



Health and Safety Executive

London Borough of Tower Hamlets
PO Box 55739
LONDON
E14 2BG

Hazardous Installations Directorate

John Moran

CEM HD5E
2.2 Redgrave Court
Merton Road
BOOTLE
L20 7HS

Tel: 0151 951 4551

LOCAL.PLANS.CEMHD.5@hse.gsi.gov.uk

<http://www.hse.gov.uk/>

Dr J Neilson – Head of Unit
Date: 16 January 2018

Dear Sir/Madam

CONSULTATION ON NEIGHBOURHOOD PLANS – REPRESENTATIONS BY HSE

ISLE OF DOGS NEIGHBOURHOOD PLAN

Thank you for your request to provide a representation on the above consultation document. When consulted on land use planning matters, HSE where possible will make representations to ensure that compatible development within the consultation zones of major hazard establishments and major accident hazard pipelines (MAHPs) is achieved. HSE acknowledges that early consultation can be an effective way of alleviating problems due to incompatible development at the later stages of the planning process.

HSE gives advice on neighbourhood plans with reference to the condition that neighbourhood plans or Orders must be in general conformity with the strategic policies of the Local Plan, and that neighbourhood plans or Orders must be compatible with European Union obligations, as incorporated into UK law (Planning Practice Guidance – Neighbourhood Planning – Para 065). Our advice therefore is given with consideration to the following.

1. The National Planning Policy Framework (Para. 172) requires that planning policies should be based on up-to-date information on the location of major accident hazards and on the mitigation of the consequences of major accidents
2. Regulation 10(1)(b) of the Town and Country Planning (Local Planning) (England) Regulations 2012 as amended¹ requires that in local plans and supplementary planning

¹ Amended by r.33 - Schedule 5 of The Planning (Hazardous Substances) Regulations 2015

documents, regard be had for the objectives of preventing major accidents and limiting the consequences of such accidents for human health and the environment by pursuing those objectives through the controls described in Article 13 of Council Directive 2012/18/EU (Seveso III)². Regulation 10(c)(i) requires that regard also be had to the need, in the long term, to maintain appropriate safety distances between establishments and residential areas, buildings and areas of public use, recreational areas, and, as far as possible, major transport routes

Scope of Advice

At this early stage HSE can give a general opinion regarding development compatibility based only on the outline information contained in your plan. This opinion takes no account of any intention to vary, relinquish or revoke hazardous substances consents³. Planning authorities are advised to use HSE's Planning Advice Web App to verify any advice given. The Web App is a software version of the methodology used in providing land use planning advice. It replaces PADHI+. Further information on the Web App is available on HSE's website: <http://www.hse.gov.uk/landuseplanning/padhi.htm>

Encroachment of Local Plan Allocations on Consultations Zones

We have concluded that there is the potential for land allocated in your plan to encroach on consultations zones, namely.

HSE Ref: H1756 – Transco Holder Station, Stepney

HSE Ref: H1759 – Transco Holder Station, Bow Common

HSE Ref: H0595 – Transco Holder Station Bromley

HSE Ref: H1098 – Bow Calor Centre

Compatibility of Development with Consultation Zones

The compatibility issues raised by developing housing and workplaces within the inner, middle and outer zones are summarised below.

Housing Allocations

² Article 13(1) provides that Member States shall ensure that the objectives of preventing major accidents and limiting the consequences of such accidents for human health and the environment are taken into account in land use policies or other relevant policies. They shall pursue those objectives through controls on: (a) the siting of new establishments; (b) modifications to establishments covered by Article 11; and (c) new developments including transport routes, locations of public use and residential areas in the vicinity of establishments, where the siting or developments may be the source of or increase the risk or consequences of a major accident

³ Hazardous substances consents are granted by the Hazardous Substances Authority (HSA), which is usually the planning authority. The consent process is regulated by the HSA under The Planning (Hazardous Substances) Regulations 2015. The HSA must consult HSE on consent applications. In assessing the application for consent, HSE will produce a map with risk contours (or zones), representing the risk to a hypothetical house resident. Should the HSA grant consent, this map defines the consultation distance within which HSE must be consulted over any relevant future planning applications

Inner Zone – Housing is not compatible with development in the inner zone. HSE would normally Advise Against such development. The only exception is developments of 1 or 2 dwelling units where there is a minimal increase in people at risk.

Middle Zone – The middle zone is compatible with housing developments up to and including 30 dwelling units *and* at a density of no more than 40 per hectare.

Outer Zone – Housing is compatible with development in the outer zone including larger developments of more than 30 dwelling units and high-density developments of more than 40 dwelling units per hectare.

Workplace Allocations

Inner Zone – Workplaces (predominantly non-retail) providing for less than 100 occupants in each building and less than 3 occupied storeys are compatible with the inner zone. Retail developments with less than 250m² total floor space are compatible with the inner zone.

Note: Workplaces (predominantly non-retail) providing for 100 or more occupants in any building or 3 or more occupied storeys in height are compatible with the inner zone where the development is at the major hazard site itself and will be under the control of the site operator.

Middle Zone – The middle zone is compatible with workplaces (predominantly non-retail). Retail developments with total floor space up to 5000m² are compatible with the middle zone.

Outer Zone – Workplaces (predominantly non-retail) are compatible with the outer zone. Workplaces (predominantly non-retail) specifically for people with disabilities (e.g. sheltered workshops) are only compatible with the outer zone. Retail developments with more than 5000m² total floor space are compatible with the outer zone.

This is a general description of the compatibility for housing and workplaces. Detail of other development types, for example institutional accommodation and education, and their compatibility with consultations zones can be found in the section on *Development Type Tables* of *HSE's Land Use Planning Methodology*, which is available at:

<http://www.hse.gov.uk/landuseplanning/methodology.pdf>

Mixed-Use Allocations

Because of the potential complexity when combination use classes are proposed, advice regarding mixed-use allocations is outside the scope of the general advice that can be given in this representation. Please refer to the Web App to determine HSE's advice regarding mixed-use developments.

Verification of Advice using the Web App

The potential for encroachment is being brought to your attention at an early stage so that you can assess the actual extent of any incompatibility on future developments. Information on the location and extent of the consultation zones associated with major hazard establishments and MAHPs can be found on HSE's extranet system along with advice on HSE's land use planning policy. Lists of all major hazard establishments and MAHPs, consultation zone maps for establishments, and consultation distances for MAHPs are included to aid planners. All planning authorities should have an authorised administrator who can access HSE's Planning Advice Web App; further information is available on HSE's website:

<http://www.hse.gov.uk/landuseplanning/padhi.htm> . When sufficient information on the location

and use class of sites becomes available at the pre-planning stages of your local plan, the use of the Web App could assist you in making informed planning decisions about development compatibility.

Identifying Consultation Zones in Local Plans

HSE recommends that where there are major hazard establishments and MAHPs within the area of your local plan, that you mark the associated consultation zones on a map. This is an effective way to identify the development proposals that could encroach on consultation zones, and the extent of any encroachment that could occur. The proposal maps in site allocation development planning documents may be suitable for presenting this information. We particularly recommend marking the zones associated with any MAHPs, and HSE advises that you contact the pipeline operator for up-to-date information on pipeline location, as pipelines can be diverted by operators from notified routes. Most incidents involving damage to buried pipelines occur because third parties are not aware of their presence.

Identifying Compatible Development in Local Plans

The guidance in HSE's Land Use Planning Methodology, available at <http://www.hse.gov.uk/landuseplanning/methodology.pdf> will allow you to identify compatible development within any consultation zone in the area of your local plan. HSE recommends that you include in your plan an analysis of compatible development type within the consultation zones of major hazard establishments and MAHPs based on the methodology. The sections on *Development Type Tables* and the *Decision Matrix* are particularly relevant, and contain sufficient information to provide a general assessment of compatible development by use class within the zones.

There are a number of factors that can alter a Web App decision, for example where a development straddles 2 zones. These factors are outside the scope of the general advice in this letter. HSE's final advice on development compatibility can only be determined through use of the Web App.

If you have any questions about the content of this letter, please contact me at the address given in the letterhead.

Yours faithfully



John Moran

HM Specialist Inspector of Health and Safety (Risk Assessment)



Historic England

Email: neighbourhoodplanning@towerhamlets.gov.uk

Neighbourhood Planning Consultation
D&R Strategic Planning
London Borough of Tower Hamlets
PO BOX 55739
London E14 1BY

FAO Ellie Kuper Thomas

Our ref:

Your ref:

Telephone



24 January 2018

Dear Strategic Planning Team

**Regulation 16 Consultation : Draft Isle of Dogs Neighbourhood Plan Consultation,
London Borough of Tower Hamlets**

Thank you for consulting Historic England in respect of seeking views as to whether the Draft Neighbourhood Plan submitted under Regulation 15 meets the basic conditions as required under the Regulations.

The consultation is in respect of a "Quick" Neighbourhood Plan focused on environmental health and infrastructure issues identified by the Neighbourhood Forum as requiring urgent attention. The Plan and policies within seek to address construction impacts and promote liveable neighbourhoods and community led development.

The Plan does not specifically address the potential impacts on the historic environment. However, we assume that further policies and guidance will develop as part of the "long" Neighbourhood Plan. As such, historic environment issues will continue to be dealt with on the basis of national and local policy alone. It would be helpful to understand the how any Neighbourhood Development Plan will engage with the historic environment as one of the key elements of sustainable development as defined by the NPPF. However, given the focus of the proposed policies we do not consider that the Plan as proposed is likely to have significant detrimental environmental impacts on the historic environment, and as such do not wish to raise any specific issues at this stage.

If you wish to discuss any of the above observations please do not hesitate to contact me.



Historic England, 4th Floor, Cannon Bridge House, 25 Dowgate Hill, London EC4R 2YA
Telephone 020 7973 3700 Facsimile 020 7973 3001
HistoricEngland.org.uk

Please note that Historic England operates an access to information policy.
Correspondence or information which you send us may therefore become publicly available.



Date: 24 January 2018
Our ref: 235925
Your ref: Isle of Dogs Neighbourhood Plan



Ms Kuper Thomas
Neighbourhood Planning Consultation
Strategic Planning – Plan Making
London Borough of Tower Hamlets
PO BOX 55739
London
E14 2BG

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Cheshire
CW1 6GJ

T 0300 060 3900

BY EMAIL ONLY

neighbourhoodplanning@towerhamlets.gov.uk
Ellie.KuperThomas@towerhamlets.gov.uk

Dear Ms Kuper Thomas

Isle of Dogs Neighbourhood Plan

Thank you for your consultation on the above dated and received by Natural England on 11th January, 2018.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England does not have any specific comments on this draft neighbourhood plan

For any further consultations on your plan, please contact: consultations@naturalengland.org.uk.

Yours sincerely

Sharon Jenkins
Consultations Team

FREEPOST RRBK – TZER – UTAU
Neighbourhood Planning Consultation
Strategic Planning – Plan Making
London Borough of Tower Hamlets
PO BOX 55739
London
E14 2BG

Hannah Lorna Bevins
Consultant Town Planner

Tel: 01926 439127
n.grid@amecfw.com

Sent by email to:
neighbourhoodplanning@towerhamlets.gov.uk

23 January 2018

Dear Sir / Madam

**Isle of Dogs Neighbourhood Plan Consultation
SUBMISSION ON BEHALF OF NATIONAL GRID**

National Grid has appointed Amec Foster Wheeler to review and respond to development plan consultations on its behalf. We are instructed by our client to submit the following representation with regards to the above Neighbourhood Plan consultation.

About National Grid

National Grid owns and operates the high voltage electricity transmission system in England and Wales and operate the Scottish high voltage transmission system. National Grid also owns and operates the gas transmission system. In the UK, gas leaves the transmission system and enters the distribution networks at high pressure. It is then transported through a number of reducing pressure tiers until it is finally delivered to our customers. National Grid own four of the UK's gas distribution networks and transport gas to 11 million homes, schools and businesses through 81,000 miles of gas pipelines within North West, East of England, West Midlands and North London.

To help ensure the continued safe operation of existing sites and equipment and to facilitate future infrastructure investment, National Grid wishes to be involved in the preparation, alteration and review of plans and strategies which may affect our assets.

Specific Comments

An assessment has been carried out with respect to National Grid's electricity and gas transmission apparatus which includes high voltage electricity assets and high pressure gas pipelines, and also National Grid Gas Distribution's Intermediate and High Pressure apparatus.

National Grid has identified that it has no record of such apparatus within the Neighbourhood Plan area.

Key resources / contacts

National Grid has provided information in relation to electricity and transmission assets via the following internet link:

<http://www2.nationalgrid.com/uk/services/land-and-development/planning-authority/shape-files/>

The electricity distribution operator in the London Borough of Tower Hamlets is UK Power Networks. Information regarding the transmission and distribution network can be found at: www.energynetworks.org.uk

Please remember to consult National Grid on any Neighbourhood Plan Documents or site-specific proposals that could affect our infrastructure. We would be grateful if you could add our details shown below to your consultation database:

Hannah Lorna Bevins
Consultant Town Planner

n.grid@amecfw.com

Spencer Jefferies
Development Liaison Officer, National Grid

box.landandacquisitions@nationalgrid.com

Amec Foster Wheeler E&I UK
Gables House
Kenilworth Road
Leamington Spa
Warwickshire
CV32 6JX

National Grid House
Warwick Technology Park
Gallows Hill
Warwick
CV34 6DA

I hope the above information is useful. If you require any further information please do not hesitate to contact me.

Yours faithfully

[via email]

Hannah Lorna Bevins
Consultant Town Planner

cc. Spencer Jefferies, National Grid

Response by the Isle of Dogs Neighbourhood Planning Forum to the London Borough of Tower Hamlets regulation 16 consultation on the Isle of Dogs Neighbourhood Plan

This submission is made by the Isle of Dogs Neighbourhood Planning Forum (“Forum”) as part of the regulation 16 consultation (“Consultation”) by the London Borough of Tower Hamlets (“LBTH”), and is intended to provide the independent examiner with further insights and suggestions for his/her consideration of the Isle of Dogs Neighbourhood Plan (“Plan”). We are keen to work with the examiner at his/her discretion.

Under the Town and Country Planning Act 1990¹, the examiner is required to report on the draft Plan and has a discretion to recommend either that the draft Plan is submitted to a referendum; or that modifications are made and that the modified Plan is submitted to a referendum; or that the proposal is refused altogether.

The scope of modifications is to a certain extent prescribed by law² but we invite the examiner, wherever possible, to supply reasons for the modification and propose alternative text rather than delete the draft provisions. We consider that this approach is not only firmly within the scope of his/her powers, but will also facilitate an agile and effective plan-making process.

While we are strongly of the view that all the policies in the Plan are appropriate and should be sustained, should the examiner disagree with this in respect of specific policies in the Plan, and if no amendments to such policies can be crafted to make them acceptable neighbourhood plan policies in the examiner’s view, then we would be open to such policies being re-positioned as recommendations in the Plan.

We also invite the examiner to publish a draft report containing the recommendations which the examiner is minded to make, as this would be consistent with the provisions inserted into Schedule 4B of the 1990 Act by the Neighbourhood Planning Act 2017³.

Isle of Dogs & South Poplar Opportunity Area Planning Framework

The Greater London Authority (“GLA”) in consultation with other bodies has produced a draft Opportunity Area Planning Framework (“OAPF”) for the area, which incorporates a Development Infrastructure Funding Study (“DIFS”)

¹ Schedule 4B 1990 Act Clause 8(2)

² Schedule 4B 1990 Act Clause 8(3)

³ Schedule 4B 1990 Act New Clause 11(3-5) inserted by s7 of the Neighbourhood Planning Act 2017 but not yet in force

setting out the expected infrastructure needs and funding required to sustain anticipated development in the area. This provides useful evidence to support our Plan policies, as well as those of the public authorities.

The DIFS includes the following:

- Housing growth numbers under three different growth scenarios (High, Medium, Low) – broken down into 5-year phases
- Employment growth
- Number of primary and secondary schools required
- Number of GP surgeries required
- Number of leisure and community facilities required
- Emergency services required
- Utility requirements
- Transport requirements

Further evidence since our Plan was submitted

Since we submitted the Plan in October 2017, new information has become available which is relevant to the Plan.

New draft London Plan December 2017

The new draft London Plan (Section 3.6.9) includes the following observation: *“Average density across London of new housing approvals in the monitoring year 2015/16 was 154 u/ha with the highest average density being recorded in Tower Hamlets at 488 u/ha.”*

This underlines the development pressures on infrastructure in our borough – especially our Neighbourhood Area, reinforcing the need for better tuned local planning policies. There is therefore now empirical recognition of the hyper-dense nature of residential development within our Area, providing a sound basis for a tailored approach to planning policies generally, and to infrastructure in particular.

The Northern Isle of Dogs Central Activities Zone is now included within the Central London area for planning purposes, rather than East London. This signifies the area’s growing importance, and further emphasises the need for policies addressing our area’s particular infrastructure needs, and social and environmental impacts, specifically tailored to the area’s unique planning context, and its recognised role in the development of Central London.

London Plan revised targets

The new draft London Plan December 2017 changes the targets for the Isle of Dogs Opportunity Area. Tower Hamlets has the second highest housing targets in London. Although as a whole it has a reduced 10-year housing target for net housing completions of 35,100 (down from 39,314), the target in the Isle of Dogs is radically increased from 10,000 new homes in the existing London Plan to 29,000 new homes in the new draft plan. This will further intensify residential development pressures in our Area, necessitating policies like those in our Plan.

London Assembly vote on Estate Regeneration Right to Vote

The GLA 'Good Practice Guide to Regeneration' has been published as a consultation document. Subsequently in December 2017, the London Assembly unanimously passed a motion urging the Mayor of London to recommend that it should include a requirement that ballots are used on all schemes where demolition is an option in the final version of his 'Good Practice Guide to Regeneration'. This is reflected in our Plan policies ER1 and ER2.

<https://www.insidehousing.co.uk/news/news/london-assembly-votes-for-tenant-ballots-on-estate-regeneration-53690>

Community Infrastructure Levy ("CIL") update

LBTH introduced CIL in April 2015, and is in the process of updating both the charging rates and what areas they apply to. It follows a CIL Review by BNP Paribas on behalf of LBTH completed in September 2017, which proposes substantially to increase the chargeable rates, and the Isle of Dogs is now only covered by CIL Zones 1 and 2, rather than a combination of all three zones plus nil rate areas. This means that sites in our Area are now considered to be significantly more valuable than they were just two years earlier.

https://www.towerhamlets.gov.uk/lgnl/planning_and_building_control/Infrastructure_planning/community_infrastructure_levy.aspx

Area	Existing Borough CIL charge Borough (£s per sq m)	Suggested Borough CIL after buffer (£s per sq m)
CIL Zone 1	£200	£280
CIL Zone 2	£65	£180
CIL Zone 3	£35	£85

Health check

In November 2017 we obtained a “health check” for our Plan as submitted to LBTH on 25th October 2017, and this is attached in the appendix to this submission. It was carried out by Edward F. Cousins of Francis Taylor Building, Temple, under the auspices of the Neighbourhood Planning Independent Examiner Referral Service (“NPIERS”).

Most of the health check relates to whether the Plan complies with the technical requirements for a neighbourhood plan, and confirms that in his view our Plan has generally been properly compiled and submitted. He does however raise some specific points which we discuss below.

Policy justification

Point 2.1 of the health check states:

- *“It appears that some of the justification can be found in documents additional to the plan, e.g. in the Estates Regeneration Briefing Document. The Forum may wish to consider whether this information should either be included in section 8 of the Plan itself, or cross-referred to as an appendix.”*

The Estates Regeneration Briefing Document has been published (inter alia on the Forum’s website), and was included in the regulation 14 consultation. However, the Forum has no objection to it being included in the Plan or as an appendix.

- *“It should be clear where the justification/explanatory text for each policy can be found. As currently drafted, some policies do not have any specific “justification” – most notable in section 8.3 re Estate Regeneration. If policies are to be justified collectively, then it may be preferable to state this clearly at the outset of the text serving as the collective justification. Furthermore, it may be useful to include, in relation to each policy, clear cross-references to that overarching justification text.”*

In view of the relative complexity of the estate regeneration policies in the Plan, we included all the justification and explanation at the beginning of that section, rather than after each policy as for the rest of the policies in the Plan.

We agree that this may not be clear, and are happy to add the sub-heading “Justification and Explanation” below “8.3 POLICY – ESTATE REGENERATION”. Alternatively, we would not object to the explanations and justifications for

each estate regeneration policy to be included after each policy in conformity with the rest of the Plan.

- *“Where cross-references to justification are relied upon they should be clear. For example, there is a cross-reference to “Policy 1” following Policy 3D2. This would appear to be a cross-reference to “Policy 3D1” and it is advisable to clarify this.”*

The cross reference to “Policy 3D1” was in fact corrected in the final submission version of the Plan. The Forum is happy to accept any other clarifications of this nature.

- *“The plan regularly cites to hyperlinks. There is a risk that this results in a lack of clarity, particularly for readers relying on paper copies of the plan. There is also a risk that the hyperlinks referred to might change after the plan has been submitted. If there is a need to cite to a website for further detail, then it may be preferable either to refer to it in a footnote or include it as an attachment. Nb. the same comment can be made to the consultation statement (for example pages 6, 7, 14 and 19).”*

The Forum acknowledges this issue, and is happy for the final Plan that will be put to referendum to include appropriate references.

- *“Structure of justification/rationale per policy - Different plan policies are followed by different headings, including: the “source” for the policy, the “explanation” for the policy, the “justification” for the policy, “guidance to planning officers”, “other Plans and Draft Local Plan”, “NPPF”. There may be a risk of confusion between the distinction between “explanation” and “justification” and, more generally, as to the relevance of the different headings. It is recommended that these different headings are somehow consolidated and made uniform across the policies. References to how the proposed policies relate to other plan policies and guidance could, for example, be included in “explanation” or, where appropriate, “justification”. It may also be possible to consolidate “Guidance to planning officers” with, for example, “explanation”.”*

The Forum is happy to accept this recommendation.

Land use and development

Point 2.7 of the health check considers whether the Plan policies relate to land use or development.

We note that some submissions in response to the Regulation 14 consultation on the Plan suggested that some of the policies in the Plan do not relate to land use or development, and as such are not appropriate policies for the Plan.

We agree that our Plan should be made within the scope of the existing powers. However, both regulations and case law support inclusion of the questioned policies in neighbourhood plans, albeit as distinct from local authority planning policies which are derived from different statutory provisions and legal contexts.

In any event, we firmly believe that all the policies in the Plan do relate to the planning process and the use *or development* of land, not least as they are material considerations in determining whether the Plan contributes to the achievement of sustainable development as required by the 1990 Act⁴ and as defined in the Plan.

Specifically, we are of the view that our Plan policies come well within the scope of what may reasonably constitute planning policy for the following reasons:

- The statutory definition of a neighbourhood plan⁵ specifically includes the term *“however expressed”* to define the policies contained in it. This creates a wide discretion on how our planning policies may be set out.
- The 2014 HS2 case⁶ included consideration of what a ‘plan or programme’ was – and what it was not. The defining characteristics of a plan included frameworks, rules, and criteria as well as policies, all operating as a constraint on the local authority’s discretion. Paragraph 43 of the judgment is particularly helpful as it recognises that plans and programmes may include *“a broad range of measures”* and could include *“any formal statement which goes beyond aspiration and sets out an intended course of future action”*. This approach was later affirmed by the Court of Appeal⁷.
- The 2010 Copeland case⁸ considered whether an issue such as the need to encourage healthy eating could legitimately be taken into account as a material planning consideration. Mr Justice Cranston ruled that *“promoting social objectives may be a material consideration in the planning context”*

⁴ Schedule 4B Paragraph 8

⁵ S38A (2) of the 2004 Act

⁶ HS2 Action Alliance Ltd & Anor, R (on the application of) v Secretary of State for Transport & Anor [2014] EWHC 2759 (Admin)

⁷ HS2 Action Alliance & Anor, R (On the Application Of) v The Secretary Of State For Transport [2014] EWCA Civ 1578

⁸ Copeland, R (on the application of) v London Borough of Tower Hamlets [2010] EWHC 1845 (Admin)

(para 22), and the permission was quashed on the basis that these considerations had not been taken into account.

It is clear from these examples that the scope of planning policies relating to the use and development of land, while not legally defined, is extremely wide. It would therefore be unreasonable to exclude our Plan policies on that ground alone, and we are strongly of the view that all the policies in the Plan are appropriate in this respect and should be sustained.

We have looked at other approved neighbourhood plans which have included policies which are not overtly land use, but which have nonetheless been assessed as planning related and appropriate neighbourhood plan policies. The following are examples only, and are not meant to be an exhaustive list. Rather they provide an indication of the range of policies that have been properly included in neighbourhood plans.

Central Ealing

- Policy T1. Sustainable Transport
- Policy E2. Diversity of retail provision
- Policy E4. Encouraging new business
- Policy T2. Parking

Highgate

- Policy TR1. Promoting Sustainable Movement
- Policy TR2. Movement of Heavy Goods Vehicles
- Policy DH9. The Environmental Health of Existing and Future Residents

St Ives

- H2. Principal Residence Requirement – defines who is allowed to buy property
- OS4. Disturbance and Pollution
- T1. Sustainable Transport

Fortune Green & West Hampstead

- Policy 8. Cycling

Other plans also include policies that are not overtly land use. Examples include:

LBTH Local Plan – Managing Development Document 2013 & Core Strategy 2010

- DM9. Improving air quality
- DM20. Supporting a sustainable transport network
- DM29. Achieving a zero carbon borough and addressing climate change

The following ‘Strategic Objectives’ in the Core Strategy are not overtly land use:

- SO3. Achieving wider sustainability
- SO8. ‘Socially balanced and inclusive community’
- SO10. ‘Healthy and liveable neighbourhoods’
- SO17. ‘Improve education, skills and training in the borough’
- SO24. Working towards a zero-carbon borough

The draft LBTH Local Plan 2031 also includes a range of planning policies to achieve broad social aims through the planning system, including:

- Policy D.SG3: Health impact assessments
- Policy D.TC5: Food, drink, entertainment and the night-time economy
- Policy D.TC6: Short-stay accommodation
- Policy D.ES2: Air quality
- Policy D.ES7: A zero carbon borough

For all these reasons, our Plan policies are appropriate for a neighbourhood plan.

Basic Conformity with strategic planning policy and viability

Point 2.7 of the health check also considers whether our Plan is in basic conformity with strategic development plan policy. It also highlights a National Planning Policy Framework (“NPPF”) requirement *“that the sites and the scale of development identified in a plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened”*.

As regards being in basic conformity with strategic planning policies, the Crownhall Estates case⁹ established that the expression “in basic conformity” does not require conformity with each and every part of every relevant

⁹ Crownhall Estates Ltd, R (on the application of) v Chichester District Council & Ors [2016] EWHC 73 (Admin) (21 January 2016) para 29

planning policy. And, as explained above, the Plan policies are in general conformity with strategic planning policies.

As regards viability, we agree that this is a relevant planning issue. Deliverability and viability are material planning considerations to be taken into account in the consideration of particular applications, as well as the development plan, the contents of S.106 obligations, and all other material considerations.

However, none of our Plan's policies places an absolute bar on viability. They create a policy framework against which individual applications will be assessed in the future. It would be irrational and unreasonable to delete policies from an emerging plan simply because they might have a negative effect on individual applications in the future.

Moreover, our Plan policy D1 (density and infrastructure) expressly *only* applies to applications which would exceed the London Plan's maximum recommended density of 1,100 habitable rooms per hectare in locations with a Public Transport Accessibility Level ("PTAL") of 5 or less. This is self-evidently a very high level of density, and should only be exceeded exceptionally.

This policy therefore places no obligations on less dense applications, and no absolute bar on applications to which it does relate. Rather it requires the necessary infrastructure support to be identified and guaranteed before consent is granted for further exceptionally dense developments in our already overstretched area, where multiple developers are building closely packed residential towers that often exceed the maximum recommended densities several times over.

In addition, the draft LBTH Local Plan 2031 site allocations add greater infrastructure delivery targets to the existing site allocations on the Isle of Dogs, which supports the principles in our Plan. And consistent with our Plan policy D1, a number of approved planning applications have already been required to include a wide range of on-site infrastructure.

The London Plan density policy is itself designed to ensure adequate infrastructure support for proposed developments. And although a more complex matrix of measures is now being consulted on for the new draft London Plan, the habitable rooms/hectare and PTAL relationship is still very much part of it.

The draft London Plan also provides (summary para D6, B3): "*Where there is currently insufficient capacity of existing infrastructure to support proposed*

densities (including the impact of cumulative development), boroughs should work with applicants and infrastructure providers to ensure that sufficient capacity will exist at the appropriate time. This may mean, in exceptional circumstances, that development is contingent on the provision of the necessary infrastructure and public transport services and that the development is phased accordingly." (emphasis added)

Our Plan policy D1 is therefore entirely consistent with the draft London Plan.

Moreover, the latest London Plan Supplementary Planning Guidance ("SPG"), especially p. 41 et seq., states (para 1.3.7) that 'Sustainable Residential Quality' ("SRQ") *"is a broad concept which includes density but integrates it with wider environmental, transport and social objectives. This approach to sustainable development and density resonates closely with the NPPF. Policy 3.4 and the SRQ matrix have been refined and tested at EIPs [Examinations in Public] over a decade. As expressed in the London Plan the concept is particularly concerned to ensure that the quality of housing output is not compromised by the need to make the most efficient use of land."... "Optimising the relationship between transport capacity and land use to secure sustainable development [is] a fundamental tenet not just of the London Plan (Policies 6.1 – 6.3), but also of national planning policy"*.

The SPG also provides (para 1.3.9) that *"the maximum of the range should not be taken as a 'given', much less a minimum expectation. Unless additional, significant reasons to justify exceeding the top of the appropriate range can be demonstrated, proposals should normally be resisted (see para 1.3.50)"*.

Use of CIL

Point 2.7 of the health check also considers the Plan policies on the use of CIL. In particular, it references concerns raised by LBTH.

The following approved neighbourhood plans provide detailed guidance on the spending of CIL and other monies. For example:

- Central Ealing's plan includes "Table 3 CIL Spending Priorities", which specifies and prioritises projects.
- Highgate's plan includes 'Policy SC2: Community Facilities', which specifies and prioritises the community projects for CIL to be spent on. This applies to all CIL, not just to the Neighbourhood Pot.
- Fortune Green & West Hampstead's plan includes 'POLICY 19: Community Infrastructure Levy Priorities', which specifies and prioritises

projects for CIL and S.106 monies to be spent on. This applies to all CIL, not just to the Neighbourhood Pot.

- St Quintin and Woodlands' plan includes section D.1.7, which specifies projects on which the Neighbourhood Portion of CIL should be spent. This explicitly includes types of spend not included in the Council's Regulation 123 list.
- Norland's plan includes 'Community Infrastructure Levy 2.6.50', which specifies where any CIL receipts should be spent.
- Sudbury Town's plan includes 'POLICY DC1: Developer Contributions', which specifies and prioritises where all CIL should be spent.
- Duston's plan includes '6.7 Priority Projects', which specifies and prioritises projects on which money should be spent, whether CIL, S.106 or grant funding.

It is therefore clear that neighbourhood plans are permitted to specify how CIL (and other public funds) should be spent.

Clarification of CIL project identification

Point 2.9 of the health check says in relation to Plan policy CIL1: *"It is not entirely clear what is meant by "projects identified". There is no obvious list of "projects identified in this Plan". If the reference is intended to be to CIL2 and CIL3 then it may be possible to make that clearer."*

The reference was indeed to the projects identified in policies CIL2 and CIL3, and the Forum is happy to accept an amendment to clarify this.

Effect of residents' vote re. estate regeneration proposals

Point 2.9 of the health check also says in relation to Plan policy ER1: *"It seems that the aim of this policy is to restrict redevelopment of housing estates, so that they can only occur if there has been a vote in favour of the proposed redevelopment by the residents of the estate. As presently worded, there does not appear to be anything specifically stopping redevelopment from occurring in the face of a negative vote. The policy requires there to be a vote before a related planning application is submitted, but it does not appear to limit what can be done following the vote, nor how the outcome of that vote should impact on the decision of whether or not to grant planning permission."*

The combination of Plan policies ER1 (5) and (7), and ER2 (1) and (7) appear to us to address this. ER1 (5) requires a vote by the affected residents between multiple options as the final step in consulting the residents. ER1 (7) says the vote must take place before any related planning application is submitted. ER2

(1) says the vote must be a clear choice between different options, one of which shall be a no change proposal. ER2 (7) says the vote is binding on the developer and the residents, and is an agreement over whether or not the development can proceed to a formal planning application.

Although this appears to address the health checker's concern as a 'no change' vote would preclude a formal planning application by the developer, the Forum would be happy to accept wording that further clarifies the impact of the vote.

'Mobile phone companies' definition

Point 2.9 of the health check also says in relation to Plan policy BBA3: *"This policy requires that "mobile phone companies" shall be consultees in the planning application process. As presently worded, the reference to "mobile phone companies" appears to be too vague. It is not clear which companies would qualify. The second paragraph of the policy does refer to "mobile phone providers who have base stations within 500 meters of a relevant development location", which may provide a less ambiguous category of consultees."*

The Forum is happy to accept this recommendation.

Suggested amendments to Plan policies

The examiner may make amendments to the Plan. Having reviewed the Plan since its submission to LBTH, and in light of the health check, we have the following suggestions:

Definition #27 in the glossary of terms

The following typo in the glossary of terms on page 4 of the Plan needs to be corrected. Definition #27 should read as follows, and definitions currently numbered 28 to 30 should be renumbered 29 to 31:

27. Public Body – an organisation whose ownership of land is based on a transfer from another government organisation for nil or minimal value.

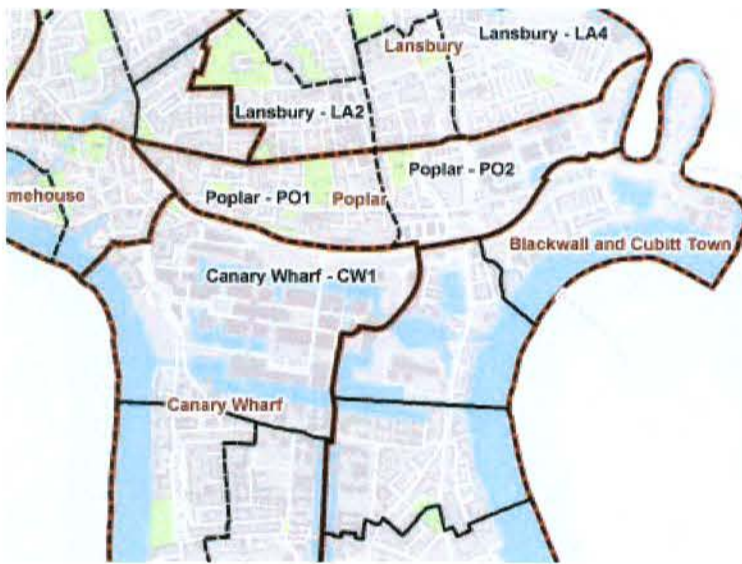
28. Sustainable Development – development that meets the needs of the present without compromising the ability of future generations to meet their own, having regard to policies in the 2012 NPPF including the five 'guiding principles' and three dimensions (economic, social and environmental) that it references.

Voting area

The Neighbourhood Area imposed on the 5th April 2016 by LBTH cut across ward boundaries, and in particular polling district Canary Wharf 1 in Canary Wharf ward. The original Forum Area applied for on the 1st December 2014 did not do so as it was based on ward and physical boundaries.

We therefore recommend that the whole of polling district Canary Wharf 1 be included in the referendum area, as the whole of it is in the original Forum Area, and as the Forum continues to have members in that area who have been consulted on and engaged in writing the Plan.

Moreover, LBTH Democratic Services are concerned about administering a split polling district, so including the whole of polling district Canary Wharf 1 would be administratively convenient and is not contentious. The map below is of the polling districts in the area.



Suggested walking route for the examiner

Whether or not the examiner wishes to hold a public meeting, we recommend that he/she visits the Area. Only by seeing the scale of development underway, the amount of construction and the density of what is already here, will he/she fully understand and appreciate the importance, relevance and value of our Plan policies.

We recommend the following walking routes, and we would be happy to provide a walking route map of the key sites.

1. Visiting the following areas:

- a. Upper level Westferry Circus Riverside
 - b. Marsh Wall between Westferry Circus and Limeharbour
 - c. Millharbour
 - d. Crossharbour, South Quay and Mudchute DLR stations
 - e. Pepper Street bridge
 - f. The South Quay pedestrian bridge and walkway past the Hilton Hotel
 - g. Island Gardens for the historic views towards Greenwich
 - h. Mudchute Farm
2. Visiting Bokan, the café/restaurant on the 38th floor of the Novotel hotel on Marsh Wall (tallest hotel in London). From the top (including the outside terrace) is a bird's eye view of much of the Area and existing construction activity.
 3. Travelling on the upper deck of the D7 bus from Canary Wharf towards Blackwall DLR station (or vice versa) around the circumference of the island.
 4. Travelling on the DLR between Canary Wharf and Island Gardens DLR station (or the reverse), allowing a good elevated view of the central part of the Isle of Dogs, passing close to many of the major developments.

This submission was unanimously approved by the Forum committee on 1st February 2018. We reserve the right to make further submissions.



Richard Horwood
Chair, Isle of Dogs Neighbourhood Planning Forum

Appendix – Health check

ISLE OF DOGS HEALTH CHECK

Table and Notes

November 2017

Part 1 - Process¹

	Criteria	Source	Response/Comments
1.1	Have the necessary statutory requirements been met in terms of the designation of the neighbourhood area?	Tower Hamlets “Neighbourhood Planning Area and Forum Designation and Approval Statement”, stating that decision was made on 5 th April 2016 by the Mayor in Cabinet of Tower Hamlets Council to designate the Isle of Dogs Neighbourhood Planning Area	Appears satisfied.
1.2	If the area does not have a parish council, have the necessary statutory requirements been met in terms of the designation of the neighbourhood forum?	Tower Hamlets “Neighbourhood Planning Area and Forum Designation and Approval Statement”, stating that decision was made on 5 th April 2016 by the Mayor in Cabinet of Tower Hamlets Council to approve the Isle of Dogs Neighbourhood Planning Forum (IDNPF) as the Neighbourhood Planning Forum for the Isle of Dogs Neighbourhood Planning Area	Appears satisfied. Because the area does not have a parish council, the IDNPF will need to satisfy the requirements of section 61F of the Town and Country Planning Act 1990. The 5 April 2016 approval states, in its reasoning, that: <ul style="list-style-type: none">• The Forum’s written constitution states that it has been established to promote or improve social, economic and environmental well-being of the Area;• Membership exceeds 21 persons from across the proposed area and includes residents, a ward Councillor and business and community based organisations drawn from different places within

¹ The documents considered in this Health Check do appear to a considerable degree to be in the draft stage. it is beyond the scope of a health check to address minor errors/typos etc.

			<p>the proposed area. The Forum’s website states that it has about 200 members</p> <ul style="list-style-type: none"> • There is open membership to everyone who lives, works or represents the area as an elected member. <p>Five years has not elapsed since this approval (see section 61F(8)(a)).</p>
1.3	Has the plan been the subject of appropriate pre-submission consultation and publicity, as set out in the legislation, or is this underway?	<ul style="list-style-type: none"> • Consultation statement and appendices document. • Consultation responses in from: <ul style="list-style-type: none"> ✓ London Borough of Tower Hamlets ✓ Executive Mayor of Tower Hamlets ✓ GLA ✓ TFL ✓ Port of London Authority ✓ Historic England ✓ Canal & River Trust ✓ The 4 Estates Forum ✓ Alpha Grove Freeholders Association ✓ Quod on behalf of One Housing and Argent 	<p>This appears to be satisfied from the consultation statement (sections 2 and 5) and appendices.²</p> <p>It is to be noted that page 14 of the Consultation statement states that whilst the Regulation 14 consultation ended officially on 19th April 2017, it has never “formally closed”, and comments received after this date have been received and included.</p> <p>In part 9 of the Plan (page 86, version 9.2), as regards the relationship between the “quick” and “long” Plans, it is stated:</p> <p><i>“In parallel with the ‘quick’ Neighbourhood Plan we will be working on the next Neighbourhood Plan, the ‘long’ Plan. Below we have detailed the subjects we will be</i></p>

² Appendix 1 contains a copy of the letter that was posted around the local area. There are also copies of e-mails sent out, tweets, newspaper articles etc. This letter is ambiguous on how consultees should make representations. This is a detail to be publicised as part of the Regulation 14 consultation procedure – see Regulation 14(a)(iii)). This probably not fatal because the contact details of the Forum are included in the letter, and it could be inferred that representations could be made by contacting the Forum. In such circumstances the Forum team should perhaps include a section in the Consultation Statement which summarises what information was included in the consultation materials for the Regulation 14 consultation, and whether it meets all the requirements of Regulation 14(a).

		<ul style="list-style-type: none"> ✓ DP9 on behalf of Northern & Shell Investments No 2 Limited ✓ DP9 on behalf of Hondo Enterprises 	<p><i>working on which may well result in additional policies in the 'long' Plan.</i></p> <p><i>These subjects WILL NOT be included in the 'quick' Plan as legal policies but they have been included in this document for the following reasons:</i></p> <p style="padding-left: 40px;"><i>(i) If the 'quick' Plan is materially delayed, then we may add some or all of these chapters as policies to the Plan. <u>This therefore is a part of that consultation process.</u>'"</i></p> <p>If any new policies are to be proposed for inclusion in the plan to be submitted, the Forum may wish to consider whether a further Regulation 14 consultation process is needed.</p>
1.4	Has there been a programme of community engagement proportionate to the scale and complexity of the plan?	Consultation statement and appendices.	<p>Appears satisfied.</p> <p>It is to be noted that the proposed plan is referred to as a 'quick' Plan and is, therefore, more limited in scope – with an intention that further policies may be pursued in a 'long' Plan to follow.</p>
1.5	Are arrangements in place for an independent examiner to be appointed?		Not known at present.
1.6	Are discussions taking place with the electoral services team on holding the referendum?		Not known at present.
1.7	Is there a clear project plan for bringing the plan into force and	Isle of Dogs Neighbourhood Plan 2017-2031:	In the affirmative, albeit that it appears local authority committee cycles are unknown at present.

	does it take account of local authority committee cycles?	<ul style="list-style-type: none"> • section 5 (p. 34) • section 11 (p. 43) 	<p>The current draft Isle of Dogs Neighbourhood Plan is proposed as a “quick” Plan, to be progressed before a more detailed “long” Plan is adopted (with the later “long” Plan due to replace the “quick” Plan).</p> <p>The reason for this is <i>inter alia</i> that there are several planning applications that are due to be decided in the short term and there is a concern that progressing a full neighbourhood plan would take longer, by which time these applications will have been determined.³</p>
1.8	Has an SEA screening been carried out by the LPA?	<p>Screening determination, dated 31st July 2017, by the London Borough of Tower Hamlets, concluding that the draft Isle of Dogs Neighbourhood Plan will not have significant effects in relation to any of the criteria set out in Schedule 1 of the SEA Regulations. The determination letter noted <i>inter alia</i> that the draft Isle of Dogs Neighbourhood Plan does not propose the allocation of specific development sites, nor include any new growth targets.</p> <p>Statement of Reasons Report.</p>	In the affirmative.
1.9	Has an HRA screening been carried out by the LPA?	<p>Screening determination, dated 31st July 2017, by the London Borough of Tower Hamlets, concluding that “as the scale of development planned for in the draft Isle of</p>	In the affirmative.

³ NB. There appears to be some concern over previous delays due to the time taken for the Forum to be approved as a neighbourhood forum (see Basic Conditions statement page 5; Plan, section 5(iii), page 36).

		<p>Dogs Neighbourhood Plan does not exceed that outlined in the LBTH Local Plan (2010 and 2013) and the South Quay Masterplan (2015), which have already been subject to HRA screenings and found not to require full Habitats Regulation Assessments due to the lack of any significant impact on these sites as a result of the plans, it is considered that an HRA will not be required...”</p> <p>Statement of Reasons Report.</p>	
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Part 2 - Content

	Criteria	Source	Response/comments
2.1	Are policies appropriately justified with a clear rationale?	<p>Isle of Dogs Neighbourhood Plan 2017-2031</p> <p>Consultation statement and appendices.</p> <p>Vision Statement (adopted last year)</p> <p>Estates Regeneration Briefing Document</p> <p>Development database document.</p>	<p><i>Justification/rationale</i></p> <p>The policies, on the whole, have a clear rationale and appear to be justified, however a few comments are made below:</p> <ul style="list-style-type: none"> • It appears that some of the justification can be found in documents additional to the plan, e.g. in the Estates Regeneration Briefing Document.⁴ The Forum may wish to consider whether this information should either be included in section 8 of the Plan itself, or cross-referred to as an appendix.

⁴ The London Borough of Tower Hamlets (in addition to other consultees) has raised some concerns about a lack of evidence for some policies e.g. **BBA1, BBA3**.

			<ul style="list-style-type: none">• It should be clear where the justification/explanatory text for each policy can be found. As currently drafted, some policies do not have any specific “justification” – most notable in section 8.3 re Estate Regeneration. If policies are to be justified collectively, then it may be preferable to state this clearly at the outset of the text serving as the collective justification. Furthermore, it may be useful to include, in relation to each policy, clear cross-references to that overarching justification text.• Where cross-references to justification are relied upon they should be clear. For example, there is a cross-reference to “Policy 1” following Policy 3D2. This would appear to be a cross-reference to “Policy 3D1” and it is advisable to clarify this.• The plan regularly cites to hyperlinks. There is a risk that this results in a lack of clarity, particularly for readers relying on paper copies of the plan. There is also a risk that the hyperlinks referred to might change after the plan has been submitted. If there is a need to cite to a website for further detail, then it may be preferable either to refer to it in a footnote or include it as an
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			<p>attachment. Nb. the same comment can be made to the consultation statement (for example pages 6, 7, 14 and 19).</p> <p><i>Structure of justification/rationale per policy:</i></p> <p>Difference plan policies are followed by different headings, including:</p> <ul style="list-style-type: none"> • the “source” for the policy • the “explanation” for the policy • the “justification” for the policy • “guidance to planning officers” • “other Plans and Draft Local Plan” • “NPPF” <p>There may be a risk of confusion between the distinction between “<i>explanation</i>” and “<i>justification</i>”⁵ and, more generally, as to the relevance of the different headings.</p> <p>It is recommended that these different headings are somehow consolidated and made uniform across the policies. References to how the proposed policies relate to other plan policies and guidance could, for example, be included in “<i>explanation</i>” or, where appropriate, “<i>justification</i>”. It may also be possible to consolidate “<i>Guidance to planning officers</i>” with, for example, “<i>explanation</i>”.</p>
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⁵ NB. It is to be noted that the London Borough of Tower Hamlets has suggested having (i) the policy, (ii) the supporting text (which would explain how the policy will be implemented), and (iii) the justification (explaining why the policy is necessary and evidence to support). This would be preferable.

2.2	Is it clear which parts of the draft plan form the ‘neighbourhood plan proposal’ (i.e. the neighbourhood <i>development plan</i>) under the Localism Act, subject to the independent examination, and which parts do not form part of the ‘plan proposal’, and would not be tested by the independent examination?	Isle of Dogs Neighbourhood Plan 2017-2031. Estates Regeneration Briefing Document Consultation Statement and Appendices	Yes, it appears that section 8 forms the “ <i>neighbourhood plan proposal</i> ”. The Forum may wish to consider if further information/justification found in supporting documents, such as the Estates Regeneration Briefing Document or the “ <i>Isle of Dogs Neighbourhood Plan – Evidence Base (August 2016)</i> ” (the latter is included as Appendix 9 to the Consultation Statement Appendices), should be included in section 8, or cross-referred to it.
2.3	Are there any obvious conflicts with the NPPF?	Basic Conditions Statement, table on pages 7-8 under the heading “ <i>Having Regard to National Policies</i> ”	There do not appear to be any obvious conflicts with the NPPF.
2.4	Is there a clear explanation of the ways the plan contributes to the achievement of sustainable development?	Basic Conditions Statement, under the headings: <ul style="list-style-type: none"> • “<i>How the Plan Contributes to Sustainable Development</i>”; • “<i>How the Plan Contributes to Economic Sustainability</i>”; • “<i>How the Plan Contributes to Social Sustainability</i>”; • “<i>How the Plan Contributes to the Environment</i>”. 	In the affirmative. No further comment.
2.5	Are there any issues around compatibility with human rights or EU obligations?	Basic Conditions Statement, under the heading “ <i>Making of the Order Does Not Breach, and is Otherwise Compatible With, EU Obligations</i> ”. Nb. Basic Conditions Statement includes an Equalities Impact Assessment (pages 14-20).	No.

		See also Screening determination, dated 31 st July 2017, by the London Borough of Tower Hamlets and Statement of Reasons Report.	
2.6	Does the plan avoid dealing with excluded development including nationally significant infrastructure, waste and minerals?	Basic Conditions Statement, page 5.	In the affirmative.
2.7	Is there consensus between the local planning authority and the qualifying body over whether the plan meets the basic conditions including conformity with strategic development plan policy and, if not, what are the areas of disagreement?	London Borough of Tower Hamlets – response to the Isle of Dogs Neighbourhood Plan Regulation 14 Consultation (19 April 2017)	<p>Not completely.</p> <p>LBTH considers that the plan is in general conformity with the current Local Plan but raises concerns <i>inter alia</i> as to whether the policies meet the other Basic Conditions. In particular, the LBTH is concerned that plan policies do not directly address land use or development.</p> <p>LBTH has also raised concerns over how the policies relate to CIL (see, in particular, pages 7-10).</p> <p>LBTH has also questioned viability/deliverability of some of the policies and, in this regard, NPPG may be relevant:</p> <p>Must a community ensure its neighbourhood plan is deliverable?</p> <p>If the policies and proposals are to be implemented as the community intended a neighbourhood plan needs to be deliverable. The National Planning Policy Framework requires that the sites and the scale of development identified in a plan should</p>

			not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. Paragraph: 005 Reference ID: 41-005-20140306
2.8	Are there obvious errors in the plan?	Isle of Dogs Neighbourhood Plan 2017-2031	There is a risk that a number of the policies may not be recommended to proceed to referendum by an Examiner on grounds that they do not address the development/use of land (see discussion in separate note, below).
2.9	Are the plan's policies clear and unambiguous and do they reflect the community's aspirations?	Isle of Dogs Neighbourhood Plan 2017-2031 Vision statement (adopted last year 2016, available on the website) Estate Regeneration Briefing Document Development database document	The plan's policies do reflect the community's aspirations, however it would appear that some of the policies are ambiguous, as currently worded. <ul style="list-style-type: none"> • Policy CIL1 <i>“To support Sustainable Development in the Area, the Neighbourhood Pot shall be spent on projects identified in this Plan.”</i> It is not entirely clear what is meant by <i>“projects identified”</i>. There is no obvious list of <i>“projects identified in this Plan”</i>. If the reference is intended to be to CIL2 and CIL3 then it may be possible to make that clearer. • Policy ER1 – it seems that the aim of this policy is to restrict redevelopment of housing estates, so that they can only occur if there has been a vote in favour of the proposed redevelopment by the residents of the estate. As presently worded, there does

			<p>not appear to be anything specifically stopping redevelopment from occurring in the face of a negative vote. The policy requires there to be a vote before a related planning application is submitted, but it does not appear to limit what can be done following the vote, nor how the outcome of that vote should impact on the decision of whether or not to grant planning permission.</p> <ul style="list-style-type: none"> • Policy BBA3 – This policy requires that “mobile phone companies” shall be consultees in the planning application process. As presently worded, the reference to “mobile phone companies” appears to be too vague. It is not clear which companies would qualify. The second paragraph of the policy does refer to “mobile phone providers who have base stations within 500 meters of a relevant development location”, which may provide a less ambiguous category of consultees.
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Edward F Cousins
Examiner

Francis Taylor Building
Temple
EC4Y 7BY

November 2017

Ellie Kuper Thomas

From: Michael Atkins [REDACTED]
Sent: 02 February 2018 16:09
To: Neighbourhood Planning
Cc: Helena Payne
Subject: Port of London Authority Response: Isle of Dogs Neighbourhood Plan consultation (Regulation 16)

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Red Category

Dear Sir / Madam

Thank you for consulting the Port of London Authority (PLA) on the Draft Isle of Dogs Neighbourhood Plan consultation (Regulation 16). For information, the PLA is the Statutory Harbour Authority for the Tidal Thames between Teddington and the Thames Estuary. Its statutory functions include responsibility for conservancy, dredging, maintaining the public navigation and controlling vessel movement's and its consent is required for the carrying out of all works and dredging in the river and the provision of moorings. The PLAs functions also include for promotion of the use of the river as an important strategic transport corridor to London. The PLA has the following comments to make on the document.

The area in question is characterised by its docks and river location, and it is noted that many of the objectives set out in the plan are linked to improvements to transport, community and educational facilities, it is also stated under the infrastructure section of the document that 'we now wish to replicate the scale of that investment (from the London Docklands Development Corporation) in transport, community, educational, youth, medical and other facilities through the Neighbourhood Plan. Considering this, and in the context of the areas proximity to the River Thames and Docks, it is surprising that more has not been made of the potential to utilise the river in this regard.

PLA welcome reference as part of the vision that the forum wishes to maximise enjoyment of the areas special access to the River Thames and the docks but consider further emphasis in the plan should be given to maximising the use of the River Thames, for passengers and freight, as well as for increased sport and recreation. The riverside location of the neighbourhood area can be key to it's future development and success, and the river should be utilised as an asset where practical throughout the plan.

The PLA note the some of the key objectives of the plan are for:

- Indoor and outdoor spaces for people to enjoy, which are open to the public to use, including space where children can play and everyone can relax;
- A healthy, clean, and relaxed environment where it is easy and safe to exercise; and
- Preservation of the assets we already have, including our docks, river access, historic buildings, green spaces, play areas and community facilities.

The PLA consider that further promotion of the use of the River Thames and/or the Thames Path could further assist in helping to achieve these objectives. It is important that the River Thames is fully considered and embedded throughout any area strategy, including Local and Neighbourhood Plans,

Construction Management:

It is noted that within the draft Neighbourhood Plan one of the key issues is construction traffic and management issues. As part of the development of the Neighbourhood Plan the PLA consider that emphasis should be given to the use of the River Thames for the transportation of construction materials and waste, to ensure this is promoted

within Construction Management Plans to help improve congestion in the area. This is in line with policy 5.18 (Construction, Excavation and Demolition waste), 6.14 (Freight) and 7.26 (Increasing the use of the Blue Ribbon Network for freight transport) of the London Plan (2016) as well as relevant policies in the consultation draft London Plan (2017) such as policy SI15 (Water Transport) which state that development proposals close to navigable waterways should maximise water transport for bulk materials, particularly during demolition and construction phases. This is further supported by the PLAs Vision for the Tidal Thames document (2016) which includes the goal to move more goods off roads and onto the river, to take over 400,000 lorry trips off the regions roads by 2035. Specific reference to this could be given in policy CC3 (Control of Dust and Emissions) in regards to complying with the GLAs SPG on the control of dust and emissions during construction and demolition (2014).

Thames Path

Under the geographic constraints section on page 31 the PLA note that it states the Thames Riverside Path is blocked along large sections of the neighbourhood plan area. The PLA consider that a reference to improving the Thames Path, and access to it must be included within the policies of the Neighbourhood Plan. This is supported by the PLAs Thames vision, which includes the goal to join up the Thames Path from source to sea, and 'closing the gaps' of the existing Thames Path. Improving the Thames Path will encourage more walking and cycling, and aid in the objective of creating a healthy, clean, relaxed environment. Broadly the PLA consider that the plan could do more to promote the River Thames as a key destination, particularly as part of the open/recreational space of the neighbourhood plan area.

Docks Environment

The PLA broadly support policy ER8 (Public Profit Reinvestment) and the reference to protecting the Dock areas enabling them to continue to be open and operate successfully, again the PLA would encourage reference to the use of the waterways within the Neighbourhood Plan area for the transportation of construction materials and waste, where feasible.

Transport

The PLA note that in section nine regarding the proposed 'long plan' for the neighbourhood area a Transport Strategy section is proposed. The PLA welcome the reference to a number of proposed bridges, within the Isle of Dogs area itself and to Rotherhithe and Greenwich. The PLA in principle support the provision of additional river crossings, provided that they are sited and designed so that they allow for the full range of river uses to continue, especially large, sea-going vessels, and must be consulted on any proposals.

The PLA also consider that more could be made in the document, for both the 'quick' and 'long' plans of the role the River Thames can play in achieving an increase in sustainable transport modes within the Neighbourhood Plan area. There are potentially a number of opportunities along this section of the river to improve access and promote more sustainable transport methods, such as riverbus services. More specifically, the plan should have regard to the potential for a river bus stop at Wood Wharf, which is included within Transport for London's River Action Plan (2013) which although is just outside the final approved plan area, can help to improve transport accessibility in the wider area, along with the existing riverbus stop at Masthouse Terrace Pier.

Sports and Recreation

Within section 10 regarding the long plan, the PLA note the reference to sea scouts, youth provision and community/sport facilities in regards to being included within this plan. The PLAs Thames Vision includes the goal to see much greater participation in sport and recreation on and alongside the water and would encourage relevant policies to support this in the Isle of Dogs Neighbourhood Plan area. Again, given the areas location, the River Thames must be used as a key asset for sport, recreation and visual amenity, which all helps to achieve the objective of a healthy, clean, relaxed environment for the area.

I hope this information is of assistance, broadly the PLA consider that further reference to encouraging the use of the river should be made, given the importance of the River Thames and associated water ways in this area, it is

considered important to continue to protect and enhance these spaces, not only through Local Plans, but also within Neighbourhood Plans such as this. If you have any questions at all please contact me on the details below.

Regards

Michael

Michael Atkins
Senior Planning Officer
Port of London Authority

London River House, Royal Pier Road
Gravesend, Kent, DA12 2BG



WWW.PLA.CO.UK

- Find out more: www.pla.co.uk/Thames-Vision
- Follow us on twitter: @LondonPortAuth



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- Don't confuse efficiency with dangerous short cuts or 'local' practices
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website: www.pla.co.uk

Ellie Kuper Thomas

From: Yann-Pablo TERREYRE [REDACTED]
Sent: 12 February 2018 21:35
To: Neighbourhood Planning
Cc: [REDACTED]
Subject: RE: CONSULTATION - draft Isle of Dogs Neighbourhood Plan (Regulation 16)

Follow Up Flag: Follow up
Flag Status: Completed

Hi,

I probably do not have the skill-set to digest the whole plan but at least it reflect the complexity to build such a planing taking all these parameters. The result seems thoroughly thought and I do not have further comments.

Thank you to the whole team who coordinate it and a special thank to Andrew Wood for his dedication, advice, patience and meeting (many) local residents to take their opinion into consideration, especially in these time where this neighborhood changed drastically in such short time.

Best regards,

Yann-Pablo

De : Isle of Dogs Neighbourhood Forum [REDACTED]
[REDACTED]
Envoyé : vendredi 12 janvier 2018 13:38
À : [REDACTED]
Objet : CONSULTATION - draft Isle of Dogs Neighbourhood Plan (Regulation 16)

Dear all,

In December Mayor John Biggs agreed to start the 2nd & final phase of the public consultation on the Neighbourhood Plan in January. That consultation has now started and will last until 5pm 22nd February.

Below is a copy of the Councils email and we will provide an update on this consultation our

You can write an email or letter in support of the Neighbourhood Plan or comment on it as long as received by the Council before the 22nd Feb. Their email address is neighbourhoodplanning@towerhamlets.gov.uk

Copy of Council Email

This email is being sent to you as you have previously engaged with the planning process in Tower Hamlets or in the development of the Isle of Dogs Neighbourhood Plan.

Draft Isle of Dogs Neighbourhood Plan

Neighbourhood Planning was introduced by the Localism Act (2011) and enables community groups to submit applications to the Council to establish 'Neighbourhood Planning Forums' and 'Neighbourhood Planning Areas' and to draft Neighbourhood Plans for their areas. These Neighbourhood Plans will be used to determine planning applications in the area.

Notice is hereby given that the Isle of Dogs Neighbourhood Forum has submitted a draft Neighbourhood Development Plan (the "Isle of Dogs Neighbourhood Plan") to the London Borough of Tower Hamlets under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended).

The draft Isle of Dogs Neighbourhood Plan has been developed in consultation with the local community and provides a vision for the future of the Area. It sets out a vision, objectives and planning policies.

The London Borough of Tower Hamlets is satisfied that the draft Isle of Dogs Neighbourhood Plan and supporting documents, as submitted, meets the requirements of Regulation 15.

Representations

In accordance with the legislation, a 6 week consultation period on the draft Isle of Dogs

terminating at 5pm on the 22nd of February 2018. Any submissions received after this deadline cannot be considered.

Comments are invited on whether the draft Isle of Dogs Neighbourhood Plan and supporting documents, as submitted under Regulation 15 fulfils the [Basic Conditions](#) as required by regulations. **Any person or organisation may comment on the Plan or supporting documents.**

All representations will be publicly available and will be forwarded for consideration by the Independent Examiner appointed to carry out the examination of the draft Isle of Dogs Neighbourhood Plan.

Anyone making a representation may request to be notified of the Council's decision.

Where and when the plan proposal may be inspected

Copies of the draft Isle of Dogs Neighbourhood Plan and supporting documents are available to view at the following locations:

- on the Council's [website](#)
- at the Tower Hamlets Town Hall Mulberry Place, 5 Clove Crescent, E14 2BG
- Canary Wharf Idea Store, Churchill Place, E14 5RB
- Cubitt Town Library, 52 Strattondale Street, E14 3HG

Written responses should be made by **5pm Monday 22nd February 2018**. Responses should be sent to: neighbourhoodplanning@towerhamlets.gov.uk

or to:

EDWARD STORR T7ED IITAI

Strategic Planning – Plan making
London Borough of Tower Hamlets
PO BOX 55739
London
E14 2BG



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FREEPOST RRBK – TZER – UTAU
Neighbourhood Planning Consultation
Strategic Planning – Plan Making
London Borough of Tower Hamlets
PO BOX 55739
London E14 2BG

14th February 2018

Dear Sirs,

Isle of Dogs Neighbourhood Plan Consultation (Regulation 16)

I am writing on behalf of the 4 Estates Forum, an umbrella group for all residents (whether tenants, leaseholders or freeholders) on the Barkantine, Kingsbridge, St Johns and Samuda Estates on the Isle of Dogs. The 4 Estates Forum is generally supportive of the 'estate regeneration' policies in the draft Isle of Dogs Neighbourhood Plan which some of our members were involved in formulating.

At this consultation stage we would just make the following points about important omissions that should be rectified to address legitimate concerns raised by Tower Hamlets Council and others, principally that policies should be explained and justified more thoroughly. To that end we make the following points again:

1. Defining 'non-land use' matters and the scope of Neighbourhood Plans

LBTH and other responders argue that many estate regeneration policies in the draft Neighbourhood Plan (NP) are invalid because they don't deal with 'land-use' matters. To address this the NP should make the following points.

1. Local Plans cover issues which are not strictly about 'land use' issues, for example, energy efficiency, and the provision of affordable housing, which determines which income groups can afford to live in homes built rather than just defining that sites can be used for housing as a land use class.
2. Neighbourhood Plans are allowed to cover issues normally covered in Local Planning Authorities' Supplementary Planning Guidance, such as Housing SPGs. One of the purposes on SPGs is to detail with issues that are not specifically concerned with land use.

2. Ballots: evidence of votes being inherently more inclusive and fair than surveys

A key policy in the draft NP is its support for resident ballots, a policy we welcome as giving residents real influence over proposals to demolish their homes in a policy environment that offers inadequate protections. All guidance and all parties concerned in considering the possible demolition and

redevelopment of our estates agree that our homes should not be demolished without resident support. This applies to our landlord, One Housing Group; Tower Hamlets Council, and is a key point of Sadiq Khan's Best Practice Guide to Estate Regeneration. This leads to the question of how resident support can best be measured.

Realistically there are only two alternatives: ballots or surveys. Experience in Lambeth proves why surveys are inherently inadequate. At [Central Hill](#) estate a substantial survey by residents found that 78% of their neighbours opposed demolition, with 4% in favour and 18% don't know. By contrast, an independent 'opinion test' designed by Lambeth claimed majority support. (Full figures all tenures: 47.6% for; 39.4% against; 13% undecided). Many questionnaires were filled out by researchers with council officers present at consultation events. 'Turnouts' were similar; between 65%-72% if possible responses are limited to one per household, or around 38%-40% of all adults. Some responses must have depended on who asked the questions and how. Neither survey can be credible because they were both organised by parties which supported particular points of view.

Only ballots can avoid situations like this, because elections are inherently more inclusive and fair, if organised along established principles of impartiality to enable all points of view to be expressed.

Many reports and guidance on estate regeneration support ballots for the same reasons. In 2015 the multi-party [London Assembly Housing Committee](#) recommended that '*an independent ballot...would...inform any final proposals to demolish.*' Also recommendations by the following; [Estate Regeneration National Strategy](#); the [London Tenants Federation](#); [Joseph Rowntree Trust](#); community group coalition [Just Space](#); experienced [architects](#); [Respublica](#).

3. Tower Hamlets council's role in elections

The draft NP includes some useful principles about the conduct of elections. But it also 'requires' Tower Hamlets Electoral Services Department to act as an impartial organiser of a ballot.

This is only one option, and LBTH have legitimate reason to see this an unnecessarily prescriptive requirement of them, with several possible implications including costs. As far as we know NPs don't have the power to require local authorities to do things they are not legally obliged to do. LBTH could be a suitable independent third party, if all parties including the council agreed voluntarily, but a fair election could equally be organised by another impartial third party, such as the Electoral Reform Society, which has already organised ballots in other estate regeneration situations.

Therefore, this unnecessary 'requirement' of LBTH should be deleted, and replaced with the recommendation that elections should be organised by a credible, impartial third party.

4. On Social sustainability

The NP should point out that 'Social sustainability' is a core principle of the National Planning Policy Framework, and explain why specific policies are necessary to enable existing communities affected by the redevelopment of their estates to continue to live in the area where children go to school and where they have valuable support networks of family and friends.

For this reason, all guidance on estate regeneration recognises the importance of facilitating a 'right to return.' The problem is that a theoretical right to return has been rarely delivered in practice – with the [Heygate Estate](#) in Southwark being only one example.

Legal minimum 'compensation' deals for tenants and owners fail to deliver the right to return for many in practice. The NP needs to explain why its policy recommendations are necessary; the publishing of plans for demolition and building; maintaining the same rent levels for tenants; and Home Swaps for owners who can't afford to buy equivalent new properties outright due to increased market values for new flats, which is in the recently published Good Practice Guide to Estate Regeneration.

Thank you very much for giving us the opportunity to be consulted as part of the Regulation 16 Consultation.

Yours sincerely

A handwritten signature in black ink that reads "Arthur Coppin". The signature is written in a cursive, slightly slanted style.

Arthur Coppin
Secretary

Ellie Kuper Thomas

From: Dan Gatrell [REDACTED]
Sent: 19 February 2018 11:06
To: Neighbourhood Planning
Subject: Isle of Dogs Neighbourhood plan

I am fully supportive of the Draft Neighbourhood plan and hope to see this approved and fully adopted.

Please register this email of support with any other consultation responses.

Regards
Dan Gatrell

[REDACTED]

[REDACTED]

Department of the Built Environment

Carolyn Dwyer BEng (Hons), DMS, CMILT, FCIHT

Director of the Built Environment



Ellie Kuper Thomas
Strategic Planning – Plan Making Team
London Borough of Tower Hamlets
Town Hall, Mulberry Place
5 Clove Crescent
E14 2BG

Telephone 020 7606 3030

Email localplan@cityoflondon.gov.uk

Date: 21/02/2018

Draft Isle of Dogs Neighbourhood Plan

Dear Ellie

Thank you for consulting the City of London Corporation on the 'Isle of Dogs Neighbourhood Plan 2017-2031'.

At this stage there are no proposals within the Isle of Dogs Neighbourhood Plan that would affect planning in the City of London and as such we have no comments to make.

Yours sincerely

Therese Finn

Planning Officer (Policy)

21 February 2017

Isle of Dogs Neighbourhood Planning Forum
Neighbourhood Planning Consultation
Strategic Planning – Plan Making
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Sent via Email only

Dear Sir/Madam,

**REPRESENTATIONS IN RESPECT OF THE PROPOSED ISLE OF DOGS
NEIGHBOURHOOD PLAN 2017-2031 REGULATION 16 CONSULTATION**

SUBMITTED ON BEHALF OF HONDO ENTERPRISES

This written representation is made by DP9 Limited, on behalf of Hondo Enterprises, regarding the Isle of Dogs Neighbourhood Planning Forum Regulation 16 Consultation of the Draft Neighbourhood Plan. In accordance with Regulation 16 our representations assess the Neighbourhood Plan against the basic conditions of paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990. These include having regard to national policies and guidance; preserving Listed buildings; preserving or enhancing Conservation Areas; contributing to achieving sustainable development; that it is in general conformity with the strategic policies contained in the development plan for the authority; does not breach EU obligations; and that prescribed conditions are met in relation to the plan.

Hondo Enterprises are the owners of the City Harbour NCP Car Park, Selsdon Way and interest in the adjacent site at 1 Selsdon Way and therefore have an interest in the development of the Local area. Our client is therefore well placed to comment on the proposed Draft Isle of Dogs Neighbourhood Plan.

As noted in previous representations the proposal is for the adoption of a 'short' Neighbourhood Plan in advance of the adoption of a 'long' Neighbourhood Plan. This approach is not considered to offer a thorough consideration of the issues relevant to the neighbouring area. In order for the Neighbourhood Plan to be effective, the key priorities and the clear design objectives should be set out within a comprehensive plan. It is also highly relevant to acknowledge the Draft London Plan which was published in December 2017 which proposed significant changes and is a relevant consideration in the production of the Neighbourhood Plan, particularly given the reliance on the current London Plan.



The relationship of the draft London Plan to other plans is not recognised within the document. The relationship to the draft Tower Hamlets Local Plan is noted but not acknowledged throughout the document.

Housing targets

The Neighbourhood Plan refers to London Plan 2015 housing targets. In October 2017, the GLA released revised Housing targets for the new London Plan going forward which set a ten-year target of 35,110 new homes within Tower Hamlets equating to 3,511 new homes per annum. These targets should be referred to in order to meet the conditions of Schedule 4B of the Town and Country Planning Act.

D1 - Density and Infrastructure

Table 3.2 of the adopted London Plan is quoted at page 21 of the Neighbourhood Plan in relation to the Density Matrix. It should however be noted that the adopted London Plan policy 3.4 (Optimising Housing Potential) sets out that taking into account relevant considerations, development should optimise density. The supporting text confirms that *“It is not appropriate to apply Table 3.2 mechanistically.”* It is therefore considered that quoting Table 3.2 out of context within the Neighbourhood Plan is misleading and does not meet the basic conditions of paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. It is also worth noting that Table 3.2 is deleted in the draft London Plan.

In addition, draft London Plan Policy D6 sets out that *“Development proposals must make the most efficient use of land and be developed at the optimum density. The optimum density of a development should result from a design-led approach to determine the capacity of the site.”* Additionally, the Policy sets out that *“Proposed residential development that does not demonstrably optimise the housing density of the site in accordance with this policy should be refused.”* The draft Policy seeks to avoid setting fixed targets for density and instead required a greater level of scrutiny for higher density schemes. The plan should therefore refer to the draft London Plan Policy D6 in order to meet the Conditions of the relevant schedule.

Our client acknowledges the need for the relevant infrastructure associated with development to sustain the local population. As noted in our previous representations, the principle of payment of CIL and other relevant financial contributions by developers is for the relevant infrastructure to be provided in the most appropriate location and in order to pool funds towards infrastructure where the cost arising from the development would not account for full provision of a new service. It is not always appropriate to provide infrastructure on site due to site specific characteristics. The draft Policy should not be worded to require applicants to demonstrate where the funding will be spent as the funding is provided to the Council for their allocation.

Draft London Plan policy D6 also supports improvements to infrastructure to support growth and should therefore be considered in the Neighbourhood Plan in order to be considered sound.



Community Infrastructure Levy (CIL)

Our client fully supports the aspiration of the Neighbourhood Plan for the ‘Neighbourhood Pot’ to be spent on or invested in projects identified in the plan to address the demands that development places on the Area.

ES1 – Use of Empty Sites

Whilst the aspirations of this policy to implement meanwhile uses on vacant sites are supported and in accordance with draft London Plan Policy H4, this is not always viable or practical on all sites and there may be ownership or management issues which prevent this. The draft London Plan Policy encourages meanwhile uses, however it is considered that Policy ES1 is too prescriptive.

GRI – Helping establish new residents’ associations

As per our previous representations, we would reiterate that it is not a planning matter to require the formation of residents’ associations.

3D1 – 3D Model for Planning & 3D2 – 3D Model for Applications

We reiterate our previous concerns raised in relation to this policy. The proposed requirements to provide 3D modelling for development is overly onerous. The requirement to provide the wider impact of development within 500 meters beyond the boundary of the area and is particularly onerous and arbitrary.

Planning Application requirements are set by the Local Authority through the validation checklist and as such the requirement to model proposals should be set at this level. Various methods are used to visualise proposed development, 3D modelling may not be appropriate or necessary for all developments particularly minor applications.

SD1 - Sustainable Design

We note that draft Policy SD1 requires all non-residential developments to meet a BREEAM rating of Excellent and for all major commercial refurbishments of existing buildings or conversions over 500sqm to achieve a BREEAM non-domestic rating of Excellent. The policy is a duplicate of the wording contained within Strategic Policy SG1 within LBTH’s draft Local Plan and is therefore unnecessary and should be removed from the emerging Neighbourhood Plan.

The draft policy also does not take into consideration Draft London Plan Policy Sustainable Design Policy SI2.

AQ1 – Air Quality

The requirements set out are overly onerous and sets standards over and above those required by the London Plan. Whilst this is aspirational for any development, it is not realistic to expect developments to achieve these measures and could prohibit development coming forward.



We hope you take these representations into account in the production of your Neighbourhood Plan. Should you have any queries or require any further information on the enclosed, please contact Tom Horne or Olivia Willsher of this office.

Yours faithfully,

DP9 Ltd

DP9 Limited

Neighbourhood Planning Consultation
Strategic Planning – Plan Making
London Borough of Tower Hamlets
PO Box 55739
London
E14 2BG

21st February 2018

Dear Sir/ Madam,

Isle of Dogs Neighbourhood Plan Consultation

New City College, formerly known as Tower Hamlets College, is a further education college with a campus in South Poplar, near the Isle of Dogs Neighbourhood Plan Area.

We are supportive of local communities being able to create Neighbourhood Plans and have no major comments on the proposed Neighbourhood Plan. Instead, we would like to take the opportunity to raise a wider point about the creation of new secondary schools in Tower Hamlets, including in the Isle of Dogs.

The Neighbourhood Plan calls for new secondary schools to be created within future developments. It refers to the GLA Development Infrastructure Funding Study (DIFS) for the Isle of Dogs Opportunity Area Planning Framework as a source for the estimate number of future schools required: five to six new secondary schools, of which one has been granted planning consent to date (Westferry Printworks secondary school).¹

We agree with the importance of providing a sufficient number of secondary school (and other school) places for young people as the population of the Isle of Dogs grows. However, we would like to caution against a blanket rule of planning the development of new secondary schools, without an assessment of existing provision for 16 to 19-year-olds in the borough and a case-by-case assessment of the viability of proposed new secondary schools.

The current Department for Education guidance is that academies should only be allowed to open a sixth form if they will have at least 200 students and offer 15 A Levels. This is a result of a considerable expansion of school sixth forms between 2010 and 2015, which led to an increase in the number of small sixth forms with fewer than 200 pupils. Many of these small sixth forms are not financially viable and are not able to offer the breadth of learning opportunities that young people should have access to. There are currently eight school sixth forms, academies and free schools in Tower Hamlets that fall below this recommended limit for new sixth forms. Further, current demographics in the area do not support an increase in secondary school places in line with the numbers quoted in the Neighbourhood Plan.

We would welcome an opportunity to work with the borough and the designated Opportunity Areas within it to ensure all planned new secondary schools undergo a detailed assessment of their viability and abide by the Department for Education guidance.

Yours sincerely,



Gerry McDonald
Group Principal and CEO

¹ The DIFS has unfortunately not yet been published so we are unable to check how these estimates have been calculated.

MRPG/DP3625

22nd February 2018

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Dear Sirs,

**ISLE OF DOGS NEIGHBOURHOOD PLAN
CONSULTATION DRAFT, JANUARY 2018
REPRESENTATIONS ON BEHALF OF ASHBOURNE BEECH PROPERTY LIMITED**

Please find representations on behalf of Ashbourne Beech Property Limited (ABPL) to the draft Isle of Dogs Neighbourhood Plan, January 2018 (draft Plan).

ABPL is currently in discussion with the Council and Greater London Authority regarding proposals for the redevelopment of the Asda Crossharbour site, located off East Ferry Road on the Isle of Dogs. It is anticipated that a further application for planning permission that promotes the comprehensive redevelopment of the site for, amongst others, new supermarket, additional retail, community, office and commercial uses, alongside significant residential units, will be submitted later this year.

ABPL is submitting these representations in response to the formal consultation on the draft Plan and trusts that, as per paragraphs 054 (ID: 41-054-20140306) and 080 (ID:41-080-20170728) National Planning Guidance (NPG) these representations are issued to the appointed independent examiner as part of the documents for consideration at the Examination to the Plan.

Planning Context

National Planning Policy Framework

The NPPF, paragraphs 183 – 185, describes the process of neighbourhood planning noting that the “...ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan.”

In addition, the NPPF states that:

“Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood plans and orders should not promote less development that set out in the Local Plan or undermine its strategic policies.” (NPPF paragraph 184)

Planning Practice Guidance, Neighbourhood planning

The PPG reiterates the advice in the NPPF and sets out advice as to the basic conditions that a draft neighbourhood plan must meet in order for it to proceed to referendum. These conditions include:

“a. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).

d. The making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.

e. the making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).”

(PPG Paragraph 065 ID: 41-065-20140306)

The PPG expands on the advice set out at paragraph 065 noting amongst others that a neighbourhood plan *“...must not constrain the delivery of important national policy objectives.”* (paragraph 069 PPG), and that the neighbourhood plan *“...must demonstrate how it contributes to improvements in environmental, economic and social conditions.”* (paragraph 072 PPG). In order to demonstrate how a neighbourhood plan contributes to sustainable development, *“...sufficient and proportionate evidence should be presented on how the draft...guides development to sustainable solutions.”* (paragraph 072 PPG).

Paragraph 074 PPG is particularly relevant to a consideration of the neighbourhood plan and whether it is in general conformity. It states as follows:

“When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:

- Whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with*
- The degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy*
- Whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy*
- The rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach*

The draft Plan and its implications for development of Crossharbour District Centre

The 2010 Core Strategy and 2013 Development Management Document identify a comprehensive vision for the Cubitt Town area (LAP 7&8) p124 Core Strategy, with priorities that include:

“To expand intensify the Crossharbour district town centre to provide a mix of uses, including civic uses, centred on a transport interchange.”

In addition, Site Allocation 19 Crossharbour Town Centre, p152 Development Management Document, identifies the site for development as:

“A comprehensive sustainable district centre development opportunity centred on a new public square. It will be required to provide a strategic housing development and an Idea Store. The development will also include retail floorspace and other town centre compatible uses.”

The Council has published for consultation (October 2017) a draft Local Plan. Part 4 of this document, pp230-231 includes the Site Allocation for Crossharbour Town Centre. The draft Allocation notes the following:

- *Land use requirements – redevelopment of the district centre providing retail floorspace and other compatible uses. Housing*
- *Infrastructure requirements – Primary School; Community/local presence facility; Health centre (re-provision and expansion)*

The site at Crossharbour is identified in adopted and emerging planning policy documents as a strategic site allocation for the delivery of new homes, retail and other district centre uses. The draft Local Plan expands on the Infrastructure requirements to be delivered alongside development out of the site, now including a need for a primary school.

During the last three years ABPL has worked with the Council in developing a proposed scheme of redevelopment of the site. In June 2017, an application for planning permission was submitted that proposed the redevelopment of the site for mixed uses, including a new supermarket, reconfigured and enhanced bus layover and terminus, additional retail and town centre uses, a 3FE primary school, a community centre, a theatre/arts space, new public square and up to circa 2,000 residential units.

Whilst the Council was subsequently asked by ABPL to treat the application submitted in June 2017 as withdrawn, ABPL remain committed to the development of and submission of an application for planning permission for the redevelopment of the site. The principle of this is supported, not least by the Site Allocation in the draft Local Plan.

The Introduction to Part 4 of the draft Local Plan (pp175-176) identifies that several sites have been allocated across the borough to accommodate new homes and jobs alongside necessary infrastructure. For the Isle of Dogs and South Poplar sub-area, Crossharbour Town Centre is one of thirteen site allocations with the potential to deliver circa 20,000 new homes.

The site is identified by the London Plan (2016) as located within the Isle of Dogs Opportunity Area which has an indicative employment capacity of 110,000 and a minimum target of 10,000 new homes to be delivered over the plan period. Annex 1 of the London Plan states, '*...Parts of the area have significant potential to accommodate new homes and there is scope to convert surplus business capacity south of Canary Wharf to housing and support a wider mix of services for residents, workers and visitors...*'. The draft London Plan, December 2017, identifies that the Isle of Dogs Opportunity Area is now earmarked for a minimum of 29,000 new homes and 110,000 jobs.

The Asda Crossharbour site is of strategic significance in the Borough. It forms one of several sites in the Isle of Dogs that are critical to the Council meeting the strategic housing targets (London Plan) including the delivery of affordable housing. The draft Plan should reflect the strategic importance of the Crossharbour district centre afforded by the adopted and emerging development plan documents and, should acknowledge the significant role that the site has to play in the future of this part of the Isle of Dogs.

Representations to draft Plan

The following comments are made which it is requested the examiner take into consideration in the review and assessment of the draft Plan at examination stage. ABPL is committed to fully engaging in the process of the preparation of the development plan to ensure that the proposed redevelopment of the Crossharbour Town Centre is not frustrated in its delivery by conflicting statements and visions but rather the policy and guidance for the borough, Isle of Dogs and relating to Crossharbour town centre reflects the strategic opportunity that this part of London has to offer.

1. **Page 7 of 92, last two lines / Page 8 of 92 first two lines:** The draft states that since the development of Pan Peninsula there has been “...*more and more residential development, often replacing offices or light industrial units built in the 1980’s.*” Whilst in the last 10 -15 years there has been substantial development on the Isle of Dogs this has not been solely residential. Mixed use schemes have been delivered providing for some of the social infrastructure required to support this development. The draft Plan should clearly set out the evidence base to justify the statement that there has been more and more residential development. Or this statement should be qualified to acknowledge the social infrastructure that has been brought forward in this period.
2. **Page 15 of 92:** The draft Plan references the draft OAPF document. This has not been published for consultation. It is unclear therefore how the draft Plan can rely/reference as yet to be published planning guidance. It is certainly inappropriate for the draft Plan to use the draft OAPF as evidence relating to future development of the Isle of Dogs.
3. **Page 16 of 92:** Similar to the comments at 2 above. The draft Plan references a Development Infrastructure Funding Study (DIFS) that is stated will be available by summer 2017. Regrettably the DIFS study is not available for review and consideration. As such the draft Plan should not reference this document as part of the evidence base. Detailed scrutiny and assessment of the DIFS study will be necessary at the time it becomes available for review.
4. **Page 19 of 92, Figure 19:** The draft Plan references Site Allocations across the sub areas of the Isle of Dogs. The table that is set out fails to accurately reflect the draft Site Allocations as included in the draft Local Plan e.g. the table does not include a column for other uses such as employment. The Limeharbour, Marsh Wall East, Marsh Wall West, Millharbour South, Millharbour allocations all set out a requirement for housing and employment space. The draft plan should be revised to accurately reflect the Site Allocations in the draft Local Plan.
5. **Page 21 of 92:** The draft Plan includes Table 3.2 from the London Plan (note whereas elsewhere the draft Plan references the emerging draft London Plan here it is the current London Plan). What the draft Plan fails to do is provide the context for the application of Table 3.2. The density ranges set out are not to be rigidly applied, the matrix is an indicative guide that the GLA and boroughs have used to determine planning applications. It is inappropriate therefore for the draft Plan to suggest that the Area “...*should be developed at 300 to 650 habitable rooms per hectare with some smaller areas developed at 650 – 1,100 habitable rooms per hectare.*” The draft London Plan does not include a table on density, instead, draft Policy D6 identifies a series of built form and massing measures that should be considered in relation to the surrounding context to help inform the optimum density of a development. The draft Plan should reflect the updated approach in the draft London Plan.
6. **Page 23 of 92:** The draft Plan includes Table 7 to identify the densities it considers are being delivered across the Isle of Dogs area. This includes two columns titled Density HRPB and Density UPH identifying what it considers to be the “London Plan maximum recommended target”. As for 5 above, the density matrix in the London Plan is not to be rigidly applied but is a guide to be considered alongside other design related matters. It is inappropriate for the draft Plan to infer that the Table is evidence of densities being achieved beyond London Plan maximum levels. The draft Plan should for context include reference to the relevant scheme GLA Stage 1 and 2 reports, as appropriate, which will identify the approach of the GLA to an assessment of scheme density.

7. **Page 26 of 92:** The draft Plan references S106 monies that it says were to be allocated to delivery of new social infrastructure e.g. health centre in Cubitt Town. The failure to direct funds to these facilities is, the draft Plan says, evidence of a general failure to deliver social infrastructure. The draft Plan should provide the evidence it relies on to justify the statements regarding allocation of S106 funds. The draft Plan should also acknowledge that the draft Local Plan (as do the adopted Core Strategy and Development Management Documents) include for delivery of social infrastructure associated with schemes of redevelopment.
8. **Page 33 of 92:** The draft Plan again references the GLA DIFS study and what this identifies. It is inappropriate for the draft Plan to reference and rely on a Study not yet made public or the subject of any scrutiny. Separately, the draft Plan fails to include reference to the Crossharbour site allocation in the draft Local Plan which includes a requirement for a primary school. Evidence should be provided of the list of sites identified – should there be others - and the analysis of school provision confirmed.
9. **Page 37 of 92:** This explains the approach to the preparation of a “quick” plan before a “long” plan in due course. The draft Plan notes the delays to the preparation of the OAPF and the likely periods for determination of other planning applications which identify that a “quick” plan should be put in place. As the comments above identify the draft Plan has been prepared based on a mixture of adopted and emerging planning policy documents. It presents an inconsistent approach and fails to accurately reflect the current status of planning policy or development taking place in the Isle of Dogs. It is considered that preparation of the “long” plan should be progressed and that in the interim existing planning policy and guidance for the area at the regional and local level will provide the appropriate development plan context for consideration of planning applications.
10. **Policy D1, page 43 of 92:** The policy is unrealistic and will prove a bar to sustainable development contrary the guidance in the NPG. As already noted the London Plan does not set out a maximum density figure for development. The draft Plan fails to accurately reflect the Site Allocations in the adopted development plan and emerging documents. The policy is contrary statutory guidance and advice in limiting development until “...all the infrastructure needed to sustain the population in the Area generated by the proposed development and all existing and approved developments...has been guaranteed to be put in place.” Further, the policy at paragraph 2 sets out a list of new community facilities to in principle be included in scheme developments. This approach is contrary the development plan, fails to reflect the site allocations already identified and will not deliver a coordinated set of community facilities. As already noted the draft Plan fails to accurately reflect the policy position that is set out and/or development decisions.
11. **Explanation Policy D1, page 45 of 92:** Can the term “place-shielding” be explained? Can reference to this term be identified in other policy and guidance?
12. **Page 48 of 92:** This is a table of Site Allocations from the draft Local Plan. As per the comments at 4 above, the draft Plan is inconsistent in its analysis or evidence. The draft Plan includes a table at page 19 of 92 in order to highlight the predominance of housing being brought forward by site allocations but fails to accurately reflect that which is set out in the draft Local Plan. As page 48 identifies the draft Local Plan includes for significant mixed use provision that also comprises various community uses.

13. **Page 49 of 92:** This includes a section headed “Guidance to Planning Committee” which states that unless Committee feels that the development in question supports the cumulative supply of infrastructure required locally it should be rejected. This is contrary national planning guidance and advice. It also risks the delivery of sustainable development. If followed it will ensure that the Council fails to meet its housing targets and the delivery of other social infrastructure that the draft Plan states is lacking/required.
14. **Policy CIL1, page 50 of 92:** The allocation of CIL monies must accord with national guidance and advice. The list of projects identified in the draft Plan must reflect the priorities identified by the Council and set out in the development plan.
15. **Policy CIL4, page 54 of 92:** The policy seeks the allocation of all CIL money to the Plan Area. This is justified on the basis that the analysis by GLA and the Council is that the cost of new infrastructure will exceed all the likely CIL. As previously noted, it is unfortunate the draft Plan refers to a DIFS study that has not been made public. There is no opportunity to scrutinise the findings of the study. As before, however, allocation of CIL monies must accord with national guidance and advice.
16. **Policy ES1, page 66 of 92:** The policy should be clarified that it is to relate to empty sites – the wording is not clear albeit the heading states it is to relate to empty sites. The implications of such a requirement need careful thought. What is an empty site? What is full and final planning consent? Why should a developer as part of an application for redevelopment set out and as necessary assess a temporary use? What period of time will any planning permission be granted for the temporary use? There are many issues to be considered associated with the practicality / viability of such a policy.
17. **Policy GR1, page 68 of 92:** The requirements of the policy are onerous. If instigated the policy will impose significant cost and constraint on a residential developer. Such a policy has the potential to interfere with the normal/general processes that might be put in place. It should be for individual schemes and their residents to determine if they wish for such an association to be established and if so, how this might be done.
18. **Policy 3D1, page 70 of 92:** This is too onerous. It imposes further cost and resources requirements on developers. Currently most major schemes of development will be accompanied by an Environmental Statement that is likely to include view verified material and other information to provide a clear assessment of the likely visual impact of a development. The specifics that are set out are extensive and unreasonable. It should also be made clear, should the policy remain in some form or other, that the policy is only to apply to particular scale of development and not all schemes.
19. **Policy BBA1, page 73 of 92:** This is onerous. It is unreasonable to require fibre optic cabling for developments. This goes beyond planning control and strays into other regulatory frameworks. The policy should be deleted.

20. **Policy CC1, page 78 of 92:** The policy is unclear in when it is to apply. What is a material change? There is a risk of interpretation that will make the policy difficult to apply.
21. **Policy CC2, page 78 of 92:** This is an onerous requirement that effectively duplicates processes already in place. Any application to vary working hours or conditions will have to be approved by the Council and subject of submission of an application / correspondence to this effect.
22. **Policy SD1, page 81 of 92:** The policy duplicates the requirements already in place at the local and regional level. It is inappropriate to require compliance with the Home Quality Mark; this standard is not a planning requirement and it would be onerous for the policy to require it.
23. **Policy AQ1, page 82 of 92:** The policy should not duplicate current requirements. It should not be onerous in what it requires. It should be pragmatic and reasonable. As drafted the policy risks the delivery of sustainable development.

Conclusion

ABPL is concerned that the draft Plan has the potential to frustrate the delivery of the Crossharbour site and other development across the borough threatening the ability to achieve strategic housing targets and delivery of infrastructure.

As drafted the draft Plan fails to reflect the advice in the NPPF or NPG and is not in general conformity with the development plan. It also will fail to deliver sustainable development. It is evident that the Forum is best served working up its "long" plan for approval as opposed to seeking to achieve approval to this "short" plan

Please contact Matthew Gibbs or Luke Emmerton should there be any questions regarding these representations.

Yours faithfully

DP9 Ltd

DP9 Ltd

Ellie Kuper Thomas

From: Cllr Andrew Wood [REDACTED]
Sent: 22 February 2018 12:38
To: Neighbourhood Planning
Subject: Response to Regulation 16 IoD Neighbourhood Plan

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Red Category

Dear Ellie,

Response to Draft Isle of Dogs Neighbourhood Plan consultation (Regulation 16)

I am the Councillor for Canary Wharf ward and I fully support the Neighbourhood Plan policies. I speak to developers on a regular basis and although things have slowed down due to the imminent local elections on the 3rd May and because of Brexit uncertainty it is clear that the Isle of Dogs and the area to its north & east will continue to be the main focus for development in London. The Neighbourhood Plan is residents' response to the intense scale of development.

I am though disappointed by the failure of the GLA & TfL to publish the Isle of Dogs & South Poplar Opportunity Area Planning Framework consultation documents as of this date. It has gone quiet. It has been in process for at least four years now, I first met the TfL team working on the transport plan in the summer of 2014, I saw a draft transport plan in late 2015 and a draft Development Infrastructure Funding Study in summer 2017 but almost four years later there is still nothing in the public domain as to any of the documents.

This is one reason why the IoD Forum has had to go into issues and detail which perhaps other Forums have not had to do. Somebody has to respond to the level of development underway on the island and if the GLA & TfL won't do it we will have to.

I also wish to let the Examiner know that in February 2018 after the IoD Neighbourhood Planning Forum submitted their response to this consultation that the Mayor of London started a new consultation on estate regeneration, key sections in italics

"The final version of the guide sets out the Mayor's expectations for how local authorities and housing associations should engage with residents as part of estate regeneration schemes, as well as outlining his three Better Homes for Local People principles:

- an increase in affordable housing*
- full rights to return or remain for social tenants*
- a fair deal for leaseholders and freeholders*

"The Mayor is consulting on a proposal that a resident ballot would be required for estate regeneration schemes seeking GLA funding that include the demolition of homes."

We believe that the Mayor of London is now in effect also supporting many of the policies in our Neighbourhood Plan and that we are all moving in the same direction as regards policy in this area. Although not yet policy I believe that his consultation supports the Neighbourhood Plan policies.

<https://www.london.gov.uk/what-we-do/housing-and-land/improving-quality/good-practice-guide-estate-regeneration>

<https://www.london.gov.uk/sites/default/files/better-homes-for-local-people-the-mayors-good-practice-guide-to-estate-regeneration.pdf>

<https://www.london.gov.uk/sites/default/files/consultation-on-a-new-funding-condition-requiring-resident-ballots-in-estate-regeneration-schemes.pdf>

Andrew Wood

Councillor for Canary Wharf Ward, London Borough of Tower Hamlets

✉ Tower Hamlets Council Town Hall, Mulberry Place, 5 Clove Crescent, London E14 2BG

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

Neighbourhood Planning Consultation

Strategic Planning – Plan Making
London Borough of Tower Hamlets
PO BOX 55739
London
E14 2BG

22nd February 2018

Dear Sir/Madam

Draft Isle of Dogs Neighbourhood Plan Consultation (Regulation 16)

I write in connection to the draft Isle of Dogs Neighbourhood Plan, which is currently out for public consultation. As you will be aware, Berkeley Homes (South East London) Ltd secured planning permission for the redevelopment of South Quay Plaza in March 2015 and construction is underway (LPA Ref: PA/14/00944). We subsequently secured planning permission for the redevelopment of the adjacent site known as 'South Quay Plaza 4' in March 2017 (LPA Ref: PA/15/03073). Together these two sites will deliver 1,284 new homes, including 237 new affordable homes, over two acres of exemplary public realm, a new nursery and new shops, cafes and restaurants.

We note that one of the Draft Plan's key objectives is to create a "liveable environment" on the Isle of Dogs in which its "diverse community can work, rest and play" (pg. 39). Our redevelopment of the South Quay Plaza estate will contribute significantly towards meeting this aim. The public realm, which includes the new South Quay Park, has been designed by award winning Landscape Architects HTA and will provide a green oasis in an area that is currently deficient in high quality public open space. The retail and leisure facilities provided at the ground floor will activate the public places and ensure that the Isle of Dogs becomes a destination in its own right.

However, we also note that the Neighbourhood Planning Forum is concerned about the density of the development coming forward on the Isle of Dogs and the impact that this has on existing infrastructure. Particular concern is raised about the continued lack of a second pedestrian footbridge across the South Dock, despite it being enshrined in London Borough of Tower Hamlets (LBTH) being planning policy since 2000.

We agree that the delivery of this second footbridge is important given that the existing footbridge to the east is currently at over capacity. A new bridge will significantly improve access to the employment and leisure opportunities in Canary Wharf and, in recognition of this, we agreed to safeguard a southern landing point for the new bridge on our estate as part of our first planning application for SQP1-3+. We also agreed to contribution £480,965 (indexed) towards the delivery of the footbridge.

Since planning permission was granted 2015, LBTH have progressed with the design of the second footbridge and we have taken part in a number of workshops with the Council and their bridge designers, Allies and Morrison. The southern landing point for the bridge our estate has

been agreed as part of these discussions. Our proposals at South Quay Plaza therefore accord with draft Policy D1 (Density and Infrastructure), which states at point (i) that a bridge landing point must be secured.

Public consultation events on the evolving plans for the bridge are scheduled for Tuesday 27th February 2018, Saturday 3rd March 2018 and Thursday 8th March 2018. We understand that LBTH intend to submit a planning application for the bridge later on this year, and that construction is due to commence in 2019.

It is recognised that cycle routes into and out of Canary Wharf are currently impeded and it is therefore anticipated that this new bridge will cater for both pedestrians and cyclists, which is in line with the aspirations of the Draft Neighbourhood Plan.

Whilst Berkeley appreciate the need to provide better cycle routes in the area, we do *not* consider that this bridge is appropriate for both cyclists and pedestrians. We believe that it will be impossible to control cyclists once they exit the bridge to the south and prevent them from using the new South Quay Park as a cut through to Marsh Wall. Cyclists using the park in this way will create a significant safety concern and will conflict with other users of the park, particularly pedestrians, residents or children utilising the new play facilities, ultimately preventing them from fully enjoying the new landscaped spaces. We will continue to make these concerns known in future workshops with LBTH and hope that an acceptable solution can be found for all parties.

If you have any queries or would like to discuss any of the above in greater detail, please do not hesitate to contact me.

Kind regards,



Emily McKenzie
Planning Manager

██████ ██████

Your ref: N/A
Email: richard.jones@quod.com
Date: 22 February 2018



Neighbourhood Planning Consultation
Strategic Planning – Plan Making
London Borough of Tower Hamlets
London
E14 2BG

For the attention of Strategic Planning Team

By email

Dear Sir/Madam

Draft Isle of Dogs Neighbourhood Plan (October 2017) Regulation 16 consultation – representations on behalf of One Housing Group

Introduction

These representations are submitted on behalf of One Housing Group (“One Housing”), in response to the Isle of Dogs Neighbourhood Plan 2017-2031 (October 2017) (the “Neighbourhood Plan”) consultation under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012.

One Housing welcomes the opportunity to respond to this Plan to help ensure that any development within the Isle of Dogs comes forward in a sustainable and positive way, with the appropriate infrastructure, to deliver much needed homes.

One Housing is a leading provider of housing and care services. One Housing owns and manages over 16,000 homes across London and the South East, including 5,000 homes within the London Borough of Tower Hamlets.

These representations relate to One Housing’s extensive interests in the Neighbourhood Plan area, including approximately 2,100 homes across four housing estates on the Isle of Dogs: Barkantine, Kingsbridge, St John’s and Samuda.

One Housing’s primary aim is “to help people to live better” by building affordable homes for people who struggle to afford a place to live. There are two principal ways that One Housing achieves its aim: by regenerating its existing housing stock; and, by building new affordable housing.

One Housing recognises that the Neighbourhood Plan area has undergone, and continues to undergo, significant levels of growth and change. It is particularly important therefore that all Development Plan documents, from the neighbourhood to the London-wide scale, work together and collectively contribute to sustainable development. We recognise that success on the Isle of Dogs means, in part, that additional growth and additional infrastructure should go hand-in-hand and that development must not be to the detriment of mixed and balanced communities. It also means positively seeking opportunities to meet development needs given that 56% of housing growth within Tower Hamlets is forecast to be in the Isle of Dogs and South Poplar (Tower Hamlets Local Plan 2031: Regulation 19 consultation draft).



We strongly support the principle of neighbourhood planning in this area and welcome the energy and commitment from the Isle of Dogs Neighbourhood Planning Forum to reach this stage in the plan-making process.

The remainder of these representations is structured as follows.

- Basic Conditions and relevant documents.
- Vision and objectives.
- Overarching comment: development and the use of land.
- Detailed comments.
- Conclusion.

These representations enclose a legal Opinion, which we agree with and form part of our representations. Further details are set out below.

1 Basic conditions and relevant documents

Section 8(1)(a) of Schedule 4B of the Town and Country Planning Act requires that the examiner must consider, inter alia, whether the draft neighbourhood development plan meets the Basic Conditions, which are set out in Section 8(2) of the Act. There are five Basic Conditions in total that are relevant to neighbourhood plans, which for this Neighbourhood Plan means the following:

- Basic Condition 1: It must have appropriate regard to national policies and advice contained in guidance issued by the Secretary of State. We consider this comprises the National Planning Policy Framework (2012), Planning Practice Guidance and the Estate Regeneration National Strategy (2016).
- Basic Condition 2: It must contribute to the achievement of sustainable development.
- Basic Condition 3: It must be in general conformity with the strategic policies contained in the Development Plan for the London Borough of Tower Hamlets (or any part of that area). This comprises the Core Strategy (2010), Managing Development Document (2013) and the London Plan (MALP, 2016).
- Basic Condition 4: It must not breach, and is otherwise compatible with, EU obligations.
- Basic Condition 5: It must be compatible with other prescribed conditions. This means that the making of a neighbourhood plan must not be likely to have a significant effect on a European site or a European offshore marine site.

These representations consider the extent to which the Neighbourhood Plan meets the Basic Conditions. We have had regard to the Basic Conditions Statement and other documents included with the Regulation 16 consultation accordingly.

One Housing objects to the Neighbourhood Plan as currently drafted and considers it is unsound because it does not meet Basic Conditions numbered 1, 2, 3 and 4. Details are provided later in this letter.

2 Vision and objectives

One Housing supports the Neighbourhood Plan vision to create “a liveable environment in which our diverse community can work, rest and play” and considers that it is well-matched with One Housing’s own primary aim “to help people to live better”.

Where they do not conflict with our comments below, we also support the Neighbourhood Plan objectives.

3 Overarching comment: development and the use of land

Section 38A(2) of the Planning and Compulsory Purchase Act (2004) defines a neighbourhood plan as “a plan that sets out policies (however expressed) in relation to the development and use of land in the whole or any part of a particular neighbourhood area specified in the plan.”

A neighbourhood plan therefore contains policies relating to the development and use of land. Other topics, such as housing management or policies aimed at end users cannot, by statute, form part of planning policy. This is a well-established rule across all tiers of plan-making.

The Planning Practice Guidance reaffirms this:

A neighbourhood plan can be used to address the development and use of land. This is because if successful at examination and referendum the neighbourhood plan comes into force as part of the statutory development plan. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

Neighbourhood planning can inspire local people and businesses to consider other ways to improve their neighbourhood than through the development and use of land. They may identify specific action or policies to deliver these improvements. Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable. For example, set out in a companion document or annex. (Reference ID: 41-004-20170728)

Section 6 of the Consultation Statement accompanying the Neighbourhood Plan states that the above reference specifically allows neighbourhood plan policies to “go beyond land use”, but this is a fundamental misunderstanding of the guidance and the legislation that underpins it. Planning decisions are a quasi-judicial process and there is no legal basis for development to be in accordance with policies that do not relate to the development and use of land.

An example of where a neighbourhood plan has had to be modified in relation to this issue is set out below.

The Bookham Neighbourhood Plan was “made” on 23rd May 2017, following modifications in line with the independent examiner’s recommendations.

“Whilst this information is of particular significance to the local community... the other elements of the submitted policy are not land use issues... As such I recommend the deletion of these elements of the policy and their transfer into the supporting text.” (Paragraph 7.43, Bookham Neighbourhood Plan, A report to Mole Valley District Council, October 2016)

“Similarly matters such as school catchment areas and other administrative issues are not land use matters. On this basis I recommend the deletion of the... policy. I also recommend the deletion of the... policy (and its relocation into the associated supporting text) as the matter of using the local element of CIL funding is not directly a land use issue.” (Paragraph 7.47)

For the Dorchester-on-Thames Neighbourhood Plan the examiner expressly noted in his report that the policies had been written based on a correct interpretation of the guidance:

“The Plan has been designed to reflect Planning Practice Guidance (41-004-20170728) which indicates that neighbourhood plans must address the development and use of land.” It also identifies a series of proposals which are addressed separately. (Paragraph 7.4, Dorchester-on-Thames Neighbourhood Plan, A report to South Oxfordshire District Council, December 2017)

There are numerous other examples of neighbourhood plans where an independent examiner has set out where policies should be deleted or modified as they not relate to the development and use of land.

One Housing objects to the following policies as they do not relate to the development and use of land for the purposes of Section 38(2) of the Planning and Compulsory Purchase Act (2004). Even if these policies were to comply with Section 38(2), they would not meet the Basic Conditions under paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990.

- Policy CIL2 – long-term community financing.
- Policy CIL3 – CIL to project manage infrastructure projects.
- Policy CIL4 – all CIL to be spent in the area.
- Policy ER1 – right to vote to approve or reject final proposals.
- Policy ER2 – conduct of elections.
- Policy ER3 – resident participation in a transparent, inclusive, objective design making process.

- Policy ER4 – right of return.
- Policy ER5 – tenants’ rights and costs.
- Policy ER6 – leaseholder and freeholder rights.
- Policy ER7 – estate small businesses, retailers, and community organisations.
- Policy ER8 – public profit reinvestment.
- Policy GR1 – grandfathering residents’ associations.

The Neighbourhood Plan also contains unlawfully under-assessed Policies, which would breach and not be compatible with EU obligations, namely the SEA Directive and the implementing SEA Regulations. The Neighbourhood Plan does not therefore meet Basic Condition 4. Further details are set out in the enclosed Opinion.

4 Detailed comments

Estate regeneration

We consider that, as a general point, Section 8.3 of the Neighbourhood Plan has not been positively prepared and overly-focuses on the potential for negative outcomes as a result of estate regeneration.

Estate regeneration can bring positive benefits, including: well-designed better quality homes and public space; new jobs and opportunities for the community; new homes; and, the renewal of outworn physical and social infrastructure.

Clearly any consideration of estate regeneration needs to be transparent and cover both costs and benefits. This should include the provision of new homes in improved neighbourhoods, alongside new and improved community facilities, as well as considering the costs of disruption and change.

As a Housing Provider, One Housing needs to keep their housing stock in an appropriate condition and ensure that it can be maintained sustainably in the long term at an affordable cost to both them and any leaseholders. This long-term sustainability will always be a critical factor, particularly given the significant constraints on capital resources to fund housing.

We also need to provide new homes, which is an acute challenge in a city with finite land, a rapidly rising population and affordability issues. We know that both the GLA and LBTH recognise the urgent requirement to build more homes, and more affordable homes. In the right circumstances estate regeneration can contribute to this.

Estate Regeneration National Strategy

We recognise that the Estate Regeneration National Strategy (December 2016) constitutes guidance under Basic Condition 1. It generally advocates estate regeneration schemes that demonstrate resident support and the strategy provides further details of how this should be achieved.

- The majority of residents whose lives will be affected by the scheme should be supportive of the approach to regeneration.
- Estate residents and the wider community should have the opportunity to have their say at milestone stages and particularly at the final options stage.
- Where a neighbourhood plan exists or is being produced, account should be taken of its content when considering future refurbishment or development options.
- The process of demonstrating resident support should be agreed locally. A vote may be an appropriate mechanism for this if total demolition is proposed.
- The wishes of residents should be understood and respected.

One Housing was one of the engagement partners for this strategy, as was LBTH, thereby helping to ensure that it provided a comprehensive package of support and guidance on estate regeneration. One Housing generally supports the approach of this strategy and is itself committed to best practice.

Importantly, however, this strategy identifies good practice guidance and makes no suggestion that the measures within it should (or could) be captured in planning policy.

Meeting the Basic Conditions

Whilst we recognise that they are important to the local community, we do not consider that any of the estate regeneration policies can meet the Basic Conditions as they do not relate to the development and use of land. Even if they did relate to the development and use of land they would still not meet the Basic Conditions.

The above view and our objections to these policies is supported by a legal Opinion, which is enclosed with these representations. We agree with the findings of the Opinion and they should be read as part of our representations.

Other policies that do not relate to the development and use of land

For the same reasons set out under the estate regeneration heading above, we consider that the following policies cannot be judged against the Basic Conditions and therefore cannot meet them, as they do not relate to development or the use of land. Even if they did relate to the development and use of land they would still not meet the Basic Conditions due to the lack of a proportionate evidence base and viability assessment.

- Policy CIL2 – long-term community financing.
- Policy CIL3 – CIL to project manage infrastructure projects.
- Policy CIL4 – all CIL to be spent in the area.
- Policy GR1 – grandfathering residents' associations.

Density and infrastructure

One Housing recognises that there is significant need for infrastructure to accommodate future growth on the Isle of Dogs, as set out in the Tower Hamlets Infrastructure Delivery Plan (October 2017).

Policy D1 of the Neighbourhood Plan currently states:

“applications to develop hotels, or for residential developments exceeding 1,100 habitable rooms per hectare in locations with a PTAL of 5 or less, shall only be approved after all the infrastructure needed to sustain the population in the area generated by the proposed development and all existing and approved developments, has been specifically identified by the relevant planning authority and guaranteed to be put in place.” (our emphasis)

Meeting the Basic Conditions

We consider that the policy does not meet Basic Conditions 1, 2 or 3 for the following reasons:

Basic Condition 1: National policies and advice

Paragraph 204 of the NPPF (and Community Infrastructure Levy Regulations 122 (2010)) states that a planning obligation may only constitute a reason for granting planning permission if the obligation is:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

Policy D1 does not meet Basic Condition 1 because it would require planning obligations to be entered into that may not meet any or all of the above requirements. The policy would not be enforceable, as a failure to provide planning obligations that do not conform with Regulation 122 cannot be taken into account in the determination of a planning application.

Paragraph 173 of the NPPF states that plans should be deliverable and therefore development should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. Policy D1 does not meet Basic Condition 1 because there is no evidence that shows how it could provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

Planning Practice Guidance states that there should be no actual or perceived ‘double dipping’, with developers paying twice for the same item of infrastructure (Reference ID: 25-095-20140612). Policy D1 does not meet Basic Condition 1 because it does not provide sufficient clarity about what applicants would be expected to pay for through which route.

Paragraph 16 of the NPPF states that a Neighbourhood Plan should support the strategic development needs set out in the Local Plan and plan positively to support local development. Policy D1 does not meet Basic Condition 1

because it is not positively prepared. It is likely to have the effect of constraining Paragraph 47 of the NPPF, which seeks to boost significantly the supply of housing.

Basic Condition 2: Sustainable development

Paragraphs 7 and 8 of the NPPF set out that there are three dimensions to sustainable development and they are mutually dependent: economic; social; and, environmental. Paragraph 14 places a presumption in favour of sustainable development at the heart of the NPPF.

Paragraph 16 of the NPPF states that the application of the presumption will have implications for how communities engage in neighbourhood planning. Neighbourhood plans should:

- develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development; and,
- plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan.

For the reasons set out above and below, it is not considered that Policy D1 contributes to the achievement of sustainable development as defined by the NPPF.

Basic Condition 3: Strategic policies within the Development Plan

Policy 3.4 of the London Plan (MALP, 2016) seeks to optimise housing potential taking into account local context and character, London Plan design principles and public transport capacity. The supporting text to this policy is clear that density ranges in Table 3.2 of the London Plan are a starting point and should not be applied mechanistically as this may not realise the optimum housing potential of sites. Policy D1 of the Neighbourhood Plan is a mechanistic approach and does not meet Basic Condition 3 as it is not in general conformity with Policy 3.4 of the London Plan.

This position is further strengthened by Policy 2.13 of the London Plan, which states that development proposals within Opportunity Areas in particular should seek to optimise residential and non-residential output and densities, provide necessary social and other infrastructure to sustain growth, and where appropriate, contain a mix of uses.

Policy 8.2 of the London Plan states the Mayor will take into account the economic viability of individual developments when considering planning obligations for planning applications of strategic importance. The mechanistic approach is not in general conformity with the balanced approach set out in Policy 8.2 of the London Plan and therefore does not meet Basic Condition 2.

Policy D1 also does not meet Basic Condition 2 as it is not in general conformity with Spatial Policy SP02 of the Core Strategy (2010), which seeks to achieve its housing target by, inter alia, ensuring new developments optimise the use of land.

5 Conclusion

Our representations do not pre-judge the outcomes of our One Housing's own consultations and the objections we raise do not mean that One Housing oppose many of the aspirations within the Neighbourhood Plan. However, a neighbourhood plan that does not conform with planning legislation is not sound and is not legally enforceable. We want a neighbourhood plan that lets local people have their say on local planning issues and greater control over development in their area. This means deleting or modifying policies so that they relate to development and the use of land and meet the Basic Conditions.

One Housing is in the early stages of considering, with residents, how its four estates on the Isle of Dogs could help people to live better. Given their prominence within the Opportunity Area and ongoing appraisals of their current condition, estate regeneration could provide important opportunities to enhance living conditions and quality of life, as well as bring forward social and other infrastructure. Estate regeneration could also offer important opportunities to meet local requirements for growth.

One Housing is committed to continue working closely with residents and communities should any changes to existing homes be considered.

We reserve the right to make further representations on any subsequent versions of the draft Neighbourhood Plan and to make oral representations at the independent examination, as necessary.

Please do not hesitate to contact me should you require any further information or additional copies of the submission.

Yours sincerely



Richard Jones
Quod

enc. Opinion, One Housing and the Isle of Dogs Neighbourhood Plan Submission Version, 22 February 2018.

cc. One Housing Group

TOWN AND COUNTRY PLANNING ACT 1990

IN THE MATTER OF

**ONE HOUSING
AND
THE ISLE OF DOGS
NEIGHBOURHOOD PLAN
SUBMISSION VERSION**

OPINION

No5
CHAMBERS

BIRMINGHAM • LONDON • BRISTOL

Introduction

1. In this matter, we are instructed by Quod on behalf of One Housing Group Limited (“One Housing”), in respect of the Isle of Dogs Neighbourhood Plan (“the Neighbourhood Plan”/ “the IoDNP”), submitted by the Isle of Dogs Neighbourhood Plan Forum (“the Neighbourhood Forum”) to the London Borough of Tower Hamlets (“the Council”/“LBTH”), which is currently at Regulation 16 consultation from 11 January to 22 February 2018.
2. We are asked to advise on the lawfulness of Policies ER1 to ER8 of the Neighbourhood Plan, including:
 - (a) Whether Policies ER1 to ER8 are “*policies in relation to the development and use of land*” for the purposes of section 38A(2) of the Planning and Compulsory Purchase Act 2004 (“PCPA”);
 - (b) Whether Policies ER1 to ER8 meet the basic conditions under paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (“TCPA”);
 - (c) The appropriate procedure for examination and further progress of the Neighbourhood Plan, in the light of any issues identified under (a) and (b);
3. This Opinion is to be appended to the Regulation 16 consultation submissions submitted by Quod, and should be read alongside that document in respect of the factual background and the practical issues raised therein.
4. This Opinion is confined to Policies ER1 to ER8 only. We are instructed that there are a number of other policies in the neighbourhood plan which are considered not to meet the basic conditions. Those issues are addressed in the planning submissions submitted by Quod.

Factual Background

5. The factual background to this case has been set out within our Instructions and the accompanying Appendices (“Documents”), notably the nature of One Housing’s identity as a housing association and the extent of its freehold interest within the Isle of Dogs (Section 1), the history of the preparation of the Neighbourhood Plan (Section 2), and applicable development plan and national policy (Section 3). We shall not rehearse those matters here.
6. Five matters of factual background and initial national and local policy analysis are necessary before addressing the overarching legal framework and the specific policies:
 - (i) Policy Categorisation
 - (ii) The Neighbourhood Forum’s Explanation of Legal and Policy Compliance
 - (iii) The Neighbourhood Forum’s Evidence Base
 - (iv) The Council’s Position
 - (v) The Mayor of London’s Position

(i) Policy Categorisation

7. Policies ER1 to ER8 are contained within Section 8.3 Policy – Estate Regeneration, pages 55 to 65. For ease of reference, they can be categorised in three parts summarised thus under the umbrella terminology used in the plan of “Rights”:

(I) The Right to Vote

Policy ER1: Right to Vote or Reject Final Proposals

Policy ER2: Conduct of Elections

Policy ER3: Resident Participation in a Transparent, Inclusive, Objective Decision-Making Process

(II) The Right to Return

Policy ER4: Right of Return

Policy ER5: Tenants' Rights and Costs

Policy ER6: Leaseholder and Freeholder Rights

(III) Hybrid Additional Rights: Commercial Tenants and Contributions

Policy ER7: Estate Small Businesses, Retailers and Community Organisations

Policy ER8: Public Profit Reinvestment

8. The wording of each of the policies is lengthy, complex and often expressed in conditional terms. This will be analysed below.
9. Wording can, of course, be amended where this is necessary to meet the basic conditions. The central question is therefore whether the core or essential premise of the policy is lawful and meets the basic conditions – or whether that essential aim is unlawful.
10. The essential aim of the various policies is to establish as a development plan requirement for the purposes of section 38(6) that a planning application for new residential development by a developer such as One Housing should only be granted permission if:
 - (1) the affected residents vote by a majority in support of the proposal (ER1-ER3);
 - (2) the developer guarantees through section 106 agreement very wide-ranging proprietary rights and payments for financial loss to the same affected residents (ER4-ER6);
 - (3) the developer guarantees through section 106 agreement certain proprietary rights to commercial tenants (where the development involves existing commercial premises) (ER7);
 - (4) the Forum is itself made a party to the section 106 agreement and rendered further consultation rights on the allocation of development profits.

11. In any other case, the Plan text for ER1 to ER3 expressly requires that permission should be refused. Failure to include a section 106 agreement meeting the requirements of ER4 to ER8 would also mandate refusal.

(ii) The Neighbourhood Forum's Explanation of Legal and Policy Compliance

12. Although Neighbourhood Plans are produced by non-specialists, it is essential that the authors of the neighbourhood plan demonstrate clearly how they consider that their plan meets all legal requirements. This is conventionally set out in the text of the Plan itself or the Basic Conditions Statement.
13. Dealing first with section 38A(2) PCPA, there is no supporting text within the Neighbourhood Plan or within any supporting document explaining how precisely the Neighbourhood Forum consider that ER1 to ER8 comply with section 38A(2) PCPA, although this issue was raised by the Council in its consultation representations (considered below) and by Quod in its Regulation 14 consultation representations (19 April 2017).
14. The Basic Conditions Statement, page 4, "Legal Requirements" does not refer to the statutory requirement either. At page 5, it states: *"Although we use the term Neighbourhood Plan, it is the same as a Neighbourhood Development Order. The document contains a vision statement as a guide to what we aspire to achieve but the vision are not Policies"*. Even allowing for a lack of legal expertise, that is a very confused description of compliance with section 38A PCPA and the overall statutory scheme. It simply does not grapple with concerns raised as to compliance set out by Council.
15. The Neighbourhood Forum have even included supporting text in the Plan that expresses doubts about the lawfulness of the policies. Page 55, paragraph 3 describes the *"specific policies on issues like the voting process"* as *"do not typically fit classic land use policies"*.
16. Chapter 8.10 (pages 85-86) refers to Recommendations for Housing Regeneration, *"The following are not legally enforceable policies, but are recommendations that we support and which we believe will help ensure Sustainable Development"*. The list covers

“ownership rights” for returning owners (A) and the George Clarke Recommendations are then cited, including provisions on “no net financial loss” (B3), and right of return (B8). The disjuncture with ER4 to ER6 is left unexplained.

17. Turning to the basic conditions and paragraph 8(2), the Basic Conditions statement provides some analysis against the local development plan, the London Plan and national planning policy. However, various deficiencies emerge.
18. First, under National Policies (for the purposes of 8(2)(a) and (d)), there is only a single reference to ER4 in relation to NPPF 50 and 51 (page 8). It is therefore reasonable to conclude that there has been no assessment of compliance of any other ER policies against specific provisions of the NPPF. The later sections contain very limited general descriptions of aims set against the three pillars of sustainable development: e.g. page 10, economic pillar: ER6 to ER8 and social pillar: ER1 to ER4.
19. Under the same heading of 8(2)(a), there is no reference within the Basic Conditions statement to the PPG Neighbourhood Planning (considered further below in the next section under (iii) Evidence Base)
20. Second, under Local Policies (for the purposes of 8(2)(e), there is a single reference to the LBTH Strategic Plan Policies – Core Strategy 25: Policy SO8 Appropriate Types of Housing covering ER1 to ER7, and general references (“All policies”) to Policy SO15 Successful global economic centres. Vibrant local economy and Policy SO25 Successful vibrant, locally distinct and integrated places.
21. Third, under London Policies, there is a single reference to the London Plan 2016, Policy 3.9 Mixed and Balanced Communities:

*“Strategic
A*

Communities mixed and balanced by tenure and household income should be promoted across London through incremental small scale as well as larger scale developments which foster social diversity, redress social exclusion and strengthen communities’ sense of responsibility for, and identity with, their neighbourhoods. They must be supported by effective and attractive design, adequate infrastructure and an enhanced environment. ...”

22. In summary, the Neighbourhood Forum has not provided any reasoned justification by reference to statute (e.g. TCPA and PCPA), case law, national planning policy or local development plan policy for the specific wording of ER1 to ER8 and the innovation of right to vote, right to return and the additional hybrid policies.

(iii) The Neighbourhood Forum's Evidence Base

23. The provision of evidence for a policy is a primary material consideration under paragraph 8(2)(a), by the operation of PPG Neighbourhood Planning, Paragraphs 41-040 and 041 which provide in full:

What evidence is needed to support a neighbourhood plan or Order?

While there are prescribed documents that must be submitted with a neighbourhood plan or Order there is no 'tick box' list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan or the proposals in an Order.

A local planning authority should share relevant evidence, including that gathered to support its own plan-making, with a qualifying body. Further details of the type of evidence supporting a Local Plan.

Neighbourhood plans are not obliged to contain policies addressing all types of development. However, where they do contain policies relevant to housing supply, these policies should take account of latest and up-to-date evidence of housing need.

In particular, where a qualifying body is attempting to identify and meet housing need, a local planning authority should share relevant evidence on housing need gathered to support its own plan-making.

***Paragraph: 040 Reference ID: 41-040-20160211
Revision date: 11 02 2016***

How should the policies in a neighbourhood plan be drafted?

A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.

24. The supporting text to Policies ER1 to ER8 contains three pages of references to external reports, within which individual paragraphs and sentences have been excerpted:

(a) Estate Regeneration National Strategy (2016)

(b) London Assembly Housing Committee Report into Estate Regeneration (February 2015)

(c) Joseph Rowntree Foundation, Estate Regeneration Briefing for Expert Panel (May 2016)

Additional Reports named but not excerpted

25. The Estate Regeneration National Strategy is contained in multiple documents, linked on the Government's website. The "Strategy" is not purely a planning policy document, as it covers diverse issues of funding and administration. The Executive Summary, paragraph 5 describes this as "*a combination of practical advice and guidance*". It is therefore just possible to include the Strategy within the paragraph 8(2)(a) wording "*advice contained in guidance issued by the Secretary of State*". However it must be emphasised that it is not guidance on national planning policy, nor does it contain any specific reference to neighbourhood planning nor policy drafting. Crucially, it contains only one singular reference to "vote", excerpted on page 56 of the Neighbourhood Plan: from "the Resident Engagement and Protection" document:

"It is particularly important that residents have the opportunity to express their views on the final options for regeneration, whether as individuals or via a democratic process using representatives. The mechanism chosen for residents to do this should be agreed locally and should be suitable for the activity being taken. For example, a vote may be appropriate before complete demolition, whereas workshops or surveys could be used to communicate views about partial demolition or refurbishment."

26. However the rest of the text of that document makes no reference to introduction of planning policies. Instead, the proposals include a Resident's Charter (Appendix A) and Models for Resident Offer (Appendix B). The document is therefore not evidence supporting the drafting of a neighbourhood plan policy. On the contrary it is a general

guidance or good practice document directing developers on what they should seek to achieve through other mechanism: both non-legal (e.g. Charters) and legal (contractual).

27. The PPG further makes clear that deliverability is a vital consideration:

Must a community ensure its neighbourhood plan is deliverable?

If the policies and proposals are to be implemented as the community intended a neighbourhood plan needs to be deliverable. The National Planning Policy Framework requires that the sites and the scale of development identified in a plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.

Paragraph: 005 Reference ID: 41-005-20140306
Revision date: 06 03 2014

28. None of the Policies (in particular ER4 to ER8) have been subject to any viability assessment. There is no analysis of the timescales involved, or the impact of delays introduced by the “right to vote”, no draft wording is provided. The only analysis provided of real world scenarios is on pages 58-59, the purported failure of consultation efforts.

29. In summary, there is no structured analysis or robust evidence for the purposes of paragraph 8(2)(a) in support of Policies ER1 to ER8.

(iv) The Council's Position on Respective Policies

30. The Council is under a statutory duty pursuant to paragraph 3 of Schedule 4B to “give such advice or assistance to qualifying bodies as, in all the circumstances, they consider appropriate for the purpose of, or in connection with, facilitating the making of proposals for neighbourhood development orders in relation to neighbourhood areas within their area.” Its pre-submission advice is therefore highly material in identifying deficiencies in the Plan policies.

31. In its Regulation 14 response (19 April 2017), the Council clearly expressed its view that Policies ER1 to ER8 are not qualifying policies under section 38A(2). At pages 10 and 11, it stated that “many of these policies do not address land use and development and therefore cannot be addressed through the planning system”. This view was expressed unequivocally in respect of Policies ER2 to ER8.

32. In respect of Policy ER1, reference was made to the Local List (a cross-reference to section 62 TCPA and Town and Country Planning (Development Management Procedure) Order (“DMPO”) 2015:

“(2) Provision referred to in subsection (1) includes provision as to–

- (a) the form and manner in which the application must be made;*
- (b) particulars of such matters as are to be included in the application;*

(3) The local planning authority may require that an application for planning permission must include–

- (a) such particulars as they think necessary;*
- (b) such evidence in support of anything in or relating to the application as they think necessary.”*

(4A) Also, a requirement under subsection (3) in respect of an application [...]

- (a) must be reasonable having regard, in particular, to the nature and scale of the proposed development; and*
- (b) may require particulars of, or evidence about, a matter only if it is reasonable to think that the matter will be a material consideration in the determination of the application.*

33. NPPF 193 underscores these statutory tests:

“Local planning authorities should publish a list of their information requirements for applications, which should be proportionate to the nature and scale of development proposals and reviewed on a frequent basis. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question”

34. The Council’s Validation Checklist for a Full Application requires submission of:

“Statement of Community Involvement

A statement setting out how the applicant has complied with the requirements for pre-application consultation and demonstrate that the views of the local community have been sought and taken into account in the formulation of development proposals.”

35. That is a standard requirement nationally for major schemes. However there is no parallel requirement requiring a report from Democratic Services on the outcome of any previous

vote. There is no statutory, policy or practical basis for the inclusion of such a document under section 62 and the attendant provisions. It is readily apparent that this would be unreasonable in the context of the procedural safeguards under section 62(2), the 2015 Regulations and NPPF 193.

36. The Regulation 14 response was therefore a clear signal to the Neighbourhood Forum of the Council's concerns. The Neighbourhood Forum took only limited action, removing Policy ER9.
37. Further, the Council's Report to Cabinet (19 December 2017) agreeing to accept the Neighbourhood Plan for examination cited the test under 38B(1) [sic: should read section 38A(2)] and recorded at paragraph 6.9 that:

"While the Plan does contain a number of issues which do not relate to development and use of land, the Plan does on balance meet the definition in that it mostly relates to the development of land".

38. The accompanying Appendix 5, Legal Compliance Checklist, Section 11 "Definition of a neighbourhood development plan" records under Actions and then Compliant: "N/A" and Section 16(b) *"The Plan on balance meets definition (see section 11) in that it mostly relates to the development and use of land"*.
39. It is regrettable that the Council did not itemise the policies with which it had continuing concerns. The Council would assist the Examination by identifying its specific concerns in writing, in advance of any Examination hearing under paragraph 9(2) of Schedule 4B.

(v) The Mayoral Position

The Mayor of London's Good Practice Guide to Estate Regeneration (February 2018) has only just been published, albeit building on previous consultation stretching back to 2016. The document introduces a new requirement for ballots where the Mayor's funding is involved. It is accompanied by a Consultation Paper, "Proposed New Funding Condition to Require Resident Ballots in Estate Regeneration", 2018 ('the Consultation Paper') setting out how the Mayor intends to implement this commitment.

40. It is clear from the Consultation Paper (paragraphs 3.10 and 3.11) that that this a reference to ballots following a consultation and offer on the principle of the proposals in relation to design, mix, management and allocation policies, not final votes on single proposals as part of the statutory planning process. The document makes expressly clear the separate nature of the planning process: paragraph 3.15.
41. The Good Practice Guide makes no specifications as to the appropriate content of section 106 agreements. There are merely general references to the exercise of statutory planning powers and funding powers (pages 22-23). It is clear that the Mayor sees his role as constrained by the statutory framework.
42. The Mayor has directly considered the legitimacy of voting provisions within development plan policies in the Consultation Paper

Application of this policy

2.4 The Mayor wishes to encourage resident ballots as part of estate regeneration schemes that involve demolition of existing housing. The GLA has considered two potential ways to achieve this:

- utilising the Mayor's planning powers; and*
- applying a condition where GLA funding for affordable housing is sought.*

2.5 The objective of the planning process is to manage the development of land and buildings in order to ensure that sustainable development is achieved. Decisions are taken by planning officers under delegation, elected councillors and other statutory decision takers (including the Mayor for certain schemes). Planning decisions are a quasi-judicial process and there is no legal basis to require either holding a ballot or the results of a resident ballot to be binding on them.

2.6 Instead, it is proposed that the GLA applies a new condition in its Affordable Housing Capital Funding Guide requiring evidence of a positive vote in a resident ballot before new allocations of affordable housing grant are made to estate regeneration projects that involve demolition of existing homes. Ballots would need to satisfy certain requirements (set out in section 3 of this consultation), some schemes would be exempt from the requirement on a limited number of specified grounds (set out in section 4 of this consultation), and transitional arrangements would also be put in place (set out in section 5 of this consultation).

43. The “quasi-judicial” reference is highly instructive and a correct summary of the position at law. Section 38(6) envisages a multi-factoral decision, not a binary one stipulated by the terms of a vote. The Mayor’s considered position (undoubtedly on legal advice) is that the inclusion of “right to vote” policies would be unlawful. The Consultation Paper makes no reference to the inclusion of any provisions within section 106 agreements on the right to return.

Legal Framework

(1) “Policies in relation to the development and use of land”

Section 38A(2) PCPA

44. The term “*policies in relation to the development and use of land*” is not defined within PCPA 2004.
45. The phrase has also not been the subject of direct consideration by the High Court, with only a very tangential consideration in *R(Larkfleet Homes) v Rutland CC* [2014] EWHC 4095 (Admin) and [2015] EWCA Civ 597, where the court held that a neighbourhood plan was able to include site allocation policies, with passing reference to section 38A(2).

Section 55(1) TCPA

46. Section 55(1) TCPA defines “development” thus:

“development,” means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.”

47. Section 55(2) then defines a variety of exceptions relating to physical operations.

Use Classes Order 1987

48. By contrast, the Town and Country Planning (Use Classes) Order 1987 provides a list of activities and processes undertaken on the land, which will not amount to a material

change of use, although they are still plainly “uses”. However, it does not attempt a comprehensive definition of “use”.

Section 17(3) and Regulation 5(1) of the 2012 Regulations

49. Section 38A(2) “*development and use of land*” is in similar terms to section 17(3) PCPA and Regulation 5(1) of the Town and Country Planning (Local Planning) (England) Regulations 2012 (made under section 17(7) PCPA):

Section 17(3): “*The local planning authority's local development documents must (taken as a whole) set out the authority's policies (however expressed) relating to the development and use of land in their area.*”

Regulation 5(1) *For the purposes of section 17(7)(za) of the [2004] Act the documents which are to be prepared as local development documents are –*

(a) any document prepared by a local planning authority individually or in co-operation with one or more other local planning authorities, which contains statements regarding one or more of the following –

(i) the development and use of land which the local planning authority wish to encourage during any specified period;

(ii) the allocation of sites for a particular type of development or use;

(iii) any environmental, social, design and economic objectives which are relevant to the attainment of the development and use of land mentioned in paragraph (i); and

(iv) development, management and site allocation policies, which are intended to guide the determination of applications for planning permissions....”

50. There has been significant case law on the scope of Section 17(3) and Regulation 5(1) but this has largely concerned with the dispute between what should be comprised within a development plan document (DPD) and within a supplementary planning document (SPD). In most such cases, the courts are concerned within the additional wording surrounding the terms “*development and use of land*”, i.e. those in Regulation 5(1)(a)(i), (ii) and (iv) above.

51. In the recent case of *R(Skipton Properties) v Craven DC* [2017] EWHC 534 (Admin), Jay J considered whether an interim affordable housing document should have been adopted as a DPD, thus whether it fell within the section 17(3) PCPA and Regulation 5(1)(a)(i) definition. At paragraph 89 he observed:

89 *“Fifthly, the language of regulation 5(1)(a)(i) mirrors section 17(3) of the 2004 Act, “development and use of land”. These terms are not defined in the 2004 Act. “Development” is defined in section 55 of the Town and Country Planning Act 1990 and includes “material change of use”. “Use” is not defined, although such uses which cannot amount to a material change are. Mr Bedford submitted that regulation 5(1)(a)(i) is tethered to section 55; Mr Jones submitted that the concept is broader. In my judgment, even on the assumption that section 17(3) of the 2004 Act should be read in conjunction with section 55 of the 1990 Act, nothing is to be gained for Mr Bedford’s purposes by examining the latter. “Use” is not defined for present purposes, still less is it defined restrictively. I would construe section 17(3) as meaning “development and/or use of land”. If residential development includes affordable housing, which in my view it does, there is nothing in section 55 of the 1990 Act which impels me to a different conclusion.”*

52. In *R (RWE Npower Renewables Ltd) v Milton Keynes BC* [2013] EWHC 751 (Admin) (QBD (Admin)), John Howell QC held in respect of a challenge to a wind turbine SPD, observing:

“In my judgment the difference, between (a) documents containing statements regarding matters referred to in sub-paragraphs (i) to (iii) of regulation 5(1)(a) of the 2012 Regulations and (b) a document containing statements regarding a development management policy which is intended to guide the determination of applications for planning permission, is that the former are all connected with particular developments or uses of land which a local planning authority is promoting whereas the latter is concerned with regulating the development or use of land generally.”

53. In *R(Miller Homes) v Leeds CC* [2014] EWHC 82 (Admin), Stewart quashed that council’s “Interim Policy on Potential Release of Sites in the Protected Area of Search” on the basis that it did not fall within Regulation 5, holding at [25]:

“... The court must look at the substance as to whether the LPA wishes to encourage the development and use of land; the court must also have regard to the subjective element in the verb ‘wish’. There will be situations where an LPA wishes to encourage the development and use of land, for example to regenerate an area. The Interim Policy is very different. It sets out criteria which are an attempt by the LPA to comply with the NPPF. These criteria encourage and discourage development, albeit that the overall net effect is to release further

land. Nor does the fact that there is reference in subparagraph (v)(a) of the Interim Policy to regeneration change the character of the document as a whole.”

Planning Purpose

54. There is a clear overlap with the non-statutory question of what amounts to a “*planning purpose*”, explored by Dove J in *Wright v Forest of Dean DC* [2016] EWHC 1349 (Admin) and upheld by the Court of Appeal in [2017] EWCA Civ 2102.
55. In *Newbury District Council v Environment Secretary* [1981] AC 579, the House of Lords considered what amounted to a planning purpose in determining the lawfulness of a condition. Viscount Dilhorne introduced the famous three-part test:

“It follows that the conditions imposed must be for a planning purpose and not for any ulterior one, and that they must fairly and reasonably relate to the development permitted. Also they must not be so unreasonable that no reasonable planning authority could have imposed them”

56. In *Westminster City Council v Great Portland Estates PLC* [1985] 1 AC 661, Lord Scarman applied that formulation in a challenge to policies in the development plan seeking to protect specific industrial activities:

*“My Lords, the principle of the law is now well settled. It was stated by Lord Parker C.J. in one sentence in *East Barnet Urban District Council v. British Transport Commission* [1962] 2 Q.B. 484 . The issue in that case was whether the use of a parcel of land constituted development for which planning permission was required. The justices found that it did not and the Divisional Court, holding that the question of change of use was one of fact and degree, refused to intervene. In the course of his judgment, with which the other members of the court agreed, Lord Parker C.J. said, at p. 491, that when considering whether there has been a change of use ‘what is really to be considered is the character of the use of the land, not the particular purpose of a particular occupier.’ These words have rightly been recognised as extending beyond the issue of change of use: they are accepted as a statement of general principle in the planning law. They apply to development plans as well as to planning control ...*

*It is a logical process to extend the ambit of Lord Parker C.J.'s statement so that it applies not only to the grant or refusal of planning permission and to the imposition of conditions but also to the formulation of planning policies and proposals. The test, therefore, of what is a material ‘consideration’ in the preparation of plans or in the control of development (see section 29(1) of the Act of 1971 in respect of planning permission: section 11(9), and Schedule 4 paragraph 11(4) in respect of local plans), is whether it serves a planning purpose: see *Newbury District Council v. Secretary of State for the Environment**

*[1981] A.C. 578 , 599 per Viscount Dilhorne. And a planning purpose is one which relates to the character of the use of land. Finally, this principle has now the authority of the House. It has been considered and, as I understand the position, accepted by your Lordships not only in this appeal but also in *Westminster City Council v. British Waterways Board* [1985] A.C. 676 in which argument was heard by your Lordships immediately following argument in this appeal.*

However, like all generalisations Lord Parker C.J.'s statement has its own limitations. Personal circumstances of an occupier, personal hardship, the difficulties of businesses which are of value to the character of a community are not to be ignored in the administration of planning control. It would be inhuman pedantry to exclude from the control of our environment the human factor. The human factor is always present, of course, indirectly as the background to the consideration of the character of land use. It can, however, and sometimes should, be given direct effect as an exceptional or special circumstance. But such circumstances, when they arise, fall to be considered not as a general rule but as exceptions to a general rule to be met in special cases. If a planning authority is to give effect to them, a specific case has to be made and the planning authority must give reasons for accepting it. It follows that, though the existence of such cases may be mentioned in a plan, this will only be necessary where it is prudent to emphasise that, notwithstanding the general policy, exceptions cannot be wholly excluded from consideration in the administration of planning control...

A fair interpretation of this part of the plan is that the council was concerned to maintain, as far as possible, the continuation of those industrial uses 'considered important to the diverse character, vitality and functioning of Westminster.' Here was, in paragraph 11.26 of the plan, a genuine planning purpose. It could be promoted and perhaps secured by protecting from redevelopment the sites of certain classes of industrial use. Inevitably this would mean that certain existing occupiers would be protected: but this was not the planning purpose of the plan, though it would be one of its consequences.

57. The distinction in that case was therefore that the policy in question directly preserved the existing use of the land, which incidentally covered the existing occupiers. The policy did not place those occupiers at the centre of the policy, nor confer them individual rights. It engaged solely with the character of the use of the land. As Dove J observed in *Wright*:

"28 Thus it was held in that case that, properly understood, the policy was designed to protect land uses and not the particular occupiers who were carrying on those land uses. As such, the policy served a planning purpose and was lawful."

58. In that context, the courts had routinely exercised caution in respect of the interaction of financial contributions and the grant of planning permission, save in carefully regulated circumstances.

59. In *City of Bradford Metropolitan Council v Secretary of State* [1987] 53 P&CR 55 at page 64 Lloyd LJ had held:

“It has usually been regarded as axiomatic that planning consent cannot be bought or sold. As a broad general proposition that must be true.”

60. In the later case of *R v Westminster City Council ex parte Monahan* [1990] 1 QB 87, the Court of Appeal held that viability considerations were material considerations, Kerr LJ holding:

“Financial constraints on the economic viability of a desirable planning development are unavoidable facts of life in an imperfect world. It would be unreal and contrary to common sense to insist that they must be excluded from the range of considerations which may properly be regarded as material in determining planning applications. Where they are shown to exist they may call for compromises or even sacrifices in what would otherwise be regarded as the optimum from the point of view of the public interest. Virtually all planning decisions involve some kind of balancing exercise. A commonplace illustration is the problem of having to decide whether or not to accept compromises or sacrifices in granting permission for developments which could, or would in practice, otherwise not be carried out for financial reasons. Another, no doubt rarer, illustration would be a similar balancing exercise concerning composite or related developments, i.e., related in the sense that they can and should properly be considered in combination, where the realisation of the main objective may depend on the financial implications or consequences of others. However, provided that the ultimate determination is based on planning grounds and not on some ulterior motive, and that it is not irrational, there would be no basis for holding it to be invalid in law solely on the ground that it has taken account of, and adjusted itself to, the financial realities of the overall situation.”

61. Here again the consideration directly interacted with the development and use of land by determining the type and scale of development that could be realised – without determining the individual occupier.
62. Finally, in *R v Plymouth City Council ex parte Plymouth and South Devon Co-operative Society Ltd* [1994] 67 P&CR 78, the Court of Appeal held that on-site and off-site benefits, in particular a traffic alleviation scheme served a planning purpose, Lord Hoffmann holding that the Newbury/Dilhorne three-part test applied and that all were plainly “*considerations of a planning nature*”. This was followed in *Tesco Stores Limited v Secretary of State* [1995] 1 WLR 759, *R(Sainsbury's Supermarkets Ltd) v Wolverhampton*

City Council [2011] 1 AC 437 and *Welcome Break Group Limited v Stroud District Council* [2012] EWHC 140:

Wolverhampton:

*“70 What can be derived from the decisions in the planning context, and in particular the Tesco case, can be stated shortly. First, the question of what is a material (or relevant) consideration is a question of law, but the weight to be given to it is a matter for the decision-maker. Second, financial viability may be material if it relates to the development. Third, financial dependency of part of a composite development on another part may be a relevant consideration, in the sense that the fact that the proposed development will finance other relevant planning benefits may be material. Fourth, off-site benefits which are related to or are connected with the development will be material. These principles provide the answer to the questions raised in *Ex p Monahan* [1990] 1 QB 87 about the development in Victoria or the swimming pool on the other side of the city. They do not, as Kerr LJ thought, raise questions of fact and degree. There must be a real connection between the benefits and the development.*

71 Given the similar context, there is no reason why similar principles should not apply to compulsory acquisition for development purposes provided that it is recognised that, because of the serious invasion of proprietary rights involved in compulsory acquisition, a strict approach to the application of these principles is required. There must be a real, rather than a fanciful or remote, connection between the off-site benefits and the development for which the compulsory acquisition is made.”

Welcome Break:

“50 ... An offered planning obligation which has nothing to do with the proposed development apart from the fact that it is offered by the developer is plainly not a material consideration and can only be regarded as an attempt to buy planning permission. However, if it has some connection with the proposed development which is more than de minimis then regard must be had to it. The extent, if any, to which it affects the decision is a matter entirely within the discretion of the decision-maker.”

Section 38A(2)

63. From the above cases, it is clear that the process of statutory construction must begin with scrutiny of the immediate statutory context of the words within section 38A(2), working outwards to consider Parliament's intention as a whole in legislating for neighbourhood plans within the existing statutory scheme.

64. First, the pivotal term is “*in relation to*”, connoting a direct logical association or connection between the policy in question and development/use.
65. Second, the preceding provision section 38(2)(c) and section 38(6) ensures that planning applications must be made in accordance with the development plan, unless material considerations indicate otherwise, there is a requirement for significant precision within the policy text of the neighbourhood plan, such that a given application can be assessed against that policy.

70(2) TCPA “*In dealing with [an application for planning permission ... the authority shall have regard to—*

(a) the provisions of the development plan, so far as material to the application,...”

38(2) “*For the purposes of any area in Greater London the development plan is—*

(a) the spatial development strategy,

(b) the development plan documents (taken as a whole) which have been adopted or approved in relation to that area

(c) the neighbourhood development plans which have been made in relation to that area.”

38(6) “*If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”*

38(10) “*Neighbourhood development plan must be construed in accordance with section 38A.”*

66. Third, on a straightforward construction the statutory wording is constrained (or constricted). It is not intended to encompass matters that are wholly separate from “development and use of land” “*Development and use of land*” are descriptions of processes and states of affairs which are concrete, i.e. reflecting a physical entity or state of affairs on the land. The latter connotes physical interaction with the land: see also section 55 TCPA.

67. Fourth and related, an indirect or tangential connection is plainly not covered within this practical context. The provision is necessarily preclusive – excluding activities which relate to other administrative or financial matters. The statutory terms cannot encompass the complex of private law transactions that operate in respect of that land, save in respect of a particular form of development: the prime example is affordable housing.
68. In summary, it must be possible clearly to assess against the terms of the policy whether the policy direct a particular action or activity on the land itself: As PPG 41-004 explains (although it cannot be an aid to construction: *R(Larkfleet) v Rutland CC* [2014] EWHC 4095 (Admin), [16]):

What should a Neighbourhood Plan address?

A neighbourhood plan should support the strategic development needs set out in the Local Plan and plan positively to support local development (as outlined in paragraph 16 of the National Planning Policy Framework).

A neighbourhood plan can be used to address the development and use of land. This is because if successful at examination and referendum the neighbourhood plan comes into force as part of the statutory development plan. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (see section 38(6) of the Planning and Compulsory Purchase Act 2004).

Neighbourhood planning can inspire local people and businesses to consider other ways to improve their neighbourhood than through the development and use of land. They may identify specific action or policies to deliver these improvements. Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non land use matters should be clearly identifiable. For example, set out in a companion document or annex.

Paragraph: 004 Reference ID: 41-004-20170728

Revision date: 28 07 2017

(2) Consultation vs Votes (aka Ballots, Elections, Referendums)

69. The Planning Acts have long recognised the importance of consultation in the planning context: for example section 18 PCPA Statement of Community Involvement and section 2 of the Neighbourhood Planning Act 2017, creating a duty of notification of qualifying bodies, introducing Schedule 1, paragraph 8(3B). Where Parliament seeks to ensure mandatory consultation, this has always been provided for expressly by statute: e.g. Regulation 14 and 16 of the Neighbourhood Planning (General) Regulations 2012.
70. However, Parliament has only legislated for the introduction of voting in the planning context, i.e. referendum/electoral provisions in one very specific statutory context: the singular vote provided in respect of the decision whether to accept a neighbourhood development order or a neighbourhood development plan as forming part of the development plan, paragraphs 14 to 16 of Schedule 4B and the Neighbourhood Planning (Referendums) Regulations 2012 (“the Referendums Regulations”)
71. The legislative provisions of those 2012 Regulations are extremely intricate. They cover the identity of the electorate, extensive provisions on ballot counting, restrictions on electoral expenses, promotional material, the role of the counting officer. The dates for elections are the subject of still further regulations: Neighbourhood Planning (Prescribed Dates) Regulations 2012.
72. Most importantly, Regulation 3 and Schedule 1, paragraph 1 of the Referendum define the question to be voted on at the referendum in very simple binary terms:

“Do you want [insert name of local planning authority] to use the neighbourhood plan for [insert name of neighbourhood area] to help it decide planning applications in the neighbourhood area?”

73. The parallel provision for a neighbourhood development order is:

“Do you want the type of development in the neighbourhood development order for [insert name of neighbourhood area] to have planning permission?”

74. All of this operates within the template set by electoral law: notably the Representation of the People Act 1983, last considered in *R(Rahman) v Local Elections Court* [2017] EWHC 1413 (Admin), which incidentally concerning local elections in the Council's own borough in recent years.
75. Once local councillors are elected, under the rigorous provisions of primary legislation, they are then empowered to make decisions pursuant to the Local Government Acts, or to supervise the decisions of local government officers consistent with their delegated powers: e.g. Local Government Act 1972 (as amended).
76. In short, Parliament's clear intention is that the use of votes and electoral systems within the planning context must be limited to:
- (a) the neighbourhood plan referendum system;
 - (b) the local government electoral system;
 - (c) delegation of functions to officers, supervised by councillors
77. It is clear that Parliament has not sought to permit a voting mechanism, additional to (a), bypassing (b) and subject to additional scrutiny under (c). To do so would require primary and secondary legislation.

(3) Regulation 122 of the CIL Regulations

78. Regulation 122(1) and (2) of the Community Infrastructure Levy Regulations 2010 provides:

“(1) This regulation applies where a relevant determination is made which results in planning permission being granted for development.

(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

- (a) necessary to make the development acceptable in planning terms;*
- (b) directly related to the development; and*
- (c) fairly and reasonably related in scale and kind to the development.”*

79. Much of the relevant case law has been cited above under the analysis of “planning purpose”. A policy that seeks to impose a planning obligation must plainly demonstrate that that contribution would meet all of the Regulation 122(2) tests.

80. NPPF 173 and 174 provide:

“173. Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

174. Local planning authorities should set out their policy on local standards in the Local Plan, including requirements for affordable housing. They should assess the likely cumulative impacts on development in their area of all existing and proposed local standards, supplementary planning documents and policies that support the development plan, when added to nationally required standards. In order to be appropriate, the cumulative impact of these standards and policies should not put implementation of the plan at serious risk, and should facilitate development throughout the economic cycle. Evidence supporting the assessment should be proportionate, using only appropriate available evidence.”

81. NPPF PPG 41-005 wording directly transfers NPPF 173 and 174 to neighbourhood planning makers: *“the sites and the scale of development identified in a plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.”*. This is also apparent from NPPF 16:

“16. The application of the presumption will have implications for how communities engage in neighbourhood planning. Critically, it will mean that neighbourhoods should:

- develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development;*
- plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan;...*

POLICY ANALYSIS

82. Each of Policy ER1 to ER8 are analysed below. The practical considerations are also set out in the planning submissions from Quod.
83. There is a considerable amount of overlap between policies, and in particular within the first two categories: Right to Vote and Right of Return.
84. A further overarching theme is the substantial deficiencies in the drafting of the policy wording: unclear and ambiguous wording and the use of conditional/provisional language.
85. For the avoidance of doubt, amendments to the drafting cannot fix the fundamental problems of unlawfulness of the policy aims: whether by infringement of Section 38A(2) (not being in relation to the development and use of land), or by a failure to meet the basic conditions under paragraph 8(2).

Category I Policies: Right to Vote

Policies ER1: Right to Vote or Reject Final Proposals

86. Policy ER1(5)-(7) provides that all consultation must conclude with a “vote” in favour of a proposal. If that vote is not in favour, then planning permission must be refused:

“Guidance to Planning Officers

Where a planning application is submitted for an estate regeneration that materially changes an estate and there has been a no vote or that vote chose a different option the application should be rejected”

87. For the reasons summarised at length above, making planning permission subject to a single vote is not a policy in relation to the development and use of land. In the *Westminster v Portland Estates* context, such a policy does not engage with the character of the use of land. It is instead focussed entirely on conferring “voting rights” upon the existing occupants of the land itself.

88. The wording of the prohibition does not acknowledge the inherent requirement for the exercise of a planning balance under section 38(6) PCPA, and thereby pre-empts any decision that would be made by the Council or the officers acting under delegated powers – making them subject to an external electoral process: covered by ER2.
89. That is not to suggest that the drafting of ER1 is in any way adequate to be operated in practice. It is deeply unclear and ambiguous, belying the absence of any statutory of policy support for the central idea: that planning permission should be subject to a majority vote of existing occupiers of the land, as opposed to the statutorily empowered local planning authority.
90. Key terms are floated with no realistic prospect of being satisfactorily defined (“*vote*”, “*residents*”, “*multiple options*”, “*significant impacts*”). ER1(6) expresses in imprecise terms that a vote “*may also be needed where...*” There is little clarity to the wording, but in actuality none could be provided as the provision is so antithetical to the existing statutory scheme.
91. The text of ER1(7) is a rudimentary attempt to include the positive vote as a pre-submission requirement under section 62(3) TCPA. As the Council recognised in its Regulation 14 response this would be wholly unreasonable. It places the Council in the role of policing the conduct of an election, and planning officers ultimately monitoring that process on advice from Democratic Services: see also ER2 below.
92. The effect of ER1 (if implemented) is to impose a break on the consultation, preparation and determination process by interposing a vote on the final proposal. In a purely theoretical example, such a vote could be conducted rapidly, without objection and with an overwhelming majority. However it is evident from the uncertainty in the drafting of ER1 and ER2, the numerous caveats and imprecisions, coupled with statements of mistrust of the consultation process that the vote itself would be extremely complex to organise. It would pose a risk of delay at best, and repeated obstruction at worst. That is not supported by national policy or guidance (paragraph 8(2)(a)), it would frustrate the achievement of sustainable development (paragraph 8(2)(d)), and would not be in conformity with the development plan (paragraph 8(2)(e)).

93. We have considered whether ER1(1) to (4), absent the offending provision in ER1(5) to (7) could stand absent the “Right to Vote”. In our view, the provisions simply duplicate the existing expectations on consultation and should not be included.

94. In summary, in response to the question posed at the start of this Opinion:

(a) Policy ER1 is not a “*policy in relation to the development and use of land*” for the purposes of section 38A(2) PCPA.

(b) Even if Policy ER1 were to comply with Section 38A(2), it would not meet the basic conditions under paragraph 8(2) of Schedule 4B TCPA.

95. The above conclusion applies to all policies from ER1 to ER3. To avoid repetition, we shall not repeat this summary wording in respect of each of the policies below.

Policy ER2: Conduct of Elections

96. Once ER1 is deleted, ER2 necessarily falls away.

97. For the reasons set out above, ER2 is plainly not a policy in relation to the use of land for the purposes of section 38A(2). It is essentially a wishlist, describing possible elements of an experimental election procedure. The Guidance to Planning Officers, requiring them to confirm via Democratic Services whether the process undertaken had been “*acceptable and in line with this policy*” would involve planning officers and committees in the process of supervision of the separate electoral process. This has no relation to the development and use of land.

98. There are also obvious defects in the wording, the unclear definition of the initial “*choice*”, the specifications as to the “*offer document*”, multiple day voting and the effect of the result. These stand at odds with the detailed legislation under the Representation of the People Act 1983 and the Neighbourhood Planning (Referendums) Regulations 2012.

99. There has been no analysis of the timescales involved, the resolution of disputes, and the consequent delay to applications. The policy is therefore another prime example of an initiative that would not contribute to sustainable development per 8(2)(d) but instead frustrate it. There is no national policy support for this approach, nor under the development plan. However at root the policy proposal is so antithetical to development and use of land that conventional analysis against paragraph 8(2)(a), (d) and (e) is impossible. The policy has no place in a neighbourhood plan and must be deleted.

Policy ER3: Resident Participation in a Transparent, Inclusive, Objective Decision-Making Process

100. Policy ER3 is a condition precedent for the vote, or a final decision following a vote.

101. In the absence of ER1 and ER2, the Policy would be defunct.

102. The Policy has no relation to the development and use of land, save as a general requirement for the provision of information and to assess alternatives. But those functions are routinely carried out by an applicant for planning permission, subject only to the requirement to provide information to Council Officers. The instruction of an “*independent body*” and the provision of “*independent advice to residents*” cannot themselves form the subject of policies affecting or directly related to development and use.

103. The “Guidance to Planning Officers” is equally ineffective, and appears to be an attempt to generate a section 62(3) TCPA requirement: “*Where a relevant planning application is submitted, which does not clearly demonstrate these requirements have been met, planning permission should be rejected.*”

104. Policy ER3 is therefore unlawful and must be deleted.

Category II Policies: Right to Return and Retention of Existing Rights

Policy ER4: Right of Return

105. Policy ER4 seeks to include a right of return to each resident required to move, to be controlled by a requirement that the section 106 include this as “*legally enforceable conditions*”.
106. The individual resident’s right to return is a matter of negotiation and agreement between the resident and the freeholder, regulated by the law of contract and landlord & tenant. The specifications as to location, number of moves, information, parking spaces, adverse financial consequences, identity of neighbours, gardens and reasonable costs all fall to be agreed between the relevant developer and the individual householder on a case by case basis. They fall outside the scope of “*in relation to the development and use of land*”.
107. The multiple matters addressed under ER4 would all have to be subject to rigorous scrutiny against Regulation 122(2) of the Community Infrastructure Levy Regulations. Given that the policy is very generally worded and would be impossible to apply with precision, a structured analysis under Regulation 122(2) is difficult at the present time. However, the proposed components of the section 106 raise considerable problems in respect of being:
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.
108. In particular, the mandating of a specific “right to return”, with un-costed attendant benefits imposes a very open-ended and uncertain limitation upon the proposals – expanding the individual requirements of residents to general considerations on the overall acceptability of the proposal.
109. By contrast, the Local Plan’s emerging policies are much more focussed, e.g. Policy D.H2 (page 69), sub-paragraph (5(a) (second (a))): protect the existing quantum of

affordable and family units, with affordable units re-provided with the same or equivalent rent levels”. Policy DH.3 (page 71) then sets out design standards for individual units.

110. The logic is clear: policies in relation to the development and use of land must be constrained to the character of the use of the land itself – they cannot mandate specific outcomes for existing residents. Nor would that individualisation of the policy comply with the basic conditions.

111. In summary,

(a) Policy ER4 is not a “*policy in relation to the development and use of land*” for the purposes of section 38A(2) PCPA.

(b) Even if Policy ER4 were to comply with Section 38A(2), it would not meet the basic conditions under paragraph 8(2) of Schedule 4B TCPA.

112. The same applies to Policies ER5 and ER6.

Policy ER5: Tenants’ Rights and Costs

113. The same principles applicable to Policy ER4 govern ER5.

114. Development plan policies cannot fix the security of tenure on a subsequent property, which is unknown in location, scale and identity even if within the red line boundary of an application.

115. Policy ER5(2) is principally premised on the lawfulness of the voting requirement under ER1(5)-(7), and therefore fails for the same reason that it is not a section 38A(2) policy.

116. In any event, they require specific rent levels, as listed under 2(g). It is not the function of the planning process to mandate those levels, by section 106 agreement.

Policy ER6: Leaseholder and Freeholder Rights

117. Most of the principles covered under Policy ER4 and ER5 are applicable to ER6. The Plan cannot mandate the right to any specific form of property, nor the value of that subsequent property as envisaged by the policy architecture.

Category III: Hybrid Policies: Consultation and Payments

Policy ER7: Estate Small Businesses, Retailers, and Community Organisations

118. This policy is vaguely worded, combining a general requirement for consultation (of affected Leaseholders) with a requirement for a specific offer of a level of rents and properties of suitable size.

119. Again it is not a permissible function of the development plan to mandate any particular level of rent – as this falls outwith section 38A(2) and is in any event not a proper basis for determination of the planning application.

120. In summary,

(a) Policy ER7 is not a “*policy in relation to the development and use of land*” for the purposes of section 38A(2) PCPA.

(b) Even if Policy ER7 were to comply with Section 38A(2), it would not meet the basic conditions under paragraph 8(2) of Schedule 4B TCPA.

Policy ER8: Public Profit Reinvestment

121. These provision seek to control long-term investment on an open-ended basis. Such terms do not relate to the development and use of land for the purposes of section 38A(2). They would further infringe the requirements of Regulation 122. It would be wholly disproportionate and unworkable to ring-fence the entirety of “public profits” of a scheme to a particular area or subject to the agreement of a community body in the position of the Forum. The Forum is not a landowner, developer, public body or

proposed recipient of any funds under section 106 and therefore cannot reasonably become a party to a proposed section 106 Agreement.

122. In summary,

(a) Policy ER8 is not a “*policy in relation to the development and use of land*” for the purposes of section 38A(2) PCPA.

(b) Even if Policy ER8 were to comply with Section 38A(2), it would not meet the basic conditions under paragraph 8(2) of Schedule 4B TCPA.

Strategic Environmental Assessment

123. The Neighbourhood Plan was subject to a screening opinion in July 2017, in which it was determined pursuant to Regulations 5 and 9 of the Environmental Assessment of Plans and Programmes 2004 that the plan would not have significant environmental effects.

124. The accompanying table groups ER1 to ER3 together and observes variously:

“Relevant Sustainability Objective from the SA of the MDD (2011)”

17. Ownership and Participation.

To promote civic participation, ownership and responsibility and enable individuals, groups and communities to contribute to decision-making at neighbourhood, borough and regional levels in London.

Appraisal Criteria

Will it promote social cohesion and encourage engagement in community activities?

Will it increase the ability of people to influence decisions?

Will it support civic engagement and encourage the involvement and participation of a diverse range of stakeholders?

Assessment and significance

The MDD SA concluded that there were no cumulative effects.

The draft Neighbourhood Plan policy is considered to accord with this objective, and not introduce any additional significant effects that have not already been assessed as part of the adoption of the MDD.

As such, it is not considered that any additional assessment is required, as the draft Neighbourhood Plan aligns with that previously assessed.

125. For Policies ER4 to ER7, the screening opinion records:

“Relevant Sustainability Objective from the SA of the MDD (2011)”

9. Housing. To ensure that all Londoners have access to good quality, well-located, affordable housing that promotes liveability.

Appraisal Criteria

Will it reduce homelessness?

Will it reduce overcrowding? Will it increase the range and affordability (both upfront and over its lifetime) of housing (taking into account different requirements and preferences of size, location, type and tenure)? Will it ensure that appropriate services and facilities are in place for the new population? Will it provide housing that ensures a good standard of living and promotes a healthy lifestyle? Will it improve the quality of housing? Will it increase use of sustainable design and sustainable building materials in construction? Will it improve energy efficiency and insulation in housing to reduce fuel poverty and ill health? Will it provide housing that encourages a sense of community and enhances the amenity value of the community? Will it improve the wider built environment and sense of place?

Assessment and significance

The MDD SA concluded that the cumulative and synergistic effects against this objective would be positive and mitigation measures have been identified and implemented.

The planning elements of this draft Neighbourhood Plan policy are considered to accord with this objective, and not introduce any additional significant effects that have not already been assessed as part of the adoption of the MDD.

As such, it is not considered that any additional assessment is required, as the draft Neighbourhood Plan aligns with that previously assessed’

126. Policy ER7 was assessed thus:

“Relevant Sustainability Objective from the SA of the MDD (2011)”

13. Stable Economy. To encourage a strong, diverse and stable economy and to improve the resilience of businesses and their environmental, social and economic performance.

Appraisal Criteria

Will it improve sustainable business development? Will it help to diversify the economy? Will it prevent the loss of indigenous businesses? Will it encourage business start-ups and support the growth of businesses? Will it safeguard the best of the employment land portfolio?

Assessment and significance

The MDD SA concluded that there could be cumulative and synergistic effects against this objective and mitigation measures have been identified and implemented.

The draft Neighbourhood Plan policy is considered to accord with this objective, and not introduce any additional significant effects that have not already been assessed as part of the adoption of the MDD.

As such, it is not considered that any additional assessment is required, as the draft Neighbourhood Plan aligns with that previously assessed.

127. ER8 was simply identified as not applicable: *“Does not address land use or development, therefore does not meet the requirements of the SEA directive criteria 6 (see table 1).”*
128. It is now well-established that screening assessments in the neighbourhood plan context must include accurate information: *R(DLA Delivery) v Lewes DC* [2017] EWCA Civ 58. Although a screening assessment requires the application of planning judgement, it must therefore be properly prepared and refer to all significant environmental effects: *R(Larkfleet) v Rutland CC* [2015] EWCA Civ 597.
129. The “Assessment and significance” of policies ER1 to ER8 is premised on the “MDD SA”, namely the Managing Development Document (2013). The central difficulty with that approach is that the MDD made no reference to votes, as required by ER1 to ER3. Nor did it make specific provision as to Right of Return as explored in ER4 to ER6.
130. Each of the entries supplied is, with respect to the author of the document, simply a mantra. Indeed the same wording is used for every other policy in the Neighbourhood Plan.
131. There has been no analysis of the environmental effects (human health, population, transport) of delay to or non-progress of development due to the exercise of the right to vote under ER1 to ER3. Nor is there any analysis of the environmental effects of

operating the right to return and associated provisions under ER4 to ER7. The analysis of ER8 is simply absent.

132. In summary, as presently drafted, the Plan has two further related statutory obstacles.

133. First, the making of the plan with these unlawfully under-assessed Policies would (f) the breach and not be compatible with EU obligations, namely the SEA Directive and the implementing SEA Regulations. The solution to this is for the Examiner to recommend deletion of the offending policies, in addition to the issues identified above.

134. Second, if the Plan were to proceed to referendum, the Council would not to be subject to the duty under subsection 38A(4)(a) PCPA to make the Plan, as the making of the plan would breach an EU obligation. This is however a long-stop provision. The Examiner is required to address compliance with EU obligations in the examination report.

Next Steps

135. A hearing pursuant to paragraph 9(2) of Schedule 4B is essential in the present case, to ensure adequate examination of the issues raised by ER1 to ER8 and that One Housing has a fair chance to put a case.

136. The Housing Association is a major provider of housing in the Neighbourhood Area, with an important strategic role. There has been no viability assessment, no technical assessment of the impact of the wording of the above policies and ostensibly limited opportunity for the Local Planning Authority to discuss the deficiencies with the Neighbourhood Forum.

137. There have been many such hearings to date. A hearing was held in the case of the Central Milton Keynes Business Neighbourhood Plan and the Winsford Neighbourhood Plans, both involving multiples of thousands of residents and working populations. In this case, the area in question would likely be the largest Neighbourhood Plan Area population to date. One Housing's own dwelling stock amounts to over 2,000 homes within the Neighbourhood Area.

138. In these circumstances, a focussed examination hearing on Policies ER1 to ER8, and SEA would assist a structured discussion of these issues, in a public forum. It is likely that additional submissions would be required on certain other policies raised in the Quod representations.

139. The Examiner should ideally be legally qualified because of the questions of statutory interpretation, although the Council may wish to instruct a Planning Inspector provided by the Secretary of State, under paragraph 7(7) of Schedule 4B:

“(7) The Secretary of State or another local planning authority may enter into arrangements with the authority for the provision of the services of any of their employees as examiners.”

140. An advance timetable, with scheduled sessions for participants would also considerably assist with procedure, whilst being proportionate to the resources available.

Conclusion

141. We trust that we have dealt with all the matters concerning our instructing consultants, but needless to say if there are any other matters arising please do not hesitate to contact us, upon the telephone if necessary.

22 February 2018

CHRISTOPHER YOUNG

JAMES CORBET BURCHER

No5 Chambers

Birmingham - Bristol - East Midlands - London



BIRMINGHAM • LONDON • BRISTOL

**TOWN AND COUNTRY PLANNING
ACT 1990**

IN THE MATTER OF

OPINION

ONE HOUSING

AND

THE ISLE OF DOGS

NEIGHBOURHOOD PLAN

SUBMISSION VERSION



thameswaterplanningpolicy@savills.com

Sent by email to:
neighbourhoodplanning@towerhamlets.gov.uk

 0118 9520 500

22 February 2018

Tower Hamlets – Isle of Dogs Neighbourhood Plan

Dear Sir / Madam

Thames Water are the statutory water and sewerage undertaker for the Borough and are hence a “**specific consultation body**” in accordance with the Town & Country Planning (Local Planning) Regulations 2012. We have the following comments on the consultation document:

Policy D1 – Density and Infrastructure

Thames Water supports Policy D1 and its requirement for all infrastructure needs to have been identified by the LPA prior to development coming forward and the requirement for all planning applications to have made clear how, where and when such infrastructure will be supplied.

In addition whilst the Policy doesn't specifically reference water and wastewater infrastructure, Thames Water does note that water and sewage is listed as a physical infrastructure in the Glossary of Terms.

Proposed Housing

Given the level of information available within the document, at this time Thames are unable to provide more than high level comments on water and waste water infrastructure (attached). Thames would welcome further engagement with Tower Hamlets to understand the impact of the proposed development in the Isle of Dogs

We hope these comments are of assistance if you would like to discuss further please do not hesitate to contact Carmelle Bell at the above number.

Yours sincerely

A handwritten signature in black ink, appearing to read "Richard Hill".

Richard Hill
Head of Property

Site ID	Site Name	Water Response	Waste Response	Internal Comments
7284	Alisa Street (Reviewed Nov17)	<p>Due to the complexities of water networks the level of information contained in this document does not allow Thames Water to make a detailed assessment of the impact the proposed housing provision will have on the water infrastructure and its cumulative impact. To enable us to provide more specific comments on the site proposals we require details of the Local Authority's aspiration for each site. For example, an indication of the location, type and scale of development together with the anticipated timing of development. Thames Water would welcome the opportunity to meet to discuss the water infrastructure needs relating to the Local Plan.</p>	<p>The wastewater network capacity in this area may be unable to support the demand anticipated from this development. Local upgrades to the existing drainage infrastructure may be required to ensure sufficient capacity is brought forward ahead of the development. Where there is a potential wastewater network capacity constraint, the developer should liaise with Thames Water to determine whether a detailed drainage strategy informing what infrastructure is required, where, when and how it will be delivered is required. The detailed drainage strategy should be submitted with the planning application</p>	<p>Wastewater: Surface Water should be addressed in accordance with the London Plan and we expect a significant reduction from current peak discharge rates. As site is closer to Lea river we expect all surface water to be discharged in the river.</p>

649	Billingsgate Market (Reviewed nov17)	<p>Due to the complexities of water networks the level of information contained in this document does not allow Thames Water to make a detailed assessment of the impact the proposed housing provision will have on the water infrastructure and its cumulative impact. To enable us to provide more specific comments on the site proposals we require details of the Local Authority's aspiration for each site. For example, an indication of the location, type and scale of development together with the anticipated timing of development. Thames Water would welcome the opportunity to discuss the water infrastructure needs relating to the Local Plan.</p>	<p>The wastewater network capacity in this area may be unable to support the demand anticipated from this development. Local upgrades to the existing drainage infrastructure may be required to ensure sufficient capacity is brought forward ahead of the development. Where there is a potential wastewater network capacity constraint, the developer should liaise with Thames Water to determine whether a detailed drainage strategy informing what infrastructure is required, where, when and how it will be delivered is required. The detailed drainage strategy should be submitted with the planning application</p>	<p>Water: There are large water mains adjacent to the proposed development. Thames Water will not allow any building within 5 metres of them and will require 24 hours access for maintenance purposes. There is a Thames Water main crossing the development site which may/will need to be diverted at the Developer's cost, or necessitates amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. No impact piling shall take place until a piling method statement (detailing the type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water or sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with the relevant water or sewerage undertaker. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason: The proposed works will be in close proximity to underground water and sewerage utility infrastructure. Piling has the potential to impact on local underground water and sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the details of the piling method statement.</p> <p>Wastewater: Surface Water should be addressed in accordance with the London Plan and we expect a significant reduction from current peak discharge rates. As site is surrounded by a natural water course we</p>
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				expect all surface water to be discharged in the river.
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28498	Bishopsgate Goods Yard	<p>Due to the complexities of water networks the level of information contained in this document does not allow Thames Water to make a detailed assessment of the impact the proposed housing provision will have on the water infrastructure and its cumulative impact. To enable us to provide more specific comments on the site proposals we require details of the Local Authority's aspiration for each site. For example, an indication of the location, type and scale of development together with the anticipated timing of development. Thames Water would welcome the opportunity to discuss the water infrastructure needs relating to the Local Plan.</p>	<p>The wastewater network capacity in this area may be unable to support the demand anticipated from this development. Local upgrades to the existing drainage infrastructure may be required to ensure sufficient capacity is brought forward ahead of the development. Where there is a potential wastewater network capacity constraint, the developer should liaise with Thames Water to determine whether a detailed drainage strategy informing what infrastructure is required, where, when and how it will be delivered is required. The detailed drainage strategy should be submitted with the planning application</p>	<p>Water: There are large water mains crossing the proposed development. Thames Water will not allow any building within 5 metres of them and will require 24 hours access for maintenance purposes. No impact piling shall take place until a piling method statement (detailing the type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water or sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with the relevant water or sewerage undertaker. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason: The proposed works will be in close proximity to underground water and sewerage utility infrastructure. Piling has the potential to impact on local underground water and sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the details of the piling method statement.</p> <p>Wastewater: Surface Water should be addressed in accordance with the London Plan and we expect a significant reduction from current peak discharge rates</p>
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665	Bow Common Gasworks, Bow Common Lane, E3 & Adjoining arches (Reviewed Jan 18)	The water network capacity in this area may be unable to support the demand anticipated from this development. Local upgrades to the existing water network infrastructure may be required to ensure sufficient capacity is brought forward ahead of the development. The developer is encouraged to work Thames Water early on in the planning process to understand what infrastructure is required, where, when and how it will be delivered	On the information available to date we do not envisage infrastructure concerns regarding wastewater infrastructure capability in relation to this site.	Wastewater: Surface Water should be addressed in accordance with the London Plan and we expect a significant reduction from current peak discharge rates. Trunk sewer crossing site and diversion may not be acceptable.
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28485	Chrip Street Market, Chrip Street, London (ALLOCATED SITE PENDING)(Pending Rev Jan 18)	The water network capacity in this area may be unable to support the demand anticipated from this development. Local upgrades to the existing water network infrastructure may be required to ensure sufficient capacity is brought forward ahead of the development. The developer is encouraged to work Thames Water early on in the planning process to understand what infrastructure is required, where, when and how it will be delivered	On the information available to date we do not envisage infrastructure concerns regarding wastewater infrastructure capability in relation to this site.	<p>Water: There is a Thames Water main crossing the development site which may/will need to be diverted at the Developer's cost, or necessitates amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. No impact piling shall take place until a piling method statement (detailing the type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water or sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with the relevant water or sewerage undertaker. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason: The proposed works will be in close proximity to underground water and sewerage utility infrastructure. Piling has the potential to impact on local underground water and sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the details of the piling method statement.</p> <p>Wastewater: Surface Water should be addressed in accordance with the London Plan and we expect a significant reduction from current peak discharge rates. Public sewers crossing site and diversion may be required.</p>
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589	Crossharbour Town Centre - Asda super store (APPROVED NOV14) (reviewed Jan 18)	<p>The water network capacity in this area is unlikely to be able to support the demand anticipated from this development. Strategic water supply infrastructure upgrades are likely to be required to ensure sufficient capacity is brought forward ahead of the development. The developer is encouraged to work Thames Water early on in the planning process to understand what water infrastructure is required, where, when and how it will be delivered. The water network capacity in this area may be unable to support the demand anticipated from this development. Local upgrades to the existing water network infrastructure may be required to ensure sufficient capacity is brought forward ahead of the development. The developer is encouraged to work Thames Water early on in the planning process to understand what infrastructure is required, where, when and how it will be delivered</p>	<p>The wastewater network capacity in this area may be unable to support the demand anticipated from this development. Local upgrades to the existing drainage infrastructure may be required to ensure sufficient capacity is brought forward ahead of the development. Where there is a potential wastewater network capacity constraint, the developer should liaise with Thames Water to determine whether a detailed drainage strategy informing what infrastructure is required, where, when and how it will be delivered is required. The detailed drainage strategy should be submitted with the planning application</p>	<p>Wastewater: Surface Water should be addressed in accordance with the London Plan and we expect a significant reduction from current peak discharge rates. Barnfield trunk sewer crosses the site and diversion may not be possible.</p>
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2026	LEVEN ROAD GASWORKS	<p>The water network capacity in this area is unlikely to be able to support the demand anticipated from this development. Strategic water supply infrastructure upgrades are likely to be required to ensure sufficient capacity is brought forward ahead of the development. The developer is encouraged to work Thames Water early on in the planning process to understand what water infrastructure is required, where, when and how it will be delivered. The water network capacity in this area may be unable to support the demand anticipated from this development. Local upgrades to the existing water network infrastructure may be required to ensure sufficient capacity is brought forward ahead of the development. The developer is encouraged to work Thames Water early on in the planning process to understand what infrastructure is required, where, when and how it will be delivered</p>	<p>The wastewater network capacity in this area may be unable to support the demand anticipated from this development. Local upgrades to the existing drainage infrastructure may be required to ensure sufficient capacity is brought forward ahead of the development. Where there is a potential wastewater network capacity constraint, the developer should liaise with Thames Water to determine whether a detailed drainage strategy informing what infrastructure is required, where, when and how it will be delivered is required. The detailed drainage strategy should be submitted with the planning application</p>	<p>Wastewater: Surface Water should be addressed in accordance with the London Plan and we expect a significant reduction from current peak discharge rates. As site is closer to Lea river we expect all surface water to be discharged in the river.</p>
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28500	Limeharbour (Reviewed nov17)	<p>Due to the complexities of water networks the level of information contained in this document does not allow Thames Water to make a detailed assessment of the impact the proposed housing provision will have on the water infrastructure and its cumulative impact. To enable us to provide more specific comments on the site proposals we require details of the Local Authority's aspiration for each site. For example, an indication of the location, type and scale of development together with the anticipated timing of development. Thames Water would welcome the opportunity to discuss the water infrastructure needs relating to the Local Plan.</p>	<p>The wastewater network capacity in this area may be unable to support the demand anticipated from this development. Local upgrades to the existing drainage infrastructure may be required to ensure sufficient capacity is brought forward ahead of the development. Where there is a potential wastewater network capacity constraint, the developer should liaise with Thames Water to determine whether a detailed drainage strategy informing what infrastructure is required, where, when and how it will be delivered is required. The detailed drainage strategy should be submitted with the planning application</p>	<p>Water: There are large water mains adjacent to the proposed development. Thames Water will not allow any building within 5 metres of them and will require 24 hours access for maintenance purposes. There is a Thames Water main crossing the development site which may/will need to be diverted at the Developer's cost, or necessitates amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. No impact piling shall take place until a piling method statement (detailing the type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water or sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with the relevant water or sewerage undertaker. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason: The proposed works will be in close proximity to underground water and sewerage utility infrastructure. Piling has the potential to impact on local underground water and sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the details of the piling method statement.</p> <p>Wastewater: Surface Water should be addressed in accordance with the London Plan and we expect a significant reduction from current peak discharge rates. As site is closer to Thames river we expect all surface</p>
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				water to be discharged in the river. Trunk sewer and public sewers crossing site.
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1897	London Dock (APPROVED WITH COND JAN10)	<p>The water network capacity in this area is unlikely to be able to support the demand anticipated from this development. Strategic water supply infrastructure upgrades are likely to be required to ensure sufficient capacity is brought forward ahead of the development. The developer is encouraged to work Thames Water early on in the planning process to understand what water infrastructure is required, where, when and how it will be delivered. The water network capacity in this area may be unable to support the demand anticipated from this development. Local upgrades to the existing water network infrastructure may be required to ensure sufficient capacity is brought forward ahead of the development. The developer is encouraged to work Thames Water early on in the planning process to understand what infrastructure is required, where, when and how it will be delivered</p>	<p>On the information available to date we do not envisage infrastructure concerns regarding wastewater infrastructure capability in relation to this site.</p>	<p>Wastewater: Surface Water should be addressed in accordance with the London Plan and we expect a significant reduction from current peak discharge rates</p>
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2040	Marian Place Gas Works and The Oval (Reviewed Jan 18)	<p>The water network capacity in this area may be unable to support the demand anticipated from this development. Local upgrades to the existing water network infrastructure may be required to ensure sufficient capacity is brought forward ahead of the development. The developer is encouraged to work Thames Water early on in the planning process to understand what infrastructure is required, where, when and how it will be delivered</p>	<p>The wastewater network capacity in this area may be unable to support the demand anticipated from this development. Local upgrades to the existing drainage infrastructure may be required to ensure sufficient capacity is brought forward ahead of the development. Where there is a potential wastewater network capacity constraint, the developer should liaise with Thames Water to determine whether a detailed drainage strategy informing what infrastructure is required, where, when and how it will be delivered is required. The detailed drainage strategy should be submitted with the planning application</p>	<p>Wastewater: Surface Water should be addressed in accordance with the London Plan and we expect a significant reduction from current peak discharge rates. As the site is closer to a natural water course we expect all surface water to be discharged there. Public sewer crossing site and diversion may be required.</p>
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53678	Marsh Wall East (Reviewed nov17)	<p>Due to the complexities of water networks the level of information contained in this document does not allow Thames Water to make a detailed assessment of the impact the proposed housing provision will have on the water infrastructure and its cumulative impact. To enable us to provide more specific comments on the site proposals we require details of the Local Authority's aspiration for each site. For example, an indication of the location, type and scale of development together with the anticipated timing of development. Thames Water would welcome the opportunity to discuss the water infrastructure needs relating to the Local Plan.</p>	<p>The wastewater network capacity in this area may be unable to support the demand anticipated from this development. Local upgrades to the existing drainage infrastructure may be required to ensure sufficient capacity is brought forward ahead of the development. Where there is a potential wastewater network capacity constraint, the developer should liaise with Thames Water to determine whether a detailed drainage strategy informing what infrastructure is required, where, when and how it will be delivered is required. The detailed drainage strategy should be submitted with the planning application</p>	<p>Water: There are large water mains adjacent to the proposed development. Thames Water will not allow any building within 5 metres of them and will require 24 hours access for maintenance purposes. There is a Thames Water main crossing the development site which may/will need to be diverted at the Developer's cost, or necessitates amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. No impact piling shall take place until a piling method statement (detailing the type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water or sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with the relevant water or sewerage undertaker. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason: The proposed works will be in close proximity to underground water and sewerage utility infrastructure. Piling has the potential to impact on local underground water and sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the details of the piling method statement.</p> <p>Wastewater: Surface Water should be addressed in accordance with the London Plan and we expect a significant reduction from current peak discharge rates. As the site is closer to a natural water course we expect</p>
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				<p>all surface water to be discharged there. Some sites share the same network which may have a cumulative impact that needs to be assessed. There are public sewers crossing this site and diversion may be necessary.</p>
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53679	Marsh Wall West (Reviewed nov17)	<p>Due to the complexities of water networks the level of information contained in this document does not allow Thames Water to make a detailed assessment of the impact the proposed housing provision will have on the water infrastructure and its cumulative impact. To enable us to provide more specific comments on the site proposals we require details of the Local Authority's aspiration for each site. For example, an indication of the location, type and scale of development together with the anticipated timing of development. Thames Water would welcome the opportunity to discuss the water infrastructure needs relating to the Local Plan.</p>	<p>The wastewater network capacity in this area may be unable to support the demand anticipated from this development. Local upgrades to the existing drainage infrastructure may be required to ensure sufficient capacity is brought forward ahead of the development. Where there is a potential wastewater network capacity constraint, the developer should liaise with Thames Water to determine whether a detailed drainage strategy informing what infrastructure is required, where, when and how it will be delivered is required. The detailed drainage strategy should be submitted with the planning application</p>	<p>Water: There are large water mains adjacent to the proposed development. Thames Water will not allow any building within 5 metres of them and will require 24 hours access for maintenance purposes. There is a Thames Water main crossing the development site which may/will need to be diverted at the Developer's cost, or necessitates amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. No impact piling shall take place until a piling method statement (detailing the type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water or sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with the relevant water or sewerage undertaker. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason: The proposed works will be in close proximity to underground water and sewerage utility infrastructure. Piling has the potential to impact on local underground water and sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the details of the piling method statement.</p> <p>Wastewater: Surface Water should be addressed in accordance with the London Plan and we expect a significant reduction from current peak discharge rates. As site is closer to Thames river we expect all surface</p>
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				<p>water to be discharged in the river. Some sites share the same network which may have a cumulative impact that needs to be assessed. There are public sewers crossing this site and diversion may be necessary.</p>
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19571	Millharbour (Reviewed Nov17)	<p>Due to the complexities of water networks the level of information contained in this document does not allow Thames Water to make a detailed assessment of the impact the proposed housing provision will have on the water infrastructure and its cumulative impact. To enable us to provide more specific comments on the site proposals we require details of the Local Authority's aspiration for each site. For example, an indication of the location, type and scale of development together with the anticipated timing of development. Thames Water would welcome the opportunity to discuss the water infrastructure needs relating to the Local Plan.</p>	<p>The wastewater network capacity in this area may be unable to support the demand anticipated from this development. Local upgrades to the existing drainage infrastructure may be required to ensure sufficient capacity is brought forward ahead of the development. Where there is a potential wastewater network capacity constraint, the developer should liaise with Thames Water to determine whether a detailed drainage strategy informing what infrastructure is required, where, when and how it will be delivered is required. The detailed drainage strategy should be submitted with the planning application</p>	<p>Water: There are large water mains adjacent to the proposed development. Thames Water will not allow any building within 5 metres of them and will require 24 hours access for maintenance purposes. There is a Thames Water main crossing the development site which may/will need to be diverted at the Developer's cost, or necessitates amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. No impact piling shall take place until a piling method statement (detailing the type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water or sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with the relevant water or sewerage undertaker. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason: The proposed works will be in close proximity to underground water and sewerage utility infrastructure. Piling has the potential to impact on local underground water and sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the details of the piling method statement.</p> <p>Wastewater: Surface Water should be addressed in accordance with the London Plan and we expect a significant reduction from current peak discharge rates. As the site is closer to a natural water course we expect</p>
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				<p>all surface water to be discharged there. Some sites share the same network which may have a cumulative impact that needs to be assessed. There are public sewers crossing this site and diversion may be necessary.</p>
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53680	Millharbour South (Reviewed Nov17)	<p>Due to the complexities of water networks the level of information contained in this document does not allow Thames Water to make a detailed assessment of the impact the proposed housing provision will have on the water infrastructure and its cumulative impact. To enable us to provide more specific comments on the site proposals we require details of the Local Authority's aspiration for each site. For example, an indication of the location, type and scale of development together with the anticipated timing of development. Thames Water would welcome the opportunity to discuss the water infrastructure needs relating to the Local Plan.</p>	<p>The wastewater network capacity in this area may be unable to support the demand anticipated from this development. Local upgrades to the existing drainage infrastructure may be required to ensure sufficient capacity is brought forward ahead of the development. Where there is a potential wastewater network capacity constraint, the developer should liaise with Thames Water to determine whether a detailed drainage strategy informing what infrastructure is required, where, when and how it will be delivered is required. The detailed drainage strategy should be submitted with the planning application</p>	<p>Water: There are large water mains adjacent to the proposed development. Thames Water will not allow any building within 5 metres of them and will require 24 hours access for maintenance purposes. There is a Thames Water main crossing the development site which may/will need to be diverted at the Developer's cost, or necessitates amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. No impact piling shall take place until a piling method statement (detailing the type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water or sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with the relevant water or sewerage undertaker. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason: The proposed works will be in close proximity to underground water and sewerage utility infrastructure. Piling has the potential to impact on local underground water and sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the details of the piling method statement.</p> <p>Surface Water should be addressed in accordance with the London Plan and we expect a significant reduction from current peak discharge rates. As site is closer to Thames river we expect all surface water to</p>
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				<p>be discharged in the river. Some sites share the same network which may have a cumulative impact that needs to be assessed.</p>
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56192	North Quay Upper Bank Street	<p>Due to the complexities of water networks the level of information contained in this document does not allow Thames Water to make a detailed assessment of the impact the proposed housing provision will have on the water infrastructure and its cumulative impact. To enable us to provide more specific comments on the site proposals we require details of the Local Authority's aspiration for each site. For example, an indication of the location, type and scale of development together with the anticipated timing of development. Thames Water would welcome the opportunity to discuss the water infrastructure needs relating to the Local Plan.</p>	<p>The wastewater network capacity in this area may be unable to support the demand anticipated from this development. Local upgrades to the existing drainage infrastructure may be required to ensure sufficient capacity is brought forward ahead of the development. Where there is a potential wastewater network capacity constraint, the developer should liaise with Thames Water to determine whether a detailed drainage strategy informing what infrastructure is required, where, when and how it will be delivered is required. The detailed drainage strategy should be submitted with the planning application</p>	<p>Water: There are large water mains adjacent to the proposed development. Thames Water will not allow any building within 5 metres of them and will require 24 hours access for maintenance purposes. There is a Thames Water main crossing the development site which may/will need to be diverted at the Developer's cost, or necessitates amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. No impact piling shall take place until a piling method statement (detailing the type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water or sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with the relevant water or sewerage undertaker. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason: The proposed works will be in close proximity to underground water and sewerage utility infrastructure. Piling has the potential to impact on local underground water and sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the details of the piling method statement.</p> <p>Wastewater: Surface Water should be addressed in accordance with the London Plan and we expect a significant reduction from current peak discharge rates. As site is closer to Thames river we expect all surface</p>
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1929	North Quay, Aspen Way, London E14 5LQ	<p>The water network capacity in this area may be unable to support the demand anticipated from this development. Local upgrades to the existing water network infrastructure may be required to ensure sufficient capacity is brought forward ahead of the development. The developer is encouraged to work Thames Water early on in the planning process to understand what infrastructure is required, where, when and how it will be delivered. The water network capacity in this area is unlikely to be able to support the demand anticipated from this development. Strategic water supply infrastructure upgrades are likely to be required to ensure sufficient capacity is brought forward ahead of the development. The developer is encouraged to work Thames Water early on in the planning process to understand what water infrastructure is required, where, when and how it will be delivered.</p>	<p>The wastewater network capacity in this area may be unable to support the demand anticipated from this development. Local upgrades to the existing drainage infrastructure may be required to ensure sufficient capacity is brought forward ahead of the development. Where there is a potential wastewater network capacity constraint, the developer should liaise with Thames Water to determine whether a detailed drainage strategy informing what infrastructure is required, where, when and how it will be delivered is required. The detailed drainage strategy should be submitted with the planning application</p>	<p>Water: There is a Thames Water main crossing the development site which may/will need to be diverted at the Developer's cost, or necessitates amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. No impact piling shall take place until a piling method statement (detailing the type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water or sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with the relevant water or sewerage undertaker. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason: The proposed works will be in close proximity to underground water and sewerage utility infrastructure. Piling has the potential to impact on local underground water and sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the details of the piling method statement.</p> <p>Wastewater: Surface Water should be addressed in accordance with the London Plan and we expect a significant reduction from current peak discharge rates. As site is closer to Thames river we expect all surface water to be discharged in the river. Public sewer crossing site and diversion may be necessary.</p>
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12698	Reuters Blackwall Yard Blackwall Way London (Reviewed Nov17)	<p>Due to the complexities of water networks the level of information contained in this document does not allow Thames Water to make a detailed assessment of the impact the proposed housing provision will have on the water infrastructure and its cumulative impact. To enable us to provide more specific comments on the site proposals we require details of the Local Authority's aspiration for each site. For example, an indication of the location, type and scale of development together with the anticipated timing of development. Thames Water would welcome the opportunity to meet to discuss the water infrastructure needs relating to the Local Plan.</p>	<p>The wastewater network capacity in this area may be unable to support the demand anticipated from this development. Local upgrades to the existing drainage infrastructure may be required to ensure sufficient capacity is brought forward ahead of the development. Where there is a potential wastewater network capacity constraint, the developer should liaise with Thames Water to determine whether a detailed drainage strategy informing what infrastructure is required, where, when and how it will be delivered is required. The detailed drainage strategy should be submitted with the planning application</p>	<p>Wastewater: Surface Water should be addressed in accordance with the London Plan and we expect a significant reduction from current peak discharge rates. As site is closer to Thames river we expect all surface water to be discharged in the river.</p>
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56193	Riverside South Westferry Circus	<p>Due to the complexities of water networks the level of information contained in this document does not allow Thames Water to make a detailed assessment of the impact the proposed housing provision will have on the water infrastructure and its cumulative impact. To enable us to provide more specific comments on the site proposals we require details of the Local Authority's aspiration for each site. For example, an indication of the location, type and scale of development together with the anticipated timing of development. Thames Water would welcome the opportunity to discuss the water infrastructure needs relating to the Local Plan.</p>	<p>The wastewater network capacity in this area may be unable to support the demand anticipated from this development. Local upgrades to the existing drainage infrastructure may be required to ensure sufficient capacity is brought forward ahead of the development. Where there is a potential wastewater network capacity constraint, the developer should liaise with Thames Water to determine whether a detailed drainage strategy informing what infrastructure is required, where, when and how it will be delivered is required. The detailed drainage strategy should be submitted with the planning application</p>	<p>Water: There are large water mains adjacent to the proposed development. Thames Water will not allow any building within 5 metres of them and will require 24 hours access for maintenance purposes. No impact piling shall take place until a piling method statement (detailing the type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water or sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with the relevant water or sewerage undertaker. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason: The proposed works will be in close proximity to underground water and sewerage utility infrastructure. Piling has the potential to impact on local underground water and sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the details of the piling method statement.</p> <p>Wastewater: Surface Water should be addressed in accordance with the London Plan and we expect a significant reduction from current peak discharge rates. As site is closer to Thames river we expect all surface water to be discharged in the river. Some sites share the same network which may have a cumulative impact that needs to be assessed.</p>
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594	Westferry Print Works	<p>The water network capacity in this area may be unable to support the demand anticipated from this development. Local upgrades to the existing water network infrastructure may be required to ensure sufficient capacity is brought forward ahead of the development. The developer is encouraged to work Thames Water early on in the planning process to understand what infrastructure is required, where, when and how it will be delivered</p>	<p>The wastewater network capacity in this area may be unable to support the demand anticipated from this development. Local upgrades to the existing drainage infrastructure may be required to ensure sufficient capacity is brought forward ahead of the development. Where there is a potential wastewater network capacity constraint, the developer should liaise with Thames Water to determine whether a detailed drainage strategy informing what infrastructure is required, where, when and how it will be delivered is required. The detailed drainage strategy should be submitted with the planning application</p>	<p>Water: There are large water mains adjacent to the proposed development. Thames Water will not allow any building within 5 metres of them and will require 24 hours access for maintenance purposes. There is a Thames Water main crossing the development site which may/will need to be diverted at the Developer's cost, or necessitates amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. No impact piling shall take place until a piling method statement (detailing the type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water or sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with the relevant water or sewerage undertaker. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason: The proposed works will be in close proximity to underground water and sewerage utility infrastructure. Piling has the potential to impact on local underground water and sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the details of the piling method statement.</p> <p>Wastewater: Surface Water should be addressed in accordance with the London Plan and we expect a significant reduction from current peak discharge rates. As site is closer to Thames river we expect all surface</p>
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				<p>water to be discharged in the river. Some sites share the same network which may have a cumulative impact that needs to be assessed.</p>
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11270	Whitechapel South (Reviewed nov17)	<p>Due to the complexities of water networks the level of information contained in this document does not allow Thames Water to make a detailed assessment of the impact the proposed housing provision will have on the water infrastructure and its cumulative impact. To enable us to provide more specific comments on the site proposals we require details of the Local Authority's aspiration for each site. For example, an indication of the location, type and scale of development together with the anticipated timing of development. Thames Water would welcome the opportunity to discuss the water infrastructure needs relating to the Local Plan.</p>	<p>The wastewater network capacity in this area may be unable to support the demand anticipated from this development. Local upgrades to the existing drainage infrastructure may be required to ensure sufficient capacity is brought forward ahead of the development. Where there is a potential wastewater network capacity constraint, the developer should liaise with Thames Water to determine whether a detailed drainage strategy informing what infrastructure is required, where, when and how it will be delivered is required. The detailed drainage strategy should be submitted with the planning application</p>	<p>Water: There are large water mains adjacent to the proposed development. Thames Water will not allow any building within 5 metres of them and will require 24 hours access for maintenance purposes. There is a Thames Water main crossing the development site which may/will need to be diverted at the Developer's cost, or necessitates amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. No impact piling shall take place until a piling method statement (detailing the type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water or sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with the relevant water or sewerage undertaker. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason: The proposed works will be in close proximity to underground water and sewerage utility infrastructure. Piling has the potential to impact on local underground water and sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the details of the piling method statement.</p> <p>Wastewater: Surface Water should be addressed in accordance with the London Plan and we expect a significant reduction from current peak discharge rates. Public</p>
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				sewers crossing site and diversion may be necessary.
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2544	Wood Wharf, Prestons Road London (Reviewed nov17)	<p>The water network capacity in this area is unlikely to be able to support the demand anticipated from this development. Strategic water supply infrastructure upgrades are likely to be required to ensure sufficient capacity is brought forward ahead of the development. The developer is encouraged to work Thames Water early on in the planning process to understand what water infrastructure is required, where, when and how it will be delivered. The water network capacity in this area may be unable to support the demand anticipated from this development. Local upgrades to the existing water network infrastructure may be required to ensure sufficient capacity is brought forward ahead of the development. The developer is encouraged to work Thames Water early on in the planning process to understand what infrastructure is required, where, when and how it will be delivered</p>	<p>The wastewater network capacity in this area may be unable to support the demand anticipated from this development. Local upgrades to the existing drainage infrastructure may be required to ensure sufficient capacity is brought forward ahead of the development. Where there is a potential wastewater network capacity constraint, the developer should liaise with Thames Water to determine whether a detailed drainage strategy informing what infrastructure is required, where, when and how it will be delivered is required. The detailed drainage strategy should be submitted with the planning application</p>	<p>Water: There are large water mains adjacent to the proposed development. Thames Water will not allow any building within 5 metres of them and will require 24 hours access for maintenance purposes. There is a Thames Water main crossing the development site which may/will need to be diverted at the Developer's cost, or necessitates amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. No impact piling shall take place until a piling method statement (detailing the type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water or sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with the relevant water or sewerage undertaker. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason: The proposed works will be in close proximity to underground water and sewerage utility infrastructure. Piling has the potential to impact on local underground water and sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the details of the piling method statement.</p> <p>Wastewater: Surface Water should be addressed in accordance with the London Plan and we expect a significant reduction from current peak discharge rates. As site is closer to Thames river we expect all surface</p>
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Ellie Kuper Thomas

From: Marissa Ryan-Hernandez
Sent: 22 February 2018 16:23
To: Neighbourhood Planning
Subject: Isle of Dogs Neighbourhood Plan Regulation 16 Consultation
Attachments: LBTH IoD Reg 16 response FINAL.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Tower Hamlets Council values the opportunity to input and comment on the Isle of Dogs Neighbourhood Plan Regulation 16 Consultation.

In general, the Council is supportive of the aims and intentions of the majority of the draft Neighbourhood Plan, though this note provides further assessment of the Neighbourhood Plan in relation to the basic conditions, where concerns and questions are raised.

The Council is confident that these comments will be taken into full consideration, alongside those of other stakeholders and we welcome the opportunity to have further discussions and to work with the Forum.

Kind regards,

Marissa Ryan-Hernandez

Strategic Planning Manager (interim)

Place Directorate

Tel: 020 7364 3517

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London Borough of Tower Hamlets

Response to the Isle of Dogs Neighbourhood Plan Regulation 16 Consultation

February 2018

1. Summary

1.1 The Council is supportive of the aims and intentions of the majority of the draft Neighbourhood Plan.

1.2 This note provides an assessment of the Neighbourhood Plan in relation to the basic conditions:

1. Having regard to policies and guidance issued by the Secretary of State: *This includes policies and guidance relating to Neighbourhood Planning as well as requiring that the policies in the Neighbourhood Plan must not constrain the policy objectives of the NPPF and they should not promote less development than that set out in the Development Plan.*
2. The making of the NDP contributes to the achievement of sustainable development.
3. The NDP is in general conformity with the strategic policies of the development plan.
4. The NDP does not breach, and is otherwise compatible, with EU obligations.

1.3 We consider the draft Plan to be in general conformity with the strategic policies of the current Local Plan (basic condition 3), in that none of the draft policies seek to achieve objectives which differ from those in the current Local Plan. It is understood that the GLA have concerns regarding the extent to which the draft plan is in general conformity with the London Plan (2016) which also forms part of the borough's development plan.

1.4 However we do have significant concerns that the policies, as currently worded, do not meet the other required Neighbourhood Planning 'Basic Conditions'.

1.5 In addition for the policies to be applicable to development schemes and the document to be useable a number of significant changes would be required.

1.6 It is noted that despite the Council providing substantive comments in response to the regulation 14 consultation, the plan has remained substantially unchanged. A number of the comments below, are re-iterations / expanded versions of the

comments previously supplied, as we do not consider that they have been sufficiently addressed.

1.7 The note contains:

2. Overarching Comments;
3. Specific Comments on sections 1, 2, 3 and 4 of the draft Neighbourhood Plan;
4. Policy Specific Comments on whether the policy meets the Neighbourhood Planning 'Basic Conditions'; and
5. Comments relating to other Council functions.

2. Overarching Comments:

2.1 Structure:

- We consider that amalgamating the policies into the back-up document provides a much more cohesive document, however we still consider the document to be unwieldy and should be streamlined so that the majority of evidence currently presented in section 3 should sit in a separate evidence base document or series of documents.
- These evidence base documents could then have a clearer structure – outlining what policies they support, their sources, any conclusions or recommendations etc. Currently the purpose of the information provided is often unclear.
- Currently the document is difficult to navigate in part as it doesn't include any paragraph numbering.
- Section 4 'relationship to other plans' should be before section 3 'challenges' as the challenges refers to the OAPF and other documents before it is clear what this document is or its role.
- The policy structure is also difficult to navigate due to the number of subheadings under each policy and it is unclear what purpose they serve and there is often overlap. The existing 'policy', 'explanation', 'justification', 'guidance' structure should be revised and replaced with 'policy', 'supporting text' (explains in further detail how the policy will be implemented) and 'justification' which in short outlines why the policy is considered necessary and the evidence to support it. This could then link to the evidence base documents. The 'guidance' section should be deleted as 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.

2.2 Policy Phrasing and numbering:

- The policy number is inconsistent and hard to follow. All clauses in the policy should be numbered to allow ease of referencing.
- The wording of policies can be hard to follow due to the length of sentences and clauses. Policy wording should be simple and use clear short sentences.
- Policies should be reworded to use should / will be required to, not shall.

2.3 Relevance:

- Guidance is very clear that policies 'must address the development and use of land... Wider community aspirations than those relating to development and use

of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable. For example, set out in a companion document or annex.’ Neighbourhood Planning PPG Paragraph: 004.

- Some of the policies do not relate to development and use of land, for example they seek to direct the use of expenditure which lies outside of the planning system or seeks to direct the conduct of elections and they should be separated into another document or annex.

2.4 Positivity:

- Development Plans should be ‘positively prepared’ – this means they should include the ‘presumption in favour of sustainable development’. NPPF paragraphs 11 – 16.
- Currently some of the policies are negatively worded.

2.5 Evidence:

- There is still insufficient evidence to justify some of the statement and policies.
- There needs to be clearer links between the policies and the evidence e.g. footnotes linking to the evidence base or clearer justification text.

2.6 Applicability:

- Guidance is clear that policies should be ‘clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications.’ Neighbourhood Planning PPG Paragraph: 041.
- Some policies, as currently worded, would be difficult to apply to planning decisions.

2.7 The role of the Forum:

- It is inappropriate for a number of policies to refer to the Forum’s involvement being required. The Neighbourhood Forum also has no formal role in the development management process 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.

2.8 Deliverability:

- National guidance is clear that ‘the sites and the scale of development identified in a plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened’. Viability PPG Paragraph: 001

- There is a concern that some of the policy requirements may reduce the viability of schemes coming forward and no viability evidence has been undertaken to demonstrate that this is not the case.

3. Specific Comments on sections 1, 2, 3 and 4

Reference	Comment	Reason
Page 5 of 92 – first paragraph	No references are provided for statements regarding density and development activity.	For transparency and to justify the approach in the plan.
Page 5 of 92 – last paragraph	Refers to New Homes Bonus for Tower Hamlets. As this is relevant to the whole borough, further evidence is required on growth in the Neighbourhood Area.	To justify the approach in the plan.
Page 7 of 92 – last paragraph	No references are provided for statements regarding scale of delivery.	To justify the approach in the plan.
Page 9 of 92 – 2031? Map	No evidence is provided as to what data has fed into this model.	For transparency and to justify the approach in the plan.
Page 10 of 92 – last paragraph	Delete the headline	It is unsuitable to include newspaper headlines in a future formal planning document.
Page 11 of 92 – first paragraph	This refers to ‘our own evidence’ – this should be provided.	For transparency and to justify the approach in the plan.
Page 11 of 92 – table 2	Where is this data from – a reference should be provided.	For transparency and to justify the approach in the plan.
Page 13 of 92 – table 4	Where is this data from – a reference should be provided. The population figures quoted within Table 4 are out of date and at odds with those published in the Regulation 19 Infrastructure Delivery Plan (IDP). Recommend these are updated with the latest figures	For transparency and consistency and to justify the approach in the plan.
Page 13 of 92 –	This refers to ‘our own evidence’ – this should	For transparency and to justify the approach in the

table 5	<p>be provided. If this is 'The Planned Development' document provided at regulation 14 the following comments apply:</p> <ul style="list-style-type: none"> ○ It would be useful to include a methodology explaining the approach used and how it links/relates to the Council's Infrastructure Delivery Plan and 5 year land supply figures. ○ It might be helpful to discuss school requirements in terms of 'forms of entry' as school sizes are variable. ○ It would also be useful to justify why the lower population and child yields have been chosen etc. i.e. if Quay House has been used as basis – this should be justified and the source of the data provided. ○ It is unclear whether hotels have been included as creating an increase in population and therefore resulting in a rise in social infrastructure need. If so, this would need to be justified. ○ We have undertaken a quick check of the sites against our data and they are broadly in line, bar the comments below: <ul style="list-style-type: none"> ▪ We would consider it pre-emptive to include those developments at the consultation stage, such as the One Housing Group estates and North Quay. You may want to justify their inclusion, the likelihood of completion figures, and where the housing figures originated 	<p>plan. To clarify relationship between the Neighbourhood Plan evidence base and other planning evidence base documents.</p>
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	<p>from.</p> <ul style="list-style-type: none"> ▪ Some of our figures vary from those provided. This is why we would suggest an alignment between this document and the 5 year housing land supply document. 	
Page 15 of 92 – employment growth figure	Where is this data from? A reference should be provided.	For transparency and to justify the approach in the plan.
Page 16 of 92 – Government Target	Further wording should be provided which explains that as the Local Plan is going to be submitted to examination before March 2018, we are not required to take these figures into consideration.	To ensure the status of these consultation figures is clear in the draft document.
Page 20 of 92 – Density	The London Plan policy 3.2 is presented incompletely. The policy and supporting text (in particular paragraph 3.28) should be included to ensure proper interpretation.	Current wording risks a misinterpretation of the policy and the NDP misrepresenting a part of the development plan.
Page 26 of 92 – 5 th paragraph	<p>In relation to South Dock Bridge, this statement should be redrafted to more accurately reflect the current position, this being:</p> <p>The Council has recently committed CIL funding to take forward the design, initiation and public consultation phase of the South Dock Bridge project, a public consultation is taking place 12th February to 23rd March 2018 on the draft concept designs. The feedback will help inform detailed design and the planning application</p>	To ensure accuracy.

	<p>which is proposed to be submitted in Autumn 2018. The Council is looking at funding various options to deliver the bridge</p>	
<p>Page 26 of 92 – 6th paragraph</p>	<p>The amount to which the draft plan refers is in fact £2,856,640 (S106 secured funds) for Health Facilities, not £3 million.</p> <p>The text is not supported by the Council and we recommend it is redrafted for accuracy. Funding from this planning obligation has been programmed to a number of infrastructure/facilities on the Isle of Dogs, or to infrastructure/facilities which Isle of Dogs residents would benefit from.</p> <p>Health Facilities on the IoD funded through this contribution include;</p> <ul style="list-style-type: none"> • Improvements to Barkantine Health Centre • Improvements to existing Island Health Medical Centre <p>It also has funded specific improvements to the following Health Centres, which while not on the Isle of Dogs are within the vicinity, and subsequently Isle of Dogs residents would benefit;</p> <ul style="list-style-type: none"> • Aberfeldy Practice 	<p>To ensure accuracy.</p>

	<ul style="list-style-type: none"> • Limehouse Practice <p>As part of the NHS’s preventative health agenda, and with the Developers approval, some funds have also been programmed towards projects providing additional open space to create conditions for encouraging physical exercise, walking and cycling, and thus reduce the demand on the local NHS services for treatment of diseases caused by lack of physical exercise.</p> <p>It is important to note that the s106 contribution is not restricted to being solely expended within the ward from which it was secured. This is because facilities and services often overlap wards and therefore impacts of the development may extend to a wider area.</p> <p>Furthermore, the programming of s106 funds secured for Health relies heavily on those priority projects presented by the NHS and the matching of these priorities with s106 funds held at the time. This ensures that NHS priority projects are funded expediently, rather than wait for sufficient funding to be received within the respective wards of priority projects</p>	
Page 27 of 92 – 1st paragraph	It should also be noted that the point regarding “earned £127m in New Homes Bonus” is somewhat misleading because the council has spent £92m of New Homes Bonus funding and is	It is not usual that budget figures be included in town planning documents because these figures change depending upon at what date they are sought. We therefore we do not consider it appropriate to include

	<p>not holding £127m in its bank accounts.</p> <p>We recommend removing reference to specific, time limited figures in this document.</p>	<p>budgetary figures in the Neighbourhood Plan because they will change and can often be misinterpreted without other relevant information being provided that in any event can all be sought publically.</p>
Pages 28 - 30 of 92	<p>It is unclear why evidence regarding affordability and deprivation have been presented and which policies it is supporting. This should be clarified.</p>	<p>To aid clarity.</p>
Page 32 of 92	<p>What is the reference (s) for this list and justification for what has been included. E.g. why is the loss of an A5 use considered infrastructure?</p>	<p>For transparency and to justify the approach in the plan.</p>
Page 33 of 92	<p>The information provided within Table 12 is also out of date and at odds with that published in the Regulation 19 IDP.</p> <p>Notwithstanding the accuracy of the information within Table 12 (showing health facilities: Supply vs demand) the neighbourhood plan states the table is taken from the draft Local Plan, when in fact it should refer to it being taken from the IDP, therefore the wording should be amended accordingly.</p> <p>The neighbourhood plan suggests the additional need for GP's across the borough by 2031 will be 33.76, and that 60% of the population growth will be in the southeast of the borough. The southeast of the borough is the area covered by the neighbourhood plan. The plan</p>	<p>To ensure a full picture of planned infrastructure is provided.</p>

	<p>goes on to outline that there are to be 14GP spaces provided within the neighbourhood plan area (9 at Woodwharf and the rest will be provided through the conversion of 5 meeting rooms at the Barkantine Health Centre) which means that over 41% of the total borough wide need is to be delivered by these two projects alone. Whilst delivery dates at this stage have not been confirmed, the neighbourhood plan should also reference the fact that the IDP also identifies 4 more projects within neighbourhood plan area, which could be delivered through the draft local plan site allocations. The IDP assumes that each new GP surgery would be large enough to accommodate 6 new GPs. This planned provision would more than meet the projected need.</p>	
Page 35 of 92 - 1 st paragraph	The Managing Development Document was adopted in 2013, not the Local Plan. This should be corrected.	Accuracy

4. **Specific Policy Comments:**

Reference	Comment	Reason
D1 (1)	We support the intention behind this approach but recommend the policy should be significantly	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

	<p>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>to very broad infrastructure requirements, the policy could be seen 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 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 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 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>
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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>
D1 (2)	<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 address the problem of 'double dipping', deliverability, remove end users and reword reference to the Forum.</p>	<p>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 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>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 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>

D1 (2)	The list (a – m) of infrastructure 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 providers have been engaged to consider whether they require these facilities. We recommend further evidence is provided to justify their inclusion.	Ensure the proposed approach is evidence based.
D1 (3)	Recommend clarity is provided as to what developers would be required to do to meet the requirements of this policy. The proposed role for the Forum should be deleted / reworded.	<p>Applicability / Deliverability: As currently worded it is unclear what 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. 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>
D1 (4)	Recommend that terms 'such developments' – is clarified i.e.	

	developments exceeding...	
Page 44 of 92 – Explanation	(1) Correct the reference to policies 1.3.50 and 1.3.51 and 1.3.52 as paragraphs . (2) Remove reference to the Long Plan – it is unclear what developers are required to do.	Accuracy – Supplementary Planning guidance cannot set policies. Clarity and usability.
Page 45 of 92 – Justification	Recommend the text should be moved into an evidence base document and referenced here.	Reduces the usability of the plan to have detailed evidence 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.
Page 49 of 92 – Guidance to Planning Committee	Delete wording which seeks to direct the committee.	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.
CIL 1	Recommend to remove policy, as it contradicts the CIL regulations.	Conformity: We are concerned that as currently worded this policy is not in conformity with the CIL regulations. The CIL Guidance (The Community Infrastructure Levy Regulations 2015 (as amended)) identifies that the decision

		<p>on how and where to spend all CIL (including Neighbourhood CIL) rests with the Council subject to the need to consult all local people and the Neighbourhood Forums on the spending of the Neighbourhood Portion. The Neighbourhood Forum is not the only voice of local residents and the council has a duty to consult widely and meet all its duties in relation to equalities and representation. The process of establishing Neighbourhood CIL in Tower Hamlets commenced in December 2016 Cabinet (which can be viewed using the following link http://democracy.towerhamlets.gov.uk/documents/g6806/Public%20reports%20pack%2006th-Dec-2016%2017.30%20Cabinet.pdf?T=10 (465 as printed), which approved the adoption of the Local Infrastructure Fund (the Council's terminology for the CIL Neighbourhood Portion). This will see all local people, including the Neighbourhood Forum consulted every two years on the priorities for spending of NCIL receipts to date and on-going, regardless of whether or not there is a Neighbourhood Plan in place. The first round of consultation, which gave the local people the opportunity to make known their infrastructure priorities and nominate specific projects, commenced in 2017.</p> <p>However, the CIL Guidance does specifically invite Neighbourhood Plans to set out its infrastructure priorities. We recognise that the Neighbourhood Plan can and should specify priorities for the expenditure of CIL, however this is already covered by CIL 2, 3 and 4.</p>
CIL 2	Recommend to redraft to clarify this is an infrastructure priority for the Neighbourhood Plan and amalgamate with CIL 3 and could remove from policy and add to the introduction / a CIL section of the document / annex to aid clarity.	<p>Conformity: We are concerned that as currently worded this policy is not in conformity with the CIL regulations. The CIL Guidance (The Community Infrastructure Levy Regulations 2015 (as amended)) identifies that the decision on how and where to spend all CIL (including Neighbourhood CIL) rests with the Council subject to the need to consult all local people and the Neighbourhood Forums on the spending of the Neighbourhood Portion. The Neighbourhood Forum is not the only voice of local residents and the council has a duty to</p>

		<p>consult widely and meet all its duties in relation to equalities and representation. The process of establishing Neighbourhood CIL in Tower Hamlets commenced in December 2016 Cabinet (which can be viewed using the following link http://democracy.towerhamlets.gov.uk/documents/g6806/Public%20reports%20pack%2006th-Dec-2016%2017.30%20Cabinet.pdf?T=10 (465 as printed), which approved the adoption of the Local Infrastructure Fund (the Council's terminology for the CIL Neighbourhood Portion). This will see all local people, including the Neighbourhood Forum consulted every two years on the priorities for spending of NCIL receipts to date and on-going, regardless of whether or not there is a Neighbourhood Plan in place. The first round of consultation, which gave the local people the opportunity to make known their infrastructure priorities and nominate specific projects, commenced in 2017.</p> <p>However, the CIL Guidance does specifically invite Neighbourhood Plans to set out its infrastructure priorities. This policy should be reworded as a priority to reflect that Long Term Community Financing is a Neighbourhood CIL priority for the Neighbourhood Forum. These priorities will then be taken into consideration during the CIL decision making process. Some Neighbourhood Plans provide further detail on the nature of the projects – to help ensure their deliverability. The Forum therefore may wish to provide further detail regarding this proposal.</p> <p>We recognise that the Neighbourhood Plan can and should specify priorities for the expenditure of CIL, however there are usually expressed as priorities and do not seek to direct the Council.</p> <p>Relevance: As these policies do not directly address development and the use of land it would be more appropriate for them to be included in an Appendix instead. It is recognised that different Neighbourhood Plans address this in different ways – with some including a policy but with most including a more</p>
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		detailed section in CIL priorities.
CIL 3	<p>Recommend to redraft to clarify this is a list of infrastructure priorities for the Neighbourhood Plan and remove from policy and could remove from policy and add to the introduction / a CIL section of the document / annex to aid clarity.</p> <p>Recommend the list is revised to remove a brand-name (Envac)</p> <p>The final paragraph should be reworded to clarify that the Forum's approval is not required to approve investment of CIL in a project.</p>	<p>Conformity: We are concerned that as currently worded this policy is not in conformity with the CIL regulations. The CIL Guidance identifies that the decision on how and where to spend all CIL (including Neighbourhood CIL) rests with the Council subject to the need to consult all local people and the Neighbourhood Forums on the spending of the Neighbourhood Portion. The Neighbourhood Forum is not the only voice of local residents and the council has a duty to consult widely and meet all its duties in relation to equalities and representation. The process of establishing Neighbourhood CIL in Tower Hamlets commenced in December 2016 Cabinet (which can be viewed using the following link http://democracy.towerhamlets.gov.uk/documents/g6806/Public%20reports%20pack%2006th-Dec-2016%2017.30%20Cabinet.pdf?T=10 (465 as printed), which approved the adoption of the Local Infrastructure Fund (the Council's terminology for the CIL Neighbourhood Portion). This will see all local people, including the Neighbourhood Forum consulted every two years on the priorities for spending of NCIL receipts to date and on-going, regardless of whether or not there is a Neighbourhood Plan in place. The first round of consultation, which gave the local people the opportunity to make known their infrastructure priorities and nominate specific projects, commenced in 2017. The Forum's approval therefore cannot be required for the spend of Neighbourhood CIL.</p> <p>However, the CIL Guidance specifically invites Neighbourhood Plans to set out its infrastructure priorities, which this policy does. However the policy would need to be reworded as a set of priorities. These will then be taken into consideration during the Neighbourhood CIL decision making process. Some Neighbourhood Plans provide further detail on the nature of the projects – to help ensure their deliverability.</p>

		<p>We recognise that the Neighbourhood Plan can and should specify priorities for the expenditure of CIL, however there are usually expressed as priorities and do not seek to direct the Council.</p> <p>Relevance: As these policies do not directly address development and the use of land it would be more appropriate for them to be included in an Appendix instead. It is recognised that different Neighbourhood Plans address this in different ways – with some including a policy but with most including a more detailed section in CIL priorities.</p> <p>Role of the Forum: The Neighbourhood Forum also has no formal role in the development management process beyond consultation. Whilst it is a requirement that the Council engages with Neighbourhood Forums on the expenditure of Neighbourhood Portion CIL, the Council is also required to consider the views of all residents in all of its local areas (as set out in the Cabinet report 2016). The Neighbourhood Forum is not the only voice of local residents and the council has a duty to consult widely and meet all its duties in relation to equalities and representation. Funding approvals are subject to the Council’s reporting and scrutiny processes. The Forum’s agreement cannot be a condition for expenditure of CIL.</p>
CIL 4	Recommend to redraft to clarify this is an infrastructure priority for the Neighbourhood Plan and could remove from policy and add to the introduction / a CIL section of the document / annex.	<p>Conformity: We are concerned that as currently worded this policy is not in conformity with the CIL regulations. The CIL Guidance identifies that the decision on how and where to spend all CIL rests with the Council, with only the 25% Neighbourhood CIL required to be spent in the Neighbourhood Area.</p> <p>Relevance: As these policies do not directly address development and the use of land it would be more appropriate for them to be included in an Appendix instead. It is recognised that different Neighbourhood Plans address this in different ways – with some including a policy but with most including a more</p>

		detailed section in CIL priorities.
Page 54 of 92 – justification – Paragraph 4	Recommend wording is removed	The Local Plan demonstrates that all areas of Tower Hamlets are maximising development subject to planning constraints.
Pages 55 – 59 of 92 – Preamble to Estate Regeneration policy	Recommend the text should be moved into an evidence base document and referenced here.	Reduces the usability of the plan to have detailed evidence within each policy.
ER1	<p>Recommend to remove from policy and add to an annex regarding Estate Regeneration and Best Practice Guidance.</p> <p>Notwithstanding the broad view above, part (6) is considered too broad and more defined parameters would need to be provided for this to be useful guidance.</p>	<p>Deliverability: This policy guidance states that an application for an Estate Regeneration Scheme would have had to have undertaken a successful ballot in order to be considered a valid planning application. This would require an addition to the Local List (the requirements a planning application has to meet in order to be validated). Requirements on the Local List have to meet their own tests (Paragraph: 040 of the Making an Application PPG) and it is considered that requiring a local ballot would not pass these tests. In addition, the Planning system already has a consultation requirement and requiring ballots could raise soundness concerns in relation to PPG (plan-making) paragraph 173.</p> <p>Please note that the GLA’s consultation document states: <i>Proposed new funding condition to require resident ballots in estate regeneration</i>, states: ‘2.3 The objective of the planning process is to manage the development of land and buildings in order to ensure that sustainable development is achieved. Decisions are taken by planning officers under delegation, elected councillors and other statutory decision takers (including the Mayor for certain schemes). Planning decisions are a quasi-judicial process and there is no legal basis to require either holding a ballot or the results of a resident ballot to be binding on them’.</p>

ER2	Recommend to remove from policy and add to an annex regarding Estate Regeneration and Best Practice Guidance.	Deliverability: This is not a planning matter. The planning system does not manage elections and there is no planning mechanism available to deliver this. A requirement for a developer to demonstrate they have met these requirements could be included as addition to the Local List (the requirements a planning application has to meet in order to be validated). Requirements on the Local List have to meet their own tests (Paragraph: 040 of the Making an Application PPG) and it is considered that requiring a local ballot would not pass these tests. In addition, the Planning system already has a consultation requirement and requiring ballots could raise soundness concerns in relation to PPG (plan-making) paragraph 173.
ER 3	Recommend to remove from policy and add to an annex regarding Estate Regeneration and Best Practice Guidance.	Deliverability: A requirement for a developer to demonstrate they have met these requirements could be included as addition to the Local List (the requirements a planning application has to meet in order to be validated). Requirements on the Local List have to meet their own tests (Paragraph: 040 of the Making an Application PPG) and it is considered that requiring a local ballot would not pass these tests. In addition, the Planning system already has a consultation requirement and requiring ballots could raise soundness concerns in relation to PPG (plan-making) paragraph 173.
ER 4	Recommend to remove from policy and add to an annex regarding Estate Regeneration and Best Practice Guidance. Or the policy could be reworded to seek to protect the same quantity of car parking spaces or gardens etc. but how they would be allocated is not a planning matter.	Planning policy cannot specify end users – this includes not being able to specify a specific right of return. Any planning obligations and conditions must meet the requirements of Regulation 122 of the CIL legislation and NPPF paragraphs 204 and 206, and it is not considered that this would.
ER 5 (1)	Recommend to remove from policy	Tenancy rights are associated with individuals (not the property) so are not

	and add to an annex regarding Estate Regeneration and Best Practice Guidance.	<p>managed via the planning system.</p> <p>Any planning obligations and conditions must meet the requirements of Regulation 122 of the CIL legislation and NPPF paragraphs 204 and 206, and it is not considered that this would.</p>
ER 5 (2)	Recommend to remove from policy and add to an annex regarding Estate Regeneration and Best Practice Guidance.	<p>Deliverability: In that this policy seeks to manage the information available before an election, this is not a planning matter. The planning system does not manage elections. A requirement for a developer to demonstrate they have met these requirements could be included as addition to the Local List (the requirements a planning application has to meet in order to be validated). Requirements on the Local List have to meet their own tests (Paragraph: 040 of the Making an Application PPG) and it is considered that requiring a local ballot would not pass these tests. In addition, the Planning system already has a consultation requirement and requiring ballots could raise soundness concerns in relation to PPG (plan-making) paragraph 173.</p>
ER 5 (g)	Recommend to reword policy to link to development rather than the tenant.	<p>This policy reads as if it is related to a tenant rather than the development. It would instead need to be reworded to relate to the land use. In addition, if it is seeking to require a like for like re-provision of social / affordable homes at the same rent levels, this would not strictly be in conformity with the existing Local Plan Development Management Policy DM3.6, which enables some flexibility in estate regeneration schemes. The draft Local Plan, seeks to take an approach which would require like for like re-provision, but this has not yet been examined or adopted, However the Council would support the Neighbourhood Plan seeking to require a like for like re-provision of social / affordable homes at the same rent levels.</p>
ER 6	Recommend to remove from policy and add to an annex regarding	Leaseholder rights are not planning matters.

	Estate Regeneration and Best Practice Guidance.	In addition any planning obligations and conditions must meet the requirements of NPPF paragraphs 204 and 206 and it is not considered that this would.
ER 7	This would have to be reworded in relation to development and not end users. Could require discounted retail rents but would need sufficient evidence to suggest this is necessary and the viability of ER7.2 would have to be considered and whether it would result in a reduction of other provisions.	<p>Planning policy cannot specify end users – this includes not being able to specify a specific right of return.</p> <p>Any planning obligations and conditions must meet the requirements of Regulation 122 of the CIL legislation and NPPF paragraphs 204 and 206, and it is not considered that this would.</p>
ER 8	Recommend to remove from policy and add to an annex regarding priorities for the Forum.	<p>This doesn't just relate to Estate Regeneration so unclear why it is included in this section.</p> <p>Relevance: This is not a planning matter. There is no planning mechanism to deliver this requirement as 'public profit' is not managed by the planning system. Stock transfer is a separate legal contract and the planning system cannot control its expenditure as it is not linked to a development proposal. The expenditure of an external organisation (Canal and River Trust) cannot be controlled by the planning system. The only mechanisms which exists to ensure community benefits from 'planning gain' are CIL / Sec106 and they are related to development, not the nature of the organisation (i.e. public bodies_.</p>
ES 1	Recommend to insert a requirement that this only apply to strategic development sites.	<p>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 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>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 indicate that the potential offsetting of CIL should be to reflect the infrastructure provided, not to offset costs.</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 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 permission.</p>
Page 67 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.
GR 1	We understand and are sympathetic to the objective of this policy, however recommend to remove from policy and add to an annex or reword to achieve via design, such as requiring noticeboards, shared amenity space etc. The London Plan	<p>Relevance/ Deliverability: It is not considered that this meets the tests regarding planning conditions in the NPPF: Paragraph 206: "Planning conditions should only be imposed where they are:</p> <ol style="list-style-type: none"> 1. necessary; 2. relevant to planning and; 3. to the development to be permitted; 4. enforceable; 5. precise and;

	Housing SPG contains guidance for improving resident interaction via design.	<p>6. reasonable in all other respects”.</p> <p>It is not considered that this does meet these tests and that the Planning system would therefore be able to deliver this policy objective.</p> <p>Notwithstanding the above concern, the 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 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>
Page 68 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.
3D 1	Recommend to redraft to clarify this is an infrastructure priority for the Neighbourhood Plan and remove from policy and add to the introduction / a CIL section of the document / annex.	<p>Relevance: This seeks to influence LBTH, rather than applications, so should be included in an annex – could be combined with the list in CIL3?</p> <p>Rights of Light: Some concern regarding including this issue within a planning model – as this cannot be a planning consideration.</p>
Page 71 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.
3D 2	Recommend replacing ‘any developments which have to dealt with by a development committee	Usability – this ensures a consistency with the Local Plan and doesn’t introduce a new threshold.

	<p>of LBTH (excluding call-ins)' with either Strategic Development or Referable Development.</p> <p>Recommend rewording to require a 3D model to be provided as early as possible in the planning process.</p>	<p>Provision of 3D models at pre-application stage etc would aid the development management process.</p>
BBA 1	<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>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>
Page 75 of 92 – Guidance to Planning officers	<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>
BBA 2	<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>Usability – this ensures a consistency with the Local Plan and doesn't introduce a new threshold.</p> <p>Relevance/Deliverability: It is not clear what the planning mechanism would be to deliver this policy requirement. It is not considered that this meets the tests regarding planning conditions in the NPPF: Paragraph 206: "Planning conditions should only be imposed where they are:</p>

		<ol style="list-style-type: none"> 1. necessary; 2. relevant to planning and; 3. to the development to be permitted; 4. enforceable; 5. precise and; 6. reasonable in all other respects”.
Page 76 of 92 – Guidance to Planning officers	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.
Page 77 of 92 – Guidance to Planning officers	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.
CC 1	<p>Recommend to remove reference for construction companies to consult the forum. Reword the requirement for LBTH to consult only the Forum.</p> <p>An alternative way to deliver the objectives would be through requiring the Council to consult residents on CMPs . This would include consulting the Forum. The consultation would then sit within the Development Management Process</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 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>In addition it is unclear what the mechanism would be for the planning system to ensure the construction company has consulted the Forum.</p>

CC1	The nature of material changes is unclear and should be expanded.	To provide clarity (as per paragraph 154 of the NPPF)
CC1	Policy should only apply to Strategic Development.	Scale: Policy should be proportionate – as worded would currently apply to all developments – even householder extensions etc (as per paragraph 193 of the NPPF).
Page 78 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.
CC 2	Recommend to move this policy to a separate annex.	A change in working hours is secured via the Environmental Health Team, not planning (it is controlled via a separate set of laws). Therefore there is no planning mechanism to deliver this policy requirement – this should therefore be included in a separate annex. The role of the planning system in relation to this policy objective has been covered in CC 1.

Page 79 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.
CC 3	Recommend deleting requirement for all data to be shared with the Forum.	<p>Clarity: It is unclear what 'data' is being referred to. If in relation to the 'dust' element of an Air Quality Assessment / Monitoring, it is the Council's role to determine the suitability of the Assessment and mitigation and to monitor the impact. The Air Quality Assessment will form part of the public documents consulted on alongside the development and the Forum will already be able to comment.</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 the Forums to be involved.</p>
Page 80 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.
SD 1	Recommend to reword the policy to strongly encourage compliance with the Home Quality Mark.	<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 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>

	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	Usability – this ensures a consistency with the Local Plan and doesn't introduce a new threshold.
Page 81 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.
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 Referable development.	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 and doesn't introduce a new threshold.
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.
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 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.

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.	<p>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 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)	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.	Clarity: To ensure the policy can be applied (as per paragraph 154 of the NPPF).
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).
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.

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).
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 address many of the issues raised above.
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.

5. Other Council Function Comments:

Reference	Comment
D1 (2)	<ul style="list-style-type: none"> Concerns that the infrastructure list is not supported by service plans / evidence from service providers. Need to ensure there is an ability to deliver a service before the infrastructure is required in policy. E.g. the police station.
CIL 1	<ul style="list-style-type: none"> To spend Neighbourhood Portion CIL on those projects solely within the neighbourhood plan would be restrictive and possibly prevent the delivery of form of infrastructure that has not been identified. As reported to Cabinet in December 2016, a local area is defined as wider than a neighbourhood are and consultation must take place to include all residents. The Neighbourhood Forum is not the only voice of local residents and the council has a duty to consult widely and meet all its duties in relation to equalities and representation.
CIL 2	<ul style="list-style-type: none"> The 'long term community financing' reference is interesting, however the neighbourhood plan lacks detail on how this process would work and relate to established processes for the reporting of CIL and S106 http://democracy.towerhamlets.gov.uk/documents/g6804/Public%20reports%20pack%2004th-Oct-2016%2014.00%20Cabinet.pdf?T=10 page 15 as printed.
CIL 3	<ul style="list-style-type: none"> Once again the approach of wanting to fund various new studies into infrastructure need is understood, however the neighbourhood plan lacks detail on how this process would be open and transparent. Furthermore, the plan also lists "Any other project-related spend that supports planning for the growth of the Area" which is vague and could be interpreted in many different ways.
CIL 4	<ul style="list-style-type: none"> As infrastructure demand cannot be fixed to boundaries, it means that the approach of using all the money collected within one neighbourhood area could lead to significant issues when delivering projects that might be outside a neighbourhood forum boundary. For example, if a park crosses the boundary, then it would mean that the improvements to it could only happen in one half of it. The collection and spending of CIL across a different area is the same approach that has been use to deliver Crossrail.
ER1 -8	<ul style="list-style-type: none"> We are aware that the Mayor of London is currently consulting on a revised draft Best Practice Guide to Estate Regeneration which includes the requirement for ballots on strategic (over 150 unit) estate regeneration schemes where demolition is required. However, it is important to note that he proposes

	<p>to deliver this via a funding condition and <u>not the planning process</u>. This is emphasised in: the GLA's consultation document states: <i>Proposed new funding condition to require resident ballots in estate regeneration</i>, states: '2.3 The objective of the planning process is to manage the development of land and buildings in order to ensure that sustainable development is achieved. Decisions are taken by planning officers under delegation, elected councillors and other statutory decision takers (including the Mayor for certain schemes). Planning decisions are a quasi-judicial process and there is no legal basis to require either holding a ballot or the results of a resident ballot to be binding on them'.</p> <ul style="list-style-type: none"> • Whilst it is considered that the majority of this section of the draft Plan does not meet the Neighbourhood Planning 'basic conditions', we are supportive of the principles outlined of ensuring there is thorough, inclusive, positive engagement with residents affected by estate regeneration, however the Council has additional non-planning concerns about some of the specific proposals.
ER 1	<ul style="list-style-type: none"> • Part 5 indicates that the vote should be 'by the affected residents'. We therefore consider that the Plan envisages it would be for each estate regeneration scheme to indicate who the affected residents are (as per ER2, part 3). This would enable different estates to take different approaches. Where schemes would have potentially different implications for different tenures, the determination of the electorate could be much contested. It is unclear how a final decision on the nature of the electorate would be determined. • Part 6 sets very broad parameters for when a vote would be required. In order to be more useful as guidance, this could be more specific and we would endorse this being limited to the scale of regeneration outlined in the Best Practice Guide to Estate Regeneration.
ER2	<ul style="list-style-type: none"> • In general, the conditions for ballots appear to be complex and prescriptive, making them difficult to implement. • Part 1 requires a 'no change option' – we would consider it better practice for this to be an option of least intervention. This ensures that required improvement works are not impeded. • Part 3 suggests that the consultation process would determine the electorate – this would enable different estates to take different approaches. Where schemes would have potentially different implications for different tenures, the determination of the electorate could be much contested. It is unclear how a final decision on the nature of the electorate would be determined. • Part 3 indicates that votes will be conducted and counted by the Independent Organisation – is this LBTH democratic services? This should be clarified.

	<ul style="list-style-type: none"> • Part 4, who in LBTH is responsible for ensuring accuracy and completeness. Will this still be LBTH when the estate is a THH managed estate? • Part 5 suggests a key role for LBTH Democratic Services in verifying 'facts' despite estate regeneration not being their area of expertise. • Part 6 suggests all results should be broken down on block and street etc. but part 7 says a simple majority will suffice. This is likely to cause further division if some areas are seen to be deciding for other areas.
ER 3	<ul style="list-style-type: none"> • Part 2 suggests all options brought forward will be considered, costed, appraised etc. will this include consideration of planning requirements? Otherwise there is a risk that residents could approve a scheme which might not be acceptable in planning terms.
ER 4	<ul style="list-style-type: none"> • This policy suggests that 'any resident regardless of tenure must have a right to return'. While we are supportive of greater rights to private renters (as outlined in the Housing Strategy), as private renters have contracts with their landlord and not with the freeholder, it is not possible for their right to return to be guaranteed and this should be reworded. Clarity is also required as to what the guidance would be for non-resident leaseholders. The Council's view is that non-resident investor private landlords may not have such an interest in long-term estate renewal as the tenants and home owners who live there, and this should be reflected in the franchise. • Part 1 indicates that residents must be enabled to stay in the area – however it is unclear what 'the area' would be defined as. This may also be unachievable depending on the nature and scale of the scheme. • Parts 2, 3, 4, 5, 6, 7 and 8 are supported and would be considered best practice, although they should be rephrased to consider resident choice. Not all residents would want any new home provided through estate regeneration to directly reflect their existing home and amenities. Access to a car parking space post regeneration should be contingent on it having been regularly used by the tenant or resident leaseholder. • Part 9 - the costs of moving home are already covered by legislation.
ER 5	<ul style="list-style-type: none"> • Part 2 requires that this information be provided to tenants in advance of any vote. It may not always be possible for this to be known at that point in time. • The principle of retained rent levels is included in the new draft Local Plan and draft London Plan.
ER 6	<ul style="list-style-type: none"> • Parts 1 and 5 - Providing non-resident leaseholders / freeholders (ie absentee investor private

	<p>landlords) with the same right to a replacement new home as resident freeholders and enabling leaseholders / freeholders to be gifted up to 100% equity might have unintended consequences which warrant further consideration. In the council's view there are adequate statutory processes and full compensation provisions for residential property owners who do not live in the (sometimes multiple) properties they own, and it is considered that, for example, non-resident investor private landlords may not have such an interest in long-term estate renewal as the tenants and home owners who live there. In addition such an equity gift would impact on the viability of any estate regeneration scheme and may limit the delivery of new affordable homes on the scheme. This would not affect such owners' statutory rights as property owners or as consultees on any proposals brought forward.</p> <ul style="list-style-type: none"> • Part 4, the Council cannot guarantee that freeholders / leaseholders will be compensated at least what they paid – this is governed by national law and is based on market value. In the (unlikely) event of a falling market, a lower payment could occur. • Part 6 – it is unclear how ER (2) applies or to what.
ER 7	<ul style="list-style-type: none"> • Requiring below market rents may be in conflict with the best value considerations contained in the sec 123 of the Local Government Act. • It is our view that it is more appropriate for regeneration to enable improved shop premises, which considers which uses are desired and sustainable, which businesses are viable within a framework of relocation of and assistance to remaining businesses (for example, through graduated rent increases to match anticipated footfall or requiring relocation to a more appropriate trading position).
ER 8	<ul style="list-style-type: none"> • The council is governed by its own legal obligations in relation to stock transfer agreements.
3D 1, 3D2	<ul style="list-style-type: none"> • The Council is undertaking its own assessment of the benefits of a 3D model and do consider it would be a useful tool. There are however some barriers regarding data ownership / legality and the ongoing cost of developing the model which are being evaluated.
AQ 1	<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. • 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.
Section 8.10: recommendations for housing regeneration (A)	<ul style="list-style-type: none"> • The Council cannot guarantee that freeholders / leaseholders will be compensated at least what they paid – this is governed by national law and is based on market value. In the (unlikely) event of a falling market, a lower payment could occur.
Section 8.10: recommendations for housing regeneration (B)	<ul style="list-style-type: none"> • Where the council has delivered or facilitated successful schemes to provide new homes and/or wider regeneration, either directly or in partnership with an RSL, it has been important to understand and address the specific factors which make each scheme unique, including the different types of physical change needed in each estate; funding provisions prevailing at that time and most importantly the specific requirements of each local community or estate. It is always the council's hope that where estate renewal is proposed local aspirations can be met and resident support achieved for proposals. Hitherto this has been the case, for example at Crossways, Robin Hood Gardens and Ocean Estates. • However it is important that a "one size fits all" approach is avoided, i.e. where stipulations are set which may in practice become barriers to achieving financial or design viability on schemes which residents might, for the most part, want to go ahead. It is recognised that communities want a transparency of approach and assurances about the re-provision of affordable homes for existing estate tenants and home owners who live there - they should be the primary beneficiaries of the regeneration - but the council cannot be prescriptive, and it is a matter for the landlord / developer in each case to come forward with proposals which are worked up in close engagement with residents and which meet residents' needs.



Canal &
River Trust

22 February 2018

Neighbourhood Planning Consultation
Strategic Planning – Plan Making
London Borough of Tower Hamlets
By email only

Dear Sir/Madam,

ISLE OF DOGS – NEIGHBOURHOOD PLAN (REGULATION 16 CONSULTATION)

Thank you for the opportunity to comment on the draft Isle of Dogs Neighbourhood Plan (Regulation 16 consultation).

The Canal & River Trust (the Trust) is the guardian of 2,000 miles of historic waterways across England and Wales, of which approximately 60 miles are within our London Waterway. This includes the West India and Millwall docks. We are among the largest charities in the UK. Our vision is that “living waterways transform places and enrich lives”.

The Trust has a range of charitable objects including:

- To hold in trust or own and to operate and manage inland waterways for public benefit, use and enjoyment;
- To protect and conserve objects and buildings of heritage interest;
- To further the conservation, protection and improvement of the natural environment of inland waterways; and
- To promote sustainable development in the vicinity of any inland waterways for the benefit of the public.

The Trust owns, manages and maintains the majority of the waterspaces within the West India and Millwall docks in the Isle of Dogs. These form a key part of the Blue Ribbon Network within an area of high density development, which is identified by the Mayor of London and LB Tower Hamlets as a strategically important location for growth.

Our waterspaces and adjacent dockside walkways in Docklands provide important areas for recreation, biodiversity, sustainable transport, business, tourism, a focal point for cultural activities and, increasingly, a space where Londoners want to live. They also provide a resource that is used to heat and cool buildings, a corridor in which new utilities infrastructure can be installed and a way

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of sustainably draining surface water away from new developments. We believe that there are opportunities to increase the contribution that the docks make to the sustainability and attractiveness of the Isle of Dogs as a place to live, work and visit.

Much of the draft Neighbourhood Plan sets out policies that are not relevant to the Trust as a statutory consultee or landowner within the Isle of Dogs. We only wish to make comments on policy ER8 and its supporting text.

ER8 – Public Profit Reinvestment

The Trust objects to draft policy ER8 for the following reasons:-

If, which is not the case, the Trust is properly characterised as a “public body” the exercise of its functions alone and/or in partnership with others for the purposes of developing and regenerating land within the area of the Neighbourhood Plan and selling that land is a private, commercial activity.

Draft policy ER8 purports to require the reinvestment of “any profit” generated by “public bodies” in the Isle of Dogs in the area. It also requires a public body to tell the Forum (and anyone else who is “directly affected” by the development) how it intends to deal with any profit that it makes. The Forum is also required to be a consultee and party to any section 106 agreement.

A requirement to enter into a planning obligation that requires a person to make a financial contribution towards the cost of infrastructure may be unobjectionable provided it accords with regulation 122 of the Community Infrastructure Regulations 2010. That is, any contribution must be:-

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

However, ER8 purports to go further than that. The requirement to reinvest “any profit” operates as a tax on development. That is certainly its literal meaning, and read with the reasoned justification it is also its express purpose. That approach conflicts with CIL regulations 122. It also conflicts with the Secretary of State’s policy on planning obligations in paragraphs 203 to 205 of the National Planning Policy Framework. ER8 is therefore outside the powers of the 1990 Act and the Planning and Compulsory Purchase Act 2004 (“the Acts”). By virtue of its conflict with the Framework it also does not satisfy the Basic Conditions of Schedule 4B to the 1990 Act.

Other more detailed objections are:-

- (1) The policy discriminates between public and private sector bodies undertaking the same regeneration activities. No justification is given for sequestering the profits

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made by the public sector, which is arbitrary, unfair and unreasonable and outside the powers of the 1990 and 2004 Acts.

- (2) The policy requires the Trust to elect how it will use the receipts, which must be spent in the Isle of Dogs. However, the amount of profit that is made by a developer, and the application of those funds is only capable of being a planning matter in special circumstances, such as when the viability of a particular project is put in issue by an applicant. The matters canvassed by the policy will not be material to the determination of a planning application as a matter of course.

Finally, the policy is not saved by the caveat that it operates “subject (where relevant) to LBTH’s legal obligations”. If that is intended to ensure that those public bodies which participate in the regeneration of the area may only be required to enter into planning obligations that accord with CIL and other relevant statutory provisions the policy should say so clearly and expressly. Otherwise, the ER8 is apt to be read as authorising more extensive contributions. That would almost certainly lead to time-consuming and expensive disputes that would delay and inhibit the regeneration of the area and economic growth, contrary to the Framework’s objectives of building a strong, competitive economy and boosting the supply of housing.

If the policy is not modified to address this objection the Trust would wish to take an active part in the examination of the policy. Specifically, if the opportunity were to arise it would wish to be heard by the examiner to elaborate on its concerns that as drafted the Plan does not meet the basic conditions of Schedule 4B to the 1990 Act and that draft policy ER8 is unlawful.

We look forward to being notified of the next steps of the plan’s preparation and participating in the examination, if necessary.

Yours faithfully

Steve Craddock
Planning Manager - South & South Wales



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PD/P6846
22 February 2018

FREEPOST RRBK – TZER – UTAU
Neighbourhood Planning Consultation
Strategic Planning – Plan Making
London Borough of Tower Hamlets
PO BOX 55739
London
E14 2BG

Dear Sir / Madam,

**Consultation on the Draft Isle of Dogs Neighbourhood Plan
Representation for the Ballymore Group**

We write on behalf of our client, the Ballymore Group, to make representations to the Draft Isle of Dogs Neighbourhood Plan - Vision, Objectives and Policies Summary (2017-2031). The Ballymore Group are involved in significant live projects across the Borough, particularly on the Isle of Dogs where they have been a substantial contributor of new development. As shown in the below recent examples they have/are delivering a significant number of dwellings to meet local housing targets:

- Pan Peninsula – 762 residential units on Marsh Wall – Completed 2009
- New Providence Wharf – 1,535 residential units and a new hotel facing the River Thames – Completed;
- Wardian (Arrowhead Quay) – 764 new residential units within two landmark towers on Marsh Wall – Under Construction;
- Cuba Street – Approximately 440 new homes, including a significant number of family size and affordable homes – In discussions with the Council

Ballymore are expressly interested in ensuring new sites can come forward with high quality designs and in an appropriate timeframe. They focus on the delivery of new schemes and do not secure permission to land bank. The Company is therefore understandably keen to ensure that planning policy does set out any potentially unreasonable or inappropriate barriers to new development coming forward.

It is for this reason that Ballymore are actively involved, through various representations, in consultation on the emerging new LB Tower Hamlets Local Plan (October 2017) and the draft London Plan (November 2017). They are seeking consistency in approach through all tiers of the planning policy hierarchy, hence the importance of inputting into consultation on the emerging Neighbourhood Plan.

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Ballymore - Representation on Draft Newham Local Plan
22 February 2018

Comments on new Neighbourhood Plan

As an important participant in the continued high density regeneration of this area our client generally welcomes this document as a helpful addition to the planning policy framework that will guide future development on the Isle of Dogs. It appears to be drafted in a positive manner and outlines some useful mechanisms and innovations to improve quality of development in the area.

We welcome the objectives set out on page 4 of the Plan to deliver sustainable development, a cohesive community that works for all ages and abilities, publicly accessible amenity spaces and a complimentary mix of uses. Ballymore are also encouraged by the intention to engage positively with developers in ensuring a productive dialogue with the local community and finding the best development solution for all.

We have set out below some observations and comments in respect of certain areas of the draft Neighbourhood Plan that are of specific relevant to our client.

Key Objectives

Page 4 of the draft Plan lists a number of key objectives for the Isle of Dogs. This includes the objective that 'Infrastructure' (in the form of physical and social infrastructure and services) should be planned and delivered in advance of development, and is sized to cope with all future likely development.

This is a concerning statement as it suggests that development cannot be brought forward until such time as associated infrastructure is put in place to support the scheme. This would in many cases be impossible as the infrastructure may need to be delivered as part of the development or may require receipt of CIL funding generated from the commencement of a new development. It is also not consistent with the wording within Draft Policy D1 (Density and Infrastructure) which instead states that infrastructure needs to be identified by the Council and guaranteed to be put in place.

Density

Draft Policy D1 (Density and Infrastructure) stipulates that planning approval should only be given to hotel or residential developments exceeding 1,100 habitable rooms per hectare in locations with a PTAL of 5 or less where the Infrastructure needed to sustain the new population generated by the scheme and all existing and approved developments has been specifically identified by the relevant planning authority and guaranteed to be put in place.

The summary for this policy within the draft Plan references the maximum recommended densities in the London Plan and states that Policy D1 would strengthen the GLA's Housing SPG recommendations on density. However, it should be noted that Policy D6 of the recently consulted draft London Plan seeks to abolish the recommended densities of the current London Plan and Housing SPG in favour of optimising density through a design-led approach. It is therefore likely that Policy D.DH7 of the draft Local Plan will require amendment to capture this change in approach to densities at London Plan level.

On this basis it is requested that Policy D1 also be reconsidered to ensure consistency across the policy hierarchy. One option might be to adopt a more holistic approach whereby all applications for hotel or residential development to be determined at the Council's Strategic Development Committee should be asked to demonstrate through a planning application whether it is feasible or appropriate

Ballymore - Representation on Draft Newham Local Plan
22 February 2018

to deliver new community facilities such as those listed within Part 2 of draft Policy D1. Where this has not been deemed to be feasible or appropriate for physical or capacity reasons then CIL contributions will contribute towards their delivery elsewhere on the island.

As intimated earlier in this representation our client would also have concern about the statement within Part 1 of the draft Policy that approval should not be given by the planning authority until such time as supporting infrastructure for the proposed development and all existing and approved developments has been identified and guaranteed. It is reasonable to insist through policy that developers investigate whether it is feasible or appropriate to physically deliver certain community facilities such as schools, medical centres and open spaces within the scheme proposal. However, to withhold planning approval until such time as all required infrastructure for existing, approved and proposed development has been identified and is 'guaranteed to be put in place' is an excessive and highly onerous restriction to impose on individual schemes.

Such a restriction does in fact have the potential to result in a moratorium on all strategic development until such time as the planning authority have specifically identified what infrastructure needs to be delivered going forward and how it will be funded. It also infers that new strategic hotel and housing developments on the Isle of Dogs may be unreasonably expected to make certain guarantees which would clearly be beyond their ability to deliver as well as potentially bear the brunt of the requirement to deliver and fund any deficiency in existing and future infrastructure in a way that is disproportionate to the scale of development proposed.

The new draft Local Plan sets an ambitious target for a minimum of 29,848 new homes for the Isle of Dogs and South Poplar between 2016 and 2031 (an annual target of 1,990 new homes). Whilst it is critically important that new development on the Isle of Dogs is supported by appropriate infrastructure there is a danger that the strict application of this currently worded draft policy could at best lead to significant delay and at worst result in complete stagnation of strategic housing development.

Community Infrastructure Levy

Ballymore strongly support the idea that all CIL funds generated by new development within the Isle of Dogs area should be spent exclusively on the delivery and improvement of infrastructure and the built environment on the island. However, our client would question the requirement for four separate policies on CIL within the Neighbourhood Plan when it may be easier to implement the approach towards CIL within one clear, condensed and easily interpreted policy.

For example the draft Plan states in the summary for draft Policy CIL1 (Neighbourhood Pot) that at least 25% of CIL collected from developments in the area should be made available for the Area. However, this 25% figure is not referenced again in the detailed policy wording itself. This inconsistency generates some confusion, particularly when it states in draft Policy CIL3 that up to 15% of the total CIL should go towards the delivery of projects listed. CIL4 then states that all CIL outside of the Neighbourhood Pot should also be spent in the area.

Estate Regeneration

Our client supports and welcomes the objective within draft Policy ER3 for enhanced positive engagement with the directly affected community in relation to the regeneration of Estates in the Area. It is important that affected residents have the opportunity to contribute meaningfully to the evolution of the regeneration scheme options and the future of their estate.

Ballymore - Representation on Draft Newham Local Plan
22 February 2018

Notwithstanding this, our client would express some concern about resident involvement in the selection of contractors, architects and other consultants involved in the project, as suggested by point 3. This process can often be quite selective and indeed confidential so the involvement of local residents may lead to unnecessary delay for the project and frustration on the part of residents.

Point 5 of Policy ER1 would also raise concern as it states that the final step in the involvement of residents should be a vote by the affected residents between multiple options. This is supported by draft Policy ER2 which states that the vote should be a clear choice between different options, one of which should be a no change proposal.

Whilst this is an understandable approach to obtaining residents' final opinions on the preferred design it has the potential to be quite a restricted mechanism. It would require residents to state their preference for one of a multiple of options when a number of options might display an unavoidable mix of both positive and negative attributes. Furthermore, as the vote is stated as the 'final step in the involvement of residents' it would require developers to develop multiple options to an equal level of advanced detail so as to present an equitable standard of work. This would represent an inefficient and wasteful approach and may ultimately prove unnecessary as it is often clear from a much earlier stage in the design process what the preferred approach of all parties to regeneration should be.

Conclusion

Our client generally supports the objectives and the intentions behind the policies within the draft Isle of Dogs Neighbourhood Plan. They also strongly support the aspiration to pool CIL contributions from new development in the area so that it specifically directed towards investment on the island. However, as set out within this representation the wording of certain policies such as draft Policy D1 is currently quite restrictive and represents a highly onerous imposition on developers and individual sites that may jeopardise the delivery of strategic development in the area.

Yours faithfully

Philip Dunphy

For and on behalf of
Rolfe Judd Planning Limited

cc John Turner - Ballymore Group

Neighbourhood Planning Consultation
Strategic Planning – Plan Making
London Borough of Tower Hamlets
London E14 2BG

Our Ref: [REDACTED]

Your Ref:

Email: [REDACTED]

Sent by Email and Recorded Delivery

22nd February 2018

Dear Sir/Madam,

Draft Isle of Dogs Neighbourhood Plan – Regulation 16 Consultation

I write in response to the Draft Isle of Dogs Neighbourhood Plan (October 2017) consultation under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012. Canary Wharf Group (CWG) welcomes the opportunity to comment on the Draft Isle of Dogs Neighbourhood Plan (hereinafter referred to as “the Plan”) and to strengthen our long-term partnerships with the Isle of Dogs Neighbourhood Forum (hereafter referred to as “the Forum”), and the local communities in the borough.

As neighbours to the Forum area, CWG has welcomed open dialogue from the Forum and on-going basics since the outset. CWG supports the aims and objectives of the Plan. The document identifies and addresses key challenges faced by the residents of the Forum relating to future development, intensification in the Plan area and the strains these might place on current infrastructure. CWG supports the need to plan for this area and work together as it has been doing so in partnership with the local communities of the Isle of Dogs for the past 30 years.

In what follows, we would like to enunciate our comments and suggestions in regard to the Plan.

CWG acknowledges that the Forum is taking an alternative approach by firstly developing a “quick” Plan which addresses the pressing issues they have identified, while – in parallel – developing a comprehensive Plan called the “long” Plan. The Neighbourhood Plan must meet the “basic conditions” set out in the Regulations. At this stage we are concerned that the Plan does not fully meet the set of basic conditions.

We consider that a better distinction needs to be made between what is appropriate for Neighbourhood Planning, including what can be delivered through the planning framework, and what counts as non-land use matters. This is not to say that one matter is more important than the other but it should set out more clearly what can be delivered through planning policy and what needs to be

addressed through different avenues.

The Plan should align the current Development Plan and should follow planning policy and advice set out in guidance by the Secretary of State. It should also cognisant of emerging development policies (Isle of Dogs and South Poplar Opportunity Area Planning Framework (OAPF), LBTH Draft Local Plan (2017) and Draft London Plan (2017)), and formulate policies that are positive towards sustainable development.

Assuming the Plan is adopted, it will then be in force for the next 15 years, therefore it is necessary for the Plan to be a rigorous document that relies on a consistent and accurate evidence base. We do not think items such as newspaper clippings are in line with this.

It should be added that our review of the Plan identified a number of errors, for example the Herzog De Meuron building at Wood Wharf does not comprise 3,600 units. This is the approximate total for the whole site. We also consider the Canary Wharf estate is somewhat misrepresented in the Plan, particularly given that the estate is not within the Forum area. For example we would strongly argue that our developments are fully supported by infrastructure we have either physically provided or financially contributed to.

Given our long-term commitment and investment in the communities of Tower Hamlets, we would like to see our efforts counted as part of the solution for sustainable development on the Isle of Dogs. Canary Wharf currently supports a significant number of jobs within the Isle of Dogs cluster, which in turn accounts for 54% of the jobs in Tower Hamlets. Over the years, CWG has contributed towards and provided a significant amount of infrastructure which supports the Isle of Dogs, and has been systematically lobbying for better transport infrastructure across the borough.

We conclude by reiterating our endorsement of the Plan's aims and objectives, particularly promoting and improving the social and economic wellbeing of the Isle of Dogs communities, and working with the wider communities and stakeholders, including developers like us.

Yours sincerely,



JASON LARKIN

Associate Director – Planning

PD/P6846
22 February 2018

FREEPOST RRBK – TZER – UTAU
Neighbourhood Planning Consultation
Strategic Planning – Plan Making
London Borough of Tower Hamlets
PO BOX 55739
London
E14 2BG

Dear Sir / Madam,

**Consultation on the Draft Isle of Dogs Neighbourhood Plan
Representation for Strong Drive Limited**

We write on behalf of our client, Strong Drive Limited, to make representations to the Draft Isle of Dogs Neighbourhood Plan - Vision, Objectives and Policies Summary (2017-2031). Strong Drive Limited are responsible for the redevelopment scheme currently subject to a planning application for the Skylines Village site at the junction of Marsh Wall and Limeharbour as well as having a number of other land interests in the area.

Comments on new Neighbourhood Plan

As an important participant in the continued high density regeneration of this area our client generally welcomes this document as a helpful addition to the planning policy framework that will guide future development on the Isle of Dogs. It appears to be drafted in a positive manner and outlines some useful mechanisms and innovations to improve quality of development in the area.

We welcome the objectives set out on page 4 of the Plan to deliver sustainable development, a cohesive community that works for all ages and abilities, publicly accessible amenity spaces and a complimentary mix of uses. Our client is also encouraged by the intention to engage positively with developers in ensuring a productive dialogue with the local community and finding the best development solution for all.

We have set out below some observations and comments in respect of certain areas of the draft Neighbourhood Plan that are of specific relevant to our client.

Key Objectives

Page 4 of the draft Plan lists a number of key objectives for the Isle of Dogs. This includes the objective that 'Infrastructure' (in the form of physical and social infrastructure and services) should be planned and delivered in advance of development, and is sized to cope with all future likely development.

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Strong Drive Limited - Representation on Draft Isle of Dogs Neighbourhood Plan
22 February 2018

This is a concerning statement as it suggests that development cannot be brought forward until such time as associated infrastructure is put in place to support the scheme. This would in many cases be impossible as the infrastructure may need to be delivered as part of the development or may require receipt of CIL funding generated from the commencement of a new development. It is also not consistent with the wording within Draft Policy D1 (Density and Infrastructure) which instead states that infrastructure needs to be identified by the Council and guaranteed to be put in place.

Density

Draft Policy D1 (Density and Infrastructure) stipulates that planning approval should only be given to hotel or residential developments exceeding 1,100 habitable rooms per hectare in locations with a PTAL of 5 or less where the Infrastructure needed to sustain the new population generated by the scheme and all existing and approved developments has been specifically identified by the relevant planning authority and guaranteed to be put in place.

The summary for this policy within the draft Plan references the maximum recommended densities in the London Plan and states that Policy D1 would strengthen the GLA's Housing SPG recommendations on density. However, it should be noted that Policy D6 of the recently consulted draft London Plan seeks to abolish the recommended densities of the current London Plan and Housing SPG in favour of optimising density through a design-led approach. It is therefore likely that Policy D.DH7 of the draft Local Plan will require amendment to capture this change in approach to densities at London Plan level.

On this basis it is requested that Policy D1 also be reconsidered to ensure consistency across the policy hierarchy. One option might be to adopt a more holistic approach whereby all applications for hotel or residential development to be determined at the Council's Strategic Development Committee should be asked to demonstrate through a planning application whether it is feasible or appropriate to deliver new community facilities such as those listed within Part 2 of draft Policy D1. Where this has not been deemed to be feasible or appropriate for physical or capacity reasons then CIL contributions will contribute towards their delivery elsewhere on the island.

As intimated earlier in this representation our client would also have concern about the statement within Part 1 of the draft Policy that approval should not be given by the planning authority until such time as supporting infrastructure for the proposed development and all existing and approved developments has been identified and guaranteed. It is reasonable to insist through policy that developers investigate whether it is feasible or appropriate to physically deliver certain community facilities such as schools, medical centres and open spaces within the scheme proposal. However, to withhold planning approval until such time as all required infrastructure for existing, approved and proposed development has been identified and is 'guaranteed to be put in place' is an excessive and highly onerous restriction to impose on individual schemes.

Such a restriction does in fact have the potential to result in a moratorium on all strategic development until such time as the planning authority have specifically identified what infrastructure needs to be delivered going forward and how it will be funded. It also infers that new strategic hotel and housing developments on the Isle of Dogs may be unreasonably expected to make certain guarantees which would clearly be beyond their ability to deliver as well as potentially bear the brunt of the requirement to deliver and fund any deficiency in existing and future infrastructure in a way that is disproportionate to the scale of development proposed.

Strong Drive Limited - Representation on Draft Isle of Dogs Neighbourhood Plan
22 February 2018

The new draft Local Plan sets an ambitious target for a minimum of 29,848 new homes for the Isle of Dogs and South Poplar between 2016 and 2031 (an annual target of 1,990 new homes). Whilst it is critically important that new development on the Isle of Dogs is supported by appropriate infrastructure there is a danger that the strict application of this currently worded draft policy could at best lead to significant delay and at worst result in complete stagnation of strategic housing development.

Community Infrastructure Levy

Strong Drive Limited strongly support the idea that all CIL funds generated by new development within the Isle of Dogs area should be spent exclusively on the delivery and improvement of infrastructure and the built environment on the island. However, our client would question the requirement for four separate policies on CIL within the Neighbourhood Plan when it may be easier to implement the approach towards CIL within one clear, condensed and easily interpreted policy.

For example the draft Plan states in the summary for draft Policy CIL1 (Neighbourhood Pot) that at least 25% of CIL collected from developments in the area should be made available for the Area. However, this 25% figure is not referenced again in the detailed policy wording itself. This inconsistency generates some confusion, particularly when it states in draft Policy CIL3 that up to 15% of the total CIL should go towards the delivery of projects listed. CIL4 then states that all CIL outside of the Neighbourhood Pot should also be spent in the area.

Conclusion

Our client generally supports the objectives and the intentions behind the policies within the draft Isle of Dogs Neighbourhood Plan. They also strongly support the aspiration to pool CIL contributions from new development in the area so that it is specifically directed towards investment on the island. However, as set out within this representation the wording of certain policies such as draft Policy D1 is currently quite restrictive and represents a highly onerous imposition on developers and individual sites that may jeopardise the delivery of strategic development in the area.

Yours faithfully

Philip Dunphy

For and on behalf of
Rolfe Judd Planning Limited

GREATER LONDON AUTHORITY
Development, Enterprise and Environment

Neighbourhood Planning Consultation
Strategic Planning – Plan Making
London Borough of Tower Hamlets
PO BOX 55739
London
E14 2BG

Our ref: LDF30/LDD22/CG01
Date: 22 February 2018

Sent by email to: neighbourhoodplanning@towerhamlets.gov.uk

Dear Sir/Madam,

**Planning and Compulsory Purchase Act 2004 (as amended);
Greater London Authority Acts 1999 and 2007;
Town and Country Planning (Local Development) (England) Regulations
2012**

**RE: Isle of Dogs Neighbourhood Planning Forum - Draft Neighbourhood
Plan (Regulation 15) Consultation**

Thank you for consulting the Mayor of London on the Draft Isle of Dogs Neighbourhood Plan. As you are aware, all development plan documents have to be in general conformity with the London Plan under section 24 (1)(b) of the Planning and Compulsory Purchase Act 2004. The Mayor provided comments on the Regulation 14 version of the document on 19 April 2017.

The National Planning Practice Guidance sets out that Neighbourhood Planning provides the opportunity for communities to set out a positive vision for how they want their community to develop over the next ten, fifteen, twenty years in ways that meet identified local need and make sense for local people. The Isle of Dogs Neighbourhood Area is located entirely within the Isle of Dogs and South Poplar (IoD & SP) Opportunity Area and given the importance of the Isle of Dogs Opportunity Area to London's housing and employment growth, the development of this Neighbourhood Plan alongside the emerging Tower Hamlets Local Plan and Opportunity Area Planning Framework is welcomed.

The Mayor is of the opinion that the Neighbourhood Plan is not in general conformity with the London Plan as it could undermine the delivery of housing in the Neighbourhood Plan area and therefore the ability of Tower Hamlets to meet its housing completions target. Of greatest concern are draft neighbourhood plan policies D1 on density and infrastructure delivery and ER1 to ER8 on estate regeneration. These concerns are detailed below.

The Mayor has afforded me delegated authority to make more detailed comments which are set out below and include representations from Transport for London (TfL), which I endorse. TfL's detailed comments are attached as Annex 1.

The draft new London Plan

As I am sure you are aware, the Mayor published his draft London Plan for consultation on 1st December 2017. It is anticipated the Examination in Public of the draft London Plan will take place in the Autumn 2018 with publication in Autumn 2019. Once published, the new London Plan will form part of Tower Hamlets' and the neighbourhood forum's Development Plan and contain the most up-to-date policies. The Isle of Dog Neighbourhood Plan is required to be in general conformity with the current London Plan, however any policies that diverge from the draft London Plan will become out of date as the draft London Plan gains more weight as it moves towards publication. In addition, the draft London Plan and its evidence base will now be a material consideration in planning decisions.

General Comments

The consolidation of the originally consulted draft documents into a single Neighbourhood Plan document is welcome. The initial proposed approach of a 'quick plan' and a 'longer plan' in order to progress as a result of the need to urgently address local issues is still included in the draft document. This approach should not result in the duplication of effort in testing and approving the plan at Independent Examination.

The initial section of the draft Neighbourhood Plan provides useful context to the rate and pace of development change in the plan area and the vision and objectives of the document to ensure that communities continue to enjoy a high quality of life are fully supported. As stated in the previous response, further narrative could be added to the deprivation section as this is one area where the Neighbourhood Plan could target specific policy interventions at a very local level. The new reference to the IoD & SP OAPF is welcome.

As part of the OAPF, TfL has been working closely with GLA and the Council to develop a comprehensive transport strategy for the area to address key challenges, for example around crowding, congestion, connectivity and severance, as well as specific issues around construction and freight. In addition to this an emerging Local Connections Strategy and Design Guide has been developed to sit alongside the OAPF. This will look to address the barriers to active travel in the OA, as part of the wider package of transport measures to support both the existing communities as well as the proposed growth in the area over the twenty year OAPF plan period.

Comments on Policies

Density (D1)

It should be noted that the draft new London Plan no longer includes a density matrix and instead includes strong policies to support a design led approach to determine the scale of development on individual sites.

It is acknowledged that high density residential development and resulting strain on infrastructure on the Isle of Dogs is an important issue for this plan to tackle. However, as stated in the Mayor's previous correspondence it is unclear how policy D1 would work from a development management perspective, as it also stipulates that the policy would relate to demonstrating how 'all existing and approved developments' have also met their infrastructure requirements. It is also unclear what the evidence base for demonstrating this would entail,

which would be necessary to find this policy 'sound'. While the provision of infrastructure is a key concern for the Plan area, this policy as drafted could potentially limit all new development coming forward and as such raises a potential issue of general conformity with the London Plan, which seeks to optimise housing delivery. It could potentially undermine the ability of Tower Hamlets to deliver its housing target as set out in Policy 3.1 of the London Plan and Policy HI of the draft new London Plan.

A policy could be developed to complement the results of the OAPF DIF study by introducing some spatial element to the provision of infrastructure, which would allow for a co-ordinated and more specific set of infrastructure asks.

CIL (C1, C2, C3, C4)

There is some repetition of existing planning policy in this section and it is not clear that all of these policies relate to development matters. There is also concern relating to the compliance of some of the proposed uses for the funds with the CIL regulations.

Further discussion is recommended on how the final policies will be reflected in the OAPF delivery chapter.

Estate regeneration and residents' associations (ER1 to ER8, GR1)

The plan contains many detailed policies relating to estate regeneration (ER1 to ER8). In February 2018, the Mayor published 'Better Homes for Local People: Good Practice Guide to Estate Regeneration' which sets out the Mayor's expectations for how local authorities and housing associations should engage with residents as part of estate regeneration schemes. This includes outlining his support for the principle of requiring resident ballots in estate regeneration schemes which involve the demolition of existing homes.

The objective of the planning process is to manage the development of land and buildings in order to ensure that sustainable development is achieved. Decisions are taken by planning officers under delegation, elected councillors and other statutory decision takers (including the Mayor for certain schemes). There is no legal basis to require either holding a ballot or the results of a resident ballot to be binding on planning decisions. Instead, it is proposed that the GLA applies a new condition in its Affordable Housing Capital Funding Guide requiring evidence of a positive vote in a resident ballot before new allocations of affordable housing grant are made to estate regeneration projects that involve demolition of existing homes. This approach is set out in 'Proposed new funding condition to require resident ballots in estate regeneration' consultation paper at:

<https://www.london.gov.uk/sites/default/files/consultation-on-a-new-funding-condition-requiring-resident-ballots-in-estate-regeneration-schemes.pdf>

Empty sites (ES1)

This policy is welcome given the pressure on land uses and lack of open space in the Plan area, however it might be appropriate to provide further information on how this will be applied.

3D Model (3D1, 3D2)

The aspiration to develop a 3D model for the Plan Area is in line with GLA proposals to create a London-wide 3D model. As the GLA is currently looking to commission a model, it would be beneficial to make any future model compatible with a wider GLA model.

However, the wording of this policy should be more specific to ensure it is clear how exactly the model would be used for planning purposes and what part the developer is meant to play in funding its development and ongoing management.

Broadband Access (BBA1, BBA2, BBA3)

The supply of broadband to homes is a commercial matter unless the policy is making specific infrastructure related requirements on sites. The new draft London Plan includes a new policy on digital connectivity (Policy SI6) which aims to facilitate the provision of digital connectivity infrastructure a modern world city needs. In development management terms, the draft London Plan policy is directive and seeks developers include certain design measure to support digital connectivity in their schemes.

Construction Management and Communication (CC1, CC2, CC3)

A core aspiration for the OAPF will be to understand and address the impacts of construction, delivery and servicing freight. TfL are proactively working with the borough, as part of the OAPF process, to develop a coordinated approach to construction logistics for the area. The Neighbourhood Forum are a key stakeholder for the area and will be involved as this strategy develops.

Sustainable Design & Air Quality (SD1, AQ1)

The Mayor welcomes the draft Plan's focus on protecting the environment and health. However, it is unclear how draft policy on air quality and energy can be implemented on technical grounds and whether this approach would affect the viability of development proposals.

We welcome the forum's continued involvement in the development of the OAPF. If you have any specific questions regarding the comments in this letter please do not hesitate to contact Celeste Giusti on 020 7983 4811 or at celeste.giusti@london.gov.uk.

Yours sincerely



Juliemma McLoughlin
Chief Planner

Cc Unmesh Desai, London Assembly Constituency
 Nicky Gavron, Chair of London Assembly Planning Committee
 National Planning Casework Unit, DCLG
 Lucinda Turner, TfL

Annex 1 - TfL comments

Draft Isle of Dogs Neighbourhood Plan and Policies, Regulation 16 consultation, London Borough of Tower Hamlets

TfL welcomes the opportunity to comment again on the draft Isle of Dogs Neighbourhood Plan and Policies within LB Tower Hamlets. The following comments represent TfL’s view in terms of operational and land use planning / transport policy matters as part of our statutory duties.

It is unfortunate that many of the transport comments highlighted within the previous round of consultation (Regulation 14) have not been reflected within this version of the plan, and therefore many of the comments reiterate these points. The Neighbourhood Plan presents a clear opportunity to draw down policy to the locality and deliver benefits to the area, including particularly those around Healthy Streets.

General comments

Evidence	Whilst the plan presents quite a clear narrative in terms of what it wants to achieve, it needs to be grounded in robust evidence. In some areas it strays into anecdotes and a subjective narrative which is not necessarily evidenced in the document or appendices.
London Plan	Since the plan was written the new London Plan has been published, which will supersede much of the evidence presented within the plan, including for instance P14 City in the east and P16 as examples.

Isle of Dogs Neighbourhood Plan – Specific comments

P4	PTAL – this is not the standard definition of PTALs and needs to be amended.
P7 Para 2	“somethings have not changed” implies that there is no ongoing investment in infrastructure in the area, which is misleading given things such as for example the delivery of Elizabeth line from 2018. Suggest it is removed.
P26 Para 2 & 3	<p>Since 1999 the DLR was upgraded to three-car operations. This was a significant investment in capacity for the area, including a number of stations being enhanced or rebuilt entirely, in the case of South Quay. Since 1999 the Jubilee line has also been upgraded, with extra carriages also having been added to each train. There has also been investment in cycling, with the delivery of Cycle Hire to the area, as well as Cycle Superhighway 3.</p> <p>The plan does not pick up on the opportunity of Elizabeth line, and we would encourage the plan to consider the benefits this will bring to the area. The Elizabeth line will provide a significant capacity uplift for the area, as well as provide improved connectivity.</p> <p>TfL have been working with LBTH since 2015 to develop new bridge infrastructure across South Dock. Further details on this were announced by the borough in late 2017, with a consultation planned in February 2018. The plan should be updated to reflect the latest situation.</p>

P27 Construction	TfL are proactively working with the borough, as part of the OAPF process, to develop a coordinated approach to construction logistics for the area. The Neighbourhood Forum are a key stakeholder for the area and will be involved as this strategy develops.
P31	<p>The DLR also provides access to/from the north, not just from the south. The plan should present all connectivity benefits for the area, including from Canary Wharf including Jubilee and Elizabeth lines.</p> <p>The Thames Path is only blocked in short sections only.</p> <p>What about future proposals?</p>
P32	<p>All these points need to be directly backed up by evidence.</p> <p>1 – Clarification and expansion is sought on what is meant by this? Does the plan mean to say unable to get on the first bus/train, or station crowding? As part of the OAPF, TfL is investing in enhancements to public transport network, including the delivery of new, more spacious DLR trains, as well as improved frequencies will provide a step-changes in capacity across the DLR network, whilst continued enhancements to the bus network will also enable travel choice and improve bus reliability.</p> <p>2 – The bus improvements did provide a net increase in capacity for the network, including double decking the D8 route. Further work is being undertaken to specifically look at bus priority for the area, as well as further service improvements in the future.</p> <p>20 – Again, the plan should highlight evidence of this reduction. The Thames Clippers RB1 route serves this pier and it is owned by Canal's and Rivers Trust. The OAPF is looking at how the pier could be utilised more effectively to support the area. This includes raising awareness of the pier, the services it could offer, as well as improving local connectivity and legibility for people to access it.</p>
P40	<p>Whilst the aspiration for these objectives is welcomed, how will they be addressed / achieved in practicality?</p> <p>Some of these objectives arguably exist already, so what is the Plan doing over and above this? Again these all need to be directly evidenced.</p> <p>Point 1 – Is the plan highlighting that quick, efficient and free-flowing transport options, that work together, do not exist already? This needs to be more specific.</p> <p>A key principle of the OAPF is to tackle the dominance of traffic, in doing so making the streets better for people, as well as enabling travel choice and options. As part of this we need to consider the movement of people and goods rather than vehicles. We need to create an environment that encourages people to walk and cycle for local journeys, as well as the last mile of longer journeys, and utilise the public transport network effectively.</p>
P41/42	<p>CC1-CC3 - TfL is working with LBTH to develop a coordinated approach to construction management and communication across the Isle of Dogs and South Poplar area, as part of the wider OAPF. We hope to build on this approach to include Delivery and Servicing in a similar fashion.</p> <p>AQ1 - TfL welcomes the principle of a policy on air quality within the Plan. Consideration of this should be broadened from just development to incorporate other areas, for example to shift people to sustainable forms of transport to reduce emissions from vehicles.</p>

P43	Point I - It would be more appropriate to reword this along the lines of a bridge landing point / a pier.
P45	Inconsistency in terms of Alpha Square. Earlier in the plan it highlights that the school had not been secured. Consider rewording to 'committed to deliver'.
P46	It is not just about sites. LBTH's ability to deliver infrastructure on its highway network should be highlighted here, with an aim to deliver Healthy Streets to benefit the community.
P49	'Limited transport networks northwards'. Clarification is sought on what is meant by this?
P50	Whilst the principle behind this may be sensible, this can become very restrictive and not very robust. What happens when different needs arise during the lifespan of the plan?
P52	<p>The OAPF outlines strategies for transport, connectivity, placemaking and delivery for the area. The Neighbourhood Forum has been engaged throughout these processes.</p> <p>There should be a delivery focus to this policy, building on the existing strategies, for instance through feasibility studies, rather than looking to produce further strategies.</p>
P82	<p>We welcome the focus on health and environment as part of the planning process.</p> <p>TfL would welcome consideration of how people travel and the need to create healthier lifestyles by enabling people to walk, cycle and use public transport rather than private vehicles wherever possible.</p> <p>This policy focusses on the air quality and development, but there needs to be a much broader outlook in this policy. For instance it is lacking in terms of car use and car parking for the area.</p> <p>How would this be enforced practically?</p>
P87	<p><u>1 Local Detail</u> This is straying beyond the role of the Neighbourhood Forum. The Forum should look to work collaboratively with the Authorities, such as the local Highway Authority, in order to deliver improvements.</p> <p><u>3 Utilities</u> The OAPF highlights the need for new services in this respect. This should highlight how the Forum should work together with partners to develop ideas for how to avoid roads being repeatedly dug up for works. The Forum should be aware of the costs and disruption associated with engineered alternative solutions. Suggest referring to the OAPF Local Connections Strategy for more information.</p> <p><u>6 Public Realm</u> Refer to the OAPF Placemaking and Local Connections Strategy for the area.</p> <p><u>10 Transport Strategy</u></p>

	<p>A robust and comprehensive transport strategy is being developed for the OAPF. This considers how people travel now and in the future, and works alongside wider strategy and policy documents such as the new Mayor’s Transport Strategy, London Plan and LB Tower Hamlets Local Plan. As part of this interventions have been identified to support the highway, public transport, walking and cycling, as well as broader work looking at how to improve local connection corridors. This will be published alongside the OAPF.</p> <p>This should be referred to and the starting point for the Plan. We suggest this is divided up into projects/policies of strategic importance and then local transport elements, which the Forum will be well placed to be involved with. Some areas are out of the scope of this plan to be able to deliver easily, whilst there are a number of quick wins the Plan could work to assist in delivering.</p> <p>In terms of c), TfL would welcome this being renamed to ‘crossings’ as a series of options continue to be considered as part of ongoing processes and rename as i) Within the area and ii) River Crossings</p> <p><u>16 Design Guide and Planning Policy Guide</u></p> <p>The plan needs to demonstrate why it requires a bespoke design guide for the area, when there are multiple guides already in existence which could be used and referred to instead, including the Local Connections Strategy of the OAPF. We therefore suggest the Plan builds on the existing design guides, where there are established palettes and standards for the area that should be adhered to. If there are specific conditions which are felt to be bespoke to this area then the Plan needs to first identify this need and clearly justify it.</p>
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DP3024

22 February 2018

Neighbourhood Planning Consultation
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Dear Sir/Madam,

**REPRESENTATIONS IN RESPECT OF THE DRAFT ISLE OF DOGS
NEIGHBOURHOOD PLAN REGULATION 16 CONSULTATION**

SUBMITTED ON BEHALF OF WESTFERRY DEVELOPMENTS LIMITED

This written representation is made by DP9 Limited, on behalf of Westferry Developments Limited, regarding the Isle of Dogs Neighbourhood Planning Forum Regulation 16 Consultation of the Draft Neighbourhood Plan.

Westferry Developments Limited are freehold owners of the Westferry Printworks site on Westferry Road. The site is currently subject to Site Allocation 18 of the LBTH Managing Development Document which designates the site for *“a comprehensive mixed-use development required to provide a strategic housing development, a secondary school, publically accessible open space, an expanded leisure facility, a district heating facility (where possible) and other compatible uses.”*

Planning permission was granted on 4th August 2016 (LPA Ref: PA/15/02216) for demolition of the existing buildings and structures at the Westferry Printworks Site and the subsequent comprehensive mixed use redevelopment comprising a secondary school, 722 residential units, together with other retail, flexible office and community uses. This site has now been demolished and the planning consent has been implemented.

Our client is therefore fully well placed to comment on the proposed Draft Isle of Dogs Neighbourhood Plan. It is in this context that we provide our representations.

Implications for Planning Policy



Policy SD1 – Sustainable Design

The wording of Policy SD1 states that “*Residential developments should use and comply with the Home Quality Mark, launched in 2015. This especially applies to developments exceeding London Plan recommended density limits.*”

The London Borough of Tower Hamlets Draft Local Plan encourages new residential development to meet the Home Quality Mark (‘HQM’) within Policy D.ES7, however the proposed Neighbourhood Plan Policy as currently worded requires residential development to *meet* the HQM. The HQM is a voluntary assessment methodology that cannot be a requisite of planning policy, as the Housing Standards Review and Deregulation Bill (2015) established that planning authorities should not set policy requirements relating to the construction, internal layout or performance of new dwellings. Policy SD1 should therefore be reworded to state that “*Residential developments are encouraged to comply with the Home Quality Mark, launched in 2015. This especially applies to developments exceeding London Plan recommended density limits*” to ensure the policy is consistent with national and local policies.

We look forward to receiving confirmation that these representations have been received. Should you have any queries or require any further information on the enclosed, please contact Georgina Redpath of this office.

Yours faithfully,

DP9 Ltd.

DP9 Ltd.